



City Council Docket

Continued

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Monday, August 13, 2018

7:45 PM, Newton City Hall

To be reported on

Wednesday, September 5, 2018

City of Newton

In City Council to be Accepted and Referred to Committees

Referred to Land Use Committee

- #411-18** **Appointment of Bonnie Rosenberg to the Newton-Wellesley Neighborhood Council**
PRESIDENT LAREDO appointing BONNIE ROSENBERG, 192 Dorset Road, Waban, as a member of the Newton Wellesley Hospital Neighborhood Council for a term to expire on December 31, 2019.
- #412-18** **Appointment of Denise Flanagan to the Sunrise Construction Liaison Committee**
PRESIDENT LAREDO appointing DENISE FLANAGAN, 5 Hovey Street, Newton as an immediate abutter representative to the Sunrise Construction Liaison Committee.
- #413-18** **Appointment of Joseph Cocozella to the Sunrise Construction Liaison Committee**
PRESIDENT LAREDO appointing JOSEPH COCOZELLA, 18 Hovey Street, Newton as an immediate abutter representative to the Sunrise Construction Liaison Committee.
- #414-18** **Appointment of Wendy Plesniak to the Sunrise Construction Liaison Committee**
PRESIDENT LAREDO appointing WENDY PLESNIAK, 38 Waban Street, Newton as the Waban Street representative to the Sunrise Construction Liaison Committee.
- #415-18** **Appointment of Peter Kronberg to the Sunrise Construction Liaison Committee**
PRESIDENT LAREDO appointing PETER KRONBERG, 86 Jewett Street, Newton as the Jewett Street representative to the Sunrise Construction Liaison Committee.
- #416-18** **Appointment of Jean MacKinnon to the Sunrise Construction Liaison Committee**
PRESIDENT LAREDO appointing JEAN MACKINNON, 12 Hovey Street, Newton as the Hovey Street representative to the Sunrise Construction Liaison Committee.

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.*

- #417-18** **Appointment of Amy Parcho to the Sunrise Construction Liaison Committee**
PRESIDENT LAREDO appointing AMY PARCHO, 437 Washington Street, Newton as the Washington Street representative to the Sunrise Construction Liaison Committee.
- #418-18** **Appointment of David Koses to the Sunrise Construction Liaison Committee**
PRESIDENT LAREDO appointing DAVID KOSES, 15 Avon Place, Newton as the Avon Place representative to the Sunrise Construction Liaison Committee.
- #419-18** **Special Permit Petition to allow Extension of Time for RMD at 24-26 Elliot Street**
CYPRESS TREE MANAGEMENT, INC petition for an request for an EXTENSION OF TIME for the City Council to ACT until October 20, 2018 on Special Permit Petition #288-18 to allow a registered medical marijuana dispensary 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, 2017.

Public Hearing to be assigned for September 20, 2018

- #420-18** **Petition to allow multi-family dwellings at 424-432 Cherry Street**
DENNIS CAMERON/CRM MANAGEMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert an existing single-family dwelling to a three-story, six residential unit building with ground floor units, to construct a second three-story, three residential unit building with ground floor units, to allow a reduction in the parking requirements to 1.25 per dwelling unit, to allow parking within 5' of a building with residential units, to allow a reduction in the minimum stall width, to waive perimeter landscape screening requirements and to waive lighting requirements in Ward 3, West Newton, at 424-432 Cherry Street, Section 33 Block 11 Lot 2, containing approximately 14,204 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.4.1, 4.1.2.B.3, 4.1.3, 5.1.4.A, 5.1.13, 5.1.8.A.2, 5.1.8.B.1, 5.1.9.A, 5.1.10.A of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be assigned for September 20, 2018

