



## City Council Reports Docket

Nov 7: Public Safety & Transportation, Public Facilities  
Nov 8: Land use  
Nov 13: Land Use  
Nov 14: Zoning & Planning, Finance

Monday, November 5, 2018  
Continued  
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7:45 PM, Newton City Hall  
To be reported on  
**Monday, November 19, 2018**

### City of Newton In City Council Items to be Acted Upon

#### Referred to Land Use Committee

Thursday, November 8, 2018

Present: Councilors Schwartz (Chair), Lipof, Kelley, Markiewicz, Crossley, Laredo, Lappin; absent: Councilor Greenberg

**#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.

**Land Use Approved Withdrawal without Prejudice 5-2 (Crossley, Kelley Opposed)**

**#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.

**Land Use Approved 7-0; Public Hearing Closed 11/8/2018**

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The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

**#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.  
**Land Use Approved 6-0 (Crossley not Voting); Public Hearing Closed 11/8/2018**

**#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.  
**Land Use Approved 6-0 (Crossley not Voting); Public Hearing Closed 11/8/2018**

**#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.  
**Land Use Held 6-0 (Crossley not Voting)**

**Referred to Land Use Committee**

Tuesday, November 13, 2018

Present: Councilors Schwartz (Chair), Lipof, Greenberg, Auchincloss, Kelley, Markiewicz, Crossley, Laredo; also Present: Councilors: Rice, Downs, Albright

**#562-18**      **Request for an Extension of Time for Special Permit at 19-21 Beaconwood Road**  
LENTO DEVELOPMENT, LLC/KENNETH LENTO petition for an EXTENSION OF TIME to EXERCISE SPECIAL PERMIT COUNCIL ORDER #129-17 to raze and replace a two-family structure and allow a 4% reduction to the required lot area after combining lots at 19-21 Beaconwood Road, Ward 8, on land known as Section 54, Block 22, Lot 0044 and Section 54, Block 022, Lot 0047, containing approximately 9,602 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3, 7.4, 7.8.4.D.4, 7.8.4.D.5, 7.8.4.A of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Voted No Action Necessary 8-0**

**#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.

**Land Use Held 8-0**

**#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.

**Land Use Held 8-0**

**Referred to Zoning & Planning Committee**

Wednesday, November 14, 2018

Present: Councilors Albright (Chair), Leary, Brousal-Glaser, Krintzman, Downs, Danberg and Baker; absent Councilor Kalis; also present: Councilors Greenberg, Auchincloss and Kelley

**#220-18**

**Discussion relative to the Washington Street Corridor Action Plan**

DIRECTOR OF PLANNING requesting monthly progress discussions on the Washington Street Corridor action plan.

**Zoning & Planning Held 7-0**

**#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.  
**Zoning & Planning Held 7-0**

**#376-18      Zoning amendment to regulate marijuana establishments**  
THE PLANNING DEPARTMENT requesting amendments to the Newton Zoning Ordinance, Chapter 30, to regulate the use of land, structures and buildings for the operation of marijuana establishments; to determine in which zoning districts and under what conditions marijuana establishments will be allowed; and to establish minimum standards and criteria.  
**Zoning & Planning Approved as amended 6-0-1 (Brousal-Glaser abstaining)**

**Referred to Public Safety & Transportation Committee**

Wednesday, November 7, 2018

Present: Councilors Ciccone (Chair), Cote, Downs, Noel, Grossman, Lipof, Auchincloss and Markiewicz  
 Also Present: Councilors Crossley (Chair), Kelley, Danberg, Laredo, Leary, Gentile, Lappin, Baker, Krintzman, Greenberg and Albright

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

**#510-18      Increase non-resident parking permit fees**  
COUNCILORS DOWNS, AUCHINCLOSS, DANBERG, LEARY, MARKIEWICZ, NOEL, AND RICE requesting an ordinance amendment to increase the non-resident parking permit fee from \$25 to a range which will include a maximum cap, to better cover costs and encourage alternatives to driving in parts of the City where demand is high.  
**Finance to Meet**  
**APPROVED 8-0**

**#504-18      Discussion on implementing differential priced parking in Newton**  
COUNCILORS DOWNS, AUCHINCLOSS, GROSSMAN, ALBRIGHT, CROSSLEY, DANBERG, KALIS, RICE, KELLEY, KRINTZMAN, LEARY, NOEL AND MARKIEWICZ, requesting a preliminary discussion on implementing differential (dynamic or variable) priced parking in Newton.  
**HELD 6-0, (Lipof and Noel not voting)**

**#554-18      Proposal to end winter parking ban on select streets in Wards 2 and 3.**  
COUNCILORS ALBRIGHT, NORTON, COTE, BROUSAL-GLASER AND KELLEY, proposing to end the winter parking ban on select streets in Wards 2 and 3.  
**HELD 6-0, (Lipof and Noel not voting)**

**Referred to Public Facilities Committee**

Wednesday, November 7, 2018

Present: Councilors Crossley (Chair), Norton, Leary, Kelley, Gentile, Danberg, Laredo, Lappin; also Present: Councilors Downs, Noel, Cote, Markiewicz, Grossman, Lipof, Auchincloss, Ciccone, Greenberg, Krintzman

**#492-18      Complete Streets Update to the Public Facilities Committee**  
THE PUBLIC FACILITIES COMMITTEE requesting an update on the Complete Streets Program pursuant to the City’s Complete Streets Policy, Section C8.  
**Public Facilities Held 7-0 (Norton not Voting)**

