



City Council Actions

In City Council

Monday, May 15, 2017

Present: Councilors Albright, Baker, Blazar, Brousal-Glaser, Cote, Crossley, Danberg, Fuller, Gentile, Harney, Hess-Mahan, Kalis, Lappin, Laredo, Leary, Lennon, Lipof, Norton, Rice, Sangiolo, Schwartz, and Yates.

Absent: Councilors Auchincloss & Ciccone

The City Council discussed the following item on Second Call:

- #431-16** **Special Permit to allow three attached dwellings at 377 Langley Road**
367-377 LANGLEY ROAD LLC., petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow three attached single-family dwellings, reduce frontage requirements for attached single family dwellings, reduce side setback requirements, allow parking within 20' of a side lot line and a driveway within 10' of a side lot line and to allow placement of a retaining wall of 4 feet or more within a setback at 377 Langley Road, Ward 6, Newton Centre, on land known as SBL 65019 0058, containing approximately 23,545 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
Land Use Held
Item Chartered by Councilor Gentile on May 1, 2017
Land Use Approved 7-0
Approved 21 Yeas, 1 Nay (Councilor Brousal-Glaser), 2 Absent (Councilors Auchincloss and Ciccone)

Clerk's Note: Councilor Laredo reported on the item and requested that as the item had been held, he would like to poll his committee to approve it. The Vote in Land Use was 7 in favor, 0 opposed, 1 absent.

Councilor Gentile had chartered the item as he needed more time to understand the project. The two weeks allowed him to read the Planning Department and Committee Reports and made a site visit. He is now ready to vote on this project as neighborhood concerns have been addressed. He noted that anytime density bonuses are given, developers are going to realize a greater profit. In his opinion that puts them in a position to try and help with the ongoing efforts to create affordable housing in the City. There had been a project in Newton Corner in the past where there was an increase from one unit to four units. There was nothing granted in return. If rental units are involved, the City should try to get one or two rental units, depending on the size of the project, to be affordable units. In this case, the units probably will be sold and the developer should have been asked to make a contribution to the affordable housing fund in the City. This developer is getting to sell a third unit and some of that bonus

should have come back to the City in the form of a contribution to the affordable housing fund. If that does not happen, Councilor Gentile said it would be regrettable.

Councilor Laredo wanted to explain why he had changed his mind and would be voting for this project even though he still felt a level of discomfort with it. He stated it is all a matter of balance involving what can be done by right versus what can be controlled by a Special Permit. He was persuaded that the developer had worked with the immediate abutters of a condominium unit located to the south and that the current project was much more palatable to the neighbors than the original plan. It is appropriate and important to take into consideration the views of the neighbors, but cautioned that the Land Use Committee was not there to vote up or down based on what the neighbors think.

It was noted that there is a benefit as an area of the parcel is being preserved as open space which will be a buffer between the Bowen Playing Fields and the project itself. Without a Special Permit, there would not have been a requirement for a buffer. The buffer is a significant improvement for the City as it will prevent runoff into the playing field. Councilor Laredo stressed that the Zoning Review process should take into consideration this kind of review. If there is an extra unit requested, what should the City be expecting in return? What was particularly troubling to Councilor Laredo was that two-family units were built as of right and then the developer decided to include the third unit. Had this project come to the City at its inception, it might have been designed differently and possibly have been a better project. The point is it came in essentially after the fact and much of the problem with runoff, etc. was created by the extra unit. This has been seen before. Problems are created because a developer is trying to do something not as a matter of right, but by seeking a Special Permit and then asking the City Council to solve the problem. Councilor Laredo urged his colleagues on the Zoning & Planning Committee to think about this type of project and what the outcome would be. He felt careful consideration should be given to how the Zoning Code will be changed.

Councilor Brousal-Glaser was not in favor of this project and voted no.

The City Council voted without discussion 22 Yeas, 2 Absent (Councilors Auchincloss & Ciccone) to take the following actions:

Referred to Land Use Committee

Tuesday, May 9, 2017

#19-17

Special Permit to rectify already constructed garage at 129 Cabot Street

MICHAEL MENDIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rectify the building permit issued in error due to a garage with an oversized dormer on the half-story above the first level at 129 Cabot Street, Ward 2, Newton, on land known as SBL 13008 0010, containing approximately 8,793 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3, 7.4, 1.5.4.G.2, 1.5.4.G.2.b of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Land Use Approved Withdrawal without Prejudice 5-0 (Cote not Voting)