- #421-18** **Special Permit to amend Special Permit for Kessler Woods**
KESSELER WOODS, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #102-06(15) at Kessler Woods to allow off-site relocation of the inclusionary zoning units as well as 24 additional units at 219 Commonwealth Avenue (Section 63 Block 08 Lot 19), containing approximately 10,347 sq. ft. of land in a district zoned MULTI RESIDENCE 1 from the approved site at 200 Estate Drive, Ward 8, on land known as Section 82 Block 37 Lot 95, containing approximately 640,847 sq. ft. of land in a district zoned MULTI RESIDENCE 3. Ref: 7.3, 7.4, 5.11.4, 5.11.6, 7.8.2.C of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be assigned for September 20, 2018

#422-18 **Petition to amend Special Permits to allow salon use at 148 California Street**
UNITED PROPERTIES GROUP petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Orders #162-88, #199-99(2), and #175-12 to change the existing non-conforming restaurant use to allow a non-conforming salon use in Ward 1, Newton, at 148 California Street/171 Watertown Street, Section 11 Block 12 Lot 11, containing approximately 523,642 sq. ft. of land in a district zoned MANUFACTURING. Ref: Sec. 7.3.3, 7.4, 4.4.1, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be assigned for September 25, 2018

#423-18 **Petition to allow parking in the setback and within 5' of the street at 27 Albion St**
ROBERT AND CRISTINA DeMENTO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow reconfiguration of an existing tandem driveway to allow two side-by-side stalls within 5' of a setback and within 5' of the street on the corner lot at Ward 6, Newton Centre, at 27 Albion Street on land known as Section 62 Block 04 Lot 27, containing approximately 3,377 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 5.1.7.A, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be assigned for September 25, 2018

#424-18 **Petition to amend Special Permit Council Order #114-17 at 300 Boylston Street**
ATRIUM WELLNESS CENTER II, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #114-17 by amending the Comprehensive Sign package to allow waivers to number, size, location and height of signs to the extent required in Ward 7, Chestnut Hill, at 300 Boylston Street, on land known as Section 82 Block 02 Lot 01, containing approximately 125,771 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be assigned for September 25, 2018

#425-18 **Request to Rezone three parcels for Northland Development**
NEEDHAM STREET ASSOCIATES, NORTHLAND TOWER ROAD INVESTORS, NORTHLAND OAK STREET, LLC petition for a change of zone to BUSINESS USE 4 for land located at 156 Oak Street (Section 51 Block 28 Lot 5A), 275-281 Needham Street (Section 51, Block 28, Lot 6) and 55 Tower Road (Section 51 Block 28 Lot 5), currently zoned MU1.

Public Hearing to be assigned for September 25, 2018

#426-18 **Special Permit to allow mixed use development**
NEEDHAM STREET ASSOCIATES, NORTHLAND TOWER ROAD INVESTORS, LLC, NORTHLAND OAK STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a mixed-use development greater than 20,000 sq. ft. with building heights of up to 96' consisting of 822 residential units, with ground floor residential units, with restaurants with more than 50 seats, for-profit schools and educational uses, stand-alone ATMs drive-in businesses, open air businesses, hotels, accessory multi-level parking facilities, non-accessory single-level parking facilities, non-accessory multi-level

parking facilities, places of amusement, radio or TV broadcasting studios, and lab and research facilities, to allow a waiver of 1,600 parking stalls, to allow a reduction in the overall parking requirement to not less than 1900 stalls, to waive dimensional requirements for parking stalls, to waive end stall maneuvering requirements, to allow driveway entrances and exits in excess of 25', to waive perimeter landscaping requirements, to waive interior landscaping requirements, to waive lighting requirements for parking lots, to waive general lighting, surfacing and maintenance requirements, to waive off-street loading facilities requirements, to waive sign requirements relative to number, size, location or design, to waive the number of signs allowed at 156 Oak Street (Section 51 Block 28 Lot 5A), 275-281 Needham Street (Section 51, Block 28, Lot 6) and 55 Tower Road (Section 51 Block 28 Lot 5), Newton Upper Falls, Ward 5, on 22.6 acres of land in a proposed BU4 district. Ref: Sec. 7.3.3, 7.4, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 7.8.2.C, 5.4.2, 4.4.1, 5.1.4, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.D.2, 5.1.9.A, 5.1.9.B, 5.1.10.A.1, 5.1.10, 5.1.12, 5.1.13, 5.2, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

