



City Council Actions

In City Council

Monday, March 19, 2018

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

The City Council discussed the following item on second call:

Referred to Zoning & Planning and Finance Committees

#85-18

Appropriate funds to develop an action plan for Washington Street Corridor

HER HONOR THE MAYOR requesting authorization to appropriate and expend five hundred thousand dollars (\$500,000) from Free Cash for the purpose of developing an actionable plan for the Washington Street Corridor that addresses land use, economic development, transportation, fiscal impacts, and other issues that may arise, as well as a new zoning district(s).

Zoning & Planning Approved 8-0 on 02/12/18

Finance Approval Failed to Carry 2-4-1 (Gentile, Lappin, Rice, Norton opposed; Noel abstaining)

A Motion to Amend the item to add the words "expend up to five hundred thousand dollars" was Approved by Voice Vote

A Motion to Amend the item to add the sentence: "The company/consultant chosen to help develop an actionable plan for the Washington Street Corridor shall be hired through a public bidding process overseen by the Purchasing Department." Failed 7 Yeas (Councilors Ciccone, Cote, Gentile, Lappin, Markiewicz, Norton & Rice), 17 Nays.

The Item was Chartered by Councilor Gentile

Clerk's Note:

The City Council voted without discussion 24 Yeas to Approve the following items:

Referred to Land Use Committee

Tuesday, 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.

Land Use Approved 7-0 (Markiewicz not Voting); Public Hearing Closed 03/06/2018

#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.

Land Use Committee Approved 4-1-2 (Kelley Opposed, Markiewicz, Schwartz abstaining, Laredo Recused); Public Hearing Closed 03/06/2018

Motion to suspend the Rules to allow the Chairman of the Land Use Committee to Poll his Committee Approved by Voice Vote.

Land Use Held in Committee 7-0-1 (Laredo Recused)

Clerk's Note: The Chair of the Land Use Committee asked to poll his committee to hold this item in Committee for additional work.

#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.

Land Use Approved 7-0 (Lipof not Voting); Public Hearing Closed 03/06/2018

#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.

Land Use Approved 7-0 (Lipof not Voting); Public Hearing Closed 03/06/2018

Referred to Zoning & Planning Committee

Monday, 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.
Zoning & Planning Approved as amended 7-0; Public Hearing Closed
- #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.
Zoning & Planning Approved as amended 6-1-0 to December 31, 2018 (Brousal-Glaser opposed); Public Hearing Closed

Referred to Programs & Services, Zoning & Planning and Finance Committees

- #59-18** **Ordinance amendment for licensing and criteria for lodging houses**
COUNCILORS CROSSLEY, ALBRIGHT, NORTON, DANBERG, LEARY, KALIS, AND BAKER requesting amendments to Chapters 17 and 20 of the City of Newton Ordinances to establish criteria, licensing requirements, and fees for lodging house owners and resident supervising agents.
Zoning & Planning voted No Action Necessary on 02/26/18
Finance Approved 7-0 on 3/12/18
Programs & Services Approved 5-0
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 8-0

Clerk's Note: The Chair of the Zoning & Planning Committee asked her Committee to make the Zoning & Planning Committee Report consistent with the Programs & Services and Finance Committees.

Referred to Programs & Services Committee

Monday, March 12, 2018

Referred to Programs & Services, Zoning & Planning and Finance Committees

- #59-18** **Ordinance amendment for licensing and criteria for lodging houses**
COUNCILORS CROSSLEY, ALBRIGHT, NORTON, DANBERG, LEARY, KALIS, AND BAKER requesting amendments to Chapters 17 and 20 of the City of Newton Ordinances to

establish criteria, licensing requirements, and fees for lodging house owners and resident supervising agents.

Zoning & Planning Approved 8-0

Finance Approved 7-0 on 3/12/18

Programs & Services Approved 5-0

#162-18

Re-appointment of Gary DuMoulin to the Biosafety Committee

PRESIDENT LAREDO re-appointing GARY DuMOULIN, 24 Myerson Lane, Newton Centre as a member of the BIOSAFETY COMMITTEE for a term to expire April 1, 2020.

