



City Council Reports Docket

Page 264

7:45 p.m., Hybrid

To be reported on

Monday, November 7, 2022

October 18: Land Use

October 19: Programs & Services, Public Safety
& Transportation and Public Facilities

October 24: Zoning & Planning and Finance

October 25: Land Use

November 1: Land Use

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Monday, November 7, 2022, 7:45 pm To view this meeting on zoom use this link at the above date and time:

<https://us02web.zoom.us/j/86569905963>

One tap mobile

US: +13017158592 865 6990 5963#

Land line

US: +1 301 715 8592

Meeting ID: 865 6990 5963

You may also:

1. Watch a live broadcast of the meeting on NewTV's government channel (Comcast 9, RCN 13, 614(HD), Verizon 33).
2. View a live stream on NewTV's Vimeo channel at: <https://vimeo.com/newtvgov>

City of Newton

In City Council Items to be Acted Upon

Referred to Land Use Committee

Tuesday, October 18, 2022

Present: Councilors Kelley (Acting-Chair), Bowman, Downs, Laredo, Lucas and Markiewicz; absent: Councilors Greenberg and Lipof; also present: Councilors Crossley, Gentile, Malakie, and Wright

#446-22 Request to allow rear-lot subdivision and variance from rear-lot definition at 113 Grove Street

113 GROVE STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a rear lot subdivision to construct a single-family dwelling, relocate the existing dwelling forward and waive the definition of "rear-lot" at 113 Grove Street, Ward 4, Newton, on land known as Section 43 Block 31 Lot 15, containing approximately 23,063 sq. ft. of land in a district

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 or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.5, 3.1.10, 1.5.2.G.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 6-0; Public Hearing Continued

#449-22 Request to amend Special Permit #234-10 to construct sport courts, warming hut and parking at 1897 Washington Street

WOODLAND GOLF CLUB OF AUBURNDALE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #234-10 to extend a nonconforming use; to allow the construction of sport courts, a warming hut and associated parking; to determine appropriate dimensional requirements; to determine appropriate setbacks relative to parking; to waive perimeter screening; to waive interior landscaping; to waive lighting and to waive bike parking facilities at 1897 Washington Street, Ward 4, Newton, on land known as Section 43 Block 46 Lot 11, containing approximately 2,291,142 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.1.2.A.3, 5.1.8.B.2, 5.1.13, 5.1.9.A, 5.1.9.B, 5.1.10.A, 5.1.11 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 6-0; Public Hearing Continued

#448-22 Request to extend nonconforming parking structure to construct four dwelling units above at 1 Jackson Street

345 BOYLSTON, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a three-story structure with 36 feet in height; to allow an FAR of 1.48; to vertically extend a nonconforming front setback; to waive 4 parking stalls and to allow assigned parking at 1 Jackson Street, Ward 6, Newton, on land known as Section 65 Block 10 Lot 19, containing approximately 12,512 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 7.4, 4.1.2.B.3, 4.1.3, 7.8.2.C.2, 5.1.4, 5.1.13, 5.1.3.E of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 6-0; Public Hearing Continued

#447-22 Request to allow 9-unit residential dwelling at 106 River Street

NORTON POINT STREET, LLC and 106 RIVER STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze existing building and construct a 9-unit residential dwelling; to allow ground floor residential use with residential above; to allow a three-story structure with 36 feet in height; to allow an FAR of 1.20; to allow assigned parking stalls; to allow outdoor parking within five feet of a residential building; to allow restricted end stalls; to allow a reduced maneuvering aisle width; to reduce the driveway width for two-way traffic; to waive perimeter screening and to waive lighting at 106 River Street, Ward 3, Newton, on land known as Section 33 Block 24 Lot 11A, containing approximately 15,802 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 7.4, 4.4.1, 4.1.2.B.3, 4.1.3, 5.1.3.E, 5.1.13, 5.1.8.A.2, 5.1.8.B.6, 5.1.8.C, 5.1.8.D.1, 5.1.9, 5.1.10 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 6-0; Public Hearing Continued

Referred to Land Use Committee

Tuesday, October 25, 2022

Present: Councilors Lipof (Chair), Kelley, Bowman, Downs, Greenberg, Laredo, Lucas and Markiewicz; also present: Councilors Albright, Gentile, Leary, and Wright

