



City Council Actions

In City Council

Monday, October 15, 2018

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

The City Council discussed the following items on second call:

Referred to Land Use Committee

#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.

Land Use Approved Subject to Second Call 6-0-1 (Schwartz abstaining); Public Hearing Closed 10/02/2018

Approved 24 years

Clerk's Note: The Chair of the Land Use Committee reported on the item and noted that it was approved subject to second call because the Committee wanted a condition written into the Special Permit to require the buffer of trees and vegetation at the rear of the property to remain. That condition was added to the draft Special Permit after the meeting. The Condition was read and there was no opposition.

Referred to Land Use Committee

#137-18

Petition to allow ~~18~~12-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~~three-story structure 41' in height, containing a ~~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 Approved Subject to Second Call 6-0-2 (Markiewicz and Schwartz abstaining); Public Hearing Closed 10/09/18

Approved 18 yeas, 6 Nays (Councilors Baker, Ciccone, Cote, Gentile, Kalis, Markiewicz)

Clerk's Note: The Chair of the Land Use Committee reported on the item and noted that this new plan tries to address the main concerns that were raised with the previous plan. This plan reduces the number of units from the previously proposed 15 to 12. It improves the width of the vehicular access along both the entry and exit allowing enough room for two lanes of traffic. It includes two inclusionary units: one two-bedroom and one three-bedroom unit. It increases the number of parking spaces to a total of 28. A bus shelter will be included as well as bicycle spaces. The petitioner will be milling and overlaying Adams Street from curb to curb line if they disrupt it.

The Chair noted that there still has been significant opposition from some of the neighborhood. It was felt by some of the Councilors that this project was too dense for the neighborhood. Others felt that the changes made to the project will be a benefit for the community and that it is an appropriate place for this type of density and will be a big improvement with much needed smaller unit housing. It was asked about the shared driveway space being used with other property owners. In response the Chair of Land Use Committee noted that these issues were not under the purview of the Council. There was concern with sending the signal that something this big would be acceptable. It was noted that the new plan changes what had been proposed as a community center into to a commercial unit. It was felt by some that the developer should have agreed to between 9 and 11 residential units.

Referred to Public Safety & Transportation Committee

#380-18

Appeal of Traffic Council Decision on Derby Street

BRIAN RIORDAN, 32 Talbot Street, Newton appealing the approval of Traffic Council petition TC134-17 on May 31, 2018 for creating a one-way on Derby Street, from Waltham Street to Cherry Street, westbound.

Public Safety & Transportation Approved 4-2-1 (Noel, Auchincloss opposed, Grossman abstaining)

Approved 21 yeas, 3 Nays (Councilors Albright, Auchincloss & Noel)

Clerk's Note: The President of the Council noted that an affirmative vote will be to keep the status quo and not make Derby Street one-way; a no vote would be to turn Derby Street into a one-way street. The Chair of the Public Safety and Transportation Committee reported on the item and noted that Derby Street is a unique location and is a safety issue. A crossing guard will be helpful and that the

sidewalk was too narrow so students were walking in the street. It was noted that just because children are walking in the street is not a reason to make Derby Street one way. It was felt by some that a one-way street is not the right solution as going one way tends to increase speed, and would be unfair to many people on side streets. It was felt that not enough data has been received to make a decision.

Several Councilors felt that something needs to be done now and others felt that a more complete approach was needed and much more should be done. It was hoped that more traffic calming could be accomplished quickly in certain areas. It was noted that if the one-way does not work, it can be changed. It was felt that modifications must be made to the amount of money set aside for these types of projects to do more of the 50 problem priority intersections. The Chair of Public Facilities would like a docket item to discuss the list of 50 priorities.

The City Council voted without discussion 24 Yeas to Approve the Committee recommendations on the following items:

Referred to Land Use Committee

Tuesday, 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 waiver 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.
Land Use Approved Withdrawal without Prejudice 6-0 (Crossley not voting)

Referred to Land Use and Finance Committees

- #169-18** **Appropriate \$2.5 million in CPA Funds for affordable rental housing for seniors**
COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of two million five hundred thousand dollars (\$2,500,000) from the Community Preservation Fund to the control of the Planning & Development Department for a grant to the Newton Housing Authority to create 42 one-bedroom units of permanently affordable rental housing for seniors in a new, 55-unit development on John F. Kennedy Circle, as described in the Authority's December 2017 proposal to the Community Preservation Commission and subject to the conditions in the Community Preservation Committee's February 2018

funding recommendation to the City Council.

Finance Voted No Action Necessary on October 15, 2018

Land Use Voted No Action Necessary 7-0

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.

