



City Council Actions

In City Council

Tuesday, April 17, 2018

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

Absent: Councilors Auchincloss, Lipof, Norton and Schwartz

The City Council voted without discussion 20 Yeas, 4 Absent (Councilors Auchincloss, Lipof, Norton and Schwartz) to Approve the following items:

Referred to Land Use Committee

Tuesday, 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.

Land Use Approved 5-1-2 (Auchincloss opposed, Laredo, Schwartz abstaining); Public Hearing Closed 04/03/2018

Motion to suspend the rules to allow the acting Chair of the :Land Use Committee to poll her Committee was Approved by Voice Vote

Land Use Postponed Reporting Out this Item until May 7, 2018 5-0

Clerk's Note: The Acting Chair reported that there was concern that there were a number of Councilors missing for tonight's vote and asked her committee to vote to postpone reporting this item out until the next Council meeting on May 7, 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.

Land Use Approved 8-0; Public Hearing Closed 04/03/2018

#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.

Land Use Approved 8-0; Public Hearing Closed 04/03/2018

Referred to Land Use Committee

Tuesday, 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.

Land Use Approved 8-0; Public Hearing Closed 04/10/2018

#177-18

Petition to extend non-conforming use at 36 Cummings Road

ANNAMARIA MARIANI/BILL FRABIZIO 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.

Land Use Approved 8-0; Public Hearing Closed 04/10/2018

#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.

Land Use Approved 7-0 (Schwartz Recused); Public Hearing Closed 04/10/2018

#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.

Land Use Approved 8-0; Public Hearing Closed 04/10/2018

#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.

Land Use Approved 7-0-1 (Laredo abstaining); Public Hearing Closed 04/10/2018

Motion to suspend the rules to allow the acting Chair of the :Land Use Committee to poll her Committee was Approved by Voice Vote

Land Use Postponed Reporting Out this Item until May 7, 2018 5-0

Clerk's Note: The Acting Chair reported that there was concern that there were a number of Councilors missing for tonight's vote and asked her committee to vote to postpone reporting this item out until the next Council meeting on May 7, 2018

Referred to Public Safety & Transportation Committee

April 4, 2018

#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.

Public Safety & Transportation Approved 7-0

#189-18

Appeal of Traffic Council Decision TC9-17 Lagrange Street

COUNCILOR LAPPIN, appealing the approval of Traffic Council petition TC9-17 on February 15, 2018 for flashing warning lights at Lagrange Street, 75 feet west of the

Brookline Town Line: Flashing red (southbound from driveway at 200 Estate Drive) and flashing yellow beacon (Lagrange Street east and westbound). (Ward 8)

Public Safety & Transportation Approved 7-0

#81-18

Discussion regarding preparedness for automated, electric and shared vehicles

COUNCILOR ALBRIGHT, COTE AND DOWNS, requesting a discussion with the Director of Transportation for Planning regarding Newton's preparedness for automated vehicles, electric vehicles and shared vehicles to serve the needs of Newton's residents.

Public Safety & Transportation No Action Necessary 6-0 (Lipof not voting)

Referred to Finance Committee

Monday, April 9, 2018

#207-18

Submittal of the CAFR, and external audit reports

COMPTROLLER transmitting the Comprehensive Annual Financial Report and external audit reports for fiscal year ending June 30, 2017 for City Council review/acceptance.

Finance Approved 6-0

Public Hearings were assigned for the following items:

Public hearing assigned for April 18, 2018

#226-18

National Grid petition for grant of location in Karen Road

NATIONAL GRID petition for a grant of location to install 220'+/- of 4" main in Karen Road from existing gas main at #40 Karen Road trenching in a southerly direction to houses #50 and #60 for new gas service. (Ward 5)

Public Hearing assigned for April 18, 2018

#227-18

National Grid Petition for a Grant of Location in Brookside Avenue

NATIONAL GRID petition for a grant of location to install and maintain approximately 40'± of 8" gas main in Brookside Avenue from the existing 12" gas main at #85 Brookside Avenue in a southwesterly direction to a proposed regulator station thence turning in a southeasterly direction to the existing 12" gas main approximately 300'± at the intersection of Brookside Avenue/Washington Street. (Ward 3)

