



## City Council Actions

### In City Council

**Monday, September 16, 2019**

**Present:** Councilors Albright, Auchincloss, Baker, Brousal-Glaser, Ciccone, Cote, Crossley, Danberg, Downs, Gentile, Greenberg, Grossman, Kalis, Kelley, Krintzman, Lappin, Leary, Lipof, Markiewicz, Noel, Norton, Rice, Schwartz and Laredo

### **The City Council discussed the following items on Second Call:**

#### **Referred to Land Use Committee**

- #261-19** **Petition to allow a garage greater than 700 sq. ft. and dormer at 213-215 Langley Road**  
**BILL TRASK AND BRENDA MARCH** petition for **SPECIAL PERMIT/SITE PLAN APPROVAL** to construct a 484 sq. ft. detached two-car garage and construct a dormer on the new structure greater than 50% of the wall plan below and closer than 3' to the end wall, where one garage exists, creating more than 700 sq. ft. of garage space at 213-215 Langley Road, Ward 6, Newton Centre, on land known as Section 65 Block 19 Lot 39, containing approximately 7,240 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 1.5.4.G.2.b, 1.5.4.G.2.c, 3.4.2.B of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved Subject to Second Call 2-0-4 (Laredo, Lipof, Auchincloss, Schwartz abstaining, Markiewicz, Kelley not Voting); Public Hearing Closed 09/05/2019**  
**Approved 23 Yeas, 1 Absent (Councilor Kalis)**

#### **Clerk's Note:**

- Referred to Programs & Services and Finance Committees**
- #208-19** **PRESIDENT LAREDO** requesting consideration of the recommendations of the special Blue Ribbon Commission regarding compensation for the Mayor, City Council, and School Committee.  
**Programs & Services Committee Approved; Public Hearing Closed**  
**208-19 (A) Mayor Compensation \$155,000.00 Approved 7-0**  
**208-19 (B) City Council Compensation \$15,500.00 Approved 7-0**  
**208-19 (C) School Committee Compensation \$7,750.00 Approved 7-0**  
**Finance Committee Approved**  
**208-19 (A) Mayor Compensation \$155,000.00 Approved 5-0-1**  
**208-19 (B) City Council Compensation \$15,500.00 Approved 5-0-1**  
**208-19 (C) School Committee Compensation \$7,750.00 Approved 5-0-1**  
**(A)(B) & (C) Approved 22 Yeas, 2 Nays (Councilors Auchincloss and Grossman)**  
**Motions to Reconsider (A)(B) & (C) Failed to Carry Unanimously**

Clerk's Note:

**The City Council voted without discussion 24 Yeas to Accept the Committee Recommendations on the following items:**

**Referred to Land Use Committee**

Tuesday, September 5, 2019

- #256-19** **Petition to extend nonconforming front setback at 2 Thaxter Road**  
KEN THORNBY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct dormers on each side of the second floor, vertically extending the non-conforming front setback at 2 Thaxter Road, Ward 1, Newtonville, on land known as Section 21 Block 04 Lot 14, containing approximately 4,952 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 4-0 (Greenberg, Schwartz, Kelley, Markiewicz not Voting); Public Hearing Closed 09/05/2019**
- #264-19** **Petition to amend Special Permit Board Order #479-14 at 29 Kewadin Road**  
DAN AND BRENDA KOSTYK petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #479-14 to allow modifications to the approved site plan at 29 Kewadin Road, Ward 5, Waban, on land known as Section 55 Block 51 Lot 9, containing approximately 13,400 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 4-0 (Greenberg, Schwartz, Kelley, Markiewicz not Voting); Public Hearing Closed 09/05/2019**
- #258-19** **Petition to extend nonconforming FAR at 11 Canterbury Road**  
RICHARD AND YOKO BRYDEN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the existing nonconforming FAR by replacing an existing one-story addition with a two-story addition, creating an FAR of .64 where .51 exists and .46 is allowed at 11 Canterbury Road, Ward 5, Newton Highlands, on land known as Section 54 Block 45 Lot 14, containing approximately 4,325 sq. ft. in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9, 7.8.2.C.2, of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 5-0 (Schwartz, Markiewicz, Kelley not Voting) Public Hearing Closed 09/05/2019**
- #338-18(2)** **Petition to amend Special Permit Council Order #338-18 at 22 Beecher Place**  
BEN BRESSEL/22 BEECHER PLACE REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #338-18 to allow modifications to the site plan for driveway and patio spaces not shown on the approved site plan at 22 Beecher Place, Ward 6, Newton Centre, on land known as Section 81 Block 01 Lot 03 containing approximately 10,146 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 4-0-1 (Auchincloss abstaining, Schwartz, Kelley, Markiewicz not Voting); Public Hearing Closed 09/05/2019**