Finance Approved 8-0 on October 15, 2018

Land Use Approved 7-0

#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.

Land Use Approved 7-0; Public Hearing Closed 10/02/2018

#480-18

Special Permit to exceed FAR and extend non-conforming height at 44 Ballard Street

MELISSA FANG AND ANDREW HARGENS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to relocate an existing carriage house and attach it with a breezeway to a new multi-level principal structure addition, extending the nonconforming height and exceeding the FAR where .28 exists, .35 is allowed, and .36 is proposed at 44 Ballard Street, Ward 7, on land known as Section 73 Block 31 Lot 11 containing approximately 16,633 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.3, 7.8.2.C.2, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 7-0; Public Hearing Closed 10/02/2018

Referred to Land Use Committee

Tuesday, October 9, 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.

Land Use Approved Withdrawal without Prejudice 7-0 (Crossley not voting)

#481-18

Special Permit to amend Special Permit #176-16 and extend FAR at 47 Lewis Street

KATHERINE GRENZEBACK AND RONAN WOLFSDORF petition for SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE to amend Special Permit #176-16 to allow the addition of dormers to the attic level where 3.5 stories exist and 2.5 stories is allowed at 47 Lewis Street, Ward 1, Newton, on land known as Section 13 Block 02 Lot 20, containing approximately 10, 315 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.2.3, 3.2.11, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 7-0-1 (Crossley abstaining); Public Hearing Closed 10/09/18

#479-18

Special Permit to allow three-story structure and oversized dormer at 63 Cherry Street

LINO GONCALVES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raise the roof of the existing 2.5-story house and add oversized front and rear dormers to the attic level and creating a third story where 2.5 is allowed at 63 Cherry Street, Ward 3, West Newton, on land known as Section 34 Block 42 Lot 14, containing approximately 7,000 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3, 7.4, 3.1.3, 1.5.4.G.2.b of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 8-0; Public Hearing Closed 10/09/18

Referred to Zoning & Planning Committee

Wednesday, October 10, 2018

Referred to Zoning & Planning and Finance Committees

#509-18

Community Preservation Fund appropriation for services for Webster Woods

COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of one hundred thousand dollars (\$100,000) to the control of the Law Department, for professional services related to the protection of open space at 300 Hammond Pond Parkway, as described in the proposal submitted by the Conservation Commission to the Community Preservation Committee in August – September 2018.

Finance Approved 8-0 on October 15, 2018

Zoning & Planning Approved 6-0

Referred to Programs & Services Committee

Wednesday, October 3, 2018

- #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.
Programs & Services Approved 6-0
- #501-18 Extension of reappointment of Ouida Young as Acting City Solicitor**
HER HONOR THE MAYOR requesting that the reappointment of Acting City Solicitor, Ouida C. M. Young, be further extended from November 5, 2018 to November 16, 2018 in order to align with her scheduled retirement.
Programs & Services Approved 6-0
- #502-18 Resolution to reaffirm public accommodations non-discrimination laws**
AMY SANGIOLO requesting a Resolution of the City Council reaffirming the City of Newton and Massachusetts non-discrimination laws prohibiting discrimination on places of public accommodation and the basis of gender identity and gender expression.
Programs & Services Approved as amended 6-0

Referred to Public Safety & Transportation Committee

Wednesday, October 3, 2018

- #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.
Public Safety & Transportation No Action Necessary 7-0

Referred to Public Facilities Committee

Wednesday, October 3, 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.
Public Facilities Voted No Action Necessary 7-0

#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.

Public Facilities Approved 7-0

#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 Facilities Approved 7-0

#490-18 **Mayor's appointment of Karen Slote to the Solid Waste Commission**
KAREN SLOTE, 117 Garland Road Newton Centre, appointed as a member of the SOLID WASTE COMMISSION for a term to expire September 30, 2021. (60 days: 11/16/18)

Public Facilities Approved 7-0

Referred to Public Facilities and Finance Committees

#511-18 **Appropriate \$800,000 to replace the roof at Crafts Street Garage**
HER HONOR THE MAYOR requesting authorization to appropriate eight hundred thousand dollars (\$800,000) from bonded indebtedness for the purpose of funding the replacement of the roof at the Crafts Street Garage.

Finance Approved 8-0 on October 15, 2018

Public Facilities Approved 6-0 (Kelley not Voting)

Referred to Public Facilities and Finance Committees

#494-18 **\$500,000 bond authorization for air conditioning units at Carr School**
HER HONOR THE MAYOR requesting authorization to appropriate five hundred thousand dollars (\$500,000) from bonded indebtedness to fund the installation of air conditioning units at the Carr School.

