

## REPORTS DOCKET

July 14: Land Use Continued  
July 15: Programs & Services; Public Facilities Page 430  
July 20: Zoning & Planning Monday, July 13, 2015  
July 21: Land Use 7:45 PM, Newton City Hall  
Aug. 4: Land Use To be reported on  
**MONDAY, AUGUST 10, 2015**

### CITY OF NEWTON

#### IN BOARD OF ALDERMEN

#### REFERRED TO LAND USE COMMITTEE

Tuesday, July 14, 2015

Present: Ald. Laredo (Chairman), Ald. Albright Cote, Crossley, Schwartz, and Lennon; absent: Ald. Harney and Lipof; also present: Ald. Brousal-Glaser and Baker

*A public hearing was opened and continued on May 12 and June 23:*

#91-15 CP NEEDHAM STREET LLC petition for a SPECIAL PERMIT/SITE PLAN  
#182-09(2) APPROVAL to convert existing retail space to a restaurant use, to allow parking requirements to be met off-site (at 188-210 Needham Street), to allow parking within a setback in a parking facility with 5 or less parking stalls, to waive off-street loading requirements, and to waive lighting and screening requirements in a parking facility at 180 NEEDHAM STREET and to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL #182-09, dated 11/07/09, which allowed up to 6,000 sf of retail space to be converted to restaurant use, in order to expand parking within a setback in a facility with more than 5 parking stalls, to increase the number of parking stalls accessed by a nonconforming aisle width, to waive requirements for vegetative screening and lighting for a parking facility with 5 or more parking stalls at 188-210 NEEDHAM STREET to accommodate the parking proposed for 180 Needham Street, Ward 8, Newton Upper Falls, both of which properties are located in a district zoned MIXED USE 1. Ref: 180 Needham Street: 30-24, 30-23, 30-13(b)(5), 30-19(f)(2), 30-19(g)(1), 30-19(i), 30-19(j), 30-19(l), 30-19(m) and 188-210 Needham Street: 30-24, 30-23, 30-21(b), 30-19(h)(1), and (h)(3), 30-19(i), 30-19(j), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

**HEARING CLOSED; #91-15 and #182-09(2) APPROVED 6-0**

*Public Hearings were held on the following items:*

#149-15 JOAN DEVINE, TRUSTEE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow an increase in Floor Area Ratio from .45 to .58 for a customized modular home that was permitted at 14 CHARLEMONT STREET, Ward 8, Newton Highlands, on land known as SBL 83, 33, 18, containing approximately 8,251 square feet of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2012.

**HEARING CONTINUED TO AUGUST 4, 2015**

#416-12(4) MAIN GATE REALTY LLC petition to AMEND Special Permit/Site Plan Approval for a Change in Nonconforming Use #416-12(3), granted August 12, 2013, which limited two existing tenant spaces to office, low parking demand/turnover service, or retail uses, in order to allow office and storage space in the basement and to re-stripe an existing parking lot to create five parking stalls, where four currently exist, and to waive the dimensional requirements for the parking stalls at 242-244 COMMONWEALTH AVENUE, Ward 7, Chestnut Hill, on land known as SBL 61, 13, 11, containing approximately 7,452 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(h)(2)a) and (m) of the City of Newton Rev Zoning Ord, 2012.

**HEARING CONTINUED TO AUGUST 4, 2015**

#150-15 ANTHONY DePASQUALE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to change an existing nonconforming use to another nonconforming use in order to convert an existing clubhouse to a multi-family dwelling with five units and to waive one parking stall and to allow parking within the front setback at 15 SOUTH GATE PARK, Ward 3, West Newton, on land known as SBL 33, 31, 9, containing approximately 14,120 square feet of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(d)(2), (g)(1), and (m) and 30-24(f) of the City of Newton Rev Zoning Ord, 2012.