**#260-19**

**Petition to extend non-conforming front setback at 28 Wade Street**

PETER W. TSE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to further extend the existing non-conforming front setback on Wade Street, creating a new front setback of 14.7' where 14.9' exists as well as to further extend the existing non-conforming front setback on Hersey Street, creating a new front setback of 14.8' where 14.7' exists and to allow parking in the front setback ~~and within 5' of a street~~ at 28 Wade Street, Ward 5, Newton Highlands, on land known as Section 83 Block 01 Lot 01, containing approximately 4,587 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.3, 7.8.2.C.2, 5.1.7.A, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved as Amended 5-0 (Schwartz, Markiewicz, Kelley not Voting); Public Hearing Closed 09/05/2019**

**Referred to Land Use Committee**

Wednesday, September 11, 2019

**#201-17(2)**

**Extension of Time to Exercise Special Permit for 386-394 Watertown St**

JLM REALTY TRUST petition for a two-year EXTENSION OF TIME to EXERCISE Special Permit Order #201-17 which granted the construction of a 14,313 sq. ft. mixed use development containing nine residential units, 2,714 sq. ft. of commercial space and no more than 16 on-site parking stalls at 386-394 Watertown Street, Ward 1, Newton, on land known as Section 14 Block 14 Lots 37-39. Said Extension of Time will run from November 6, 2018 to November 6, 2020. Ref: Sec. 7.3.3, 7.4 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 8-0**

**#263-19**

**Petition to further extend nonconforming three-story at 28 East Boulevard Road**

SHIRA AND MICHAEL FISHMAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to further extend the nonconforming three-story dwelling by razing an existing deck and constructing a three-story side addition at 28 East Boulevard Road, Ward 7, Newton Centre, on land known as Section 73 Block 33 Lot 32, containing approximately 11,301 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 8-0; Public Hearing Closed 09/11/19**

**Referred to Zoning & Planning Committee**

Wednesday September 9, 2019

**#277-19**

**Reappointment of Michael Quinn to the Zoning Board of Appeals**

HER HONOR THE MAYOR reappointing MICHAEL QUINN, 115 Staniford Street,

Auburndale, as an Associate member of the ZONING BOARD OF APPEALS for a term to expire April 30, 2020.

**Zoning & Planning Approved 7-0 (Krintzman not voting)**

#278-19

**Reappointment of Lei Z. Reilley to the Zoning Board of Appeals**

HER HONOR THE MAYOR reappointing LEI Z. REILLEY, 130 Pine Street, Auburndale, as an Associate member of the ZONING BOARD OF APPEALS for a term to expire April 30, 2020.

**Zoning & Planning Approved 7-0 (Krintzman not voting)**

#279-19

**Reappointment of Vincent Farina to the Zoning Board of Appeals**

HER HONOR THE MAYOR reappointing VINCENT FARINA, 24 Manemet Road, Newton Centre, as an Associate member of the ZONING BOARD OF APPEALS for a term to expire April 30, 2020.

**Zoning & Planning Approved 7-0 (Krintzman not voting)**

#280-19

**Reappointment of Treff LaFleche to the Zoning Board of Appeals**

HER HONOR THE MAYOR reappointing TREFF LAFLECHE, 1603 Commonwealth Avenue, West Newton, as an Associate member of the ZONING BOARD OF APPEALS for a term to expire April 30, 2020.

**Zoning & Planning Approved 7-0 (Krintzman not voting)**

#282-19

**Reappointment of John Downie to the Urban Design Commission**

HER HONOR THE MAYOR appointing JOHN DOWNIE, 285 Auburndale Ave, Auburndale, as a member of the URBAN DESIGN COMMISSION for a term to expire March 31, 2021.

**Zoning & Planning Approved 7-0 (Krintzman not voting)**

**Referred to Public Safety & Transportation Committee**

Wednesday, September 4, 2019

#283-19

**Requesting an update on the Lime Bike program**

COUNCILOR NOEL, requesting an update from the Director of Transportation Planning on the Lime Bike program in the City of Newton.

