



## City Council Actions

### In City Council

**Monday, February 5, 2018**

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

Absent: Councilors Noel and Rice

**The City Council voted without discussion 22 Yeas, 2 Absent (Councilors Noel and Rice) to Approve the following items:**

### Referred to Land Use Committee

Tuesday, January 23, 2018

**#72-18      Class 2 Auto Dealer License**

PARAGON EXPORTS

40 Summit Street

Newton, MA. 02458

**Land Use Approved 8-0**

**#73-18      Petition for an Extension of Time to Exercise #430-16 at 15 South Gate Park**

ANTHONY DEPASQUALE request for an EXTENSION of TIME in which to EXERCISE Special Permit #430-16, granted on February 6, 2017 to change a non-conforming clubhouse use to a 3-unit multi-family dwelling, locate parking within a front setback and allow a two way entrance/exit drive less than 20' at 15 South Gate Park, Ward 3, West Newton, said EXTENSION will run from February 27, 2017 to February 27, 2018. Ref: 7.4.5.D, 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 5.1.8.A.1, 5.1.13, 5.1.8.D.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**Land Use Approved 8-0**

**#24-18      Special Permit Petition to extend nonconforming use at 4-6 Middle Street**

ALFREDO CEDRONE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the nonconforming three-family use to allow four units, legalize noncompliant lot area per unit, waive perimeter screening requirements, waive lighting and surface requirements, to allow tandem parking, parking within the side setback, reduced aisle and driveway width at 4-6 Middle Street, Ward 1, Newton, on land known as Section 12, Block 1, Lot 15, containing approximately 11,297 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.2.6, 5.1.8.A.1, 5.1.13, 5.1.8.B.2, 5.1.8.C.1, 5.1.8.D.1, 5.1.8.E.1, 5.1.9, 5.1.10 of the City of Newton Rev Zoning Ord, 2015.

**Public Hearing Closed; Land Use Approved 6-0-2 (Auchincloss, Schwartz abstaining)**

- #25-18**      **Special Permit Petition to increase non-conforming FAR at 45 Beethoven Ave**  
MATTHEW AND MICHELLE ZISOW petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a single story rear addition extending the nonconforming FAR to .43 where .35 is allowed and .41 exists at 45 Beethoven Avenue, Ward 5, Waban, on land known as Section 53, Block, 15, Lot 29, containing approximately 15,000 sq. ft. of land in a district zoned SINGLE RESEIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

**Public Hearing Closed; Land Use Approved 8-0**

- #27-18**      **Special Permit Petition to extend non-conforming lot coverage at 1771 Washington St**  
HENSIN AND SANDY TSAO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story addition with family room and master bedroom, increasing the existing non-conforming lot coverage at 1771 Washington Street, Ward 4, Auburndale, on land known as Section 43, Block 39, Lot 10, containing approximately 15,021 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 7.4, 3.1.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

**Public Hearing Closed; Land Use Approved 7-0 (Lipof not Voting)**

- #23-18**      **Special Permit Petition to allow three-unit multi-family at 19-21 Orchard Street**  
DAVID OLIVERI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow for a three-unit multi-family dwelling with basement level garage in excess of 700 sq. ft. and waivers to allow parking in the front setback, a driveway width in excess of 20', reduced parking stall depth and a retaining wall greater than 4' in a setback at 19-21 Orchard Street, Ward 1, Newton, on land known as Section 71 Block 16 Lot 1, containing approximately 12,320 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 7.4, 3.4.1, 3.4.2.C.1, 5.1.13, 5.1.7.B.2, 5.1.7.A, 5.1.7.C, 5.4.2.B of the City of Newton Rev Zoning Ord, 2015.

**Public Hearing Closed; Land Use Approved Subject to Second Call 5-0-1 (Laredo abstaining, Crossley, Markiewicz not Voting)**

**A motion to Suspend the Rules to allow the Chair to Poll his Committee to change its vote to Approved was approved by Voice Vote**

**Land Use Approved 8-0**

- #19-18**      **Special Permit Petition to extend non-conforming use at 307-309 Lexington Street**  
LESVOS PROPERTIES LLC./MARIA BANIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the non-conforming use to allow reconfiguration of the existing two-family dwelling into one unit and adding a second two-story attached dwelling unit at 307-309 Lexington Street, Ward 4, Auburndale, on land known as Section 41, Block 30, Lot 36 and Section 41, Block 30, Lot 37, containing approximately 15,216 sq. ft. of

land in a district zoned SINGLE RESIDENCE 3.Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

