



## City Council Reports Docket

October 10: Land Use  
October 15: Land Use  
October 16: Zoning & Planning; Finance and  
Public Facilities

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7:45 PM, Newton City Hall  
To be reported on  
Monday, October 21, 2019

### City of Newton In City Council Items to be Acted Upon

#### Referred to Land Use Committee

Thursday, October 10, 2019

Present: Councilors Schwartz (Chair), Lipof, Laredo, Greenberg, Auchincloss, Markiewicz; absent: Councilors Crossley and Kelley

**#315-19**

#### **Petition to exceed FAR at 73 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~~73 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.

**Land Use Held 5-0 (Auchincloss not Voting); Public Hearing Continued**

**#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.

**Land Use Held 5-0 (Auchincloss not Voting); Public Hearing Continued**

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The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

- #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.  
**Land Use Approved 5-0 (Auchincloss not Voting); Public Hearing Closed 10/10/2019**
- #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.  
**Land Use Held 5-0-1 (Auchincloss abstaining); Public Hearing Continued**
- #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.  
**Land Use Approved 6-0; Public Hearing Closed 10/10/2019**
- #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~~ one building, 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.  
**Land Use Held 6-0; Public Hearing Continued**

**#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.  
**Land Use Held 6-0; Public Hearing Continued**

**#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.  
**Land Use Held 6-0; Public Hearing Continued**

**#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.  
**Land Use Held 6-0; Public Hearing Continued**

**Referred to Land Use Committee**

Tuesday, October 15, 2019

Present: Councilors Schwartz (Chair), Lipof, Laredo, Auchincloss, Kelley, Markiewicz, Crossley; also Present: Councilors Leary, Albright, Downs and Cote; absent: Councilor Greenberg

**#332-19 Class 2 Auto Dealer License**  
 NEWTON COLLISION d/b/a GM Autobody  
 64 Crafts Street  
 Newton, MA. 02458  
**Land Use Approved 7-0**

**#333-19 Class 2 Auto Dealer License**

PARAGON EXPORTS  
40 Summit Street  
Newton, MA. 02458

**Land Use Approved 7-0**

**#425-18 Request to Rezone three parcels for Northland Development**

NEEDHAM STREET ASSOCIATES, NORTHLAND TOWER ROAD INVESTORS, NORTHLAND OAK STREET, LLC petition for a change of zone to BUSINESS USE 4 for land located at 156 Oak Street (Section 51 Block 28 Lot 5A), 275-281 Needham Street (Section 51, Block 28, Lot 6) and 55 Tower Road (Section 51 Block 28 Lot 5), currently zoned MU1.

**Land Use Held 7-0; Public Hearing Closed 09/24/2019**

**#426-18(2) Special Permit to allow mixed use development**

NEEDHAM STREET ASSOCIATES, NORTHLAND TOWER ROAD INVESTORS, LLC, NORTHLAND OAK STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a mixed-use development greater than 20,000 sq. ft. with building heights of up to 96' and up to eight stories, to allow a development with an FAR of up to 2.0, consisting of 800 residential units, with ground floor residential units, containing restaurants with more than 50 seats, for-profit schools and educational uses, stand-alone ATMs, drive-in businesses, open air businesses, hotels, accessory multi-level parking facilities, non-accessory single-level parking facilities, non-accessory multi-level parking facilities, places of amusement, radio or TV broadcasting studios, and lab and research facilities, to allow a reduction in the overall parking requirement, to allow tandem spaces, to allow valet spaces, to waive dimensional requirements for parking stalls, to allow assigned spaces, to waive end stall maneuvering requirements, to allow driveway entrances and exits in excess of 25', to waive perimeter landscaping requirements, to waive interior landscaping and planting area requirements, to waive lighting requirements for parking lots, to waive tree requirements, to waive bumper overhang requirements, to waive 1-foot candle lighting requirements, to waive general lighting, surfacing and maintenance requirements, to waive off-street loading facilities requirements, to allow the extension of a nonconforming front setback, loading docks and nonconforming retaining wall to the extent necessary and to waive sign requirements relative to number, size, location or design, to waive the number of signs allowed at all properties known as 0 156 Oak Street (Section 51 Block 28 Lot 5A), 275-281 Needham Street (Section 51, Block 28, Lot 6) and 55 Tower Road (Section 51 Block 28 Lot 5), Newton Upper Falls, Ward 5, on 22.6 acres of land in a proposed BU4 district. Ref: Sec. 7.3.3, 7.4, 7.8.2.C, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 4.4.1, 5.1.3.E, 5.1.4.A, 5.1.4.C, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.D.2, 5.1.8.E.1, 5.1.9.A, 5.1.9.B, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10, 5.1.10.A.1, 5.1.12, 5.1.13, 5.2, 5.2.13, 5.4.2 and of the City of Newton Rev Zoning Ord, 2017.