- #449-22 Request to amend Special Permit #234-10 to construct sport courts, warming hut and parking at 1897 Washington Street**
WOODLAND GOLF CLUB OF AUBURNDALE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #234-10 to extend a nonconforming use; to allow the construction of sport courts, a warming hut and associated parking; to determine appropriate dimensional requirements; to determine appropriate setbacks relative to parking; to waive perimeter screening; to waive interior landscaping; to waive lighting and to waive bike parking facilities at 1897 Washington Street, Ward 4, Newton, on land known as Section 43 Block 46 Lot 11, containing approximately 2,291,142 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.1.2.A.3, 5.1.8.B.2, 5.1.13, 5.1.9.A, 5.1.9.B, 5.1.10.A, 5.1.11 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Held 6-0 on 10/18/22
Land Use Approved 7-0-1 (Councilor Downs Abstained); Public Hearing Closed 10/25/22
- #455-22 Request to exceed FAR at 168-170 Warren Street**
AMY SURMAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to enclose an existing screen porch, further exceeding nonconforming FAR at 168-170 Warren Street, Newton, Ward 6, on land known as Section 61 Block 40 Lot 04, containing approximately 5,742 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.2.3, 3.2.11, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 8-0; Public Hearing Closed 10/25/22
- #456-22 Request to allow for-profit educational use at 49-51 Winchester Street**
CLARE SULLIVAN, SULLIVAN SCHOOL OF IRISH DANCE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit education use at 49-51 Winchester Street, Ward 5, Newton, on land known as Section 51 Block 28 lot 30, containing approximately 79,500 sq. ft. in a district zoned MIXED USE 1. Ref: 7.3.3, 7.4, 4.4.1, 6.3.14.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
5.1.8.A.2, 5.1.8.B.6, 5.1.8.C, 5.1.8.D.1, 5.1.9, 5.1.10 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 8-0; Public Hearing Closed 10/25/22
- #259-22 Request to Rezone 7 parcels to BU4**
CRAFTS DEVELOPMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone 7 parcels as follows: 34 Crafts Street (Section 23 Block 16 Lot 11), 36 Crafts Street (Section 23 Block 16 Lot 10), 38 Crafts Street Section 23 Block 16 Lot 09), 48 Crafts Street (Section 23 Block 16 Lot 08), and 50 Crafts Street (Section 23 Block 16 Lot 07) from MANUFACTURING TO BUSINESS 4; and 19 Court Street (Section 23 Block 16 Lot 12) and 21 Court Street (Section 23 Block 16 Lot 13) from MULTIRESIDENCE 1 TO BUSINESS 4.
Land Use Approved 8-0; Public Hearing Closed 10/25/22
- #260-22 Petition to construct elderly housing with services at 34, 36, 38, 48, 50 Crafts Street, 19-21 Court Street**
CRAFTS DEVELOPMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow an Elder Housing with Services facility, to allow a development in excess of 20,000 sq. ft., to allow a seven-story building, to allow a building 84 feet in height, to allow parking within

the side setback, to reduce the required parking stall width, to reduce the required parking stall depth, to reduce the required parking stall depth for accessible stalls, to allow a reduced drive aisle width for two-way traffic and to waive the lighting requirements at 34, 36, 38, 48, 50 Crafts Street, 19-21 Court Street, Ward 2, Newton, on land known as Section 23 Block 16 Lots 7, 8, 9, 10, 11, 12 and 13, containing approximately 115,818 sq. ft. of land in districts zoned MAN and MR1 (to be rezoned to BU4). Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.2.10, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 5.1.8.A.1, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.C, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 8-0; Public Hearing Closed 10/25/22

Referred to Land Use Committee

Tuesday, November 1, 2022

Present: Councilors Lipof (Chair), Kelley, Bowman, Downs, Greenberg, Laredo, Lucas and Markiewicz; also present: Councilors Albright, Crossley, and Humphrey

#475-22 Request to amend Council Order #443-20 at 232 Boylston St
DACOS REALTY LLC, petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Council Order 443-20 to replace the Petitioner as stated in Council Order #443-20 from MME Newton Retail LLC to Pharmacannis Massachusetts Inc. d/b/a Verilife at 232 Boylston Street, Newton, Ward 7, on land known as Section 82 Block 02 Lot 09, containing approximately 16,570 sq. ft. of land in a district zoned BUSINESS 4. Ref: 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 7-0-1 (Councilor Lipof Recused); Public Hearing Closed 11/1/22

#476-22 Request to amend Special Permit #180-18 to allow an increase in the number of shuttles for the accessory parking shuttle service at 199 Boylston St
MALL at CHESTNUT HILL LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow an increase in the number of shuttles for the accessory parking shuttle service at 199 Boylston St, Newton, Ward 7, on land known as Section 65 Block 08 Lot 100, containing approximately 324,691 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 8-0; Public Hearing Closed 11/1/22