Programs & Services Approved 5-0

Referred to Public Facilities Committee

Wednesday, March 14, 2018

#167-18

Granting of easements in the Austin Street Municipal Parking Lot

HER HONOR THE MAYOR requesting the authority to grant specific easements in the Austin Street Municipal Parking lot to permit the undergrounding of required electric service and telecommunications equipment, as noted on a plan entitled "Proposed Underground of Overhead Power & Telecommunications, Austin Street, Newton, Massachusetts", dated April 24, 2016, revised December 11, 2017, prepared by JHD. (Ward 2)

Public Facilities Approved 6-0 (Leary not Voting)

Referred to Public Facilities and Finance Committees

#172-18

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

Finance Approved as Amended 7-0 @ \$1,939,987 on 03/12/18

Public Facilities Approved as Amended 5-0 @ \$1,939,987 (Leary, Lappin not Voting)

#151-18

President's 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: 04/06/18)

Public Facilities Approved 7-0

#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: 04/06/18)
Public Facilities Approved 7-0

Referred to Finance Committee

Monday, March 12, 2018

#171-18 Appointment of Karen Glasgow as Human Resources Director
HER HONOR THE MAYOR appointing KAREN GLASGOW as the Human Resources Director for the City of Newton effective March 12, 2018 pursuant to §3-3 of the City Charter. (30 days 04/04/18)
Finance Approved 7-0

#168-18 Authorize submittal of Lincoln Eliot statement of interest to the MSBA
SUPERINTENDENT FLEISHMAN requesting a vote of the City Council to complement the vote of the School Committee to authorize the Superintendent of Schools to submit to the Massachusetts School Building Authority (MSBA) the FY 18 Statement of Interest no later than April 5, 2018 for the consideration of Lincoln-Eliot Elementary School as a major school Building project after Cabot Elementary School.
Finance Approved 7-0

Referred to Public Facilities and Finance Committees

#172-18 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 as Amended 5-0 @ \$1,939,987 on 03/14/18
Finance Approved as Amended 7-0 @ \$1,939,987

#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.
Finance Approved 7-0

Referred to Programs & Services, Zoning & Planning and Finance Committees

- #59-18** **Ordinance amendment for licensing and criteria for lodging houses**
COUNCILORS CROSSLEY, ALBRIGHT, NORTON, DANBERG, LEARY, KALIS, AND BAKER
requesting amendments to Chapters 17 and 20 of the City of Newton Ordinances to establish criteria, licensing requirements, and fees for lodging house owners and resident supervising agents.
Zoning & Planning Approved 8-0
Programs & Services Approved 5-0 on 03/12/18
Finance Approved 7-0

Late Filed Docket Item Accepted

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

Referred Finance Committee

- #195-18** **Investment Policy for the Rainy Day Stabilization Fund**
COUNCILOR GENTILE, on behalf of the Investment Advisory Committee, submitting its recommendation for an investment policy for the Rainy Day Stabilization Fund.

Public Hearings were assigned for the following items:

Public Hearing reassigned for March 21, 2018

- #165-18** **Comcast petition for grant of location in Austin Street/Philip Bram Way**
COMCAST ENERGY petition for a grant of location to install conduit in AUSTIN STREET from existing pole 311/4 (in front of 40 Austin Street) easterly 355'± to a proposed manhole in Austin Street thence turning in a southerly direction and continuing 127'± to a second proposed manhole in PHILIP BRAM WAY (Private Way) and continuing in a southeasterly direction 124' ± to new Pole 311/1-2 in Philip Bram Way. (Ward 2).

Public Hearing assigned for March 21, 2018

- #191-18** **National Grid Petition for a Grant of Location in Nahanton Street**
NATIONAL GRID petition for a grant of location to install conduit in Nahanton Street from existing main at 23 Nahanton Street, southeasterly to a proposed vault, thence turning northeasterly and continuing 250± to the existing main at 736 Dedham Street to erplace the existing vault at 10 Nahanton Street. (Ward 8)

