



City Council Actions

In City Council

Monday, August 8, 2016

Present: Councilors Albright, Auchincloss, Brousal-Glaser, Ciccone, Cote, Crossley, Danberg, Fuller, Kalis, Lappin, Laredo, Lennon, Lipof, Norton, Rice, Sangiolo, Schwartz and Yates.

Absent: Councilors Baker, Blazar, Gentile, Harney, Hess-Mahan & Leary

The City Council voted without discussion 18 Yeas, 6 Absent (Councilors Baker, Blazar, Gentile, Harney, Hess-Mahan & Leary) to take the following actions:

Referred to Land Use Committee

Tuesday, July 12, 2016

#219-16

Special Permit Petition to increase FAR at 21 Orient Avenue

LOUISA SYLVIA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to further EXTEND NONCONFORMING FAR by removing an existing porch and constructing a 575 sq. ft. single story garage and mudroom and portico over existing front porch at 21 Orient Avenue, Ward 6, Newton Centre, on land known as SBL 64022 0001, containing approximately 10, 018 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 3.1.9, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Approved 5-0 (Cote, Harney, Schwartz not voting)

Referred to Land Use Committee

Tuesday, July 26, 2016

#177-16

Special Permit Petition to waive 13 parking stalls at 1375-1379 Washington Street

RON STOLOFF/KENMORE REALTY CORPORATION petition for SPECIAL PERMIT/SITE PLAN APPROVAL to take over the adjacent 996 sq. ft. space at 1379 Washington Street to add 37 seats at Blue Ribbon BBQ 1375-1379 Washington Street, Ward 3, West Newton, on land known as SBL 33015 0032, containing approximately 1,957 sq. ft. of land in a district zoned BUSINESS 1. Ref: 5.4.1, 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Land Use Approved Withdrawal without Prejudice 5-0 (Harney not voting)

#195-16

Special Permit Petition to extend nonconformance and increase FAR at 41 Chesley Rd

MICHAEL MCKAY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a rear addition to the existing dwelling, maintaining two units at 41 Chesley Road, Ward 6, Newton Centre, on land known as SBL 61027 0016, containing approximately 10,817 sq.

ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.4, 7.8.2.C.2, 3.1.9.A.2 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Approved 6-0

#214-16

Special Permit Petition to allow 3 story single family structure at 65 Oakmont Road

CHRIS & SUSAN KIM petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second floor, creating a three-story structure due to the average grade of the property at 65 Oakmont Road, Ward 6, Newton, Centre, on land known as SBL 65012 0008, containing approximately 13, 301 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref 3.1.3, 1.5.4.D-F, 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Approved 6-0

#218-16

Special Permit Petition to allow 3 story structure and exceed FAR at 20 Ferncroft Rd

MATT AND WENDY FEINER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to add a second floor, creating a three-story structure due to the average grade of the property and increase the FAR to .45 where .40 is allowed at 20 Ferncroft Road, Ward 5, Waban, on land known as SBL 53008 0009, containing approximately 9,793 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 1.5.4.D-F, 3.1.3, 3.1.9.A.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Approved 6-0

#233-16

Special Permit Petition to increase FAR & nonconforming use at 45-47 Noble Street

ANNA RUMSHISKY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to add a rear dormer to the attic level to finish the attic for livable space, expanding the nonconforming two-family use and FAR to .57 at 45-47 Noble Street, Ward 3, West Newton, on land known as SBL 44004 0013, containing approximately 6,278 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref. 7.3.3, 7.4, 3.1.9, 3.4.1, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Approved 6-0

Referred to Zoning & Planning Committee

Monday, July 18, 2016

#182-16

Citizens petition to prohibit zones changes without surrounding owner's approval

FRED ARNSTEIN ET AL., submitting a petition, pursuant to Article 10, Section 2 of the Newton City Charter, to establish a moratorium to prohibit the change of the zoning district applicable to any land in Newton without the written approval of a majority of the owners of land within 1,000 feet of the land contained in said proposed changed zoning district. [04/28/16 @ 10:34 AM] (90 days 8/14/16)

Public Hearing Closed; Zoning & Planning No Action Necessary 4-0-1 (Yates abstaining)