Other Communications

- #427-18** **ZBA Decision #2-18 Newton Housing Authority JFK Circle**
NEWTON HOUSING AUTHORITY petitioning for a comprehensive permit pursuant to MGL c. 40B §20 through 23 to construct fifty-five (55) permanently affordable one-bedroom rental apartments on a portion of land located at 83-127 and 106-128 John F. Kennedy Circle.
- #428-18** **Appeal of a zoning violation at 384 Dudley Road**
IRINA AND ALEXANDER PROKHOROV appealing the zoning violation issued for 384 Dudley Road for the following violation: operation of a commercial business not allowed in a residential district.
- #429-18** **Appeal of a zoning violation at 381 Dudley Road**
IRINA AND ALEXANDER PROKHOROV appealing the zoning violation issued for 381 Dudley Road for the following violation: operation of a commercial business not allowed in a residential district.
- #430-18** **Approval of subdivision definitive plan for private way off Farwell Street**
STEPHEN VONA, Turtle Lane LLC, petitioning for approval by the Planning Board Acting as Board of Survey of a definitive plan of land as detailed on plans entitled "Definitive Plan of Land, Proposed Private Way off Farwell Street, Showing Proposed Conditions at #56 Farwell Street, Newton, Massachusetts" prepared by VTP Associates and dated August 18, 2017 and final revised July 2, 2018.

Referred to Zoning & Planning Committee

- #431-18** **Ordinance amendment to extend the jurisdiction of the Historic District Commissions**
RECODIFICATION COMMITTEE proposing an ordinance amendment to Chapter 22, Section 40 to extend the jurisdiction of the historic districts to include terraces, walks, and public sidewalks.
- #432-18** **Ordinance amendment to extend the jurisdiction of the Historic District Commissions**
RECODIFICATION COMMITTEE proposing an ordinance amendment to Chapter 22, Section 40 to extend the jurisdiction of the historic districts to include reflective glazes on storm windows.
- #433-18** **Discussion regarding landmark preservation**
COUNCILOR ALBRIGHT requesting a discussion regarding landmark preservation that includes definitions, eligibility for designation, process for designation and determination, implications once a site is landmarked, and the process for making alterations to a landmarked site.
- #434-18** **Re-appointment of Lucille Chansky to the Commission on Disability**
HER HONOR THE MAYOR re-appointing LUCILLE CHANSKY, 259 Jackson Street, Newton Centre as a member of the COMMISSION ON DISABILITY for a term to expire July 31, 2021. (60 days: 10/12/18)
- #435-18** **Re-appointment of Rosemary Larking to the Commission on Disability**
HER HONOR THE MAYOR re-appointing ROSEMARY LARKING, 1600 Washington Street, Apartment 117, West Newton as a member of the COMMISSION ON DISABILITY for a term to expire July 31, 2021. (60 days: 10/12/18)
- #436-18** **Re-appointment of Barbara Lischinsky to the Commission on Disability**
HER HONOR THE MAYOR re-appointing BARBARA LISCHINSKY, 1942 Washington Street, #142, Auburndale, as a member of the COMMISSION ON DISABILITY for a term to expire July 31, 2021. (60 days: 10/12/18)
- #437-18** **Appointment of Lakshmi Kadambi to the Commission on Disability**
HER HONOR THE MAYOR appointing LAKSHMI KADAMBI, 55 Staniford Street, Auburndale as a member of the COMMISSION ON DISABILITY for a term to expire September 30, 2021. (60 days: 10/12/18)

