



## City Council Docket

May 22: Real Property Reuse  
May 29: Zoning & Planning  
May 30: Finance

Continued

Page 133

**Monday, May 21, 2018**

7:45 PM, Newton City Hall

To be reported on

Monday, June 4, 2018

### City of Newton

## In City Council to be Accepted and Referred to Committees

### Referred to Land Use Committee

**#287-18** **Request for an extension of time to exercise Special Permit #340-16 on Cottage Ct**  
SEAN ELISEEV AND EVGENIA ELISEEVA petition for an EXTENSION OF TIME to EXERCISE Special Permit #340-16 to further increase the non-conforming setback and use at 15 Cottage Court, Ward 1, Newton, said extension to run from January 22, 2018 to January 19, 2019. Ref: 7.3.2.E of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

#### ***Public Hearing to be assigned for June 5, 2018***

**#288-18** **Special Permit Petition to allow RMD at 24-26 Elliot Street**  
CYPRESS TREE MANAGEMENT, INC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a registered medical marijuana dispensary in a non-conforming structure, to waive minimum stall dimensions, to waive minimum aisle width for two-way traffic, to waive perimeter screening requirements, to waive interior landscaping requirements, to waive requirements for interior planting, to waive requirement for interior tree planting, to waive requirements for bumper overhang area landscaping, to waive requirements for 1-foot candle lighting and to allow the RMD to be located within 500' of a school at 24-26 Elliot Street, Ward 5, Newton Highlands, on land known as Section 51 Block 25 Lot 01, containing approximately 25,320 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec 7.3.3, 7.4, 6.10.3, 6.10.3.D.1, 6.10.3.F.2, 4.1.3, 6.10.3.D.5, 7.8.1.C.1, 7.8.2.C.2, 5.1.12, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.C.1, 5.1.8.C.2, 5.1.9.A, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10.A.1 of the City of Newton Rev Zoning Ord, 2015.

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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](mailto:jfairley@newtonma.gov), or 617-796-1253. For Telecommunications Relay Service dial 711.*

***Public Hearing to be assigned for June 5, 2018***

**#289-18      Special Permit Petition to amend Board Order #167-14 for Garden Remedies**  
GARDEN REMEDIES, INC/697 WASHINGTON STREET REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #167-14 to allow the retail sale of recreational marijuana and medical marijuana, to delete Condition #3 relative to customer appointments, to amend Condition #4 to allow up to 12 employees at one time, to amend Condition #5 to modify the hours of operation, to expand the premises to include additional space, to allow waivers to perimeter screening requirements, to allow waivers to interior landscaping requirements, to allow waivers for parking facility requirements for; parking in the front setback, waivers to interior landscaping, waivers for interior planting area requirements, waivers to requirements for tree planting, waivers to requirements for bumper overhang area landscaping, waivers to requirements for 1-foot candle lighting, waivers for retaining walls over 4' in height and a waiver for 5 parking stalls to the extent necessary in Ward 2, Newton at 697 Washington Street (Section 23 Block 19 Lot 01B), 691 Washington Street (Section 23 Block 19 Lot 01A), 681 Washington Street (Section 23 Block 19 Lot 01) and 2 Court Street (Section 23 Block 19 Lot 23), containing approximately 16,669 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 5.1.8.A.1, 5.1.13, 5.1.9.A, 5.1.9.B, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10.A.1, 5.4.2.B of the City of Newton Rev Zoning Ord, 2015.

***Public Hearing to be assigned for June 5, 2018***

**#290-18      Special Permit Petition to extend non-conforming front setback at 12 Acorn Drive**  
JENIFER AND ROBERT HEINSTEIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to further extend the existing non-conforming front setback by enclosing the front entrance at 12 Acorn Drive, Ward 4, Auburndale, on land known as Section 44 Block 29 Lot 10, containing approximately 7,610 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 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

***Public Hearing to be assigned for June 5, 2018***

**#291-18      Special Permit Petition to allow detached accessory apartment at 1224 Boylston Street**  
AMY McMAHON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a detached accessory apartment in a 353 sq. ft. existing detached structure at 1224 Boylston Street, Ward 5, Newton Upper Falls, on land known as Section 51 Block 09 Lot 21 containing approximately 12,652 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 to be assigned for June 5, 2018***

**#292-18      Special Permit Petition to exceed FAR at 39 Summit Street**  
VANESSA LIPSCHITZ AND MATTHEW HELMING petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 455 sq. ft. two-story addition, creating an FAR of .58 where .39 exists and .45 is allowed at 39 Summit Street, Ward 1, Newton, on land known as

Section 12 Block 22 Lot 24, containing approximately 5,439 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 7.3.3, 7.4, 3.1.3, 3.1.9 of the City of Newton Rev Zoning Ord, 2015.