**#45-18      Request for updates on Newton Power Program**  
PUBLIC FACILITIES COMMITTEE requesting updates from the Director of Sustainability and the Administration on the development of a program, known as Newton Power Choice, to aggregate the electricity supply and provide clean energy power options to Newton electric customers.  
**Public Facilities Held 7-0 (Danberg not Voting)**

**#556-18      Granting of an easement in Washington Street**  
HER HONOR THE MAYOR requesting authorization to grant underground easement containing 737 sq. ft. to Mark Newtonville, LLC in Washington Street along the site of the Washington Place development project for underground footings, as noted on Drawing No. 2 of 3 a plan entitled “Easement Plan for Underground Footing”, dated October 25, 2018, prepared by Control Point Associates.  
**Public Facilities Approved 7-0 (Danberg not Voting)**

**#557-18      Acceptance of a sidewalk easement abutting Walnut Street**  
HER HONOR THE MAYOR requesting authorization to accept a sidewalk easement granted by Mark Newtonville, LLC with a length of approximately 220’ and area of 2099 sq. ft. abutting Walnut Street, as noted on Drawing No. 3 of 3 a plan entitled “Easement Plan”, dated October 25, 2018, prepared by Control Point Associates.  
**Public Facilities Approved 7-0 (Danberg not Voting)**

**Referred to Public Facilities and Finance Committees**

**#535-18      Appropriate \$500,000 for interior improvements at the library**  
HER HONOR THE MAYOR requesting authorization to appropriate five hundred thousand dollars (\$500,000) from bonded indebtedness for the purpose of funding the design, procurement, and construction of the interior improvements at the Newton Free Library.  
**Finance Approved 7-0 on 11/14/18**  
**Public Facilities Approved 6-0-1 (Danberg abstaining, Kelley not Voting)**

**Referred to Public Facilities and Finance Committee**

- #560-18** **Appropriation window replacement and accessibility designs at Lincoln-Eliot School**  
HER HONOR THE MAYOR requesting authorization to appropriate one hundred fifty thousand dollars (\$150,000) from Free Cash for the purpose of funding the Lincoln-Eliot Elementary School window replacement and accessibility improvements design.  
**Finance Approved 7-0 on 11/14/18**  
**Public Facilities Approved 7-0 (Kelley not Voting)**

**Referred to Public Facilities and Finance Committee**

- #561-18** **Appropriation of \$300,000 for building upgrades at Fire Stations 1 & 2**  
HER HONOR THE MAYOR requesting authorization to appropriate three hundred thousand dollars (\$300,000) from Free Cash for the purpose of funding upgrades at Fire Stations 1 and 2 including isolation of apparatus bay from living quarters and pole rehab/replacement.  
**Finance Approved 7-0 on 11/14/18**  
**Public Facilities Approved 7-0 (Kelley not Voting)**

**Referred to Finance and Appropriate Committees**

- #542-18** **Submittal of the FY 2020 to FY 2024 Capital Improvement Plan**  
HER HONOR THE MAYOR submitting the Fiscal Years 2020 to 2024 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter.  
**Public Facilities Held 7-0 (Norton not Voting)**

**Referred to Finance Committee**

Wednesday, November 14, 2018

Present: Councilors Gentile (Chair), Ciccone, Cote, Rice, Noel, Grossman, and Lappin; absent: Councilor Norton; also present: Councilor Markiewicz

- #472-18** **Selection of external auditor for FY 19 –FY 23**  
COMPTROLLER requesting that the City Council select a qualified public accounting firm to complete the City's annual financial audit for fiscal years 2019 to 2023.  
**Finance Approved 7-0**

- #409-18** **Report on developers' profits on 40B projects**  
COUNCILORS NORTON AND GENTILE requesting a report from the Planning & Development Department on developers profits from Chapter 40B projects in the City.  
**Finance Held 7-0**

- #558-18 Mayor's reappointment of Antonio Bianchi as a constable**  
HER HONOR THE MAYOR reappointing ANTONIO BIANCHI, 15 Colonial Avenue, Newton, reappointed as a Constable for the City of Newton for a term of office to expire November 1, 2021. (60 days 01/04/19)  
**Finance Approved 7-0**

**Referred to Public Facilities and Finance Committees**

- #535-18 Appropriate \$500,000 for interior improvements at the library**  
HER HONOR THE MAYOR requesting authorization to appropriate five hundred thousand dollars (\$500,000) from bonded indebtedness for the purpose of funding the design, procurement, and construction of the interior improvements at the Newton Free Library.  
**Public Facilities Approved 6-0-1 (Danberg abstaining; Norton not voting) on 11/07/18**  
**Finance Approved 7-0**

**Referred to Public Facilities and Finance Committee**

- #560-18 Appropriation window replacement and accessibility designs at Lincoln-Eliot School**  
HER HONOR THE MAYOR requesting authorization to appropriate one hundred fifty thousand dollars (\$150,000) from Free Cash for the purpose of funding the Lincoln-Eliot Elementary School window replacement and accessibility improvements design.  
**Public Facilities Approved 7-0 (Kelley not voting) on 11/07/18**  
**Finance Approved 7-0**

**Referred to Public Facilities and Finance Committee**

- #561-18 Appropriation of \$300,000 for building upgrades at Fire Stations 1 & 2**  
HER HONOR THE MAYOR requesting authorization to appropriate three hundred thousand dollars (\$300,000) from Free Cash for the purpose of funding upgrades at Fire Stations 1 and 2 including isolation of apparatus bay from living quarters and pole rehab/replacement.  
**Public Facilities Approved 7-0 (Kelley not voting) on 11/07/18**  
**Finance Approved 7-0**