**Land Use Held 7-0; Public Hearing Closed 09/24/2019**

**#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.A.1, 5.1.8.B.2, 5.1.9.A, 5.1.9.B, 5.1.10, 5.1.13, 6.10.3.D of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Held 7-0; Public Hearing Continued**

**Referred to Zoning and Planning Committee**

Wednesday, October 16, 2019

Present: Councilors Albright (Chair), Danberg, Leary, Krintzman, Brousal-Glaser, Baker, Downs and Kalis  
 Also Present: Crossley, Norton, Kelley, Laredo, Lappin, Greenberg, Markiewicz, Kelley

**#302-19** **Appointment of Paul Dudek to Auburndale Historic District Commission**  
HER HONOR THE MAYOR appointing PAUL DUDEK, 30 Williston Road, Auburndale, as a member of the AUBURNDALE HISTORIC DISTRICT COMMISSION for a term to expire September 30, 2022 (60 days: 11/02/19)  
**Zoning and Planning Approved 6-0 (Councilor Krintzman and Downs not voting)**

**#303-19** **Appointment of Richard Alfred to Auburndale Historic District Commission**  
HER HONOR THE MAYOR reappointing RICHARD ALFRED, 73 Grove Street, Auburndale, as an alternate member of the AUBURNDALE HISTORIC DISTRICT COMMISSION for a term to expire October 1, 2022 (60 days: 11/02/19)  
**Zoning and Planning Approved 7-0 (Councilor Krintzman not voting)**

**#304-19** **Appointment of Kathryn Kubie to the Newton Historical Commission**  
HER HONOR THE MAYOR appointing KATHRYN KUBIE, 48 Holman Road, Auburndale, as a member of the NEWTON HISTORICAL COMMISSION for a term to expire August 1, 2022. (60 days: 11/02/19).  
**Zoning and Planning Approved 6-0 (Councilor Krintzman and Downs not voting)**

**#140-19(3)** **Zoning amendments for Riverside project**  
RIVERSIDE STATION/355 GROVE STREET AND 399 GROVE STREET requesting amendments to Chapter 30, Newton Zoning Ordinance, in Sections 4.2.3 and 4.2.4 relative to the Mixed Use 3 District.  
**Zoning and Planning Held 8-0**

- #187-19      Zoning amendment from Newton LFIA for Riverside Station**  
LOWER FALLS IMPROVEMENT ASSOCIATION RIVERSIDE COMMITTEE & THE WARD 4 COUNCILORS requesting to amend Chapter 30, City of Newton Zoning Ordinance, Sections 4.2 and 7.3.5 pertaining to the Mixed Use3/Transit-Oriented zoning district.  
**Zoning and Planning Held 8-0**

**Referred to Public Facilities and Zoning & Planning Committees**

- #143-19      Discussion/Adoption of Climate Action Plan/Citizens Climate Action Plan**  
COUNCILORS ALBRIGHT AND CROSSLEY on behalf of the Zoning & Planning and Public Facilities committees, requesting discussion and adoption of items within the Climate Action Plan and the Citizen’s Climate Action Plan with the Sustainability Directors, Climate Action Planning team led by Jennifer Steel (Planning Department staff, MAPC and volunteers) and the Citizens' Commission on Energy. The focus will be to understand the synergies between the two complimentary plans and how items within the plans can be integrated to achieve the significant reductions in greenhouse gas emissions called for in recent national and international reports.  
**Zoning and Planning Held 8-0**

- #13-19      Adoption of the Climate Action Plan**  
DIRECTOR OF PLANNING requesting discussion and adoption of the Climate Action Plan as an amendment to the 2007 Comprehensive Plan.  
**Zoning and Planning Held 8-0**