- #80-17** **Special Permit to allow six-unit multi-family with accessory parking at 39 Herrick Road**
HERRICK ROAD REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct three-story, six unit, multi-family dwelling in excess of 24' with ground floor residential use, allow a reduction to 1.25 parking stalls per unit, allow parking in the side setback, allow a reduced minimum aisle width, allow reduced minimum entrance and exit drive width, allow off street parking on a separate lot, waive perimeter screening requirements, waive lighting and surfacing requirements at 39 Herrick Road, Ward 6, on land known as SBL 61035 0007, containing approximately 12,979 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: 7.3.3, 7.4, 4.4.1, 4.1.2.B.3, 5.1.4, 5.1.13, 5.1.8.A, 5.1.8.C.2, 5.1.8.D.1, 5.1.9.A, 5.1.10 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
Land Use Approved Withdrawal without Prejudice 5-0 (Cote not Voting)
- #100-17** **Special Permit for three-family at 62 Walnut Park**
THOMAS JOSEPH HYNES III petition for SPECIAL PERMIT/SITE PLAN APPROVAL to alter the use of the existing nonconforming detached barn by converting it into a residential unit, creating a three-family in two structures at 62 WALNUT PARK, Ward 1, Newton, on land known as SBL 12005 0024, containing approximately 30,209 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.2.13, 3.4.3.A.1, 7.8.2.C.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
Land Use Approved Withdrawal without Prejudice 5-0 (Cote not Voting)
- #2-15(3)** **Request for an Extension of Time for Special Permit at 300 Boylston Street**
ATRIUM WELLNESS CENTER request for an EXTENSION of TIME in which to EXERCISE special permit #2-15, granted on April 6, 2015 to repurpose an existing vacant building into a mixed-use commercial facility including general office, medical office, laboratory, retail uses, and restaurants at 300 BOYLSTON STREET, Ward 7, Newton Centre, said EXTENSION will run from April 6, 2017 to April 6, 2018. Ref: 30-24, 30-23, 30-21, 30-11(b)(3), 30-11(d)(9), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.
Land Use Approved Extension of Time 5-0 (Cote not Voting)
- #99-17** **Special Permit to EXTEND nonconforming use and FAR at 49-51 Clinton Place**
RALPH KOHL petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story rear addition, increasing the nonconforming two-family use and nonconforming FAR at 49-51 CLINTON PLACE, Ward 2, Newton Centre, on land known as SBL 13024 0037, containing approximately 4,050 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
Land Use Approved 6-0; Public Hearing Closed May 9, 2017

Referred to Zoning & Planning Committee

Monday, May 8, 2017

#53-16(3)

Zoning Ordinance technical amendment

DIRECTOR OF PLANNING requesting a technical amendment to the Newton Zoning Ordinance, Chapter 30, Section 7.3.2.E in order to edit incorrectly transcribed language pertaining to the time periods for special permit lapse and extension. [04/19/17 @ 1:29 PM]

Zoning & Planning Approved 7-0 (Baker not voting)

Referred to Finance Committee

Monday, May 8, 2017

Referred to Public Facilities and Finance Committees

#124-17

Transfer of \$65,000 to various Public Buildings Accounts

HIS HONOR THE MAYOR requesting authorization to make the following transfers from Public Building Department Accounts for the purpose of providing supplemental funding for maintenance, consultants, and the purchase of a craftsmen vehicle.

From:	Municipal Building Maintenance Full-time Salaries	\$45,000
To:	Municipal Building Maintenance Repair-Maintenance	\$43,880
	Public Building Administration, Consultants	\$1,120
From:	City Hall Operations Full-time Salaries	\$15,000
	Library Building Maintenance Part-time Salaries	\$5,000
To:	Public Building Administration, Consultants	\$20,000
From:	PC hardware	\$5,568
	Municipal Building Maintenance Full-time Salaries	\$18,629
To:	FY 17 Operating Budget Vehicle Account	\$24,197

04/24/17 @ 4:04 PM]

Public Facilities Approved 4-0 on 05/08/17

Finance Approved 5-0 (Rice not voting)

#121-17

Appointment by His Honor the Mayor to the Taxation Aid Committee

EMMA WATKINS, 17 Otis Street, Newtonville, appointed as a member of the NEWTON TAXATION AID COMMITTEE for a term of office to expire March 1, 2019 (60 days 06/30/17) [04/24/17 @ 4:04 PM]

Finance Approved 5-0 (Rice not voting)

Referred to Zoning & Planning and Finance Committees

- #90-17** **Transfer of \$75,000 to develop a Complete Streets Guidebook**
HIS HONOR THE MAYOR requesting authorization to transfer the sum of seventy-five thousand dollars (\$75,000) from the Planning Department Full-time Salaries Account to the Planning Department Consulting Services Account for the purpose of developing a Complete Streets Guidebook. [03/27/17 @ 2:20 PM]
Zoning & Planning Approved 8-0 on 04/24/17
Finance Approved 5-0 (Rice not voting)

- #120-17** **Re-appointment by His Honor the Mayor to the Taxation Aid Committee**
MATTHEW CHAO, 95 Columbia Avenue, Newton Highlands, re-appointed as a member of the NEWTON TAXATION AID COMMITTEE for a term of office to expire March 1, 2020 (60 days 06/30/17) [04/24/17 @ 4:04 PM]
Finance Approved 6-0

A motion to suspend the rules to allow the Chair of Finance to Report on the following two items, which were discussed earlier in the evening, without a written report was approved by Voice Vote.