**Public Safety & Transportation No Action Necessary 7-0**

**Referred to Public Facilities Committee**

Wednesday, September 4, 2019

#284-19

**President's appointment of David Gillespie to Design Review Committee**

DAVID GILLESPIE, 41 Woodlawn Drive, Chestnut Hill, appointed as a member of the DESIGN REVIEW COMMITTEE for a term to expire December 31, 2019.

**Public Facilities Approved 7-0**

- #115-19**     **ExteNet Systems petition for wireless grant of location on Beacon Street**  
EXTENET SYSTEMS, LLC petitioning for a grant of location to install a small cell wireless facility on an existing utility pole located in the right-of-way in the vicinity of 262 Beacon Street. The installation will include an antenna, radio equipment, an electric meter, and cabling for fiber and power to enhance wireless coverage in the area.  
**Public Facilities Voted No Action Necessary 7-0**
- Referred to Public Facilities and Finance Committees**
- #291-19**     **Appropriate \$70,000 to install surveillance cameras in DPW buildings**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend seventy thousand (\$70,000) from FY2020 Budget Reserve to install surveillance cameras at the Rumford Ave Recycling Center, Eliot Street and Craft Street yards.  
**Finance Approved 5-0 on 09/09/19 (Councilors Norton and Cote not voting)**  
**Public Facilities Approved 6-0-1 (Gentile abstaining)**
- Referred to Public Facilities and Finance Committees**
- #292-19**     **Appropriate \$175,000 for a modular trailer used by Public Work employees**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend one hundred and seventy-five thousand dollars (\$175,000) from bonded indebtedness for the purchase of a modular trailer at the Rumford Avenue Recycling Center.  
**Finance Approved 5-0 on 09/09/19 (Councilors Norton and Cote not voting)**  
**Public Facilities Approved 7-0**
- Referred to Public Facilities and Finance Committees**
- #289-19**     **Appropriate \$496,000 for a Vactor combination truck for sewer cleaning**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend four hundred and ninety-six thousand dollars (\$496,000) from the Sewer Fund Surplus to purchase a Vactor combination cleaner truck to be used by Public Works Department during sewer cleaning operations.  
**Finance Approved 5-0 on 09/09/19 (Councilors Norton and Cote not voting)**  
**Public Facilities Approved 7-0**
- Referred to Public Facilities and Finance Committees**
- #290-19**     **Appropriate \$315,000 for a Vacuum Street Sweeper used for street cleaning**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend three hundred and fifteen thousand (\$315,000) from the Stormwater Management Fund Surplus to purchase a Vacuum Street Sweeper to be used by the Public Works Department for street cleaning operations.  
**Finance Approved 5-0 on 09/09/19 (Councilors Norton and Cote not voting)**  
**Public Facilities Approved 7-0**
- Referred to Public Facilities and Finance Committees**
- #293-19**     **Appropriate \$150,280 for two trucks to be used by the Highway Department**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend one

hundred fifty thousand two hundred and eighty dollars (\$150,280) from bonded indebtedness for the purchase of two Ford F550 4x4 trucks for the Department of Public Works for street and snow operations.

**Finance Approved 5-0 on 09/09/19 (Councilors Norton and Cote not voting)**

**Public Facilities Approved 7-0**

**Referred to Public Facilities and Finance Committees**

**#294-19**

**Appropriate \$739,059 for three 6-wheel trucks for the Highway Department**

HER HONOR THE MAYOR is requesting authorization to appropriate and expend seven hundred thirty-nine thousand and fifty-nine dollars (\$739,059) from bonded indebtedness for the purchase of three 6-wheel trucks to be used by the Highway Department for street and snow operations.

**Finance Approved 5-0 on 09/09/19 (Councilors Norton and Cote not voting)**

**Public Facilities Approved 7-0**

**Referred to Finance Committee**

Monday, September 9, 2019

**#287-19**

**Appointment of Rosemarie Woods as the City's Treasurer/Tax Collector**

HER HONOR THE MAYOR requesting approval of the appointment of Rosemarie Woods to the City's Treasurer/Tax Collector.

**Finance Committee Approved 6-0 (Norton not voting)**

**#285-19**

**Mayor's re-appointment of Shawn Murphy to Constable**

SHAWN MURPHY, of 11 Morrill Street, West Newton, re-appointed as a CONSTABLE of the City of Newton; said term of office to expire on September 15, 2022 (60 days: October 11, 2019).

