



City Council Actions

In City Council

Tuesday, February 20, 2018

Present: Councilors Albright, Auchincloss, Cote, Crossley, Danberg, Downs, Gentile, Greenberg, Grossman, Kelley, Krintzman, Lappin, Leary, Lipof, Markiewicz, Noel, Norton, Rice and Laredo.

Absent: Councilors Baker, Brousal-Glaser, Ciccone, Kalis and Schwartz

The City Council voted without discussion 19 Yeas, 5 Absent (Councilors Baker, Brousal-Glaser, Ciccone, Kalis and Schwartz) to Approve the following items:

Referred to Land Use Committee

Monday, Tuesday, February 6, 2018

- #26-18** **Special Permit Petition to allow attached dwellings at 20 Dale St/19 Simpson Terr**
SCOTT ROSS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an addition, creating two attached dwelling units, allowing waivers to the lot area requirements and lot area per unit requirements, to reduce the side setback requirement, to reduce the lot coverage requirement, to allow a driveway within 10' of a side lot line and to allow parking within 20' of a side lot line at 20 Dale Street/19 Simpson Terrace, Ward 2, Newtonville, on land known as Section 22, Block 14, Lot 03, containing approximately 5,968 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.2.4, 6.2.3.B.2 of the City of Newton Rev Zoning Ord, 2015.
Public Hearing Closed; Land Use Approved 6-0
- #66-18** **Petition to further extend non-conforming FAR at 48 Nathan Road**
DAVID METCALF petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 270 sq. ft. rear addition, further increasing the non-conforming FAR from .44 to .47 where .43 is allowed at 48 Nathan Road, Ward 2, Newton Centre, on land known as Section 13, Block 32, Lot 19, containing approximately 7,983 sq. ft. of land 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, 2015.
Public Hearing Closed; Land Use Approved 6-0
- #64-18** **Special Permit Petition to allow detached accessory apartment at 361 Wolcott St**
PETER GREEN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a detached structure for use as an accessory apartment at 361 Wolcott Street, Ward 4,

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 or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

Auburndale, on land known as Section 44, Block 29, Lot 26, containing approximately 18,200 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 6.7.1.E.1 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Approved 5-0 (Markiewicz Recused)

#20-18

Special Permit Petition to extend non-conforming commercial use at 203 Elliot St

BRICE BEN HOBBS AND REBECCA BELLA WANGH petition for **SPECIAL PERMIT/SITE PLAN APPROVAL** to extend the non-conforming commercial use, extend the non-conforming front setback, extend the non-conforming side setback and exceeding the maximum FAR by extending the commercial use from retail to an art studio and constructing a second floor residence at 203 Elliot Street, Ward 5, Newton Upper Falls, on land known as Section 51, Block 18, Lot 4, containing approximately 4,164 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.1.4, 7.8.2.C.2, 3.2.3, 3.2.11 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed 01/09/2018; Land Use Approved 6-0

#67-18

Petition to allow single-family dwelling in MR-1 at 336 Newtonville Avenue

336 NEWTONVILLE AVE LLC petition for **SPECIAL PERMIT/SITE PLAN APPROVAL** to relocate an existing dwelling, add a unit to the rear of the dwelling and construct two additional single-family attached dwellings in an MR-1 district, requiring a special permit at 336 Newtonville Avenue, Ward 2, Newtonville, on land known as Section 22, Block 07, Lot 19, containing approximately 29,896 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Approved 5-0 -1 (Laredo abstaining)

Motion to suspend the rules to postpone to date certain of March 5, 2018 was approved by voice vote.

Clerk's Note: The Vice Chair of the Land Use Committee was concerned that there were a number of Councilors absent this evening and asked that the item be postponed to the Next Council meeting for a vote.