***Public Hearing to be assigned for June 12, 2018***

**#293-18** **Petition to allow restaurant with more than 50 seats at 342-344 Watertown Street**  
ARTUR ANDRONIC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a restaurant with greater than 50 seats, a waiver for 12 parking stalls and allow the re-use of an existing non-conforming sign at 342-344 Watertown Street, Ward 1, Newton, on land known as Section 14 Block 12 Lot 21 containing approximately 8,364 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 4.4.1, 6.4.29.C.1, 5.1.4, 5.1.13, 5.2, 5.2.13 of the City of Newton Rev Zoning Ord, 2015.

***Public Hearing to be assigned for June 12, 2018***

**#294-18** **Special Permit Petition to allow development at 1314 Washington and 31, 33 Davis St. HQ, LLC** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a three-story addition in the BU1 district to be used for mixed uses, to allow a building in excess of 20,000 sq. ft., to extend the existing non-conforming structure with regard to height, to extend the existing non-conforming structure with regard to side setback, to allow a restaurant with more than 50 seats, to waive the requirement of using the A-B+C parking formula, to allow a reduction in the overall parking required by 1/3, to waive 27 parking stalls, to allow parking in the front and side setback, to allow reduced parking stall dimensions, to waive end stall maneuvering space requirements, to allow reduced aisle width, to waive perimeter screening requirements, to waive interior landscaping requirements, to waive requirements for interior planting area, tree planting, and bumper overhang area landscaping, to waive lighting requirements, to waive off-street loading facility requirements in Ward 3, West Newton, at 1314 Washington Street, 31 Davis Street and 33 Davis Street (Section 33 Block 10 Lots 01, 11, 12), containing approximately 30,031 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 7.8.2.C.1, 7.8.2.C.2, 4.4.1, 6.4.29.C.1, 5.1.3.B, 5.1.13, 5.1.4, 5.1.4.C, 5.1.8.A.1, 5.1.8.A.2, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.C.1, 5.1.8.C.2, 5.1.9.A, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10.A.1, 5.1.12 of the City of Newton Rev Zoning Ord, 2015.

**Other Communications**

**#295-18** **Submission of Plan of Land-236 Harvard Circle**  
LEV ROMM, 236 HARVARD CIRCLE TRUSTEE, 100 Belevidere Street, Apartment 11 C, Boston, submitting to the Planning Board Acting as Board of Survey for endorsement that approval under the subdivision control law is not required, a plan entitled "Plan of Land Newton, Massachusetts at #236 Harvard Circle, prepared by VTP Associates, Inc.

- #296-18**      **Submission of Plan of Land-776 Beacon Street**  
EVERETT BROOKS CO. ON BEHALF OF GATEWAY PLAZA LTD PARTNERSHIP, 1234 Boylston Street, Chestnut Hill, submitting to the Planning Board Acting as Board of Survey for endorsement that approval under the subdivision control law is not required, a plan entitled "Plan of Land in Newton, Massachusetts, 776 Beacon Street, prepared by Everett Brooks Co., dated April 26, 2018.
- #297-18**      **Boston College filing for Administrative Site Plan Review**  
BOSTON COLLEGE filing application for Administrative Site Plan Review to construct an addition to the Service Building/Central Heating Plant facility on Boston College's Middle Campus.
- #298-18**      **NHA Comprehensive Permit for 83-127 and 106-128 John F. Kennedy Circle**  
NEWTON HOUSING AUTHORITY, petitioning for a Comprehensive Permit to authorize the applicant or a transferee authorized under 760 CMR 56.05 (12)(b) to construct 55 apartment style rental units on a portion of the land owned by the Applicant and located at 83-127 and 106-128 John F. Kennedy Circle.