Referred to Public Facilities Committee

Tuesday, July 1, 2016

- #253-16 Lighttower Fiber Networks petition for grant of location in Wells Ave**
Lighttower Fiber Networks petition for a grant of location to place 540' +/- of 4" conduit from Verizon Manhole 47/237 in front of 160 Wells Ave trenching Westerly to 180 Wells Ave. [(Ward 8) 06/21/2016 @ 1:39 PM]
Public Facilities Approved 8-0
- #252-16 Verizon petition for grant of location on Franklin Street**
VERIZON petition for a grant of location to place 402' +/- of conduit starting at Pole #1100/15 in front of #133 Franklin Street, trenching across Franklin Street in an easterly direction to a new proposed hand hole in front of #100 Franklin Street. [(Ward 7) 07/05/2016 @ 8:37 AM]
Public Facilities Approved 8-0
- #251-16 National Grid petition for grant of location in Deforest Road**
NATIONAL GRID petition for a grant of location to install 50' +/- of 4" main in Deforest Road from existing gas main at #36 Deforest trenching in a southerly direction to house #45 for new gas service. [(Ward 4) 06/16/2016 @ 12:26 PM]
Public Facilities Approved 8-0
- #250-16 Comcast petition for a Grant of Location on Washington Street**
COMCAST petitioning for a grant of location to install 250' +/- of conduit in Washington Street in existing vault trench heading Westerly to the property line at 612 Washington Street. [(Ward 2) 06/27/2016 @ 3:03 PM]
Public Facilities Approved 8-0
- #254-16 Verizon petition for grant of location on Elliot Street Bridge**
VERIZON petition for a grant of location to relocate pole #136/50 approximately 28' easterly and pole #49 3' southerly as part of the Elliot Street Bridge reconstruction. [(Ward 5) 07/05/2016 @ 4:33 PM]
Public Facilities Approved 8-0
- A Motion to Suspend the Rules to allow the Chair of the Programs & Services Committee to Report on the following three items without a written report was Approved by Voice Vote:**
- #248-16 Request to recognize September as Childhood Cancer Awareness Month**
COUNCILOR SANGIOLO requesting the City Council and the City recognize September as Childhood Cancer Awareness Month. [06/23/16 @ 2:45 PM]
Programs & Services Approved 4-0

#246-16 Mayor's re-appointment of John McDermott to the Election Commission
HIS HONOR THE MAYOR re-appointing JOHN MCDERMOTT, 7A Washburn Street, Newton Corner, as an Election Commissioner for a term to expire March 31, 2019 (60 days 09/09/16) [06/29/16 @ 9:28 AM]

Programs & Services Approved 4-0

#247-16 Mayor's re-appointment of Nancy Levine to the Election Commission
HIS HONOR THE MAYOR re-appointing NANCY LEVINE, 379 Central Avenue, Auburndale, as an Election Commissioner for a term to expire March 31, 2019 (60 days 09/09/16) [06/29/16 @ 9:28 AM]

Programs & Services Approved 4-0

Clerk's Note: The Programs & Services Committee met earlier in the evening and approved these three items.

A Motion to Suspend the Rules to allow the Vice Chair of the Finance Committee to Report on the following three items without a written report was Approved by Voice Vote:

#165-16(2) Mayor's appointment of Michael Engel as a trustee of the Chaffin Fund
MICHAEL S. ENGEL, 83 Staniford Street, Unit #7, Auburndale, appointed as a lifetime trustee of the Chaffin Fund/Fig Newton Scholarship replacing Charlotte Kaitz. (60 days 09/09/16) [06/24/16 @ 3:06 PM]

Finance Approved 6-0

Clerk's Note: The Finance Committee met earlier in the evening and approved this item.

Per Council Rules, Docket items that that have been disposed of by the City Council within the last 12 months must have a majority vote to allow them back onto the docket. The Council voted by Voice Vote to Accept to the Docket the following three Docket Items which relate to the Garage Ordinance which was passed by the Council on June 20, 2016.

#222-13(3) Review of Garage Ordinance
COUNCILOR LENNON, FULLER, LIPOF, ALBRIGHT, CROSSLEY, LAPPIN, LAREDO, GENTILE AND CICCONE requesting a review of Ordinance A-78, which amends Chapter 30, Section 3.4.4 of the Revised Ordinances, for the purpose of amending, clarifying, and/or interpreting the Ordinance. [08/01/16 @ 4:53 PM]

#222-13(4) Zoning amendment to defer effective date of Garage Ordinance
COUNCILOR LENNON, FULLER, LIPOF, ALBRIGHT, CROSSLEY, LAPPIN, LAREDO, GENTILE AND CICCONE proposing an amendment to Ordinance No. A-78, which amends Chapter 30, Section 3.4.4 of the Revised Ordinances, to implement a deferred effective date for the Ordinance of February 1, 2017. [08/01/16 @ 4:53 PM]