#29-22 Petition to allow a drive-in business and associated perimeter parking and lighting waivers at 940 Boylston Street
MILDRED K. MCMULLEN, TRUSTEE OF MIL MAC TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze a portion of the existing building and reconfigure the existing parking to allow for a construction of a drive-in and relief for a free-standing sign at 940 Boylston, Ward 5, Newton, on land known as Section 51 Block 26 Lot 03, containing approximately 12,060 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.4.11, 5.1.9.A, 5.1.13, 5.2.13, 5.10.A of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Denied 5-1-2 (Councilor Lucas Nay) (Councilors Greenberg and Markiewicz Abstained); Public Hearing Closed 11/1/22

#457-22

Request to allow a 6-unit residential dwelling at 416 & 418 Langley Road

416-418 LANGLEY ROAD, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze two dwellings, merge two-lots and construct a six-unit multifamily dwelling with below grade parking accommodating 12 vehicles in addition; to allow ground floor residential use with residential above; to allow a three-story structure with 36 feet in height; to extend a nonconforming side setback; to extend a nonconforming rear setback; to allow an FAR of 1.47; to allow a reduced parking stall width; to allow restricted end stalls; to reduce the driveway width for two-way traffic and to allow a retaining wall exceeding four feet in height within a setback at 416 and 418 Langley Road, Ward 6, Newton, on land known as Section 65 Block 10 Lot 27 and Section 65 Block 10 Lot 28, containing approximately 11,176 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 7.4, 4.4.1, 4.1.2.B.3, 4.1.3, 7.8.2.C.2, 5.1.8.A.1, 5.1.13, 5.1.8.B.6, 5.1.8.D.1, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 6-0-2 (Councilors Laredo and Lucas Abstained); Public Hearing Closed 11/1/22

Referred to Zoning & Planning Committee

Monday, October 24, 2022

Present: Councilors Crossley (Chair), Albright, Danberg, Wright, Leary, Baker, Krintzman, and Ryan; also present: Councilors Lucas, Greenberg, Laredo, Humphrey, Malakie, and Oliver

#38-22

Discussion and review relative to the draft Zoning Ordinance regarding village centers

ZONING & PLANNING COMMITTEE requesting review, discussion and possible ordinance amendments relative to Chapter 30 zoning ordinances pertaining to Mixed Use, business districts and village districts relative to the draft Zoning Ordinance. (formerly #88-20)

Zoning & Planning Held 8-0

Referred to Programs & Services Committee

Wednesday, October 19, 2022

Present: Councilors Krintzman (Chair), Humphrey, Wright, Baker, Albright, Noel, Ryan, and Greenberg; also Present: Councilors Malakie, Norton, Danberg, Kalis, Leary, Crossley, Bowman, Downs, and Oliver

#466-22

Appointment of Cynthia Arcate to the Newton Commonwealth Foundation

HER HONOR THE MAYOR appointing Cynthia Arcate, 4 Woodhaven Road, Waban as a member of the Newton Commonwealth Foundation for a term of office to expire on June 30, 2025. (60 Days: 12/02/2022)

Programs & Services Approved 7-0-1 (Councilor Noel abstaining)

Referred to Programs & Services and Finance Committees

#411-22

Request for Amendment to Chapter 21, Art III Trees to extend tree protection and update permits

COUNCILORS MALAKIE, NORTON, LEARY, RYAN, WRIGHT, LUCAS, HUMPHREY, BOWMAN, MARKIEWICZ, OLIVER, DOWNS, AND LAREDO requesting revisions and amendments to Chapter 21, Art. III Trees (sec. 21-60 through 21-89) to extend tree protection to all trees

6 inches DBH (diameter at breast height) and greater within the City (with no exempt lots); to update tree removal permits, fees, and compensation; and to strengthen protection for existing and replacement trees.

Programs & Services Held 8-0

Referred to Programs & Services and Finance Committees

#412-22

Request for Review and Amendments to Chapter 21, Art. III, Division 3

HER HONOR THE MAYOR requesting review and amendments to Chapter 21, Art. III, Division 3, Tree Preservation to increase replacement requirements for larger trees, add protections for smaller trees, limit removal of trees without replacement, enhance procedures for protecting trees, increasing payment required for trees cut without replacement, protect trees on lots adjacent to construction, provide Tree Warden with additional professional input on trees on private properties.