Referred to Finance and Appropriate Committees

- #359-16** **Submittal of the FY 2018 to FY 2021 Capital Improvement Plan**
HIS HONOR THE MAYOR submitting the Fiscal Years 2018 to 2022 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter.
Committee of the Whole Approved by Voice Vote

Referred To Finance and Appropriate Committees

- #359-16(4)** **Submittal of the FY 2018 – FY 2022 Supplemental Capital Improvement Plan**
HIS HONOR THE MAYOR submitting the FY 2018 – FY 2022 Supplemental Capital Improvement Plan.
Committee of the Whole Approved by Voice Vote

Public Hearings were assigned for the following Docket Items:

Public Hearing assigned for June 6, 2017

- #126-17** **Special Permit to extend nonconforming FAR and front setback at 208 Homer Street**
ADIL AND ALEXANDRA DIOURI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a new attached garage at basement level, family room on first floor and bathroom and closet space on the second floor, extending the nonconforming front setback increasing the nonconforming FAR from .52 to .61 where .41 is allowed at 208 Homer Street, Ward 6, on land known as Section 64 Block 019 Lot 0001, containing approximately 8,321 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 7.4, 3.1.9, 7.8.2.C.2, 3.1.3 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for June 6, 2017

#127-17 Petition to amend Special Permit for 170 Needham Street

ROCKLAND TRUST COMPANY petition for to amend Special Permit Order #229-13 to allow bank use at 170 Needham Street, Ward 8, on land known as Section 83, Block 028, Lot 002, containing approximately 27,178 sq. ft. of land in a district zoned MU1. Ref: 7.3.3, 7.4, 4.4.1 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for June 6, 2017

#128-17 Special Permit to increase nonconforming FAR at 15 Ricker Road

EMJ PRIME BUILD, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to expand units at the two family dwelling, claiming basement space for the first floor and attic space for the second floor by adding dormers, increasing the FAR from .90 to .93 where .58 is allowed and relocating a noncompliant deck, further decreasing the existing nonconforming open space at 15 Ricker Road, Ward 1, on land known as Section 71 Block 021 Lot 009, containing approximately 4,776 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3, 7.4, 3.2.11, 7.8.2.C.2, 3.2.3 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for June 6, 2017

#129-17 Special Permit to reduce lot area by 4% at 19-21 Beaconwood Road

LENTO DEVELOPMENT, LLC/KENNETH LENTO petition for SPECIAL PERMIT/SITE PLAN APPROVAL 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, 2015.

Public Hearing assigned for June 6, 2017

#130-17 Special Permit to exceed FAR at 164 Highland Avenue

ROBERT AND CINDY LAUGHREA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish a portion of the rear dwelling, front porch and detached garage and construct a two-story rear addition and attached garage for more than three vehicles and in excess of 700 sq. ft. increasing the FAR to .28 where .27 is allowed and .19 exists at 164 Highland Avenue, Ward 2, on land known as Section 24, Block 12, Lot 20, containing approximately 22,230 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3, 7.4, 3.1.9, 3.4.2.C.1 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for June 6, 2017

#131-17 Special Permit to allow parking stall in front setback at 54 Lakewood Road

CAROLINE GENCO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow parking within 5' of the street, in the front setback at 54 Lakewood Road, Ward 6, on land known as Section 52 Block 018 Lot 0002, containing approximately 4,145 sq. ft. of land

in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 5.1.7.A of the City of Newton Rev Zoning Ord, 2015

Public hearing assigned for June 7, 2017

#140-17 National Grid petition for grant of location in Greenwood Street

NATIONAL GRID petitioning for a grant of location to install and maintain 300'± of 6" gas main in GREENWOOD STREET from the existing gas main at #141 Greenwood Street to the existing 6" gas main next to #4 Sevlard Road for system reinforcement. (Ward 8) [05/03/2017 @ 2:01PM]

Public Hearing assigned for June 12, 2017:

#136-17 Recommendation to establish a West Newton Historic District

NEWTON HISTORICAL COMMISSION submitting a recommendation, pursuant to MGL Chapter 40C, Section 3, that Article III, Historical Provisions, and Division 1, Commissions and Districts, of the City of Newton Ordinances, be amended by establishing a local historic district in West Newton. [04/26/17 @ 9:34 AM]