**Finance Approved 5-0 (Councilors Norton and Cote not voting)**

**Referred to Public Facilities and Finance Committees**

**#291-19**

**Appropriate \$70,000 to install surveillance cameras in DPW buildings**

HER HONOR THE MAYOR requesting authorization to appropriate and expend seventy thousand (\$70,000) from FY2020 Budget Reserve to install surveillance cameras at the Rumford Ave Recycling Center, Eliot Street and Craft Street yards.

**Public Facilities Approved 6-0-1 on 09/04/19 (Councilor Gentile abstaining)**

**Finance Approved 5-0 (Councilors Norton and Cote not voting)**

**Referred to Public Facilities and Finance Committees**

**#292-19**

**Appropriate \$175,000 for a modular trailer used by Public Work employees**

HER HONOR THE MAYOR requesting authorization to appropriate and expend one hundred and seventy-five thousand dollars (\$175,000) from bonded indebtedness for the purchase of a modular trailer at the Rumford Avenue Recycling Center.

**Public Facilities Approved 7-0 on 09/04/19**

**Finance Approved 5-0 (Councilors Norton and Cote not voting)**

**Referred to Public Facilities and Finance Committees**

**#289-19**

**Appropriate \$496,000 for a Vactor combination truck for sewer cleaning**

HER HONOR THE MAYOR requesting authorization to appropriate and expend four hundred and ninety-six thousand dollars (\$496,000) from the Sewer Fund Surplus to purchase a Vactor combination cleaner truck to be used by Public Works Department during sewer cleaning operations.

**Public Facilities Approved 7-0 on 09/04/19**

**Finance Approved 5-0 (Councilors Norton and Cote not voting)**

**Referred to Public Facilities and Finance Committees**

**#290-19**

**Appropriate \$315,000 for a Vacuum Street Sweeper used for street cleaning**

HER HONOR THE MAYOR requesting authorization to appropriate and expend three hundred and fifteen thousand (\$315,000) from the Stormwater Management Fund Surplus to purchase a Vacuum Street Sweeper to be used by the Public Works Department for street cleaning operations.

**Public Facilities Approved 7-0 on 09/04/19**

**Finance approved 5-0 (Councilors Norton and Cote not voting)**

**Referred to Public Facilities and Finance Committees**

**#293-19**

**Appropriate \$150,280 for two trucks to be used by the Highway Department**

HER HONOR THE MAYOR requesting authorization to appropriate and expend one hundred fifty thousand two hundred and eighty dollars (\$150,280) from bonded indebtedness for the purchase of two Ford F550 4x4 trucks for the Department of Public Works for street and snow operations.

**Public Facilities Approved 7-0 on 09/04/19**

**Finance Approved 5-0 (Councilors Norton and Cote not voting)**

**Referred to Public Facilities and Finance Committees**

**#294-19**

**Appropriate \$739,059 for three 6-wheel trucks for the Highway Department**

HER HONOR THE MAYOR is requesting authorization to appropriate and expend seven hundred thirty-nine thousand and fifty-nine dollars (\$739,059) from bonded indebtedness for the purchase of three 6-wheel trucks to be used by the Highway Department for street and snow operations.

**Public Facilities Approved 7-0 on 09/04/19**

**Finance Approved 5-0 (Councilors Norton and Cote not voting)**

**A Motion to Suspend the Rules to accept the following late-filed docket item to the Docket and refer it to Committee was Approved by Voice Vote**

**Referred to Finance Committee**

- #331-19**      **Transfer \$136,020.45 from Water Fund Reserve to Water Main 2018 Debt Service**  
HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thirty-six thousand twenty dollars and forty-five cents (\$136,020.45) from the Water Fund Reserve to the Water Main 2018 Debt Service.