**HEARING CONTINUED TO AUGUST 4, 2015**

**REFERRED TO LAND USE COMMITTEE**

Tuesday, July 21, 2015

Present: Ald. Laredo (Chairman), Ald. Albright, Cote, Crossley, Lipof, Schwartz, Lennon, and Harney; also present: Ald. Fuller, Hess-Mahan, Leary, Norton, Johnson, Baker, and Yates

*A Public Hearing was opened on June 2 and continued to June 9:*

#119-15 AUSTIN STREET PARTNERS, LLC/CITY OF NEWTON petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to redevelop an existing municipal parking lot, declared surplus by the Board of Aldermen on February 6, 2012, into a mixed use residential building providing 68 units of housing, approximately 5,000 sf of commercial space, approximately 90 underground parking spaces appurtenant to the proposed residences and commercial space and 127 public parking spaces at grade at 28 AUSTIN STREET, Ward 2, Newtonville, on land known as SBL 24, 9, 15, containing approximately 74,480 sf of land in a district zoned MIXED USE 4. Ref: Sec. 30-24, 30-23, 30-21(b), 30-15(w)(2), (w)(4)b), 30-15 Table 3, 30-13(h), (h)(2) Table B, 30-13(j)(1), (2), and (3), 30-19(d)(2), (10), (11), (12), and (13), 30-19(e), 30-19(h)(1), (2)a) and b), 30-19(i)(1) and (2), 30-19 (j)(1), 30-19 (k); 30-19 (l) Table 3, and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

**HEARING CONTINUED TO SEPTEMBER 24, 2015**

**REFERRED TO LAND USE COMMITTEE**

Tuesday, August 4, 2015

Present: Ald. Laredo (Chairman), Ald. Albright, Crossley, Cote, Lennon, Lipof, Harney, and Schwartz; also present: Ald. Hess-Mahan, Brousal-Glaser

*Items Recommended by Board of Aldermen on July 13, 2015:*

#124-15 WELLS AVENUE LLC, petition for a SPECIAL PERMIT to demolish a portion of an existing one-story building and construct a 3-story addition adjacent to the remaining portion of the building, which will increase the gross floor area in the aggregate to 20,000 or more from the existing 68,740 gross square feet to 132,598 gross square feet; to construct one or more retaining walls which may be greater than 4 feet within the setbacks; to allow parking in the rear setback; and to waive the required driveway width at 2 WELLS AVENUE, Ward 8, on land known as SBL 84, 34, 2K, containing approx. 436,175 square feet of land in a district zoned LIMITED MANUFACTURING. Ref: 30-24, 30-23, 30-12(g)(2), 30-5(b)(4), 30-19(h) and (m) of the City of Newton Rev Zoning Ord, 2012. *A public hearing was opened and continued on June 16 to June 23; hearing closed on June 23, 2015; [Approved 7-0-1 Schwartz abstaining]*  
**APPROVED 7-0 (Crossley not voting)**

#124-15(2) Accompanying petition #124-15 is a request that the Deed Restriction adopted by Board Order #276-68(3), dated November 18, 1968, and subsequent amendments be further amended to allow the following: .

- a greater percentage of office space in the entire office park to exceed 800,000 square feet in floor area;
- less open space as to the subject parcel and all other parcels constituting Parcel 1 than the maximum 40% requirement;
- the property and proposed building thereon to exceed the maximum Floor Area Ratio of 0.25, and to allow the maximum Floor Area Ratio for the entire Wells Office Park to exceed 0.25;
- a portion of the existing parking spaces and maneuvering area to be within 40 feet of the northeasterly boundary line of Parcel 1 on the plan #1183 of 1960 of which the land of 2 Wells Avenue is a part, and which boundary line is designated on said plan as "950" feet;
- retaining walls of 4 feet or greater as may be necessary within 80 feet of the northerly boundary line of said lot;
- the proposed building addition to be 36 feet in height although the specified minimum setback for the proposed building from the southerly street line of Nahanton Street is 321 feet.

(Approved 4-0-4 [Albright, Crossley, Harney, Schwartz abstaining] on June 23, 2015)  
**APPROVED 7-0 (Crossley not voting)**

*A Public Hearing was opened and continued on July 14, 2015:*

#150-15 ANTHONY DePASQUALE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to change an existing nonconforming use to another nonconforming use in order to convert an existing clubhouse to a multi-family dwelling with five units and to waive one parking stall and to allow parking within the front setback at 15 SOUTH GATE PARK, Ward 3, West Newton, on land known as SBL 33, 31, 9, containing approximately 14,120 square feet of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(d)(2), (g)(1), and (m) and 30-24(f) of the City of Newton Rev Zoning Ord, 2012.