Public Hearing assigned for June 13, 2017

#132-17 Petition to amend Special Permit for Kessler Woods

KESSELER WOODS, LLC. petition to amend Special Permit Order #102-06(15) at Kessler Woods to allow relocation of the inclusionary zoning units by use of the Off-Site Development Option in conjunction with the rehabilitation of the apartment building at 219 Commonwealth Avenue resulting in an increased number of affordable units from the approved site of 179 Kessler Way, Ward 8, on land known as Section 82 Block 037 Lot 0095, 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 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for June 13, 2017

#133-17 Request to Rezone five parcels at Northland Site

NORTHLAND OAK STREET, LLC/NORTHLAND TOWER ROAD INVESTORS, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone five parcels at: 156 Oak Street (Parcel 1), 55 Tower Road (Parcel 2), 275-281 Needham Street (Parcel 3), 260 Needham Street(Parcel 4), 160 Charlemont Street(Parcel 5) to BU4 from MU1.

Public Hearing assigned for June 13, 2017

#134-17 Special Permit to allow non-accessory parking at Northland Site

NORTHLAND OAK STREET, LLC/NORTHLAND TOWER ROAD INVESTORS, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to develop off-site, non-accessory, single-level parking on the parcel at 55 Tower Road (Parcel 2) to serve the existing office building at 156 Oak Street (Parcel 1), requiring a waiver of 84 parking stalls, a waiver to allow non-accessory parking on a lot separate from the principal use, waivers to allow parking within setbacks, waivers to dimensional requirements for parking stalls, waivers to the maximum width for entrance and exit drives, waivers for perimeter screening

requirements for parking facilities, a waiver to interior landscaping requirements for parking facilities, waivers to lighting requirements for parking facilities, and waivers to the requirement for curbing, wheel stops, guard rails, and bollards at 156 Oak Street and 55 Tower Road, Ward 5, on land known as Section 5 Block 51 Lot 0005 containing approximately 237,832 sq. ft. and Section 5 Block 28 and Lot 0005A containing approximately 483,583 sq. ft. of land in a district zoned MU1. Ref: 7.3.3, 7.4, 5.1.4, 5.1.13, 5.1.6.A, 5.1.6.B, 4.4.1, 5.1.8.A.1, 5.1.8.B, 5.1.8.D.2, 5.1.9.A, 5.1.9.B, 5.1.10.A.1, 5.1.10.B.5 of the City of Newton Rev Zoning Ord, 2015.

The City Council voted without discussion 21 Yeas, 1 Nay (Councilor Cote), 2 Absent (Councilors Auchincloss & Ciccone) to take the following action:

A motion to suspend the rules to allow the Chair of Finance to Report on the following item, which was discussed earlier in the evening, without a written report was approved by Voice Vote.

Referred to Public Facilities and Finance Committees

#359-16(3) Proposed Water, Sewer and Stormwater Rates

HIS HONOR THE MAYOR submitting recommended FY2018 Water/Sewer/Storm Water Rates for implementation on July 1, 2017, as follows:

FY 2018 Tiers & Rates for Water and Sewer

<u>HCF Per Quarter</u>	<u>Water Rate Per HCF</u>	<u>Sewer Rate Per HCF</u>
0-10	\$6.60	\$9.85
11-25	\$7.60	\$11.45
26-60	\$8.74	\$12.30
>60	\$10.90	\$14.15
Irrigation	\$12.00	

FY 2018 Storm Water Fees

1-4 family dwellings	\$75.00
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All other properties:

<u>Square feet of impervious surface area</u>	<u>Annual rate</u>
0 – 4,999	\$250.00
5,000 – 7,499	\$500.00
7,500 – 9,999	\$750.00
10,000 – 14,999	\$1,000.00
15,000 – 24,999	\$1,250.00
25,000 – 49,999	\$1,500.00
50,000 – 74,999	\$1,750.00
75,000 – 99,999	\$2,000.00

100,000 – 199,999	\$2,500.00
200,000 – 299,999	\$3,000.00
300,000 – 399,999	\$3,500.00
400,000 – 499,999	\$4,000.00
500,000 and greater	\$5,000.00

Committee of the Whole Approved 14 yeas, 1 Nay (Cote)

The City Council voted without discussion 21 Yeas, 1 Recused (Councilor Schwartz), 2 Absent (Councilors Auchincloss & Ciccone) to take the following action:

#98-17

Special Permit to EXTEND nonconforming front setback at 37 Troy Lane

DONALD FABRIZIO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a single family dwelling, extending the structure vertically within the nonconforming front setback at 37 TROY LANE, Ward 5, Waban, on land known as SBL 53004 0008, containing approximately 5,791 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.2.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Land Use Approved 5-0 (Schwartz not Voting); Public Hearing Closed May 9, 2017