Referred to Land Use Committee

Monday, Tuesday, February 13, 2018

#69-18

Petition to grant parking waivers for daycare at The Parish of the Good Shepherd

PARISH OF THE GOOD SHEPHERD/JAMES BOYD petition for **SPECIAL PERMIT/SITE PLAN APPROVAL** to grant waivers to screening requirements for an outdoor play space for daycare use, waive the screening requirements for parking for daycare use and waive eight parking stalls at 1671 Beacon Street, Ward 5, Waban, on land known as Section 55, Block 10, Lot 57, containing approximately 26,530 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 7.4.5, 6.3.4.3, 6.3.4.B.3.a, 6.3.4.B.3.b, 5.1.4, 5.1.13, 6.3.4.B.3.d, Dover Waiver of the City of Newton Rev Zoning Ord, 2015.

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

Referred to Zoning & Planning Committee

Monday, February 12, 2018

#77-18

Zoning Amendments for Recreational Marijuana Establishments

DIRECTOR OF PLANNING requesting amendments to the City of Newton Zoning Ordinance, **Chapter 30**, to add a definition of recreational marijuana establishment and to create a temporary moratorium on the placement of recreational marijuana establishments in the City of Newton to allow the city adequate time to complete a planning process to consider in what districts and under what conditions recreational marijuana establishments will be allowed.

Public Hearing closed; Zoning & Planning Approved 4-3-1 (Albright, Leary, Krintzman opposed; Downs abstaining)

Motion to suspend the rules to postpone to date certain of March 5, 2018 was approved by voice vote.

Clerk's Note: The Chair of the Zoning and Planning Committee was concerned that there were a number of Councilors absent this evening and asked that the item be postponed to the Next Council meeting for a vote.

#30-18

Zoning ordinance amendment regarding lodging houses

COUNCILORS CROSSLEY, ALBRIGHT, NORTON, DANBERG, LEARY, KALIS AND BAKER requesting to amend Chapter 30, City of Newton Ordinances, to include a "lodging house" ordinance to promulgate standards for new buildings and developments that would provide congregate living arrangements and/or single room occupancy.

Public Hearing closed; Zoning & Planning Approved 6-0-2 (Baker and Brousal-Glaser abstaining)

Motion to suspend the rules to allow the Chair of the Zoning & Planning Committee to poll her committee was approved by voice vote.

Zoning & Planning Approved as amended 4-0 to add start date of April 1, 2018 to the ordinance.

Clerk's Note: As there are related components of the Lodging House Ordinance that still needed to be discussed in other committees before implementation, the Chair of the Zoning & Planning Committee asked that an implementation date of April 1, 2018 be added to give those committees time to address those issues.

#29-18

Acceptance of MGL regarding cooking facilities in lodging houses

COUNCILORS CROSSLEY, ALBRIGHT, NORTON, DANBERG, LEARY, KALIS AND BAKER requesting acceptance of MGL Chapter 140, Section 22A to allow lodging houses to include limited cooking facilities in rooming units.

Zoning & Planning Approved 8-0

#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 closed; 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 1/22/18

Zoning & Planning Approved 8-0

Referred to Programs & Services Committee

Wednesday, February 7, 2018

Referred to Programs & Services and Finance Committees

#126-18 Request to increase the salary of the City Clerk/Clerk of the Council

COUNCILORS LAREDO AND KALIS requesting an increase in the salary of the City Clerk/Clerk of the City Council for Fiscal Year (FY) 2018 to match the percentage increase included in the FY 2018 budget for H-grade employees.

Programs & Services Approved 6-0

Referred to Public Safety & Transportation Committee

Wednesday, February 7, 2018

Referred to Public Safety and Transportation and Public Facilities Committees

#51-18 West Newton Square Enhancements Project

COMMISSIONER OF PUBLIC WORKS, DIRECTOR OF PLANNING & DEVELOPMENT and COUNCILORS COTE, KELLEY, & BROUSAL-GLASER requesting approval pursuant to §26-51 of the City of Newton Ordinances for the West Newton Square Enhancements Project on Washington Street running approximately from Chestnut Street to Lucas Court.