**Public Hearing Closed 01/09/2018; Land Use Approved 8-0**

**Referred to Zoning & Planning Committee**

Monday, January 22, 2018

**#74-18**

**Mayor's appointment of Christopher Steele to the Planning Board**

CHRISTOPHER STEELE, 254 Elliot Street, Newton, appointed as a member of the PLANNING & DEVELOPMENT BOARD for a term to expire February 1, 2023. (60 days 03/17/18)

**Zoning & Planning Approved 8-0**

**Referred to Zoning & Planning and Finance Committees**

**#86-18**

**Add a full-time position in the Planning Department**

HER HONOR THE MAYOR requesting authorization of the addition of one full-time employee position in the Planning & Development Department to create a Director of Transportation Planning position.

**Finance Approved 6-0-2 (Ciccone, Lappin abstaining) on 01/22/18**

**Zoning & Planning Approved 7-0-1 (Krintzman abstaining)**

**Motions to Suspend the Rules to allow the Chairs of the Zoning & Planning and Finance Committees to poll their committees to hold the item in both committees**

**Finance Held 6-0**

**Zoning & Planning Held 8-0**

**Clerks Note:** The Zoning & Planning and Finance Committees held the item in Committee as requested materials were not received before this evening's meeting.

**Referred to Public Safety & Transportation Committee**

Wednesday, January 17, 2018

**#36-18**

**Appeal of Traffic Council Decision #84-17 Fairway Drive**

DOUGLAS L. JONES, 81 Waban Avenue, Waban appealing the portion of the approval of Traffic Council Petition TC84-17 applicable to 81 through 113 Waban Avenue. The residents would like amended relief on the north side of Waban Avenue directly in front of 81 to 113 Waban Avenue by designating that section either 1) 2-hour parking, 9 AM to 5PM, Monday through Friday or 2) No Parking School Days, 8 AM to 4 PM except for residents and service vehicles.

**Public Safety & Transportation No Action Necessary 6-0, Cote not voting**

- #39-18 Submittal of the Traffic Council's annual report**  
CHAIR OF THE TRAFFIC COUNCIL submitting the Annual Report of the work of the Traffic Council for 2017.

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

**Referred to Finance Committee**

Monday, January 22, 2018

- #58-18 CPA funding request for \$60,000 to repair a fence at Newton Cemetery**  
COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of sixty thousand dollars (\$60,000) from the Community Preservation Fund's historic resources budget reserve and fund balance to the Planning & Development Department for a grant to the Newton Cemetery to restore and rehabilitate the Whipple-Beal cast iron fence, as described in the proposal submitted to the Community Preservation Committee in September 2017.

**Finance Approved 8-0**

- #84-18 Authorization to settle a claim for \$10,000**  
HER HONOR THE MAYOR requesting authorization to settle a claim of ten thousand dollars (\$10,000) funded through the School Department budget as full and final settlement of a claim against the Newton Public Schools and the City of Newton.

**Finance Approved 8-0**

- #83-18 Transfer of \$30,000 to purchase a new van for the IT Department**  
HER HONOR THE MAYOR requesting authorization to transfer the sum of thirty thousand dollars (\$30,000) from the Information Technology Full-time Salaries Account to the Information Technology Automobiles/Light Trucks Account to enable the Information Technology Department to purchase a new van.

**Finance Approved 8-0**

- #82-18 Acceptance of a grant from the MASS DEP for sustainable materials recovery**  
HER HONOR THE MAYOR requesting authorization to accept and expend the Sustainable Materials Recovery Program Municipal Grant of seven thousand dollars awarded by the Massachusetts Department of Environmental Protection to be used to establish a new municipal swap-shop for household goods.

**Finance Approved 8-0**

**Referred to Public Facilities and Finance Committees**

- #87-18 Appropriate \$120,000 for design engineering services for West Newton Square**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend one hundred twenty thousand dollars (\$120,000) from Free Cash for the purpose of funding additional final design engineering services for the West Newton Square rehabilitation project.