**HEARING CONTINUED TO DATE TO BE DETERMINED**

*A Public Hearing was opened and continued on July 14, 2015:*

#149-15 JOAN DEVINE, TRUSTEE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow an increase in Floor Area Ratio from .45 to .58 for a customized modular home that was permitted at 14 CHARLEMONT STREET, Ward 8, Newton Highlands, on land known as SBL 83, 33, 18, containing approximately 8,251 square feet of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2012.

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**HEARING CONTINUED TO DATE TO BE DETERMINED**

**REFERRED TO ZONING & PLANNING COMMITTEE**

Monday, July 20, 1015

Present: Ald. Johnson (Chairman), Baker, Kalis, Leary, Yates, Danberg and Hess-Mahan

absent: Ald. Sangiolo; also Present: Ald. Albright and Crossley

Appointment by His Honor the Mayor

#167-15 MEGAN RISEN, 47 Grafton Street, Newton Centre, appointed as a member of the PLANNING & DEVELOPMENT BOARD for a term to expire February 1, 2017. [06/19/15 @ 11:39PM]

**APPROVED 5-0-2 (Baker and Hess-Mahan abstaining)**

#6-15 ALD. BAKER, HESS-MAHAN, ALBRIGHT requesting a discussion with the Acting Director of Planning and Development of how Phase 2 of Zoning Reform might be undertaken, including the contents of the proposed Village and Master Planning and Zoning Reform Request for Proposals, including the planning process and ordinance revision process the RFP anticipates, as well as the staffing and funding needed to enable both in-house and contracted work to be both well done and appropriately supervised.

**HELD 7-0**

#222-13 ALD. HESS-MAHAN, ALBRIGHT, BAKER, CROSSLEY, DANBERG, FISCHMAN & JOHNSON proposing to amend the definitions of "Common roof connector", "Common wall connector", and "Dwelling, two-family" in **Chapter 30, Section 30-1** of the City of Newton Zoning Ordinances.

**HELD 7-0**

#376-14 PLANNING & DEVELOPMENT DEPARTMENT requesting that **Chapter 30 ZONING** be deleted in its entirety and replaced with the Zoning Reform Phase 1 Zoning Ordinance.

**HELD 7-0**

**REFERRED TO PROGRAMS AND SERVICES COMMITTEE**

Wednesday, July 15, 2015

Present: Ald. Sangiolo (Chairman), Blazar, Leary, Baker, Rice, Hess-Mahan, Kalis and Norton  
Also Present: Ald. Crossley, Harney, Yates, Albright, Laredo, Gentile, Lappin, Brousal-Glaser and Lennon

#31-15 PROGRAMS & SERVICES COMMITTEE proposing an ordinance to limit the use of leafblowers. [01/26/15 @ 2:20PM]

**HELD 8-0**

#31-15(2) THE PROGRAMS & SERVICES COMMITTEE requesting to amend *Chapter 20-13, Noise Control*, relative to time restrictions on the use of yard, garden or grounds maintenance equipment.

**HELD 8-0**

**REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES**

#141-15 ALD. BROUSAL-GLASER, SANGIOLO, HESS-MAHAN, COTE, NORTON AND ALBRIGHT requesting a discussion with the Director of Urban Forestry, and representatives of the Public Works and Law Departments about tracking and improving the condition of the gas utility infrastructure in Newton, new state statutes governing infrastructure repairs, coordination of increased repair work with city operations, the status of negotiations with National Grid to compensate for tree deaths resulting from gas leaks, and the possibility of creating a utilities working group to monitor progress on these and related issues.