Public Facilities Approved 5-0-3 (Gentile, Laredo, Lappin abstaining) on 01/17/18

Public Safety & Transportation Approved 6-0-1 (Ciccone abstaining)

Referred to Public Facilities Committee

Wednesday, February 7, 2018

Referred to Public Facilities and Finance Committees

#128-18 Appropriate \$500,000 for snow and ice removal expenses

HER HONOR THE MAYOR requesting authorization to appropriate the sum of five hundred thousand dollars (\$500,000) from Free Cash to supplement the Department of Public Works’ snow and ice operations budget.

Personnel Costs – Overtime

(0140110-513001).....\$150,000

Rental Vehicles

(0140110-5273-5273)\$350,000

Public Facilities Approved 8-0

Referred to Finance Committee

Monday, February 12, 2018

#121-18 Council President’s appointment to the Financial Audit Advisory Committee

JASON CHOW, 6 O’Connell Road, Oak Hill, appointed as a citizen representative on the FINANCIAL AUDIT ADVISORY COMMITTEE for a term of office to expire on January 31, 2021. (60 days 04/06/18)

Finance Approved 5-0

#122-18 Council President’s appointment to the Financial Audit Advisory Committee

TERRENCE FINN, 32 Lenox Street, West Newton, appointed as a citizen representative on the FINANCIAL AUDIT ADVISORY COMMITTEE for a term of office to expire on January 31, 2021. (60 days 04/06/18)

Finance Approved 5-0

#124-18 Accept Mass Department of Environmental Protection EVIP Grant

HER HONOR THE MAYOR requesting authorization to accept and expend twenty-two thousand five hundred dollars (\$22,500) from the Massachusetts Department of Environmental Protection’s EVIP Fleet Grant Program to be used towards the purchase of three Nissan Leafs for the City’s electric vehicle fleet.

Finance Approved as Amended 5-0 @ \$27,500

Referred to Public Facilities and Finance Committees

#128-18 Appropriate \$500,000 for snow and ice removal expenses

HER HONOR THE MAYOR requesting authorization to appropriate the sum of five hundred thousand dollars (\$500,000) from Free Cash to supplement the Department of Public Works’ snow and ice operations budget.

Personnel Costs – Overtime
 (0140110-513001).....\$150,000
 Rental Vehicles
 (0140110-5273-5273)\$350,000

Public Facilities Approved 8-0 on 02/07/18

Finance Approved 5-0

#125-18

Accept Executive Office of Energy and Environmental Affairs Grant

HER HONOR THE MAYOR requesting authorization to accept and expend twenty-five thousand dollars (\$25,000) from the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs Grant Program to supplement the existing \$75,000 contract for the Street Design Guide. The grant will address stormwater management issues highlighted in the City’s Vulnerability Analysis and improve the final product.

Finance Approved 5-0

Referred to Programs & Services and Finance Committees

#126-18

Request to increase the salary of the City Clerk/Clerk of the Council

COUNCILORS LAREDO AND KALIS requesting an increase in the salary of the City Clerk/Clerk of the City Council for Fiscal Year (FY) 2018 to match the percentage increase included in the FY 2018 budget for H-grade employees.

Programs & Services Approved 7-0 on 12/07/18

Finance Approved 5-0

#119-18

Council President’s appointment to the Anthony Salvucci Scholarship Fund

COUNCILOR BARBARA BROUSAL-GLASER appointed as the representative of Wards 1-4 to the ANTHONY SALVUCCI CITY COUNCIL SCHOLARSHIP FUND for a term to expire on December 31, 2019. (60 days: 04/06/18)

Finance Approved 5-0

#120-18

Council President’s appointment to the Anthony Salvucci Scholarship Fund

COUNCILOR R. LISLE BAKER appointed as the representative of Wards 5-8 to the ANTHONY SALVUCCI CITY COUNCIL SCHOLARSHIP FUND for a term to expire on December 31, 2019. (60 days: 04/06/18)

Finance Approved 5-0

Late Filed Docket Items Accepted

A motion to Suspend the Rules to accept the following late filed item and refer to Committee was Approved by Voice Vote.