**Referred to Zoning & Planning Committee**

- #299-18**      **Appointment of Kelley Brown to the Planning & Development Board**  
HER HONOR THE MAYOR appointing KELLEY BROWN, 457 Waltham Street, West Newton, as a full member of the PLANNING & DEVELOPMENT BOARD for a term to expire February 1, 2019.
- #300-18**      **Appointment of Sudha Maheshwari to the Planning & Development Board**  
HER HONOR THE MAYOR appointing SUDHA MAHESHWARI, 118 Lowell Avenue, West Newton, as a full member of the PLANNING & DEVELOPMENT BOARD for a term to expire February 1, 2022.
- #301-18**      **Appointment of Kevin McCormack to the Planning & Development Board**  
HER HONOR THE MAYOR appointing KEVIN MCCORMACK, 52 Madison Avenue, Newtonville, as an alternate member of the PLANNING & DEVELOPMENT BOARD for a term to expire February 1, 2022.
- #302-18**      **Appointment of James Robertson to the Planning & Development Board**  
HER HONOR THE MAYOR appointing JAMES ROBERTSON, 158 Newtonville Avenue, Newtonville, as an alternate member of the PLANNING & DEVELOPMENT BOARD for a term to expire February 1, 2023.

- #303-18**      **Appointment of Debora Jackson to the Economic Development Commission**  
HER HONOR THE MAYOR appointing DEBORA JACKSON, 4 Pine Meadow Drive, Auburndale, to the ECONOMIC DEVELOPMENT COMMISSION for a term to expire May 14, 2021.
- #304-18**      **Appointment of Sarah Rahman to the Economic Development Commission**  
HER HONOR THE MAYOR appointing SARAH RAHMAN, 33 Staniford Street, Newton, as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire May 14, 2021.
- #305-18**      **Appointment of Beth Nicklas to the Economic Development Commission**  
HER HONOR THE MAYOR appointing BETH NICKLAS, 100 Algonquin Road, Chestnut Hill, as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire May 14, 2021.
- #306-18**      **Appointment of Matt Segneri to the Economic Development Commission**  
HER HONOR THE MAYOR appointing MATT SEGNERI, 45 Cedar Street, Newton Centre, as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire May 14, 2021.
- #307-18**      **Re-appointment of Charles Tanowitz to the Economic Development Commission**  
HER HONOR THE MAYOR re-appointing CHARLES TANOWITZ, 51 Harding Street, West, Newton, as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire May 14, 2021.
- #308-18**      **Re-appointment of Jeremy Freid to the Economic Development Commission**  
HER HONOR THE MAYOR re-appointing JEREMY FREID, 35 Cotton Street, Newton, as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire May 14, 2021.
- #309-18**      **Re-appointment of Peter Doeringer to the Planning & Development Board**  
HER HONOR THE MAYOR re-appointing PETER DOERINGER, 35 Pulsifer Street, Newtonville, as a full member of the PLANNING & DEVELOPMENT BOARD for a term to expire February 1, 2023.
- #310-18**      **Discussion relative to short-term rentals**  
COUNCILORS LAPPIN, COTE, LIPOF, ALBRIGHT, BAKER, DOWNS, KRINTZMAN, AUCHINCLOSS, MARKIEWICZ, CROSSLEY, BROUSAL-GLASER AND LEARY requesting discussion with Inspectional Services, Planning and Law Departments regarding regulations, licensing and taxes for residential owners who host short-term rentals.

**#311-18 Discussion relative to outstanding ordinance violations**

ZONING & PLANNING COMMITTEE requesting that the Commissioner of Inspectional Services document and analyze any outstanding zoning or other ordinance violations under the purview of the department. This would include an inventory of all violations; aging of each; the process to clear the backlog; and a needs assessment for additional staff, if necessary, in order to do so. In addition, the Commissioner will update the Committee every 6 months on the progress of clearing the backlog and addressing new violations. There should also be a policy discussion on the priority of inspections considering the limited resources in the department, as well as other tools that might be adopted for enforcement.

