



## City Council Actions

### In City Council

Monday, October 1, 2018

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

**Absent:** Councilors Ciccone and Lipof

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

**#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; Extension of Time on which to Act from September 24, 2018 to October 19, 2018 approved on 09/24/18**

**Item postponed on September 24, 2018 to a date certain of October 1, 2018**

**Approved 19 Yeas, 2 Nays (Councilors Auchincloss and Gentile), 1 Recused (Councilor Lappin), 2 Absent (Councilors Ciccone and Lipof)**

**Clerk's Note:** The Chair of the Land Use Committee presented the item. He noted there have been concerns regarding traffic and parking. There was an agreement to have a police detail for the first 90 days. A security professional would be on site. The petitioner is committed to creating more parking. Prior to the issuance of a building permit, the petitioner is going to provide \$25,000 for the purchase and installation of a bus shelter on Washington Street. In the event of a ballot question prohibiting all recreational marijuana retail establishments from operating in the City of Newton, the provisions authorizing marijuana use in this Board Order would not go into effect.

It was asked if there are any conditions that are being added to the medical operation that will stay if the ballot question passes or does everything revert to the prior medical Board Order? The Chair of Land Use noted that the text of Condition 21 specifies which conditions would not go into effect which includes 4, 6, 7, 8, 9, 19 and 20. Condition 21 basically says that if the voters vote in favor of the ban and the ban passes, and the City Council passes a subsequent ordinance, that would negate the use of this site for recreational marijuana sales.

It was noted that there have been questions about disruption on the site. In response, there has been testimony that initially things were working quite well, but there have been a few complaints. The term "Appointment only" is a little less restrictive than originally planned. People were allowed to come and ask if an appointment is available. This was precipitated by complaints including a veteran in a wheel chair that didn't make the appointment on time and could not adjust to an on demand appointment. It was felt appropriate to still have an appointment requirement because there is concern by the public regarding how many people would be coming and possibly it could be a large crush of people. The web site will show approximate wait times.

Concern was raised about the parking lot being on Court Street because this street is a primary egress to a residential neighborhood. It was noted that there would also be parking issues with the increase number of people visiting the site.

The Chair of Land Use said that this is a very special case and per Mass General Law the essential requirement is that cities and towns do not unduly prevent a conversion or an expansion of recreational use for marijuana facilities that were licensed before July 1, 2017, so unless there is some glaring inability to manage the conditions and mitigating the potential negative impacts, we cannot be blocking this.

It was asked what assurances the City has that the petitioner will not enlarge the size? Does the Special Permit allow them to do this somewhere else? The Chair of Land Use responded that a new Special Permit would have to be requested. It was also noted that the new zoning ordinance for marijuana requires that it be no larger than 5,000 sq. ft.

**#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.

**Land Use Approved; Public Hearing Closed 07/10/2018; Extension of Time to Act Until 10/20/2018.**

**Approved 20 Yeas, 1 Nay (Councilor Gentile), 1 Recused (Councilor Lappin), 2 Absent (Councilors Ciccone and Lipof)**

**Clerk's Note:** The Chair of the Land Use Committee reported out the item. Medical marijuana is zoned in this area and he noted that traffic was a topic of discussion and conditions were added to the Special Permit to address concerns. At the end of a year, there would be a meeting to determine whether the appointment only basis was still needed. A valet parking service would be available for the first 60 days and then it will be determined if valet parking would be continued. Pedestrian traffic safety concerns will again be reviewed.

**#388-18**

**Review of compensation of elected, management, and non-union salaries**

**COUNCILORS COTE, LEARY, NORTON, BROUSAL-GLASER, AND KALIS** requesting a change to the City of Newton Ordinances to require a formal review of the compensation of elected, management, and non-union salaries every five years.

**Finance Approved as Amended 7-0 (Rice not voting) to send a Resolution requesting formation of a Blue Ribbon Commission to review elected officials compensation**

**Approved 22 Yeas, 2 Absent (Councilors Ciccone and Lipof)**

**Clerk's Note:** The Chair of the Finance Committee reported out the item and noted that the docketers were looking for change, or a new ordinance, that would require that this salary review would happen automatically every five years. The discussion in Committee did involve a possible ordinance change, but the majority of the committee would like to get this kind of review started sooner rather than later so the decision was made to pass a resolution asking that the President set up a blue ribbon commission in order to review the salaries of elected officials. Included would be the Mayor's salary, the City Council, and School Committee. The last study was in 2004 and it was clear that this is the time to take another look at this issue.

The President stated that he would look carefully at what had been done previously. It was noted that

it would have to be completed before the election next year. Currently there are a substantial number of city employees who earn more than the Mayor. The Council's Financial Management Guidelines state that a commission should be convened every 5 to 10 years. The Council is currently past that point. Part of the goal will be to have more clarity concerning with what frequency this should be readdressed so that it falls within the time frame.