**PUBLIC FACILITIES HELD 7-0 on 07/15/15**

**HELD 8-0**

**REFERRED TO PROGRAMS & SERVICES & PUBLIC FACILITIES COMMITTEES**

#141-15(2) ALD LEARY, CROSSLEY, BROUSAL-GLASER, SANGIOLO, DANBERG, HESS-MAHAN, NORTON & YATES requesting a resolution to the State Legislature in support of House Bill 2870, an Act relative to protecting consumers of gas and electricity from paying for leaked and unaccounted for gas. [06/18/15 @ 4:50 PM]

**PUBLIC FACILITIES APPROVED 7-0 on 07/15/15**

**APPROVED 8-0**

#171-15 THE ELECTION COMMISSION requesting that the Board of Aldermen order that the following question be placed on the November 3, 2015 ballot: "Shall a commission be elected to revise the charter of the City of Newton?"; and to allow the names of charter commission candidates who have turned in nomination papers with the required 100 certified signatures to be placed on the ballot. [07/06/15 @ 4:17PM]

**APPROVED 6-0-1 (Sangiolo abstaining; Leary not voting)**

#172-15 ALD. HESS-MAHAN AND NORTON on behalf of Susan Mirsky and Guntram Mueller, requesting that the following non-binding question be placed on the November 3, 2015 municipal ballot: "Shall Governor Charles Baker instruct the Nuclear Regulatory Commission (NRC) to revoke the operating license of the 42-year old Pilgrim Nuclear Station, 38 miles from Newton in Plymouth, MA, because the safety of the public cannot be assured?" [06/23/15 @ 1:09PM]

**APPROVED 7-0 (Leary not voting)**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, July 15, 2015

Present: Ald. Crossley (Chair), Lennon, Albright, Brousal-Glaser, Gentile, Laredo, and Lappin;  
absent: Ald. Danberg; also present: Ald. Baker, Blazar, Hess-Mahan, Kalis, Leary, Norton, Rice, Sangiolo, and Yates

#173-15 EVERSOURCE ENERGY requesting grant of location to install 55' ± of conduit in ELM STREET from Manhole #15996 northwesterly thence turning and running northeasterly to Pole # 137/3A to provide service to 111 Elm Street. [06/15/15 @ 12:04 PM]

**APPROVED 7-0**

#174-15 HIS HONOR THE MAYOR appointing JAMES McGONAGLE as Commissioner of the Public Works Department effective August 24, 2015, pursuant to §3-3 of the City Charter. (30 days 08/12/15) [07/06/15 @ 3:51 PM]

**APPROVED 5-0-2 (Gentile and Laredo abstaining)**

#358-14 FINANCE COMMITTEE requesting that the Public Facilities Committee receive updates on the clean-up of the Rumford Avenue Landfill every three months.

**HELD 7-0**

#129-15(2) COMMISSIONER OF PUBLIC WORKS requesting approval of the addition of a left turning lane from Winchester Street onto Nahanton Street. [06/11/15 @ 12:56 PM]

**NO ACTION NECESSARY 7-0**

#245-12 RECODIFICATION COMMITTEE recommending that Chapter 11, RECYCLING AND TRASH as most recently amended by Ordinance Z-68 and Z-87, dated 6/21/10 and 5/16/11, respectively, be reviewed and be amended as necessary.

**APPROVED 7-0**

**REFERRED TO PROGRAMS & SERVICES & PUBLIC FACILITIES COMMITTEES**

#141-15(2) ALD LEARY, CROSSLEY, BROUSAL-GLASER, SANGIOLO, DANBERG, HESS-MAHAN, NORTON & YATES requesting a resolution to the State Legislature in support of House Bill 2870, an Act relative to protecting consumers of gas and electricity from paying for leaked and unaccounted for gas. [06/18/15 @ 4:50 PM]

**PROGRAMS & SERVICES APPROVED 8-0 on 07/15/15**

**APPROVED 7-0**

**REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES**

#141-15 ALD. BROUSAL-GLASER, SANGIOLO, HESS-MAHAN, COTE, NORTON AND ALBRIGHT requesting a discussion with the Director of Urban Forestry, a representative of the Department of Public Works and a representative of the Law Department about tracking and improving the condition of the gas utility infrastructure in Newton, new state statutes governing infrastructure repairs, coordination of increased repair work with city operations, the status of negotiations with National Grid to compensate for tree deaths resulting from gas leaks, and the possibility of creating a utilities working group to monitor progress on these and related issues. [05/26/15 @ 2:52 PM]

**PROGRAMS & SERVICES HELD 8-0 on 07/15/15**

**HELD 7-0**

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The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, *please contact Jini Fairley, at least two days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov), or 617-796-1253. For Telecommunications Relay Service dial 711.*