## Public Hearings were assigned for the following items:

### *Public Hearing assigned for October 3, 2019*

- #422-18(2)**      **Petition to amend Special Permits to allow salon use at 148 California Street**  
UNITED PROPERTIES GROUP/KF REALTY ASSOCIATES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Orders #162-88, #199-99(2), #175-12 and #422-18 to change the existing non-conforming office use to allow a non-conforming salon use in Ward 1, Newton, at 148 California Street/171 Watertown Street, Section 11 Block 12 Lot 11, containing approximately 523,642 sq. ft. of land in a district zoned MANUFACTURING. Ref: Sec. 7.3.3, 7.4, 4.4.1, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

### *Public Hearing assigned for October 3, 2019*

- #175-19(2)**      **Amended Petition to allow attached dwelling units at 145 Warren Street**  
145 WARREN STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwellings in two buildings, to allow reduced side setbacks, to allow three-stories, to increase the allowed lot coverage, to decrease the minimum open space, to allow a driveway within ten feet of the side lot line and to allow retaining walls greater than 4' within a setback at 145 Warren Street, Ward 6, Newton Centre, on land known as Section 61 Block 39 Lot 10, containing approximately 23,399 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

### *Public Hearing assigned for October 3, 2019*

- #620-18(2)**      **Petition to amend Special Permits to allow additional uses at 55-71 Needham St**  
NEEDHAM STREET VILLAGE SHOPS, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Orders #213-12(1), #213-12(2) and #620-18 to permit a for profit education use as well as other uses which could include animal services, dry cleaners and ground floor health clubs at 55-71 Needham Street, Ward 5, Newton Highlands, on land known as Section 51 Block 28 Lot 20, containing approximately 58,875 sq. ft. of land in a district zoned MIXED USE 1. Ref: Sec. 7.3, 7.4, 4.4.1, 6.3.14.B.2 of the City of Newton Rev Zoning Ord, 2017.

### *Public Hearing assigned for October 3, 2019*

- #309-19**      **Petition to extend nonconforming side setback and lot coverage at 14 Church St**  
ETHAN SOLOMON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story rear addition, further extending the non-conforming side setback and non-conforming lot coverage at 14 Church Street, Ward 7, Newton, on land known as Section



72 Block 22 Lot 03, containing approximately 4,200 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

***Public Hearing assigned for October 3, 2019***

**#310-19      Petition to extend nonconforming height at 67 Temple Street**

JULIE HAYDU AND IRUN BHAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow construction of a rear addition, further extending the nonconforming height at 67 Temple Street, Ward 3, on land known as Section 32 Block 12 Lot 4, containing approximately 27,053 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

***Public Hearing assigned for October 3, 2019***

**#311-19      Petition to exceed FAR at 25-27 Oak Street**

NINA LEVIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 2.5 story, 1,298 sq. ft. side addition to #27 Oak Street, creating an FAR of .53 where .49 is allowed and .40 exists at 25-27 Oak Street, Ward 5, Newton Upper Falls, on land known as Section 51 Block 38 Lot 24, containing approximately 9,240 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

***Public Hearing assigned for October 3, 2019***

**#312-19      Petition to allow 24-unit multi-family dwelling at 20 Kinmonth Road**

20 KINMONTH ROAD INVESTMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a three-story 24-unit multi family dwelling greater than 20,000 sq. ft. of new gross floor area, to allow ground floor residential units, to reconstruct and further extend nonconforming side setbacks, to allow an FAR of 1.4 in a three-story structure, to waive 24 parking stalls, to waive minimum stall depth requirements, to waive the maximum driveway width requirement and to allow a retaining wall greater than four feet in height within a setback at 20 Kinmonth Road, Ward 5, Waban, on land known as Section 53 Block 29 Lot 2, containing approximately 24,302 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.4.1, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 7.8.2.C.2, 5.1.4.A, 5.1.13, 5.1.8.B.2, 5.1.8.D.2, 5.4.2.B of the City of Newton Rev Zoning Ord, 2017.

***Public Hearing assigned for October 10, 2019***

**#313-19      Petition to extend nonconforming front setback at 37 Duffield Road**

SANDRA AND DAVID BAIRD petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-car garage addition further extending the nonconforming front setback and to allow a retaining wall higher than four feet within a setback at 37 Duffield Road, Ward 4, Auburndale, on land known as Section 41 Block 22 lot 13, containing approximately 14,907 sq. ft. in a district zoned SINGLE RESIDENCE 3. Ref: 7.3, 7.4, 3.1.3, 7.8.2.C.2, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

***Public Hearing assigned for October 10, 2019*****#314-19      **Petition to increase nonconforming FAR and lot coverage at 262 Otis Street****

DONNA ROTH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to enclose an existing 175 sq. ft. porch and construct a single-story porch addition, increasing the non-conforming lot coverage, decreasing the non-conforming open space and creating an FAR of .56 where .53 exists and .33 is allowed at 262 Otis Street, Ward 2, West Newton, on land known as Section 32 Block 50 Lot 13, containing approximately 11,152 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

