



## City Council Actions

### In City Council

Wednesday, September 5, 2018

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

**Absent:** Councilor Ciccone

**The City Council discussed the following items on second call:**

**The first five items were placed on Second Call to vote to accept them to the Docket and refer them to Committee.**

#### Referred to Programs & Services Committee

**#468-18**

**Remove ballot question to limit the number of recreational marijuana establishments**  
COUNCILORS COTE, NORTON and KELLEY requesting that the City Council remove from the November 2018 special election ballot the question as to whether the City of Newton shall limit the number of retail recreational marijuana establishments operating in Newton to no fewer than two and no more than four, which was approved by the City Council on July 9, 2018.

*The subject matter of this item was disposed of during the preceding 12-months. Council Rules, Article I, Section 3. D, requires a majority vote of the Council to be referred to Committee:*

**Referral to Committee Approved 14 yeas, 7 Nays (Councilors Albright, Brousal-Glaser, Crossley, Danberg, Downs, Greenberg, Krintzman), 3 Absent (Councilors Ciccone, Lappin, Lipof)**

#### Referred to Programs & Services Committee

**#469-18**

**Place a question on the ballot to prohibit retail recreational marijuana establishments**  
COUNCILORS BAKER, NORTON, GENTILE, KALIS, COTE, CICCONI, LAREDO, KELLEY, SCHWARTZ AND MARKIEWICZ requesting reconsideration of item #312-18 so that the Council can place a question on the ballot that would prohibit retail recreational marijuana establishments in the City at a November 2018 Special Election.

*The subject matter of this item was disposed of during the preceding 12-months. Council Rules, Article I, Section 3. D, requires a majority vote of the Council to be referred to Committee:*

**Referral to Committee Approved 21 yeas, 3 Absent (Councilors Ciccone, Lappin, Lipof)**

**Referred to Programs & Services Committee**

#470-18

**Ballot question prohibiting recreational marijuana establishments with exceptions**

SUZANNE BENDER ET AL., submitting an initiative petition pursuant to the City of Newton Charter and signed by 10% of the registered voters, 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.”*

**Referral to Committee Approved 21 yeas, 3 Absent (Councilors Ciccone, Lappin, Lipof)**

**Referred to Programs & Services Committee**

#471-18

**Means to determine which marijuana question prevails if both are approved**

PRESIDENT LAREDO requesting discussion and vote on a means to enable Newton voters to determine which of two ballot questions limiting retail marijuana sales will prevail if both appear on the November ballot and both receive a majority vote of the electorate, recognizing that a subsequent implementing ordinance may still be required.

**Referral to Committee Approved 21 yeas, 3 Absent (Councilors Ciccone, Lappin, Lipof)**

**Referred to Programs & Services Committee**

#476-18

**Proposed ballot questions re recreational marijuana retail establishments**

HER HONOR THE MAYOR requesting the three following questions be placed on the ballot for a special election in November:

**Question 1.**

Shall the City adopt the following general ordinance?

All recreational marijuana retail establishments shall be prohibited from operating in the City of Newton.

**Question 2.**

Shall the City adopt the following zoning ordinance?

The number of recreational marijuana retail establishments shall be not fewer than two (2) nor more than four (4) establishments set by a general ordinance adopted by the City Council notwithstanding M.G.L. Chapter 94 G, Sec 3(a)(2)(ii).

**Question 3.**

Shall the City adopt the following zoning ordinance?

The number of recreational marijuana retail establishments shall be not fewer than two (2) nor more than eight (8) establishments set by a general ordinance adopted by the City Council notwithstanding M.G.L. Chapter 94 G, Sec 3(a)(2)(ii).

*This item was filed after the close of the docket and requires a Suspension of the Rules to be referred to Committee.*

**Rules Suspended and Referral to Committee Approved 19 yeas, 2 Nays (Councilors Markiewicz and Noel), 3 Absent (Councilors Ciccone, Lappin, Lipof)**

**Clerk's Note:**

**Referred to Land Use Committee**

**#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.

**Land Use Approved 3-1-3 (Auchincloss Opposed, Kelley, Laredo, Markiewicz abstaining, Lipof Recused) on 08/07/18; Public Hearing Closed June 26**

**Item Chartered by Councilor Schwartz on August 13, 2018**

**Motion to amend to add the following new condition was approved by Voice Vote:**

Add a new Condition #21 and renumber the current Conditions ### 21, 22, and 23 as ### 22, 23, and 24 respectively:

21. In the event that a ballot question prohibiting all recreational marijuana retail establishments from operating in the City of Newton is passed by the voters at the November 6, 2018 special municipal election and the Newton City Council subsequently adopts a general ordinance prohibiting all recreational marijuana retail establishments from operating in the City of Newton, the provisions in this special permit that would authorize the co-location of a recreational marijuana retail establishment at this site and

regulate such operation shall be null and void. The provisions in this special permit that apply to the operation of the RMD shall remain in force.

