



## City Council Docket

September 18: Public Facilities  
September 23: Zoning & Planning, Land Use  
September 24: Land Use  
September 25: Finance  
October 3: Land Use

Continued  
Page 523

**Monday, September 16, 2019**

7:00 PM, Newton City Hall

Monday, October 7, 2019

### City of Newton In City Council to be Accepted and Referred to Committees

#### Referred to Land Use Committee

- #268-19(2) Extension of Time to Open a Public Hearing at 58 Cross Street/1089 Washington St**  
ASCEND MASS, LLC petition for an EXTENSION OF TIME to open the public hearing until October 31, 2019 for Special Permit #268-19 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.
- #179-19(2) Extension of Time for #179-19 - Washington Place**  
AGREEMENT TO AN EXTENSION OF TIME in which to ACT on petition #179-19 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, said extension will run from SEPTEMBER 16, 2019 to OCTOBER 7, 2019.

---

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, *please contact Jini Fairley, at least two days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov), or 617-796-1253. For Telecommunications Relay Service dial 711.*

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

**#650-86(3)**      **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 to be 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 to be 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 to be 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 to be 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 to be 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 to be 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 to be 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.

**Other Communications****#321-19 ZBA Decision #04-19 11 39 Herrick Road**

HERRICK ROAD REALTY TRUST, 39 Herrick Road, Newton petitioning for a variance from the 10-foot yard setback requirement of the Newton Revised Zoning Ordinance for in order to construct a three-story, nine-unit residential building at 39 Herrick Road.

**ZBA Approved**

**#322-19 Lateral Grant of Location in Albert Road**

EVERSOURCE ENERGY petitioning for a lateral grant of location to install 44.5'  $\pm$  of conduit in ALBERT ROAD southeasterly from Pole #1260/11, 363' southwest of Roberta Road to 110 Albert Road.

**Approved by the Commissioner of Public Works**

**#323-19 Lateral Grant of Location in Otis Street**

EVERSOURCE ENERGY petitioning for a lateral grant of location to install 62'  $\pm$  of conduit in OTIS STREET easterly from Pole #336/17, thence turning southerly, approximately 180' west of Walden Street to 156 and 158 Otis Street.

**Approved by the Commissioner of Public Works**

**#324-19 Lateral Grant of Location in Fairfax Street**

EVERSOURCE ENERGY petitioning for a lateral grant of location to install 36.2'  $\pm$  of conduit in FAIRFAX STREET northerly from Pole #1380/5, approximately 62.3' east of Sterling Street to 49 Fairfax Street.

**Approved by the Commissioner of Public Works**

**#325-19 Lateral Grant of Location in Estabrook Road**

EVERSOURCE ENERGY petitioning for a lateral grant of location to install 32.6'  $\pm$  of conduit in ESTABROOK ROAD northerly from Pole #14821, approximately 125.6' northeast of Bigelow Road 10 Estabrook Road.

**Approved by the Commissioner of Public Works**

- #326-19 Lateral Grant of Location in Middlesex Road**  
VERIZON petitioning for two lateral grants of location to install 5' of conduit; one two-inch (2") steel and one four-inch(4") PVC, 5' northerly from existing Pole #281/4 located on the northerly side of Middlesex Road to private property across from Dunster Road.

**Approved by the Commissioner of Public Works**

**Referred to Zoning & Planning Committee**

- #327-19 Ordinance amendment to repeal Zoning Ordinance 3.4.4 Garages**  
COUNCILOR ALBRIGHT requesting that Chapter 30 of Newton's Zoning ordinance be amended to repeal section 3.4.4 Garages (effective December 31, 2019 after three postponements). Garages will be discussed during Zoning Redesign next term.

**Referred to Programs & Services Committee**

- #328-19 Appointment of Kathleen McCarthy as a member of the Licensing Board**  
HER HONOR THE MAYOR appointing KATHLEEN MCCARTHY, 524 California Street, Newtonville, as a member of the LICENSING BOARD for a term to expire June 3, 2025. (60 days: November 15, 2019)

**Referred to Zoning & Planning and Programs & Services Committees**

- # 329-19 Discussion with Department Heads regarding supportive services**  
COUNCILORS ALBRIGHT, CROSSLEY, DOWNS, KELLEY, LEARY, GREENBERG, AUCHINCLOSS AND NOEL requesting a discussion with the Director of Health and Human Services, Director of Senior Services, Commissioner of Parks & Recreation and the Director of Planning and Development regarding what Newton is doing to support economically disadvantaged persons in Newton, including; immigrants, seniors, disabled individuals and families and services can be enhanced.

**Referred to Public Safety & Transportation Committee**

- #330-19 Request for a discussion regarding the Commuter Rail Communities Coalition**  
COUNCILORS NORTON, AUCHINCLOSS AND CICCONE, requesting a discussion regarding the Commuter Rail Communities Coalition and the City of Newton's participation goals.

**Referred to Finance Committee**

*The following item was filed after the close of the docket and requires a suspension of the Rules to be referred to 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.