- #518-18      Discussion and review relative to the draft Zoning Ordinance**  
DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the draft Zoning Ordinance.  
**Zoning and Planning Held 8-0**

- #165-19      Adoption of Washington Street Vision Plan as part of the Comprehensive Plan**  
DIRECTOR OF PLANNING requesting approval and adoption of the Washington Street Vision Plan as an amendment to the 2007 Newton Comprehensive Plan.  
**Zoning and Planning Held 8-0**

**Referred to Public Facilities Committee**

Wednesday, October 16, 2019

Present: Councilors Crossley (Chair), Leary, Norton, Kelley, Laredo, Lappin and Danberg. Absent: Gentile  
Also Present: Albright, Krintzman, Brousal-Glaser, Baker, Downs, Kalis, Greenberg, Markiewicz

**Referred to Public Facilities and Zoning & Planning Committees**

**#143-19**

**Discussion/Adoption of Climate Action Plan/Citizens Climate Action Plan**

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**Public Facilities Held 7-0**

**Referred to Finance Committee**

Wednesday, October 16, 2019

Present: Councilors Lappin (Acting Chair), Cote, Noel, Grossman, and Rice; absent: Councilors Norton, Gentile and Ciccone

**#343-19**

**Discussion on the new City website**

COUNCILORS NORTON, ALBRIGHT, LAREDO, KALIS and MARKIEWICZ requesting a discussion with IT and Executive departments regarding the City’s new website now in development.

**Finance Held 5-0**

**#344-19**

**Authorization of a revised FY20 budget for Community Preservation**

HER HONOR THE MAYOR requesting authorization of a revised FY2020 budget for the Community preservation Program, increasing the total budget from four million one hundred seven thousand eight hundred and fifty-eight dollars (\$4,107,858) to four million three hundred thirteen thousand and forty-six dollars (\$4,313,046). The Community Preservation Committee approved the revised budget on September 10, 2019 and it must be approved by the City Council before the City’s FY2020 tax classification hearing in November. The budget reflects new information that was not available for the CPC’s and City Council’s Spring 2019 annual operating budget deliberations and votes. The revised budget includes FY2020 CPA surcharge revenue of exactly 1% of the total real estate levy in the FY2020 General Fund budget as well as changes in the 11.5% state matching revenue, as allowed by the State Department of Revenue.

**Finance Approved 5-0**

**#345-19**

**Assessment of Curb Betterments**

COMMISSIONER OF PUBLIC WORKS requesting approval of the following mentioned sidewalk/driveway apron and/or curb betterments; said betterments to be levied under the provisions of MGL Chapter 83, Sec. 26, authorizing the assessments of betterments for construction:

<b>Name</b>	<b>Address</b>	<b>Book/Page</b>	<b>SBL</b>	<b>Estimate</b>
Michael J. Weaver and Cheri N. Weaver	386 Highland Ave	59094/150	24-23-01	\$2,730.00
Steffen Helmling and Jessica Berns	39 Devon Rd	63452/274	61-03-10	\$5,740.00
Laurie Giandomenico, Trustee of THE LAURIE GIANDOMENICO 2017 REVOCABLE TRUST	48 North St	69025/349	64-02-22	\$2,120.00
Mary Ellen Clark	53 Waban Ave	87809/578	55-11-13	\$2,197.50
Jen Hsian Huang Suong Xuan Nguyen	21 Hammond St <b>Needs CHHDC Approval</b>	24743/336	61-09-03	\$2,896.00
Bryan F. Albano and Sara K. Albano	18 Ionia St	70565/459	44-29-03	\$2,087.50
Michael Gleason and Michele Ciarcia	40 Wykeham Rd	59504/511	32-31-10	\$3,720.00
Debra T. Cohen and Arthur Cohen, Trustees of the DEBRA T. COHEN REVOCABLE TRUST	79 Warren St	68616/73	65-02-06	\$2,320.00
Rebecca M. Cohan, Trustee of the Rebecca M. Cohan 2007 Family Trust	1370 Beacon St	50543/124	53-16-23	\$3,568.00
Joan M. Boecke	36 Rowena Rd	53724/264	62-20-13	\$2,000.00
Brent Markus and Emily Jessica Derr	121 Park Ave	69798/101	73-23-06	\$4,368.00

**Finance Approved 5-0; Councilor Grossman recused on 121 Park Ave**