**Public Facilities Approved 6-0 (Gentile, Lappin abstaining)**  
**Finance Approved 7-0-1 (Cicccone abstaining)**

**Referred to Public Facilities and Finance Committees**

**#89-18**

**Transfer of \$2 million for snow and ice removal expenses**

HER HONOR THE MAYOR requesting authorization to transfer the sum of two million dollars (\$2,000,000) from the Budget Reserve – Snow and Ice Removal Account to the following accounts:

Rental - Vehicles (0140110-5273).....	\$1,400,000
Regular Overtime (0140110-513001).....	\$600,000

**Public Facilities Approved 8-0 on 01/17/18**  
**Finance Approved as Amended 8-0 @ \$2,750,000**

**Motion to Suspend the Rules to allow the Chair of the Public Facilities Committee to poll her committee to make the Public Facilities Report Consistent with Finance Committee Report was Approved by Voice Vote**

**Public Facilities Approved at \$2.75 million 8-0**

**Clerks Note:** The Public Facilities Committee amended its approval to \$2.75 million to make it consistent with the amount approved by the Finance Committee.

**Public Hearings were assigned for the following items:**

**Public Hearing reassigned for February 13, 2018**

**#71-18**

**Petition to amend Special Permit #515-61 at JFK Circle**

NEWTON HOUSING AUTHORITY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #515-61 to remove 26,366 sq. ft. of land from the existing lots at 83-127 and 106-128 JFK Circle to develop 55 affordable elderly housing units, requiring a Comprehensive Permit, to extend non-conforming front setbacks and for waivers relative to parking at 83-127 John F Kennedy Circle and 106-128 John F Kennedy Circle, Ward 1, Newton, on land known as Section 12, Block 01, Lot 29 and Section 12, Block 01, Lot 32, containing approximately 124,061 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 7.4, 7.8.2.C.2, 5.1 of the City of Newton Rev Zoning Ord, 2015.

**Public Hearing assigned for March 6, 2018**

**#91-18**

**Petition to Amend Special Permits #273-14(2) & #40-07 on Elm Street**

NICORE CONSTRUCTION CORP./ANTONIO BONADIO petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Orders #273-14(2) and #40-07 to allow for the location of a new driveway, requiring an amendment to the site plan at 5-7 Elm Street and 11-19 Elm Street, Ward 3, West Newton, on land known as Section 33 Block 23 Lot and Section 33 Block 23 Lot 16, containing approximately 26,320 sq. ft. of land in

a district zoned MR2 and MR1. Ref: Sec. 7.3, 7.4, 6.2.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord., 2015.

**Public Hearing assigned for March 6, 2018**

**#92-18 Petition to amend Special Permit #131-16 at 37 Westbourne Road**

JOYCE ZAKIM petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #131-16 to alter an existing nonconforming front and side setback at 37 Westbourne Road, Ward 7, Chestnut Hill on land known as Section 73 Block 45 Lot 09 containing approximately 8,090 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 3.1.3, 7.8.2.C.2, 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord., 2015.

**Public Hearing assigned for February 12, 2018**

**#113-18 Zoning Ordinance technical amendments**

DIRECTOR OF PLANNING requesting technical amendments to the Newton Zoning Ordinance, Chapter 30, in order to address edits related to missing or incorrectly transcribed ordinance provisions.

**Public Hearing assigned for February 7, 2018**

**#116-18 5-58 for the Crescent Street Housing and Ford Playground Redevelopment Project**

COUNCILOR GENTILE on behalf of the CRESCENT STREET WORKING GROUP redocketing the DESIGN REVIEW COMMITTEE petition, pursuant to 5-58, for schematic design and site plan approval at 70 Crescent Street for the creation of mixed-use housing, redevelopment of the Reverend Ford Playground and expand open space by at least 20,000 square feet in accordance with Board Order #384-11(4) dated November 16, 2015.

**The City Council voted without discussion 22 Yeas, 1 Recused (Councilor Laredo), 2 Absent (Councilors Noel and Rice) to assign following public hearing:**

**Public Hearing assigned for March 6, 2018**

**#90-18 Petition to amend Special Permit #45-10 at 70-80 and 93 Union Street**

80 UNION STREET, LLC/DOUBLE J HOSPITALITY, LLC/AMERICAN COMPANIES, INC/UNION REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend prior Board Order #45-10 relating to 70-80 Union Street, Ward 6, Section 61 Block 36 Lot 11A, Newton Centre, containing approximately 2,842 sq. ft. of land in a district zoned BUSINESS 1, to eliminate the requirement for four off-site parking stalls at 93 Union Street, Ward 6, Section 61 Block 36 Lot 09, Newton Centre, containing approximately 31,455 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 7.4 of the City of Newton Rev Zoning Ord, 2015.