Public Hearing assigned for May 1, 2018

#209-18

Special Permit Petition to exceed FAR at 138 Arnold Road

LOUS FRANCHI/JAMS REALTY LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to EXCEED FAR by allowing additional attic space above an attached garage, creating an FAR of .35 where .33 is allowed at 138 Arnold Road, Ward 8, Newton Centre, on land known as Section 81, Block 01, Lot 03, containing approximately 15,250 sq. ft. of land in

a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for May 1, 2018

#210-18 Special Permit Petition to amend Special Permit Board Order #129-16 at 23 Howe Rd
MARIA SANTOS petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #129-16 to amend the site plan approved in 2016 to allow for the removal of dormers, redistribution of living space and enclosing a portion of a patio, resulting in a reduced FAR of .59 where .62 was approved and .44 is allowed at 23 Howe Road, Ward 8, Newton Centre, on land known as Section 81, Block 11A, Lot 37, containing approximately 6,591 sq. ft. of land in a district zoned SINGLE RESIDENCE 2 . Ref: 7.3, 7.4, of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for May 1, 2018

#211-18 Special Permit Petition to further increase nonconforming FAR at 48 Cotton Street
ROBERTA AND PHILIP LEVY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mudroom and half bath, connecting an attached garage ,as well as a basement addition for improved exterior access, extending the existing nonconforming FAR to .48 where .39 is allowed and .45 exists 48 Cotton Street, Ward 7, Newton, on land known as Section 73, block 22, Lot 02, containing approximately 9,153 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 3.1.9, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for May 1, 2018

#212-18 Petition to amend Board Orders #91-15 and #182-09(2) at 180 Needham Street
C P NEEDHAM STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Orders #91-15 and #182-09(2) to allow a for-profit learning center in the second-floor office space at 180 Needham Street, Ward 8, Newton Upper Falls, on land known as Section 83, Block 28, Lot 01, containing approximately 8,960 sq. ft. of land in a district zoned MULTI USE 1. Ref: 7.3, 7.4, 4.4.1, 6.3.14 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for May 7, 2018:

Referred to Public Facilities and Finance Committees

#249-18 Proposed Water, Sewer and Stormwater Rates
HER HONOR THE MAYOR submitting recommended FY2019 Water/Sewer/Storm Water Rates for implementation on July 1, 2018, as follows:

FY 2019 Tiers & Rates for Water and Sewer

<u>HCF Per Quarter</u>	<u>Water Rate Per HCF</u>	<u>Sewer Rate Per HCF</u>
0-10	\$6.60	\$10.55
11-25	\$7.60	\$12.30
26-60	\$8.74	\$13.20

>60	\$10.90	\$15.20
Irrigation	\$12.00	

FY 2019 Storm Water Fees

1-4 family dwellings		\$75.00
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All other properties:

<u>Square feet of impervious surface area</u>	<u>Annual rate</u>
0 – 4,999	\$250.00
5,000 – 7,499	\$500.00
7,500 – 9,999	\$750.00
10,000 – 14,999	\$1,000.00
15,000 – 24,999	\$1,250.00
25,000 – 49,999	\$1,500.00
50,000 – 74,999	\$1,750.00
75,000 – 99,999	\$2,000.00
100,000 – 199,999	\$2,500.00
200,000 – 299,999	\$3,000.00
300,000 – 399,999	\$3,500.00
400,000 – 499,999	\$4,000.00
500,000 and greater	\$5,000.00

Public Hearing assigned for May 7, 2018:

Referred to Finance and Appropriate Committees

#63-18 **Submittal of the FY 2019 to FY 2023 Capital Improvement Plan**
HIS HONOR THE MAYOR submitting the Fiscal Years 2019 to 2023 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter. (Submitted 10/16/17)

Public Hearing assigned for May 7 2018:

Referred To Finance and Appropriate Committees

#251-18 **Submittal of the FY 2019 – FY 2023 Supplemental Capital Improvement Plan**
HER HONOR THE MAYOR submitting the FY 2019 – FY 2023 Supplemental Capital Improvement Plan.