#222-13(5) Zoning amendment to Garage Ordinance

COUNCILOR HESS-MAHAN proposing to amend Chapter 30, Section 3.4.4. of Revised Ordinances as amended by Ordinance A-78, as follows: (1) allow front facing garages that are no closer to the front lot line than the longest front facing wall, or a front porch at least 6 feet wide, to be the greater of up to 12 feet wide or 50% of the total length of the building parallel to the street; (2) allow front-facing garages that are closer to the front setback than the rest of the building and at least 24 feet from the front lot line to be up to 40% of the total length of the building parallel to the street; (3) delete Sec. 3.4.4.F "Exemptions"; and (4) add a provision grandfathering permits requested or construction begun on or after the date of the notice of public hearing on Ordinance A-78 [08/01/16 @ 4:58 PM]

The Following Public Hearings were Assigned:***Public Hearing assigned for August 9, 2016*****#259-16 Special Permit Petition to exceed FAR at 11 Scarsdale Road**

PHOEBE AND ED OLHAVA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to EXCEED FAR by building a two story rear addition, single story rear addition and deck, creating an FAR of .43 where .40 is allowed at 11 Scarsdale Road, Ward 2, Newtonville, on land known as SBL 24029 0015, containing approximately 8,480 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9.A.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for August 9, 2016**#260-16 Special Permit Petition to increase nonconforming rear setback at 6 Glastonbury Oval**

LISA AND ANDREW SILVERMAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER EXTEND NONCONFORMING USE by adding a second story to a rear addition and constructing a two story rear addition increasing the already nonconforming rear setback at 6 Glastonbury Oval, Ward 5, Waban, on land known as SBL 44023 0006, containing approximately 7,017 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.4, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for August 9, 2016**#215-16(2) Special Permit Petition to construct parking stalls and retaining wall at Dunn Gaherin's**

SEANA GAHERIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct six parking stalls in a side setback, waive aisle width requirements, waive screening requirements, waive security lighting requirements and allow a retaining wall greater than 4', modifying special permit #501-94(2) at 342, 342A, 344-346 Elliot Street, Ward 5, Newton Upper Falls, on land known as SBL 51041 0010, 51041 0011, 51041 0012, containing approximately 9,676 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3,

7.4, 5.1.8.A.1, 5.1.13, 5.1.8.C.1, 5.1.9.A.1, 5.1.10.A, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public hearing assigned for September 7, 2016

#274-16 **Cellco petition for Grant of Location for wireless communication equipment**
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS petitioning for a grant of location to attach wireless communication equipment to existing Utility Pole #20-20 at Sargent Street (near the Sargent/Centre intersection). (Ward 7) [07/20/2016 @12:21 PM]

Public Hearing assigned for September 20, 2016

#261-16 **Special Permit Petition to allow site and building improvements at “The Street”**
CHESTNUT HILL SHOPPING CENTER LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to ALTER A NONCONFORMING STRUCTURE to construct new buildings for existing and new commercial uses including banking, office, medical office, theatre, health club, retail, restaurant and parking, to allow buildings in excess of 20,000 sq. ft., allow a building up to 60’ in height, site plan review for buildings within 300’ of a great pond, allow parking within a setback, extend Farmers Market special permit 230-14, update signage special permit 417-12, allow parking stalls in garage to be reduced stall depth, allow reduced parking facility lighting at 1-55 Boylston Street, Ward 7, Chestnut Hill, on land known as SBL 63037 0025, 63037 0026, containing approximately 859,444 sq. ft. in a district zoned BUSINESS USE 4. Ref. 7.3.3, 7.4, 4.1.2.B.1, 4.1.2.B.2, 4.1.2.B.3, 5.6, 5.1.8, 6.4.22, 5.8.2.C, 5.1.8.B, 5.1.10.A of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for September 26, 2016

#222-13(3) **Review of Garage Ordinance**
COUNCILOR LENNON, FULLER, LIPOF, ALBRIGHT, CROSSLEY, LAPPIN, LAREDO, GENTILE AND CICCONE requesting a review of Ordinance A-78, which amends Chapter 30, Section 3.4.4 of the Revised Ordinances, for the purpose of amending, clarifying, and/or interpreting the Ordinance. [08/01/16 @ 4:53 PM]