**Referred to Programs & Services Committee*****Public Hearing to be assigned for June 6, 2018:***

**#312-18 Citizens Petition requesting ballot question on recreational marijuana establishments**  
SUZANNE BENDER ET ALS., submitting a group petition pursuant to Section 10-2 of the City of Newton Charter, requesting that the City Council place a question on the November 6, 2018 ballot as to whether the City of Newton will adopt the following ordinance:

*“Operation of recreational (non-medical) marijuana establishments as defined in M.G.L. Chapter 94G is prohibited in Newton, provided that a marijuana establishment that was licensed and approved to operate as a Medical Marijuana Treatment Center (Registered Marijuana Dispensary) in the City of Newton prior to July 1, 2017 may, if otherwise allowed by zoning, (a) cultivate non-medical marijuana; (b) manufacture and/or produce non-medical marijuana related products; (c) test non-medical marijuana and the products derived therefrom; (d) engage in wholesale distribution of non-medical marijuana and non-medical marijuana products, but not to include retail sales thereof in the City of Newton.”*

**#313-18 Appointment of Bharat Bhushan as Library Trustee**

HER HONOR THE MAYOR appointing BHARAT BHUSHAN, 2 Terrace Avenue, Newton Highlands, as a Trustee of the NEWTON LIBRARY for a term to expire June 30, 2023.

**#314-18 Appointment of Chris Kirby as Library Trustee**

HER HONOR THE MAYOR appointing CHRIS KIRBY, 60 Kenilworth Street, Newton, as a Trustee of the NEWTON LIBRARY for a term to expire June 30, 2023.

**#315-18 Appointment of Tamika Olszewski to the Human Rights Commission**

HER HONOR THE MAYOR appointing TAMIKA OLSZEWSKI, 341 Lexington Street, Auburndale, as a member of the HUMAN RIGHTS COMMISSION for a term to expire May 15, 2021.

- #316-18 Appointment of Elizabeth Ingraham to the Human Rights Commission**  
HER HONOR THE MAYOR appointing ELIZABETH INGRAHAM, 187 Woodward Street, Waban, as a member of the HUMAN RIGHTS COMMISSION for a term to expire May 15, 2021.
- #317-18 Appointment of Rabbi Eric Gurvis to the Human Rights Commission**  
HER HONOR THE MAYOR appointing RABBI ERIC GURVIS, 64 Putnam Street, West Newton, as a member of the HUMAN RIGHTS COMMISSION for a term to expire May 15, 2021.
- #318-18 Appointment of David Kuppenheimer to the Human Rights Commission**  
HER HONOR THE MAYOR appointing DAVID KUPPENHEIMER, 12 Sylvester Road, West Newton, as a member of the HUMAN RIGHTS COMMISSION for a term to expire May 15, 2021.
- #319-18 Appointment of Michelle Freshman to the Health & Human Services Advisory Council**  
HER HONOR THE MAYOR appointing MICHELLE FRESHMAN, 39 Gray Cliff Road, Newton Centre, as a member of the HEALTH & HUMAN SERVICES ADVISORY COUNCIL for a term to expire January 31, 2021.
- #320-18 Re-appointment of Bryan Barash to the Human Rights Commission**  
HER HONOR THE MAYOR re-appointing BRYAN BARASH, 161 Lowell Avenue, Newtonville, as a member of the HUMAN RIGHTS COMMISSION for a term to expire May 15, 2021.
- #321-18 Re-appointment of Kerwin Derrick to the Human Rights Commission**  
HER HONOR THE MAYOR re-appointing KERWIN DERRICK, 107 Spiers Street, Newton Centre, as a member of the HUMAN RIGHTS COMMISSION for a term to expire May 15, 2021.
- Referred to Finance and Programs & Services Committees**
- #322-18 Home Rule Legislation to modify the 41A tax deferral program for seniors**  
HER HONOR THE MAYOR seeking Home Rule Legislation allowing the City to modify the local cl. 41A tax deferral program for seniors by increasing the income limit for qualifying and participating property owners.

**Referred to Public Facilities Committee**

- #323-18 President Laredo's reappointment of Peter Barrer to the Design Review Committee**  
Peter Barrer, 24 Hazelton Road, Newton Centre, reappointed as a member of the DESIGN REVIEW COMMITTEE for a term to expire December 31, 2021.

**#324-18 President Laredo's appointment of Robert Hnasko to the Design Review Committee**  
Robert Hnasko, 49 Miller Road, Newton Centre, appointed as a member of the DESIGN REVIEW COMMITTEE for a term to expire December 31, 2021.

**#325-18 President Laredo's appointment of Amy MacKrell to the Designer Selection Committee**  
Amy MacKrell, 12 Dexter Road, Newtonville, appointed as a member of the DESIGNER SELECTION COMMITTEE for a term to expire December 31, 2021.