**The City Council voted without discussion 22 Yeas, 2 Absent (Councilors Ciccone and Lipof) to Approve the Committee recommendations on the following items:**

**Referred to Land Use Committee**

Thursday, September 20, 2018

- #198-18**      **President's Appointment of Hynrich Wieschhoff to the Kessler Liaison Committee**  
PRESIDENT LAREDO appointing Hynrich Wieschhoff, 140 Vine Street, Chestnut Hill as a member of the Kessler Woods Liaison Committee for a term to expire December 31, 2019.  
**Land Use Voted No Action Necessary 5-0 (Laredo not Voting)**
- #199-18**      **President's Appointment of Barbara Sird to the Kessler Liaison Committee**  
PRESIDENT LAREDO appointing Barbara Sird, 125 Pond Brook Road, Chestnut Hill as a member of the Kessler Woods Liaison Committee for a term to expire December 31, 2019.  
**Land Use Voted No Action Necessary 5-0 (Laredo not Voting)**
- #252-18**      **President's Appointment of Marilyn Wolman to the Kessler Liaison Committee**  
PRESIDENT LAREDO appointing Marilyn Wolman, 47 Rangeley Road, Chestnut Hill/Brookline, as a member of the Kessler Woods Liaison Committee for a term to expire December 31, 2019.  
**Land Use Voted No Action Necessary 5-0 (Laredo not Voting)**
- #358-18**      **Appointment of Karine Alexander to the Boston College Neighborhood Council**  
PRESIDENT LAREDO appointing KARINE ALEXANDER, 107 Monadnock Road, Chestnut Hill, as a member of the BOSTON COLLEGE NEIGHBORHOOD COUNCIL for a term to expire December 31, 2019.  
**Land Use Approved 5-0 (Laredo not Voting)**
- #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.  
**Land Use Approved 5-0 (Laredo not Voting)**

**Referred to Land Use Committee**

Tuesday, September 25, 2018

**#478-18**      **Request for an Extension of Time to Exercise Special Permit #361-16 at 642 Centre St**  
LISA AND JOSH SCHWARZBERG petition for an EXTENSION OF TIME to EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 1,087 sq. ft. two-story addition to the front of house, resulting in an FAR of .49 where .38 exists and .39 is allowed. Said EXTENSION OF TIME to run from December 19, 2017 to December 19, 2018 at 642 Centre Street, Ward 1, Newton, on land known as SBL 72035 0002, containing approximately 9,600 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**Land Use Approved 8-0**

**#68-18**      **Petition to allow for profit educational use at 227 Washington Street**  
EUI CHOI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit learning center in the existing day care at 227 Washington Street, Ward 1, Newton, on land known as Section 71, Block 07, Lot 01, containing approximately 5,553 sq. ft. of land in a district zoned BUSINESS 2. Ref: 7.3.3, 7.4, 4.4.1 of the City of Newton Rev Zoning Ord, 2015.

**Land Use Approved Withdrawal without Prejudice 8-0**

**Referred to Finance Committee**

Monday, September 24, 2018

**#493-18**      **Authorization to enter into a 5-year contract for meter currency processing services**  
HER HONOR THE MAYOR requesting authorization to enter into a five-year contract for parking meter currency processing services.

**Finance Approved 7-0 (Rice not voting)**

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

**Public Hearing assigned for November 8, 2018**

**#496-18**      **Petition to amend Special permit #19-15 to allow veterinary hospital on Needham St**  
VETERINARY EMERGENCY GROUP/WELLFORD CORP./NEWTON TECHNOLOGY PARK LLC./CROSSPOINT ASSOCIATES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #19-15 to locate a veterinary hospital in an existing Newton Nexus building at 131-181 Needham Street, Ward 5, on land known as Section 51 Block 28 Lots 10, 11, 12, 13, 14, and 15, containing approximately 11 acres of land in a district zoned MULTI USE 1. Ref: Sec. 7.3.3, 7.4, 4.4.1 of the City of Newton Rev Zoning Ord, 2017.

**Public Hearing assigned for November 8, 2018**

**#497-18 Petition to allow single-family attached dwellings at 10 Pillion Court**

MICHAEL MOSKOWITZ/TEN PILLION, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an attached dwelling unit to the existing single-family structure, reduce lot area, frontage and lot coverage requirements, to reduce front and side setback requirements and to allow a driveway along the side lot line, requiring an amendment to Variance #99442 at 10 Pillion Court, Ward 2, on land known as Section 22 Block 7 Lot 46, containing approximately 10,559 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2, of the City of Newton Rev Zoning Ord, 2017.

**The City Council voted without discussion 21 Yeas, 1 Recused (Councilor Auchincloss), 2 Absent (Councilors Ciccone and Lipof) to Approve the Committee recommendation on the following item:**

**Referred to Land Use Committee**

**#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.

**Land Use Approved 7-0 (Auchincloss Recused)**