***Public Hearing assigned for October 10, 2019*****#332-19      **Petition to amend Board Order #650-86(2) to alter garage at 77 Paul St/1400 Centre St****

MARK F DONATO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #650-86(2) to allow alteration to an existing structure, extending the existing nonconforming use by constructing an addition for an elevator, to reduce the nonconforming lot coverage and to further extend the nonconforming parking in the front setback at 7400 Centre Street/77 Paul Street, Ward 6, Newton Centre, on land known as Section 62 Block 13 Lot 9, containing approximately 30,023 sq. ft. of land in a district zoned MULTI RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.2.2.A.3, 4.2.3 of the City of Newton Rev Zoning Ord, 2017.

***Public Hearing assigned for October 10, 2019*****#315-19      **Petition to exceed FAR at 75 Falmouth Road****

MAUREEN DOWLING, TRUSTEE M&D FAMILY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to attach and expand an existing detached garage structure to the main dwelling, creating an FAR of .54 where .38 exists and .48 is allowed and to further extend the nonconforming front setback at 75 Falmouth Road, Ward 3, West Newton, on land known as Section 34 Block 46 Lot 8, containing approximately 4,254 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.2.3, 3.2.11, 1.5.3, 7.8.2.2, 3.1.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

***Public Hearing assigned for October 10, 2019*****#316-19      **Petition to increase FAR & extend nonconforming use at 969/969F Chestnut St****

JUDITH CIMETTA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct front and rear additions and a detached shed structure, altering a nonconforming three-family dwelling use and nonconforming lot coverage and creating an FAR of .72 where .45 is required and .59 exists at 969/969F Chestnut Street, Ward 5, Upper Falls, on land known as Section 51 Block 2 Lots 7 and 19, containing approximately 8,780 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 3.2.11, 7.8.2.C.2, 3.4.1 of the City of Newton Revised Zoning Ord, 2017.

***Public Hearing assigned for October 10, 2019*****#317-19      **Petition to allow attached dwelling units at 67 Walnut Street****

60 WOODBINE STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the

existing single-family dwelling and construct three single-family attached dwelling units in one building, to reduce side setback requirements, to reduce the required lot area, to allow a driveway within ten feet of the side lot line and to allow retaining walls of four feet or more in height within the setback at 67 Walnut Street, Ward 2, on land known as Section 21 Block 24 Lot 15, containing approximately 14,516 sq. ft. in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

***Public Hearing assigned for October 10, 2019***

**#318-19 Request to Rezone 15-21 Lexington Street to Multi Residence 3**

DANTE CAPASSO/PICARIELLO REALTY TRUST/DSP REALTY TRUST petition for a change of zone to Multi-Residence 3 for portions of land located at 15-21 Lexington Street (currently zoned Single-Residence 3), also identified as Section 41, Block 35, Lots 2, 3, 4 and 5.

***Public Hearing assigned for October 10, 2019***

**#319-19 Petition to allow 24-unit multi-family dwelling at 15-21 Lexington Street**

DANTE CAPASSO/PICARIELLO REALTY TRUST/DSP REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 24-unit multi-family dwelling with a below grade parking garage and surface stalls, to reduce the parking stall depth, to allow restricted end stalls in the garage parking facility, to waive the perimeter screening requirements for the outdoor parking facility, to waive interior landscaping requirements for the outdoor parking facility and to waive the minimum intensity of outdoor lighting of the parking facility on 51,870 sq. ft. of land at 15-21 Lexington Street, Ward 4, West Newton, on land known as Section 41 Block 35 Lots 2-5 in a district zoned SINGLE RESIDENCE 3 (to be rezoned to MU3). Ref: Sec. 7.3.3, 7.4, 3.4.1, 5.1.8.B.2, 5.1.13, 5.1.8.B.6, 5.1.9.A, 5.1.9.B, 5.1.10.A.1 of the City of Newton Revised Zoning Ord, 2017.