Finance Approved 8-0 on October 15, 2018

Public Facilities Approved 6-0-1 (Gentile abstaining)

Referred to Finance Committee

Monday, October 15, 2018

#507-18 **Reappointment of Jeffrey Siltan as a Constable**
HER HONOR THE MAYOR reappointing JEFFREY SILTON, 120 Cherry Street, West Newton as a CONSTABLE for a term of office to expire on October 25, 2021.

Finance Approved 8-0

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.

Land Use Approved 7-0 on 10/02/18

Finance Approved 8-0

Referred to Land Use and Finance Committees

#169-18

Appropriate \$2.5 million in CPA Funds for affordable rental housing for seniors

COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of two million five hundred thousand dollars (\$2,500,000) from the Community Preservation Fund to the control of the Planning & Development Department for a grant to the Newton Housing Authority to create 42 one-bedroom units of permanently affordable rental housing for seniors in a new, 55-unit development on John F. Kennedy Circle, as described in the Authority's December 2017 proposal to the Community Preservation Commission and subject to the conditions in the Community Preservation Committee's February 2018 funding recommendation to the City Council.

Land Use Voted No Action Necessary 7-0 on 10/02/18

Finance No Action Necessary 8-0

Referred to Zoning & Planning and Finance Committees

#509-18

Community Preservation Fund appropriation for services for Webster Woods

COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of one hundred thousand dollars (\$100,000) to the control of the Law Department, for professional services related to the protection of open space at 300 Hammond Pond Parkway, as described in the proposal submitted by the Conservation Commission to the Community Preservation Committee in August – September 2018.

Zoning & Planning Approved 6-0 on 10/10/18

Finance Approved 8-0

Referred to Public Facilities and Finance Committees

#494-18

\$500,000 bond authorization for air conditioning units at Carr School

HER HONOR THE MAYOR requesting authorization to appropriate five hundred thousand dollars (\$500,000) from bonded indebtedness to fund the installation of air conditioning units at the Carr School.

Public Facilities Approved 6-0-1 (Gentile abstaining) on 10/03/18

Finance Approved 8-0

Referred to Public Facilities and Finance Committees

#511-18

Appropriate \$800,000 to replace the roof at Crafts Street Garage

HER HONOR THE MAYOR requesting authorization to appropriate eight hundred

thousand dollars (\$800,000) from bonded indebtedness for the purpose of funding the replacement of the roof at the Crafts Street Garage.

Public Facilities Approved 6-0 (Kelley not Voting) on 10/03/18

Finance Approved 8-0

Public Hearings were assigned for the following items:

Public Hearing assigned for October 17, 2018

#531-18 Petition for water main extension in a private way off Farwell Street

STEPHEN VONA, 77 Oldham Road, West Newton, petitioning for a water main extension through a proposed utility easement in a private way off Farwell Street from the existing water main in Farwell Street 150' ± northeasterly thence turning easterly and continuing a distance of 320' ± thence turning northeasterly and continuing 30' ± to a proposed hydrant in the private way off Farwell Street.

Petitioner to pay entire cost

Public Hearing to be Reassigned for October 23, 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 and waive up to five parking stalls 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, 5.1.4.A of the City of Newton Rev Zoning Ord, 2017.

This petition required additional relief and Readvertising

Public Hearing Assigned for November 8, 2018

#513-18 Petition to exceed FAR at 43 Kenwood Avenue

MARK AND MARTHA FISHMAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 161 sq. ft. second floor addition, in the existing footprint of the house, exceeding the maximum allowable FAR of .37 where .42 exists and .44 is proposed at 43 Kenwood Avenue, Ward 6, Newton Centre, on land known as Section 64 Block 20 Lot 22, containing approximately 10,652 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4, 7.8.2.C.2, 3.1.9 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Assigned for November 8, 2018

#514-18 Special Permit Petition to allow garage in excess of 700 sq. ft. at 244 Dudley Road

RUIHUA GU petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story detached garage, greater than 700 sq. ft. containing accommodations for ten vehicles at 244 Dudley Road, Ward 8, Newton Centre, containing approximately 267,786 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3, 7.4, 3.4.2.B.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Assigned for November 14, 2018

#187-18 Zoning Amendment for Inclusionary Zoning

DIRECTOR OF PLANNING requesting amendments to the Inclusionary Housing provisions of Chapter 30, Newton Zoning Ordinance, to increase the required percentage of affordable units; to require that some affordable units be designated for middle income households; to create a new formula for calculating payments in lieu of affordable units; and to clarify and improve the ordinance with other changes as necessary.