Referred to Finance Committee

- #154-18** **Accept MGL C. 64N Sec 3 to impose local sales tax on recreational marijuana**
COUNCILORS KRINTZMAN, ALBRIGHT, DOWNS, LEARY, DANBERG, BROUSAL-GLASER, GENTILE AND KALIS requesting acceptance of Massachusetts General Law Chapter 64N, Section 3, and further requesting that the city impose a local sales tax of 3% on the sales of recreational marijuana and marijuana products by a licensed marijuana retailer to a consumer in the City.

Public Hearings were assigned for the following items:

Public Hearing assigned for March 6, 2018

- #133-18** **Petition to allow a restaurant with more than 50 seats at 2095 Commonwealth Ave**
AUBURNDALE REALTY VENTURES NOMINEE TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the existing structure to allow a restaurant with more than 50 seats, to allow a free standing sign, to allow more than two secondary signs, waivers to the interior landscaping requirements, waivers to lighting requirements, waivers to perimeter screening requirements, and parking waivers for: parking in the front setback and reduced aisle width at 2095 Commonwealth Avenue, Ward 4, Auburndale, on land known as Section 41 Block 17 Lot 18 containing approximately 19,627 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 4.4.1, 5.1.8.A.1, 5.1.13, 5.1.8.C.1, 5.1.8.C.2, 5.1.9.A.1, 5.1.9.B, 5.1.10.A, 5.2.3, 5.2.8, 5.2.13.A of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for March 6, 2018

- #134-18** **Petition to amend Board Order #201-17 at 386-394 Watertown Street**
JLM REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #201-17 to remove Conditions 3, 4 and 17(d) from building permit requirements and insert them under Certificate of Occupancy requirements in Condition #18 for 389-394 Watertown Street, Ward 1, Newton, on land known as Section 14 Block 14 Lots 37-39 containing approximately 9,542 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: 7.3.3, 7.4 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for March 6, 2018

- #135-18** **Petition to amend Board Order #190-12 at 429 Cherry Street**
429 CHERRY STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #190-12 to remove Conditions 11(a) and (e) from building permit requirements and insert them under Certificate of Occupancy requirements in Condition #12 for 429 Cherry Street, Ward 3, West Newton, on land known as Section 33 Block 23 Lot 20, containing approximately 13,398 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: 7.3.3, 7.4 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for March 12, 2018

#143-18 Zoning amendment to delay effective date of garage ordinance

DIRECTOR OF PLANNING proposing to further amend Chapter 30, Section 3.4.4 of the Revised Ordinances as amended by Ordinance A-78, to implement a deferred effective date for the ordinance of December 1, 2019 or such other appropriate date, for the purpose of allowing the Planning Department to complete a comprehensive study thereof

Public Hearing assigned for March 12, 2018

#144-18 Zoning amendment relative to parking facilities

ALAN SCHLESINGER, on behalf of Northland Development LLC, requesting to amend Newton Zoning Ordinance, Chapter 30, Section 4.4.1 to allow parking facilities, accessory and non-accessory, single and multi-level in the Mixed Use 1 District by special permit.

Public Hearing assigned for March 13, 2018

#136-18 Petition to exceed FAR at 2 Terrace Avenue

BHARAT BHUSHAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct additional space over a two-car garage, exceeding the maximum allowable FAR of .41 where .43 is proposed and .41 exists at 2 Terrace Avenue, Ward 6, Newton Highlands, on land known as Section 54 Block 29 Lot 03, containing approximately 8,216 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for March 13, 2018

#137-18 Petition to allow 18-unit multi family dwelling at 189-193 Adams St/19 Quirk Ct