Referred to Programs & Services Committee

- #438-18 Reappointment of Ouida Young as acting City Solicitor**
HER HONOR THE MAYOR re-appointing Ouida C.M. Young as acting City Solicitor effective July 3, 2018 until a permanent replacement is hired or until November 5, 2018 when the temporary appointment may be extended with City Council approval, pursuant to section 3-6 of the City Charter.
- #439-18 Appointment of Alice Kelly to the Biosafety Committee**
PRESIDENT LAREDO appointing ALICE KELLY, 98 Fairway Drive, West Newton as a member of the BIOSAFETY COMMITTEE for a term to expire July 31, 2021.
- #440-18 Rules Amendment to require final review of proposed ordinances by Law Department RECODIFICATION COMMITTEE** proposing that the Rules and Orders of the City Council be amended to require a Law Department review of ordinance amendments before the City Council takes final action on the amendment.
- #441-18 Set the date of November 6, 2018 for a Special Municipal Election**
CITY CLERK requesting the City Council set the date of November 6, 2018 as the date for a Special Municipal Election to submit to the voters question(s) related to limiting retail marijuana in Newton.

Referred to Public Safety & Transportation Committee

- #442-18 Appeal of Traffic Council Decision on Waltham Street**
DONNA LUCENTE, 85 Waltham Street, West Newton appealing the approval of Traffic Council Petition #TC33-18 on June 14, 2018 for a parking restriction along sections of Waltham Street (Crafts Street to the Waltham City Line).
- #443-18 Appeal of Traffic Council Decision on Manitoba Road**
CHRISTOPHER GREENWALD, 14 Manitoba Road, Waban appealing the approval of Traffic Council petition TC23-18 on June 14, 2018 prohibiting a right turn on red at Manitoba Road, northbound at Beacon Street between the hours of 8:00 a.m. to 9:00 a.m., 12:00 p.m. to 1:00 p.m., 2:30 p.m. to 3:30 p.m., school days.
- #444-18 Requesting seven (7) new bus licenses for "MASCO"**
PAUL REVERE TRANSPORTATION LLC., requesting **seven (7) new bus licenses** for Medical Academic and Scientific Community Organization, Inc., ("MASCO").
- #445-18 Discussion on Lime Bikes**
COUNCILORS BROUSAL-GLASER AND SCIBELLI GREENBERG, requesting a discussion with the Director of Transportation Planning about the rollout of Lime Bikes in the City of Newton.

- #446-18** **Discussion on safety standards for maintenance of gas lines**
COUNCILORS KRINTZMAN AND AUCHINCLOSS requesting a discussion on how National Grid is adhering to safety standards for maintenance of gas line during its lockout of the steelworkers union.

Referred to Public Facilities Committee

- #447-18** **Appointment of Carol Schein to the Design Review Committee**
PRESIDENT LAREDO appointing CAROL SCHEIN, 82 Garland Road, Newton Centre, to the DESIGN REVIEW COMMITTEE for a term to expire December 31, 2019.

- #448-18** **Appointment of Tamar Warburg to the Designer Selection Committee**
PRESIDENT LAREDO appointing TAMAR WARBURG, 102 Herrick Road, Newton Centre, to the DESIGNER SELECTION COMMITTEE for a term to expire December 31, 2019.

Public hearing to be assigned for September 5, 2018:

- #449-18** **Verizon petition for a grant of location for conduit in Moulton Street**
VERIZON NEW ENGLAND, INC. petitioning for a grant of location to install 225' ± 2" conduit in Moulton Street from existing Handhole #HH3 located on the easterly side of Moulton Street northerly to existing Handhole #HH4 located on private property on the northerly side of Moulton Street.

- #450-18** **Abandonment of a drain and sewer easement in Bailey Place**
HIS HONOR THE MAYOR requesting in accordance with Massachusetts General Law Ch. 40, Sec. 15 that the City Council approve the abandonment of the City drain and sewer easement in Bailey Place.

