



City Council Actions

In City Council

Monday, October 17, 2016

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

Absent: Councilors Gentile and Sangiolo

The City Council discussed the following item on Second Call:

Referred to Zoning & Planning Committee

- #222-13(4) Zoning amendment to defer effective date of Garage Ordinance**
COUNCILOR LENNON, 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]
Zoning & Planning approved with amended date of 12/31/16 4-1-2 (Baker opposed; Yates and Hess-Mahan abstaining)
Approved 18 Yeas, 4 Nays (Councilors Baker, Brousal-Glaser, Hess-Mahan & Yates)

Clerk's Note:

The City Council voted without discussion 22 Yeas, 2 Absent (Councilors Gentile and Sangiolo) to take the following actions:

Referred To Public Safety & Transportation Committee

Wednesday, October 5, 2016

- #329-16 Request amendment to Sec. 19-175. Angle parking.**
COUNCILOR RICE, requesting that **Sec. 19-175. Angle parking.** of the City of Newton Revised Ordinances, 2012, be amended to allow Traffic Council to designate on street angle parking for overnight resident sticker and visitor permit parking. [09/22/16 @ 10:52 AM]
Public Safety & Transportation Approved 7-0
- #414-13(4) Revise Ordinance to raise the age limit for retired police officers to work details**
HIS HONOR THE MAYOR requesting that Chapter 24-6 of the City of Newton Revised Ordinances, 2012, be amended to reflect the special legislation approved by the General

Court authorizing the Mayor, upon recommendation of the Chief of Police, to appoint former Newton police officers who have retired for superannuation and who are under age 70 to serve as special police officers for the purpose of performing police details in the City of Newton. [09/21/16 @ 6:21 PM]

Public Safety & Transportation Approved 7-0

Referred To Public Facilities Committee

Wednesday, October 5, 2016

#315-16

Verizon petition for grant of location at Blake Street

EVERSOURCE ENERGY AND VERIZON NEW ENGLAND, INC. petitioning for a grant of location to relocate Pole #44/4 on Blake Street approximately 341' south of Cabot Road to accommodate a new driveway at house #28. (Ward 2) [09/02/16 @ 2:00 PM]

Public Facilities Approved 7-0

A motion was made and Approved by Voice Vote to allow the Chair of the Public Facilities Committee to poll her committee to remove the conditions placed on the Grant of Location.

Public Facilities Approved as amended to remove conditions 7-0

Clerk's Note:

#316-16

National Grid petition for grant of location in Ruane Road

NATIONAL GRID petitioning for a grant of location to install and maintain 110' ± of 4" main in Ruane Road from existing gas main at #74 Ruane in an easterly direction to house #61 for new gas service. [(Ward 3) 09/07/2016 @ 12:40 PM]

Public Facilities Approved 7-0

#330-16

Petition for Grant of Location gas main in Levbert Road

NATIONAL GRID petitioning for a Grant of Location to install and maintain 225' ± of 4" gas main in LEVBERT ROAD from the exiting 4" gas main at 87 Levbert Road easterly to 73 Levbert Road. (Ward 8) [09/21/16 @ 12:03 PM]

Public Facilities Approved 7-0

#331-16

Petition for Grant of Location to install conduit in Stein Circle

COMCAST OF MASSACHUSETTS petitioning for a Grant of Location to install 120' ± of 3" conduit from Pole 376/1 in Stein Circle northeasterly thence turning northwesterly on to Chinian Path to an existing vault in Chinian Path. (Ward 8) [09/15/16 @ 10:23 AM]