Public Hearing assigned for September 26, 2016

#222-13(4) **Zoning amendment to defer effective date of Garage Ordinance**
COUNCILOR LENNON, FULLER, LIPOF, ALBRIGHT, CROSSLEY, LAPPIN, LAREDO, GENTILE AND CICCONE proposing an amendment to Ordinance No. A-78, which amends Chapter 30, Section 3.4.4 of the Revised Ordinances, to implement a deferred effective date for the Ordinance of February 1, 2017. [08/01/16 @ 4:53 PM]

Public Hearing assigned for September 26, 2016

#222-13(5) **Zoning amendment to Garage Ordinance**
COUNCILOR HESS-MAHAN proposing to amend Chapter 30, Section 3.4.4. of Revised Ordinances as amended by Ordinance A-78, as follows: (1) allow front facing garages

that are no closer to the front lot line than the longest front facing wall, or a front porch at least 6 feet wide, to be the greater of up to 12 feet wide or 50% of the total length of the building parallel to the street; (2) allow front-facing garages that are closer to the front setback than the rest of the building and at least 24 feet from the front lot line to be up to 40% of the total length of the building parallel to the street; (3) delete Sec. 3.4.4.F "Exemptions"; and (4) add a provision grandfathering permits requested or construction begun on or after the date of the notice of public hearing on Ordinance A-78 [08/01/16 @ 4:58 PM]

Public Hearing assigned for September 27, 2016

#262-16 **Special Permit Petition to increase nonconforming setback at 112-114 Carlisle Street**
MICHAEL VAHEY & MOK JIANG PANG/CARLISLE STREET DEVELOPMENT, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER INCREASE NONCONFORMING FRONT SETBACK by razing the existing two family dwelling, and construct a new, enlarged two family, further increasing the front setback at 112-114 Carlisle St, Ward 6, Newton Centre, on land known as SBL 65008 0006, containing approximately 9,196 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.

Public Hearing assigned for September 27, 2016

#263-16 **Special Permit Petition for a rear lot subdivision at 100 Christina Street**
IRENE OSTROVSKY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing dwelling and subdivide the land, creating a rear lot, to construct a new single family dwelling on each lot at 100 Christina Street, Ward 8, Newton Highlands, on land known as SBL 83030 0006, containing approximately 31,372 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref. 7.3.3, 7.4, 3.1.10 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

The City Council voted without discussion 17 Yeas, 1 Nay (Councilor Brousal-Glaser), 6 Absent (Councilors Baker, Blazar, Gentile, Harney, Hess-Mahan & Leary) to take the following action:

Referred to Public Facilities Committee

#221-16 **Eversource petition for a grant of location on Court Street**
EVERSOURCE petitioning for a grant of location to install a 30' ± of conduit in Court Street approximately 68' west of Beach street, easterly to pole #52/10, to provide service to 77 Court Street. (Ward 2) [06/13/2016 @ 8:53 AM]
Public Facilities Approved 6-0 (Lennon, Brousal-Glaser not voting)

The City Council voted without discussion 17 Yeas, 6 Absent (Councilors Baker, Blazar, Gentile, Harney, Hess-Mahan & Leary), 1 Recused (Councilor Yates) to take the following action:

Referred to Land Use Committee

#215-16 **Special Permit Petition to construct parking stalls and retaining wall at Dunn Gaherin's SEANA GAHERIN** petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct six parking stalls and retaining wall greater than four feet within the setback, waive security lighting and parking in a setback requirements at 342, 342A, 344-346 Elliot Street, Ward 5, Newton Upper Falls, on land known as SBL 51041 0010, 51041 0011, 51041 0012, containing approximately 9,676 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 7.4, 5.1.8.A.1, 5.1.13, 5.1.10.A, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Land Use Approved Withdrawal without Prejudice 5-0 (Harney not voting)

The City Council Approved by Voice Vote to go into a Committee of the Whole with Public Facilities presiding to take up the following docket item. At the Committee of the Whole the item was held in both the Programs & Services and Public Facilities Committees. Please see the separate Committee of the Whole Report for details.

Referred to Programs & Services and Public Facilities Committees

#255-16 **5-58 waiver for relocation of modular classrooms**
COMMISSIONER OF PUBLIC BUILDINGS requesting a waiver of the City of Newton Ordinance Sec. 5-58. Site plan approval for construction or modification of municipal buildings and facilities. For the relocation of the existing modular classrooms from the Zervas Elementary School to the Brown Middle School and Newton South High School. [07/06/2016 @ 11:51 AM]

Programs & Services HELD 4-1 (Auchincloss)

Public Facilities HELD 7-0

Clerk's Note: As the item was held in both committees, there was no action taken by the City Council at this meeting. The item will be back before the Council when each of the Committees has completed its work.