183-193 ADAMS STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a multi-family development in a business district with greater than 20,000 gross floor area, with a four-story structure 41' in height, containing an 18-unit dwelling with ground floor units, to allow an FAR of 1.31, to allow a density bonus to reduce the lot area per unit and increase the number of inclusionary units, to allow a reduction of the requirement for parking to 1.25 stalls per unit, to allow parking in the front setback, to allow parking within 5' of a building containing dwelling units, to allow a reduction in the minimum width of a entrance/exit drive, to allow a reduction in the minimum width of maneuvering aisles and to waive lighting requirements in Ward, 1, Newton, at 189-193 Adams Court, Section 14 Block 15 Lot 39, Section 14 Block 15 Lot 39 and 19 Quirk Court Section 14 Block 15 Lot 44, containing a combined lot area of approximately 19,349 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 4.4.1, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 5.1.4, 5.1.13, 5.1.8.A.1, 5.1.8.A.2, 5.1.8.C.1, 5.1.8.C.2, 5.1.8.D.1, 5.1.10.A, 5.11.4, 5.11.15, 4.1.2 of the City of Newton Rev Zoning Ord, 2015.

The City Council voted without discussion 18 Yeas, 1 Recused (Councilor Crossley), 5 Absent (Councilors Baker, Brousal-Glaser, Ciccone, Kalis and Schwartz) to Approve the following item:

Referred to Land Use Committee

- #70-18** **Petition to amend #535-91 to allow accessory apartment at 73 Perkins St**
LAUREL FARNSWORTH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow an interior accessory apartment exceeding 1,000 sq. ft., on the third and fourth levels of the existing non-conforming 3.5 story house, further extending the non-conforming three-story structure, amending Special Permit #535-91 at 73 Perkins Street, Ward 3, West Newton, on land known as Section 32, Block 12, Lot 40, containing approximately 18,477 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, 6.7.1.D.2 of the City of Newton Rev Zoning Ord, 2015.
Public Hearing Closed; Land Use Approved 7-0 (Crossley not Voting)

The City Council voted without discussion 18 Yeas, 1 Recused (Councilor Rice), 5 Absent (Councilors Baker, Brousal-Glaser, Ciccone, Kalis and Schwartz) to Approve the following item:

Referred to Finance Committee

- #123-18** **President's appointment to the Emerson Community Center Board of Trustees**
COUNCILOR JOHN RICE appointed as the Ward Five Council representative to the EMERSON COMMUNITY CENTER BOARD OF TRUSTEES for a term of office to expire on December 31, 2019.
Finance Approved 4-0 (Rice recused)

The City Council voted without discussion 18 Yeas, 1 Recused (Councilor Laredo), 5 Absent (Councilors Baker, Brousal-Glaser, Ciccone, Kalis and Schwartz) to Assign a Public Hearing for the following item:

Public Hearing assigned for March 13, 2018

- #138-18** **Petition for Comprehensive Sign Package at Piccadilly Square**
FIRST GENERAL REALTY GROUP petition for SPECIAL PERMIT/SITE PLAN APPROVAL for a Comprehensive Sign package and waivers for individual signs in Ward 6, Newton Centre, at 93-105 Union Street (containing approximately 31,455 sq. ft. of land) on land known as Section 61 Block 36 Lot 09, 1280 Centre Street (containing approximately 27,560 sq. ft. of land) on land known as Section 61 Block 35 Lot 05, 47-61 Langley Road (containing approximately 10,037 sq. ft. of land) on land known as Section 61 Block 36 Lot 06, 49-63 Union Street (containing approximately 8,735 sq. ft. of land) on land known as Section

61 Block 36 Lot 07, and 790-794 Beacon Street (containing approximately 7,400 sq. ft. of land) on land known as Section 61 Block 36 Lot 03, all zoned BUSINESS USE 1. Ref: 7.3.3, 7.4, 5.2.3, 5.2.8, 5.2.13 of the City of Newton Rev Zoning Ord, 2015.