Public Hearing assigned for May 8, 2018

#213-18 **Special Permit Petition to extend nonconforming front setback at 140 Windermere Rd**
JOHN AND DANIEL ARONE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER EXTEND NONCONFORMING SETBACK by constructing a second-floor deck above the existing sunporch, extending the existing nonconforming setback vertically at 140 Windermere Road, Ward 4, Auburndale, on land known as Section 43, Block 08, Lot 19, containing approximately 12,445 sq. ft. of land in a district zoned SNIGLE RESIDENCE 2. Ref: 7.3, 7.4, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for May 8, 2018

#214-18 Special Permit Petition to exceed FAR and lot coverage at 458 Woodward Street
STEFFI AND ERIC KARP petition for SPECIAL PERMIT/SITE PLAN APPROVAL to relocate stairs and enclose an existing porch, further increasing the existing nonconforming lot coverage and nonconforming FAR to .63 where .59 exists and .44 is allowed at 458 Woodward Street, Ward 5, Waban, on land known as Section 53, Block 26, Lot 16, containing approximately 6,276 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for May 8, 2018

#215-18 Special Permit Petition to allow a rear-lot subdivision at 156 Otis Street
156 OTIS STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a rear lot subdivision to create two lots, raze the existing single-family dwelling and construct single-family dwellings on each lot at 156 Otis Street, Ward 2, West Newton, on land known as Section 24, Block 13, Lot 14A, containing approximately 43,700 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 3.1.5, 3.1.10 and 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for May 15, 2018

#216-18 Special Permit Petition to amend Council Order#96-17 for Washington Place
MARK NEWTONVILLE, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Council Order #96-17 to allow for a substitution of the previously approved plans for the 140-unit development option with plans for a revised 140-unit development option, which results in a hybrid between the originally approved 140-unit development option and the 160-unit development option by adding a fifth floor to the middle building fronting on Washington Street, and reducing massing at the rear of the east building along Walnut Street. The additional massing along Washington Street reflects what was already approved for the 160-unit scheme. The proposed amendment results in an overall increase of 1,970 sq. ft. to the 140-unit plan to accommodate the new layout but there is a total reduction of 14,575 sq. ft. compared with the approved 160-unit development option. The proposed amendment adds 170 sq. ft. of commercial square footage and relocates two at-grade parking stalls to the underground parking garage. In addition, the petitioner is requesting an amendment to Condition 24(i) to make the provision of a final Inclusionary Housing Plan and Affirmative Fair Marketing and Resident Selection Plan a condition precedent to the issuance of a temporary certificate of occupancy instead of a building permit at 22 Washington Terrace, 16-18 Washington Terrace, 10-12 Washington Terrace, 6-8 Washington Terrace, 875 Washington Street, 869 Washington Street, 867 Washington Street, 861-865 Washington Street, 857-859 Washington Street, 845-855 Washington Street, 245-261 Walnut Street, 241 Walnut Street, 22 Bailey Place, 14-18 Bailey Place, an unnumbered lot on Bailey Place, and the private way known as Bailey Place, also identified as Section 21, Block 29, Lots 10, 11,

12, 13, 14, 15, 16, 17, 18, 19, 19A, 20, 21, 22, and 23, containing approximately 123,956 sq. ft of land in a district zoned BU1, BU2, Public Use (Board Order #95-17 approved for MU4 upon exercise of #96-17) Ref.: Sections 7.3, 7.4 of Chapter 30 of the City of Newton Revised Zoning Ordinances, 2015.

Public Hearing assigned for May 15, 2018

#217-18 **Petition to amend Order #275-14 to allow for-a learning center at 320 Needham St**
FUSION EDUCATION INC./320 NEEDHAM DE, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #275-14 to allow a for-profit learning center in the existing office space, at 230 Needham Street, Ward 8, Newton Upper Falls, on land known as Section 83, Block 31, Lot 26, containing approximately 97,600 sq. ft. of land in a district zoned MULTI USE 1. Ref: 7.3, 7.4, 4.4.1, 6.3.14, 5.1.13 of the City of Newton Rev Zoning Ord, 2015.

The City Council voted without discussion 19 Yeas, 1 Recused (Councilor Laredo), 4 Absent (Councilors Auchincloss, Lipof, Norton and Schwartz) to Approve the following item:

#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 Approved Withdrawal without Prejudice 7-0 (Laredo Recused)

#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.

Land Use Approved 7-0 (Laredo recused); Public Hearing Closed 04/03/2018