Public Facilities Approved 7-0

Referred To Land Use Committee

Thursday, October 13, 2016

- #216-16** **Special Permit Petition to continue non-conforming use & FAR at 17-19 Pulsifer St**
NANCY BOLANIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to add rear sunrooms to first and second floor, exterior stair from third floor to grade, a one car garage at the rear, replace the front porch and add two parking stalls at 17-19 Pulsifer Street, Ward 2, Newtonville on land known as SBL 22018 0003, containing approximately 7,964 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, 3.1.9.A.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
Public Hearing closed on September 27, 2016
Land Use Approved 6-0 as Amended (Lennon not voting)
- #287-16** **Special Permit Petition to allow rear lot subdivision at 57 Adams Avenue**
GENNARO AND GIUSEPPINA NICOLAZZO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to ALLOW A REAR LOT SUBDIVISION AND REDUCED FRONT SETBACK, dividing the lot and constructing a new single family on the rear lot while maintain the existing single family on the front lot at 57 Adams Avenue, Ward 4, West Newton, on land known as 44014 0012, containing approximately 22,122 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3, 7.4, 3.1.10, 3.1.5, 3.1.10.B.3.a of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
Public Hearing Closed; Land Use Approved Subject to Second Call 5-0-1 (Schwartz abstaining; Lennon not voting)
A motion was made and Approved by Voice Vote to allow the Chair of the Land Use Committee to poll his committee to approve the Special Permit on First Call.
Land Use Approved 8-0
- Clerk's Note:**
- #288-16** **Special Permit Petition to exceed FAR at 25 Stiles Terrace**
ALEXANDER P. SHEYNER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to INCREASE FAR by constructing a detached garage at 25 Stiles Terrace, Ward 7, Newton Centre, on land known as SBL 65004 0010, containing approximately 8,563 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 Closed; Land Use Approved 5-0-1 (Laredo abstaining; Lennon not voting)
- #289-16** **Special Permit Petition to extend nonconforming FAR at 35 Lenox Street**
JAMES BENINATI/35 LENOX STREET LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER EXTEND NONCONFORMING FAR by regrading the property to construct a two car garage in the existing basement space at 35 Lenox Street, Ward 3, West Newton, on land known as SBL 32047 0006, containing approximately 9,969 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 7.4, 3.1.9.A.2, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Approved Subject to Second Call 6-0 (Lennon not voting)

A motion was made and Approved by Voice Vote to allow the Chair of the Land Use Committee to poll his committee to approve the Special Permit on First Call.

Land Use Approved 8-0

Clerk's Note:

#290-16

Special Permit Petition modify existing Special Permit at Finagle a Bagel

NEWTON-FAB, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER EXTEND NONCONFORMING USE and amend Special Permit #191-81(B) to allow an increase in bakery seating to 49 seats and waivers to signage at 47 Crescent St/77 Rowe St/Crescent St, Ward 4, Auburndale, on land known as SBL 44023 0016A, 44023 0016B, containing approximately 137,922 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 7.8.2.C.2, 5.2.3, 5.2.8, 5.2.13.A of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Approved 6-0 Subject to Second Call (Lennon not voting)

A motion was made and Approved by Voice Vote to allow the Chair of the Land Use Committee to poll his committee to approve the Special Permit on First Call.

Land Use Approved 8-0

Clerk's Note:

#308-16

Special Permit Petition to further increase nonconforming setback at 79 Kenwood Ave

SURRENDRA DUDANI AND SHALINI SEN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER INCREASE THE NONCONFORMING SETBACK by razing the existing 12'x22' detached garage and construct a 22'x22' detached garage, reducing the setback from 16.2' to 6.2' where 25' is required at Kenwood Avenue, Ward 6, Newton Centre, on land known as SBL 64 20 01, containing approximately 7,964 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 Closed; Land Use Approved 5-0-1 (Crossley abstaining; Lennon not voting)

A motion was made and Approved by Voice Vote to allow the Chair of the Land Use Committee to poll his committee to return this item to Committee.

Land Use Approved 8-0

Clerk's Note:

#310-16

Special Permit Petition exceed FAR at 20 Morton Road

DAVID AND LOUISA WEST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to EXCEED FAR to raze an existing detached garage and rear porch and construct a two-car attached garage, family room and new first floor kitchen and master bedroom above the garage at 20 Morton Road, Ward 2, Newton Centre, on land known as SBL 24 43 18, containing approximately 8,705 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.

Public Hearing Closed; Land Use Approved 6-0 (Lennon not voting)

#309-16 Special Permit Petition exceed FAR at 41 Woodlawn Drive

LINDA AND DAVID GILLESPIE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to EXCEED FAR to construct an addition to the basement and first level without the retaining wall as required to keep the FAR within by right limits at 41 Woodlawn Drive, Ward 7, Chestnut Hill, on land known as 63 05 27, containing approximately 8,000 sq. ft. of land in a district zoned SNGLE 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.

Land Use Approved Withdrawal without Prejudice 6-0 (Lennon not voting)

A Motion was made and Approved by Voice Vote to accept to the Docket and refer to Committee the following late filed item:

Referred to Public Safety & Transportation and Public Facilities Committees

#338-16 Extend the trial program for snow and ice removal from sidewalks

COUNCILOR DANBERG , requesting an amendment to City of Newton Ordinances Chapter 26, Section 8D Trial program for removal of snow and ice from sidewalks. by extending the expiration date of the trial from November 1, 2016 to November 1, 2017.