Referred to Finance Committee

- #451-18** **Transfer of \$33,750 from Youth Services Grants to Youth Services Stipends**
HER HONOR THE MAYOR requesting authorization to transfer the sum of thirty-three thousand seven hundred fifty dollars (\$33,750) from the Youth Services Grants Account to Youth Services Stipends Account for the purpose of reflecting the stipends in the City's payroll system.

- #452-18** **Acceptance of a grant from the Department of Environmental Protection**
HER HONOR THE MAYOR requesting authorization to accept and expend the MassDEP Recycling IQ Grant in the amount of forty thousand dollars (\$40,000) awarded by the Massachusetts Department of Environmental Protection to be used to address recycling contamination.

- #453-18** **Acceptance of a grant from the Department of Energy Resources**
HER HONOR THE MAYOR requesting authorization to accept and expend the Green Communities Competitive Grant in the amount of two hundred forty-eight thousand seven hundred thirty-four dollars (\$248,734) awarded by the Department of Energy Resources Green Communities Division for a number of energy related projects.

Referred to Land Use and Finance Committees

- #454-18** **Appropriate \$3 million in CPA Funds for an affordable rental development**
COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of three million dollars (\$3,000,000) from the Community Preservation Fund to the Planning & Development Department for a grant to the Newton Housing Authority to create Haywood House, a permanently affordable rental development consisting of 55 one-bedroom units for seniors in a new building to be located on John F. Kennedy Circle, as described in the proposals submitted to the Community Preservation Committee in January and June 2018.

Referred to Programs & Services and Finance Committees

- #455-18** **Ordinance amendments to the Plastic Bag Reduction Ordinance**
COUNCILORS LEARY, BROUSAL-GLASER, AUCHINCLOSS, AND NORTON proposing ordinance amendments to Chapter 12, Section 71 by revising the definition of “reusable bag”, revising the definition for retailers to include establishments of less than 3,500 sq. ft., and adding a 10 cent fee for paper bags provided by the retailer.

Referred to Public Facilities and Finance Committees

- #456-18** **Authorization for the MWRA grant/loan program**
HER HONOR THE MAYOR requesting authorization to accept and expend a grant of three million four hundred thirty-five thousand dollars (\$3,435,000) from the Massachusetts Water Resources Authority (MWRA) and authorization to borrow one million one hundred forty-five thousand dollars (1,145,000) as part of the MWRA interest free loan/grant program for the purpose of funding sewer improvements.

Referred to Public Facilities and Finance Committees

- #457-18** **Appropriate \$232,000 for a new street sweeper**
HER HONOR THE MAYOR requesting authorization to appropriate two hundred thirty-two thousand dollars (\$232,000) from bonded indebtedness to fund the purchase of a new 2018 Elgin Pelican Street Sweeper.

Referred to Public Facilities and Finance Committees

- #458-18** **Appropriate \$149,000 for a new backhoe**
HER HONOR THE MAYOR requesting authorization to appropriate one hundred forty-nine thousand dollars (\$149,000) from bonded indebtedness to fund the purchase of a new 590S Backhoe for the Public Works Department.

Referred to Public Facilities and Finance Committees

#459-18

Appropriate \$2,200,000 for I/I Improvements in Project Area 6

HER HONOR THE MAYOR requesting authorization to appropriate two million two hundred thousand dollars (\$2,200,000) from bonded indebtedness to fund the construction of the Sewer System Inflow and Infiltration Capital Improvement Program Project Number 6 located in the areas of Newton Centre, Newtonville, Nonantum, and Chestnut Hill.

#460-18

Acceptance of a grant from the Executive Office for Energy and Environmental Affairs

HER HONOR THE MAYOR requesting authorization to accept and expend the State Executive Office for Energy and Environmental Affairs in the amount of forty-eight thousand dollars (\$48,000) for the purpose of climate resiliency and action planning services to be provided by the Metropolitan Area Planning Council.