



City Council Reports Docket

RECEIVED
By City Clerk at 2:42 pm, Apr 12, 2018

April 3: Land Use
April 4: Public Safety & Trans., Public Facilities
April 9: Zoning & Planning; Finance
April 10: Land Use

Monday, April 2, 2018
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7:45 PM, Newton City Hall
To be reported on
Tuesday, April 17, 2018

City of Newton In City Council Items to be Acted Upon

Referred to Land Use Committee

Tuesday, April 3, 2018

Present: Councilors Schwartz (Chair), Lipof, Greenberg, Auchincloss, Kelley, Markiewicz, Crossley, and Laredo; also present: Councilors Ciccone, Leary, and Krintzman

#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

#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

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.

- #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
- #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
- #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.
Land Use Held 8-0; Public Hearing Continued

Referred to Land Use Committee

Tuesday, April 10, 2018

Present: Councilors Schwartz (Chair), Lipof, Greenberg, Auchincloss, Kelley, Markiewicz, Crossley, and Laredo

- #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)
- #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.
Land Use Held 8-0
- #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

#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.

Land Use Held 8-0; Public Hearing Continued

Referred to Zoning & Planning Committee

April 9, 2018

Present: Councilors Albright (Chair), Danberg, Leary, Krintzman, Brousal-Glaser, Kalis, and Baker; absent: Councilor Downs; also present: Councilors Auchincloss, Scibelli and Greenberg

#186-18 Zoning Amendment for Shared Parking Pilot Program

DIRECTOR OF PLANNING requesting amendments to Chapter 30, Newton Zoning Ordinance, to allow for a Shared Parking Pilot Program as an accessory use in commercial districts.

Zoning & Planning Held 7-0

#75-18 Discussion relative to the Zoning Redesign Event Series

DIRECTOR OF PLANNING requesting discussion of topics, issues, and ideas from the Zoning Redesign Event Series, with Committee feedback leading to staff preparation of the draft policy content outline for the new Zoning Ordinance.

Zoning & Planning Held 7-0

Referred to Public Safety & Transportation Committee

April 4, 2018

Present: Councilors Ciccone (Chair), Auchincloss, Cote, Lipof, Markiewicz, Noel, and Grossman; absent: Councilor Downs

#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)

#80-18

Discussion on the ability to test and implement self-driving vehicles in Newton

COUNCILOR ALBRIGHT, COTE AND DOWNS, requesting the Director of Transportation for Planning create the ability to test and implement self-driving vehicles in Newton by the following: The Transportation division is requested to lead the oversight of testing and implementation of autonomous vehicles in Newton by 1) publishing guidelines for testing autonomous vehicles in Newton which may limit, the time, place and manner of the testing giving greater latitude to potential partners as their performance justifies, 2) provide regular public reporting of autonomous vehicle testing, 3) create policy recommendations with respect to autonomous vehicle technology, business models, and effect on street regulation and design, if any, 4) create policies that ensure equitable access to opportunities for those least well served by existing transportation options, including seniors, youth and those with physical disabilities, 5) provide solutions to the "last mile" problems rampant in Newton by policy that support access by all to public transportation, 6) support open data standards and API's that allow easier coordination of schedules, trip planning, and payment across public and private transportation services, 7) create policies that reinforce and prioritize walking, biking, and mass transit and lead to reduction of vehicle miles traveled.

Public Safety & Transportation Held 6-0 (Lipof not voting)

Referred to Public Facilities Committee

April 4, 2018

Present: Councilors Crossley (Chair), Leary, Norton, Kelley, Danberg, Laredo, and Lappin; absent: Councilor Gentile; also present: Councilors Albright, and Baker

#204-18

Verizon petition for grant of location on Walnut Street

VERIZON petition for a grant of location to install 215'± of conduit from existing Manhole #16/182 in a southeasterly direction to 227 Walnut Street to provide new service. (Ward 2)

Public Facilities Held 7-0

#42-18

Review of City Council regulations governing petitions for wireless communication

COUNCILORS CROSSLEY, ALBRIGHT AND LAPPIN requesting a review of proposed City Council regulations pursuant to City Code Sec. 23-20, governing petitions for permission to install wireless communications facilities and new poles proposed for wireless communications use in the public ways of the City. Such rules would cover petitions that are subject to review under G.L. c. 166, §22 and 47 U.S.C. §332(c) (7) and petitions that are subject to review under 47 U.S.C. §1455 ("Eligible Facilities Requests").

Public Facilities Held 7-0

Referred to Finance Committee

Monday, April 9, 2018

Present: Councilors Gentile (Chair), Cote, Rice, Noel, Grossman, and Lappin; absent: Councilors Ciccone and Norton

#207-18

Submittal of the CAFR, and external audit reports

COMPROLLER 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

#206-18

Appropriate \$100,000 from Free Cash to the School Department's Budget

HER HONOR THE MAYOR requesting authorization to appropriate one hundred thousand dollars (\$100,000) from Free Cash to supplement the School Department's FY 18 Budget. The FY 18 State Budget, which was approved after the City's FY 18 budget included an additional \$125,636 in State funding for Newton.

Finance Held 6-0