Public Hearings were assigned for the following Docket Items:

Public hearing assigned for October 19, 2016

#350-16 Eversource petition for grant of location at Crafts Street

EVERSOURCE ENERGY AND VERIZON NEW ENGLAND, INC. petitioning for a grant of location to relocate Pole #108/54-1X approximately 40'± southwesterly to allow for widening of the campus entrance at the Fessenden School.(Ward 3) [09/27/2016 @ 3:14 PM]

Public hearing assigned for October 19, 2016

#351-16 National Grid petition for grant of location in Austin Street

NATIONAL GRID petitioning for a grant of location to install and maintain 2000'± of 8" gas main in Austin Street from existing main at Mt. Vernon Street easterly to the 8" main at Walnut Street.(Ward 2) [10/03/2016 @11:17 AM]

Public hearing assigned for November 14, 2016:

#343-16 Zoning amendment relative to accessory apartments
HIS HONOR THE MAYOR, COUNCILOR HESS-MAHAN, ALBRIGHT, CICCONE, CROSSLEY, AND NORTON proposing to amend Chapter 30 Section 6.7.1 Accessory Apartments and Section 5.1.4 Number of Parking Stalls in order to create a new accessory apartment ordinance that expands the availability of accessory apartments. [10/07/16 @ 10:03 AM]

Public hearing assigned for November 15, 2016

#337-16 Special Permit Petition to construct accessory apartment and garage at 41 Dorset Rd
TIMOTHY LEARY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to CONSTRUCT AN ACCESSORY APARTMENT approximately 846 sq. ft. above a three car garage at 41 Dorset Road, Ward 5, Waban, on land known as SBL 55010 0045, containing approximately 24,936 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 6.7.1.D, 3.4.3.A.4.c, 3.4.4.E.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public hearing assigned for November 15, 2016

#339-16 Special Permit Petition to further extend nonconforming structure at 44 Oakmont Rad
ANA AND MATTHEW VOPI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER EXTEND NONCONFORMING THREE-STORY SINGLE-FAMILY STRUCTURE by constructing a rear addition to the basement, first floor and second floor at 44 Oakmont Road, Ward 6, Newton Centre, on land known as SBL 65019 0077, containing approximately 7,840 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 1.5.4.D, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public hearing assigned for November 15, 2016

#340-16 Special Permit Petition to increase nonconforming front setback at 15 Cottage Court
SEAN ELISEEV AND EVGENIA ELISEEVA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER INCREASE NONCONFORMING SETBACK AND USE by enclosing the front porch and extending a bathroom on the second floor, adding a new roofline and further extending the front setback, nonconforming residential use and number of stories at 15 Cottage Court, Ward 1, Newton, on land known as SBL 14014 0031, containing approximately 6,000 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 4.1.3, 7.8.2.C.2, 4.1.2.B.3, 7.8.2.C.2, 4.4, 6.2.2, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public hearing assigned for November 15, 2016

#341-16 Special Permit Petition to extend nonconforming use at 220-222 California Street
AYENG FONG petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER EXTEND NONCONFORMING USE and ALLOW PARKING WITHIN A SETBACK AND WITHIN FIVE FEET OF A RESIDENTIAL STRUCTURE by adding a third unit to the rear of the existing two-family dwelling, maintaining driveways on either side of the house for parking,,

further extending the nonconforming use at 220-222 California Street, Ward 1, Newton, on land known as SBL 11010 0016, containing approximately 9,510 sq. ft. of land in a district known as BUSINESS USE 1. Ref: 7.3.3, 7.4, 4.4.1, 5.1.8.A, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public hearing assigned for December 6, 2016

#342-16

Special Permit Petition to allow self-storage and retail space at 143 Rumford Avenue

SSG DEVELOPMENT, LLC. petition to construct a three-story, 79,746 square foot self-storage facility with a height of 36 feet, increasing the FAR to 1.35 where 1.5 is the maximum allowed by right as well as a waiver of 32 parking stalls and waivers of other parking requirements at 143 Rumford Avenue (211R Lexington Street), Ward 4, Auburndale, on land known as SBL 41031 0006, containing approximately 100,186 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 4.1.2.B.3, 4.1.3, 5.1.4, 5.1.13, 5.1.9.A.1, 5.1.10.A, 4.3.1.B.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

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