



City Council Docket

Feb. 21: Programs & Services, Public Facilities
Feb. 26: Zoning & Planning; Finance
Feb. 27: Land Use

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Tuesday, February 20, 2018

7:45 PM, Newton City Hall
To be reported on
Monday, March 5, 2018

City of Newton

In City Council to be Accepted and Referred to Committees

Referred to Land Use Committee

- #130-18** **Class 2 Auto Dealer License**
CICCONE MOTORS
22 West Street
Newton, MA. 02458
- #131-18** **Temporary license to hold Nonantum Village Day**
NONANTUM NEIGHBORHOOD ASSOCIATION requesting a temporary license pursuant to Chapter 30 Section 2.3.3 of the City of Newton Ordinances to hold NONANTUM VILLAGE DAY on Sunday, June 3, 2018.
- #132-18** **President's Appointment of Councilor Rice to the NWH Neighborhood Council**
PRESIDENT LAREDO re-appointing Councilor John Rice, 9 Selden Street, Waban, as the Ward 5 Council Representative, to the Newton-Wellesley Neighborhood Council pursuant to Condition #29 of Special Permit #470-04 for a term of office to expire on December 31, 2019. (60 days: 04/16/18)

Public Hearing to be 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

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, or 617-796-1253. For Telecommunications Relay Service dial 711.*

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 to be 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 to be 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 to be 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 to be 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.

Public Hearing to be 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.

Other Communications

#139-18 ZBA Decision #7-17 CAN-DO Comprehensive Permit

CITIZENS FOR AFFORDABLE HOUSING IN NEWTON DEVELOPMENT ORGANIZATION petition for a Comprehensive Permit to construct eight (8) affordable housing units by rehabilitating and relocating an existing dwelling, constructing a duplex building, and constructing a congregate home for adults with developmental disabilities at 236 Auburn Street.

ZBA Approved; decision filed on February 12, 2018

#140-18 Appointment of Barney Heath to the BC Neighborhood Council

BARNEY HEATH, Director of Planning & Development, appointed to the BOSTON COLLEGE NEIGHBORHOOD COUNCIL.

#141-18 Waban Area Council filing its 2017 Budget Summary

WABAN AREA COUNCIL submitting pursuant to Sec. 9-10 of the Charter its Annual Report of its financial activities for calendar year 2017.

#142-18 City Solicitor submitting the Judgements and Settlements from 7/1/17 to 12/31/17

CITY SOLICITOR submitting THE Accounts Receivable and Judgements and Settlements reports for the period of July 1, 2017 through December 31, 2017.

Referred to Zoning & Planning Committee

Public Hearing to be 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 to be 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.

Referred to Programs & Services Committee

- #145-18** **Re-appointment of William Dietrich to the Biosafety Committee**
PRESIDENT LAREDO re-appointing WILLIAM DIETRICH, 29 Osborne Path, Newton Centre as a member of the BIOSAFETY COMMITTEE for a term to expire April 1, 2019.
- #146-18** **Re-appointment of Patrick Costello to the Farm Commission**
PRESIDENT LAREDO re-appointing Patrick Costello, 392 Wolcott Street, Auburndale, to the FARM COMMISSION for a term to expire June 30, 2021.
- #147-18** **Re-appointment of Sydra Schnipper to the Community Education Commission**
PRESIDENT LAREDO re-appointing Sydra Schnipper 273 Ward Street, Newton Centre, to the COMMUNITY EDUCATION COMMISSION for a term to expire March 31, 2020.
- #148-18** **Council Rules amendment relative to Robert's Rules**
CITY CLERK requesting to amend the 2018-2019 Council Rules by replacing the reference to Robert's Rules Newly Revised 10th Edition with the current edition of Robert's Rules of Order.

Referred to Public Safety & Transportation Committee

- #149-18** **Appeal of Traffic Council Decision TC19-17(B) Woodcliff Road**
YIGAL AGAM, 198 Woodcliff Road, appealing the denial of Traffic Council petition TC19-17(B) on January 18, 2018 for a stop sign on Woodcliff Road for southbound traffic. (Wards 5 & 6)

#150-18 Ordinance amendments related to pilotless aircraft
COUNCILORS ALBRIGHT AND BAKER proposing amendments to respond to recent litigation regarding the provisions of Ordinance Sec 20-64 involving pilotless aircraft.

Referred to Public Facilities Committee

#151-18 President’s re-appointment of James Purdy to the Energy Commission
PRESIDENT LAREDO re-appointing James Purdy, 943 Chestnut Street, Newton Upper Falls to the Energy Commission for a term of office to expire December 31, 2019. (60 days: 04/16/18)

#152-18 President’s Appointment of Michael Gevelber to the Energy Commission
PRESIDENT LAREDO re-appointing Michael Gevelber, 166 Melrose Street, Auburndale, to the Energy Commission for a term of office to expire December 31, 2019. (60 days: 04/16/18)

Referred to Finance Committee

#153-18 Discussion with Procurement Officer on criteria for bidding contracts
COUNCILORS GENTILE, MARKIEWICZ, AND NORTON requesting a discussion with the Chief Procurement Officer regarding the City’s process for hiring consultants. Discussion should focus in particular on 1) the criteria which determines whether a consulting contract is put out for public bid; and 2) when there is no bid process, what criteria are used to choose consultants.

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

#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.

Referred to Public Facilities and Finance Committees

#155-18 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

Referred to Public Safety & Transportation, Public Facilities and Finance Committees

- #156-18** **Ordinance amendments for enforcement and fines for sidewalk clearing violations**
COUNCILORS DANBERG, ALBRIGHT, CROSSLEY, NORTON, AND LIPOF requesting amendments to Chapter 17, Section 3 and Chapter 26 Section 8D of the Revised Ordinances to provide for enforcement and fines for violations of the sidewalk clearing ordinance.

Referred to Committee of the Whole

- #157-18** **Discussion of installation of video and other technology in the Council Chamber**
COUNCILORS ALBRIGHT, BAKER, AND BROUSAL-GLASER requesting discussion in Committee of the Whole of the possible installation of video or related technology in the Council Chamber in a way that preserves the dignity and historic character of the Chamber while making the visual work of the Council accessible to its members and the public.