***Public Hearing assigned for October 15, 2019***

**#268-19 Petition to allow adult-use marijuana dispensary at 58 Cross St/1089 Washington St**

ASCEND MASS, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow retail marijuana sales and waivers to the extent necessary for minimum stall dimensions, perimeter screening requirements, interior landscaping requirements and lighting requirements at 58 Cross Street/1089 Washington Street, Ward 3, West Newton, on land known as Section 31 Block 09 Lot 07, containing approximately 25,122 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 5.1.8.B.2, 5.1.9.A, 5.1.9.B, 5.1.10, 3.1.13, 6.10.3.D of the City of Newton Rev Zoning Ord, 2017.

***Public Hearing assigned for October 29, 2019***

**#320-19 Petition to allow four attached dwelling units at 70 Walker Street**

70 WALKER STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwelling units in two, three-story structures, to further extend the nonconforming height, to reduce the required side setback, to exceed maximum lot coverage and to allow a driveway within ten feet of the side lot line at 70 Walker Street, Ward 2, Newtonville, on land known as Section 21 Block 33 Lot 7, containing 21,962 sq.

ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.4, 7.8.2.C.2, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**The City Council voted without discussion 23 Yeas, 1 Nay (Councilor Brousal-Glaser) to Accept the Committee's Recommendation on the following items:**

- #281-19 Reappointment of Timothy Durken to the Zoning Board of Appeals**  
HER HONOR THE MAYOR reappointing TIMOTHY DURKEN, 15 North Gate Park West Newton, as an Associate member of the ZONING BOARD OF APPEALS for a term to expire April 30, 2020.  
**Zoning & Planning Approved 6-1 (Brousal-Glaser opposed, Krintzman not voting)**

**The City Council voted without discussion 20 Yeas, 4 Nays (Councilors Brousal-Glaser, Markiewicz, Norton, & Laredo) to Accept the Committee's Recommendation on the following items:**

- #179-19 Petition to amend Board Order #96-17 to allow bank use at Washington Place**  
WASHINGTON PLACE OWNER, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #96-17 to allow modification of Condition #34 to allow the petitioner to lease commercial space to not more than one commercial bank with a total square footage not to exceed 3,800 sq. ft. at 845 Washington Street and 245 Walnut Street, Ward 2, Newtonville, Section 21 Block 29 Lot 10, containing approximately 123,956 sq. ft. of land in a district zoned MIXED USE DEVELOPMENT. Ref.: Sections 7.3, 7.4 of Chapter 30 of the City of Newton Revised Zoning Ordinances, 2017.

**Land Use Approved Subject to Second Call 5-1-2 on 06/18/2019 (Laredo Opposed, Schwartz, Markiewicz abstaining); Public Hearing Closed 06/18/2019**

**Motion to amend to the last sentence of Condition 3 to:**

This requirement ~~shall take effect upon~~ **must be met prior to, and remain in effect after,** the issuance of a certificate of occupancy for a commercial bank. **was Approved by Voice Vote.**

**Motion to Approve as amended Fails To Carry 15 yeas, 6 Nays (Councilors Baker, Brousal-Glaser, Kalis, Markiewicz, Norton & Laredo), 3 Absent (Councilors Danberg, Downs, Gentile) on August 12, 2019.**

**A Motion to Reconsider this item was filed by Councilor Kalis on August 13, 2019. The Motion to Reconsider was Approved by Voice Vote, 1 Nay (Councilor Brousal-**

Glaser)

**A Motion to add Personal Services was Approved 14 Yeas, 8 Nays (Councilors Baker, Brousal-Glaser, Leary, Markiewicz, Noel, Norton, Schwartz, Laredo), 2 Absent (Councilors Gentile & Kalis)**

**A Motion to Recommit this item to the Land Use Committee was Approved 21 Yeas, 1 Nay (Councilor Brousal-Glaser), 2 Absent (Councilors Gentile & Kalis)**

**On September 11, 2019 Land Use amended the draft Council Order to replace "...the petitioner is required to dedicate at least 10,000 rentable square feet within the ground floor only for lease to non-formula retail, restaurant, or personal use tenants, this requirement shall be met prior to, and remain in effect after, the issuance of certificate of occupancy to a commercial bank"**

**with the following language "...the petitioner is required to reserve (i.e. whether leased or vacant and available for lease) at least 10,000 rentable square feet within the ground floor only for lease to non-formula retail, restaurant, or personal use tenants, which requirement shall be in place prior to, and remain in effect after, the issuance of a certificate of occupancy to a commercial bank..."**

**Land Use Approved as Amended 7-1 (Laredo Opposed); Public Hearing Closed 06/18/19**