Public Hearing reassigned for April 3, 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 reassigned for April 3, 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, 5.2.9, 5.2.13 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing reassigned for April 3, 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 setback, to allow parking within 5' of a building containing dwelling units, to waive minimum stall dimension requirements, to allow a reduction in the minimum width of a entrance/exit drive, to allow a reduction in the minimum width of maneuvering aisles, to waive lighting requirements and to waive perimeter landscape screening requirements in Ward, 1, Newton, at 189-193 Adams Court, Section 14 Block 15 Lot 39, Section 14 Block 15 Lot 38 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.1, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.C.1, 5.1.8.C.2, 5.1.8.D.1, 5.1.9.A, 5.1.10.A, 5.11.4, 5.11.15, 4.1.2 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for April 3, 2018**#175-18 Petition to amend Board Order 147-79(2) at 333 Nahanton Street**

JEWISH COMMUNITY CENTER OF BOSTON, INC/BETSY JACOBS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend the site plan by constructing a two-story, 4,352 sq. ft. addition at the rear of the existing gymnasium, requiring an amendment to Special Permit Board Order 147-79(2), extension of an existing non-conforming use and extension of a non-conforming structure, at 333 Nahanton Street, Ward 8, Newton Centre, on land known as Section 83 Block 36 Lot 04, containing approximately 1,225,397 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 7.4, 7.8.2.C.2, 3.4.1, 3.1.7 and 5.1.13 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for April 10, 2018**#176-18 Petition to exceed FAR at 133 Park Street**

ALLEN LEMOS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to enclose existing first and second floor porches and construct a two-story side addition, exceeding the maximum allowable FAR of .37 where .48 is proposed and .34 exists at 133 Park Street, Ward 1, Newton, on land known as Section 72 Block 50 Lot 23, containing approximately 10,615 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 April 10, 2018**#177-18 Petition to extend non-conforming use at 36 Cummings Road**

ANNAMARIA MARIANI/BILL FABRIZIO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story addition to the rear and side of the house, extending the existing non-conforming structure at 36 Cummings Road, Ward 2, Newton Centre, on land known as Section 64 Block 03 Lot 47, containing approximately 18,866 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for April 10, 2018**#178-18 Petition to amend Board Order #257-13(4) at 145 Wells Ave**

ANDRIAN SHAPIRO/WELLS AVENUE BUSINESS CENTER, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the hours of operation and increase the number of customers at one time, requiring an amendment to Special Permit Board Order #257-13(4) at 145 Wells Avenue, Ward 8, Newton Centre, on land known as Section 84 Block 34 Lot 2G, containing approximately 86,256 sq. ft. of land in a district zoned LIMITED MANUFACTURING. Ref: 7.3.3, 7.4 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for April 10, 2018**#179-18 Petition to exceed FAR and extend nonconforming side setback at 110 Parker Ave**

SETH DeAVILA AND TALYA SALANT petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second story addition and attic space, further increasing the nonconforming

setback and creating an FAR of .50 where .48 is allowed and .38 exists at 110 Parker Avenue, Ward 6, Newton Highlands, on land known as Section 81 Block 26 Lot 03, containing approximately 6,160 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.3, 7.8.2.C.2, 3.1.9 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for April 10, 2018

#180-18 **Petition to amend Board Orders 43-10 and 307-12(2) at 199 Boylston Street**
TIM FOX/SIMON MALLS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow non-accessory parking to lease 496 parking stalls to off-site, third party users, requiring amendments to Special Permit Board Orders #43-10 and #307-12, a waiver for 496 parking stalls and approval to allow non-accessory parking at 199 Boylston Street, Ward 7, Chestnut Hill, on land known as Section 65 Block 08 Lot 100, containing approximately 324,691 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: 7.3.3, 7.4, 4.4.1, 5.1.4, 5.1.1 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for April 10, 2018

#181-18 **Petition to further increase nonconforming FAR at 64 Green Park**
PHILIP KRAPCHEV AND KIMBERLY CLARK petition for SPECIAL PERMIT/SITE PLAN APPROVAL to replace a two-story enclosed porch with a two-story addition, further increasing the nonconforming FAR to .53 where .51 exists and .36 is allowed at 64 Green Park, Ward 7, Newton, on land known as Section 73 Block 08 Lot 17, containing approximately 12,100 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.

The City Council voted without discussion 23 Yeas, 1 Recused (Councilor Laredo) to Assign a Public Hearing for the following item:

Public Hearing reassigned for April 3, 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, 5.2.9, 5.2.13 of the City of Newton Rev Zoning Ord, 2015.