**Referred to Finance Committee**

**#326-18 Acceptance of Mass Housing Grant for \$85,000**  
HER HONOR THE MAYOR requesting authorization to accept and expend the Commonwealth of Massachusetts Mass Housing Grant in the amount of eighty-five thousand dollars (\$85,000) for purpose of funding work with an expert fiscal impact team to analyze financial impacts from various building scenarios along Washington and Needham Streets, Riverside, as well as an examination of the proposed new Zoning Ordinance.

**#327-18 Transfer of \$20,000 for vehicle maintenance for ISD vehicles**  
HER HONOR THE MAYOR requesting authorization to transfer the sum of twenty thousand dollars (\$20,000) from Inspectional Services Full-time Salaries to Inspectional Services Vehicle Maintenance to fund the costs of repairs to Inspectional Services Department vehicles.

**#328-18 Transfer of \$348,000 to fund an agreement with the Teamsters Union**  
HER HONOR THE MAYOR requesting authorization to transfer the sum of three hundred forty-eight thousand dollars (\$348,000) from Current Year Reserve Accounts to various department budgets in order to fund the cost items set forth in the one-year contract agreement with the Teamster Union.

**Referred to Programs & Services and Finance Committees**

**#329-18 Transfer of \$75,000 for the installation of a PA system at the Library**  
HER HONOR THE MAYOR requesting authorization to transfer the sum of seventy-five thousand dollars (\$75,000) from the Main Library Full-time Salaries Account to the Main Library Building Improvements Account for the purpose of installing a public address system.

**Referred to Programs & Services and Finance Committees**

**#330-18 Appropriate \$100,000 to repair fences**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend one hundred thousand dollars (\$100,000) from Free Cash for the purpose of funding the repair of fences damaged in winter storms over the past few years at several locations throughout the City under the direction of the Commissioner of Parks and Recreation.



**Referred to Public Safety & Transportation and Finance Committees**

#331-18

**Appropriate \$121,770 to replace Self Contained Breathing Apparatus**

HER HONOR THE MAYOR requesting authorization to appropriate and expend one hundred twenty-one thousand seven hundred seventy dollars (\$121,770) from Free Cash for the purpose of replacing 120 bottles (50% of the Fire Department's inventory) for the Self Contained Breathing Apparatus.

**Referred to Public Safety & Transportation and Finance Committees**

#332-18

**Appropriate \$33,739 for extractor and gear dryer for two fire stations**

HER HONOR THE MAYOR requesting authorization to appropriate and expend thirty-three thousand seven hundred thirty-nine dollars (\$33,739) from Free Cash to purchase an extractor and gear dryer for both Station 1 (Newton Corner) and Station 2 (Commonwealth Avenue).

**Referred to Public Facilities and Finance Committees**

#333-18

**Transfer of \$120,000 to purchase four vehicles**

HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred twenty thousand dollars (\$120,000) from Budget Reserve to the Public Works Vehicle Maintenance-Vehicles Account to replace three vehicles in the Inspectional Services Department and one vehicle for the Inspector of Weights & Measures.

**Referred to Public Facilities and Finance Committees**

#334-18

**Appropriate \$75,000 to replace the Eliot Street generator**

HER HONOR THE MAYOR requesting authorization to appropriate and expend seventy-five thousand dollars (\$75,000) from Free Cash to fund the replacement of the Eliot Street generator and related electric service upgrade.

**Referred to Public Facilities and Finance Committees**

#335-18

**Transfer of \$100,000 for building improvements**

HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thousand dollars (\$100,000) from the Human Resources Full-time Salaries Account to the Public Buildings Repairs & Maintenance Account for the purpose of funding assorted year end building improvements.

**Referred to Public Facilities and Finance Committees**

#336-18

**Transfer of \$150,000 to address storm water issues at the Franklin School**

HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred fifty thousand dollars (\$150,000) from the Stormwater Current Year Budget Reserve to a capital project account for the purpose of funding repair of the storm water retention system at the Franklin Elementary School.

**Referred to Public Facilities and Finance Committees**

**#337-18**

**Appropriate 400,000 to fund the MWRA Lead Pipe Replacement loan payment**

HER HONOR THE MAYOR requesting authorization to appropriate and expend four hundred thousand dollars (\$400,000) from the Water Fund Surplus - Available for Appropriation Account for the purpose of making the FY 18 MWRA Lead Pipe Replacement Program loan payment.