Programs & Services Held 8-0

#465-22

Reappointment of Randall Johnson to the Parks and Recreation Commission

HER HONOR THE MAYOR reappointing Randall Johnson, 267 Upland Road, Newton as an alternate member of the Parks and Recreation Commission for a term of office to expire on September 30, 2025. (60 Days: 12/02/2022)

Programs & Services Approved 8-0

Referred to Public Safety & Transportation Committee

Wednesday, October 19, 2022

Present: Councilors Downs (Chair), Malakie, Oliver, Lucas, Grossman, Markiewicz and Bowman; absent: Councilor Lipof; also present: Councilor Kelley

#467-22

Appeal of Traffic Council Decision TC46-22 Exeter Street at Berkeley Street

THOMAS RILEY, 66 Berkeley Street, West Newton AND COUNCILOR KELLEY appealing the approval of Traffic Council petition TC46-22 on September 15, 2022, requesting to add a stop sign at the end of Exeter Street at Berkeley Street. (Ward 3)

Public Safety & Transportation Denied 6-1, Councilor Malakie opposed

Referred to Public Facilities and Public Safety & Transportation Committees

#70-22

Requesting a discussion regarding Traffic calming progress, plans, and adequacy of resources

COUNCILORS MALAKIE, NORTON, BOWMAN, DOWNS, GROSSMAN, AND WRIGHT requesting a discussion with the Department of Public Works and the Planning Department regarding Traffic Calming prioritization, selection of methods, effectiveness of completed projects, pending requests, adequacy of current funding and personnel, and timetable for addressing pending and new requests at current resource levels.

Public Facilities No Action Necessary 7-0 on 06/08/22

Public Safety & Transportation Held 7-0 on 06/08/22

Public Safety & Transportation Held 6-0, Councilor Malakie not voting

Referred to Public Facilities Committee

Wednesday, October 19, 2022

Present: Councilors Leary (Chair), Crossley, Kelley, Danberg and Kalis; Absent: Councilors Gentile, Norton and Laredo

- #479-22** **Eversource petition for Grant of Location in Needham Street**
EVERSOURCE ENERGY petitioning for a grant of location to install approximately 195± feet of conduit in Industrial Place, 1269± feet of conduit in Needham Street, 20± feet of conduit in Oak Street and 20± feet of conduit in Charlemont Street and 4 new manholes
Public Facilities Approved 5-0

Referred to Public Facilities and Public Safety & Transportation Committees

- #78-22** **Discussion on transportation priorities and public works**
PUBLIC FACILITIES COMMITTEE, PUBLIC SAFETY & TRANSPORTATION COMMITTEE, AND COUNCILORS LEARY AND BOWMAN requesting a discussion with the administration and school officials on transportation priorities and public works/streets/sidewalks etc.
Public Facilities voted No Action Necessary 5-0

Referred to Finance Committee

Monday, October 24, 2022

Present: Councilors Grossman (Chair), Gentile, Noel, Kalis, Malakie, Oliver, Norton and Humphrey

- #435-22** **Appropriate \$60,826.31 for McKinney-Vento Homeless Student Transportation**
SCHOOL COMMITTEE requesting that the City Council approve authorizing the Mayor to appropriate the state reimbursement of sixty thousand eight hundred twenty-six dollars and thirty-one cents for McKinney-Vento and Foster Care Transportation funds from the general fund to the School Department.
Finance Held 8-0
- #407-22** **Appropriate \$50,000 from Special Permit Fees, Austin Street and Lowell Ave**
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of fifty thousand dollars (\$50,000) from Acct #5568R401-432017 Special Permit fees, Austin and Lowell, to improve safety for all users by constructing traffic flow changes at two intersections on Lowell Ave, which is consistent with the intent of Special Permit #175-21, Condition 6.
Public Facilities Held 5-0 on 09/21/22
Public Facilities Approved 7-0 on 10/12/22
Finance Approved 5-1-2 (Councilor Gentile opposed and Councilors Kalis and Malakie abstaining)

Referred to Real Property Reuse

Thursday, November 3, 2022

Present: Councilors Laredo (Chair), Oliver, Albright, Downs, Kalis, Kelley, and Markiewicz; absent: Councilor Danberg

#481-22 Reuse of parcel of land on Jackson Street

DIRECTOR OF PLANNING & DEVELOPMENT submitting on October 6, 2022 a letter stating that the 57 sq. ft. City owned parcel of land known as 181-183 Jackson Road, should be made available for sale or lease, pursuant to the City of Newton Ordinances Section 2-7.

Real Property Reuse Held 7-0