**Motion to postpone to September 17, 2018 was Approved by Voice Vote**

Clerk's Note:

**The City Council voted without discussion 23 Yeas, 1 Absent (Councilor Ciccone) to Approve the Committee recommendations on the following items:**

**A motion to Suspend the Rules to report the following nine items which were taken up by the Land Use Committee earlier in the evening without a written report was Approved by Voice Vote.**

**Referred to Land Use Committee**

- #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.  
**Land Use Approved 6-0**
- #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.  
**Land Use Approved 6-0**
- #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.  
**Land Use Approved 6-0**
- #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.  
**Land Use Approved 6-0**
- #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.  
**Land Use Approved 6-0**
- #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.  
**Land Use Approved 6-0**

**#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.

**Land Use Approved 6-0**

**#419-18 Extension of Time for #288-18 - RMD at 24-26 Elliot Street**  
CYPRESS TREE MANAGEMENT, INC petition for a 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.

**Land Use Approved 6-0-1 Recused**

**#461-18 Extension of Time for #137-18 – 189-193 Adams Street**  
AGREEMENT TO AN EXTENSION OF TIME in which to ACT on petition #137-18 183-193 ADAMS STREET, LLC request for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a multi-family development in a business district at 183-193 ADAMS STREET and 19 QUIRK COURT, Ward 1, on land known as Section 14 Block 15 Lot 39, Section 14 Block 15 Lot 38 and 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, said extension will run from SEPTEMBER 10 to OCTOBER 16, 2018.

**Land Use Approved 7-0**

A motion to Suspend the Rules to report the following item which was taken up by the Public Facilities Committee earlier in the evening without a written report was Approved by Voice Vote.

**Referred to Public Facilities Committee**

**#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.

**Public Facilities Approved 6-0**

***Public Hearings were assigned for the following items:***

***Public Hearing reassigned for October 2, 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 assigned for October 2, 2018**

**#462-18 Petition to allow Veterinary Hospital in a BU2 district at 858 Walnut Street**

ISAAC MAXMEN/858 WALNUT STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to locate a veterinary hospital in the existing building in the BUSINESS USE 2 district at 858 Walnut Street, Ward 6, on land known as Section 64 Block 5 Lot 04, containing approximately 23,250 sq. ft. of land. Ref: Sec. 7.3.3, 7.4, 4.4.1 of the City of Newton Rev Zoning Ord, 2017.

**Public Hearing assigned for October 2, 2018**

**#463-18 Petition to exceed FAR and extend non-conforming structure at 58 Rochester Road**

PHILIP CHASE AND SUSAN VAUGHN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct side and rear additions to create an attached garage, accessory apartment and additional living space, exceeding FAR and extending the non-conforming 3.5 story structure at 58 Rochester Road, Ward 2, on land known as Section 13 Block 20 Lot 44, containing approximately 16,518 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 1.5.4.B, 1.5.4.C, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

**Public Hearing assigned for October 2, 2018**

**#464-18 Petition to allow nine-unit multi-family dwelling at 39 Herrick Road**

STUART ROTHMAN/HERRICK ROAD REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 36' three-story nine-unit multi-family dwelling with accessory parking for nine cars, to allow multi-family residential use on the ground level in a BU1 district, to allow a reduction to one parking stall per unit, to allow off-site parking facilities, to allow parking in the side setback, to allow a reduced minimum aisle width, to waive perimeter screening requirements and to waive lighting and surfacing requirements at 39 Herrick Road, Ward 6, on land known as Section 61 Block 36 Lot 7, containing approximately 12,979 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, 5.1.4, 5.1.13, 5.1.6.A, 5.1.6.B, 5.1.8.A, 5.1.8.C.2, 5.1.9.A, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.