



City Council Actions

In City Council

Tuesday, January 3, 2023

Present: Councilors Bowman, Crossley, Danberg, Downs, Gentile, Greenberg, Grossman, Humphrey, Kalis, Kelley, Krintzman, Laredo, Leary, Lipof, Lucas, Malakie, Markiewicz, Noel, Norton, Oliver, Ryan, Wright & Albright.

Absent: Councilor Baker.

Clerk's Note: The full Council meeting can be viewed on the following link:

[Newton City Council January 3, 2023 \(newtv.org\)](https://www.newtv.org)

The City Council discussed the following items on Second Call:

#357-22

Request to Rezone 3 parcels to MU4

HQ, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone 3 parcels as follows: 1314 Washington Street (Section 33 Block 10 Lot 01), 31 Davis Street (Section 33 Block 10 Lot 11) and 33 Davis Street (Section 33 Block 10 Lot 12) from BUSINESS 1 TO MULTI USE 4.

Land Use Approved 7-0; Public Hearing Closed 12/13/22

Item Chartered by Councilor Gentile on December 19, 2022

Land Use Approved 7-0

City Council Approved 21-2 (Councilors Gentile and Malakie Opposed) 1 Absent

#358-22

Special Permit Petition to allow development at 1314 Washington Street and 31, 33 Davis Street

HQ, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a building in excess of 20,000 sq. ft., to allow a mixed-use residential building with five stories and 60 feet in height, to allow reduced lot area per unit, to exceed the maximum front setback, to allow a FAR of 2.44 in a five-story building, to waive the setback requirement for the portions of the building exceeding 40 ft. in height, to waive entrance and façade transparency requirements, to allow a restaurant with more than 50 seats with extended hours of operation, to allow ground floor residential use, to waive the requirement of using the A+B+C parking formula, to waive 115 parking stalls, to allow assigned parking, to allow reduced parking stall width and depth, to allow reduced accessible stall depth, to waive end stall maneuvering space requirements, to allow reduced aisle width at 1314 Washington Street and 31, 33 Davis Street, Ward 3, Newton, on land known as Section 33 Block 10 Lots 01, 11, 12 containing approximately 30,031 sq. ft. of land in a district zoned BUSINESS USE

1 (rezone to MULTI USE 4 proposed). Ref: Sec. 7.3.3, 7.4, 4.2.2.A.2, 4.2.5.A.3, 4.2.2.B.1, 4.2.3, 4.2.5.A.4, 4.2.2.B.3, 4.2.5.A.2, 4.2.5.A.4.c, 4.2.5.A.6.a, 4.2.5.A.6.b, 4.4.1, 6.4.29.B.1, 6.4.29.C.6, 4.4.1, 6.2.4, 5.1.3.B, 5.1.13, 5.1.4, 5.1.3.E, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.B.6, 5.1.8.C.1, 5.1.8.C.2 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 6-1 (Councilor Lucas Opposed); Public Hearing Closed 12/13/22
Item Chartered by Councilor Gentile on December 19, 2022
City Council Approved 20-3 (Councilors Gentile, Lucas, Malakie Opposed) 1 Absent

Clerk's Notes: Councilor Gentile expressed a general concern about special permits increasing the size of developments over time, far exceeding the initial proposals. He was specifically concerned that this building already had one special permit approved in 2018. This current special permit under review would increase the building from 3 to 5 stories and from 40 to 60 feet in height. In addition, the square footage has been increased from 30K square feet to over 73K square feet, altogether making it totally out of scale for the neighborhood. In addition, Councilor Gentile talked about his constituents feeling that their concerns about development are not being heard. Councilors Lucas and Malakie also expressed concerns about whether there was sufficient additional parking for the restaurant.

#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 waive two parking stalls; to allow outdoor parking within five feet of a residential building; 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, 5.1.4, 5.1.8.A.2, 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 5-1-1 (Councilor Laredo Opposed) (Councilor Lucas Abstained); Public Hearing Closed 12/13/22

Item Chartered by Councilor Gentile on December 19, 2022

City Council

City Council Motion to send back to committee Failed with 13 Nays and 10 Yeas and 1 Absent (Nays were: Councilors Bowman, Crossley, Danberg, Downs, Greenberg, Grossman, Humphrey, Kelley, Leary, Lipof, Noel, Ryan, Albright. Yeas were: Gentile, Kalis, Krintzman, Laredo, Lucas, Malakie, Markiewicz, Norton, Oliver, and Wright)

City Council Approved 17-6 (Councilors Gentile, Laredo, Malakie, Markiewicz, Norton, and Wright Opposed) 1 Absent

Clerk's Notes: Councilor Lipof wanted to take the opportunity to publicly defend the use of the charter, as he has been hearing objections to chartering from some of his constituents. Councilor Markiewicz objected to applying business-use zoning rules to this, given that it is an entirely residential project. For that reason, Councilor Markiewicz made a motion to send this back to the committee and give the petitioner a chance to withdraw and re-package. Councilor Laredo seconded the motion, but it failed in a vote (see above). Councilors Gentile, Laredo, and Malakie all stated concerns that the project was too large for the neighborhood, that it should have been 6 units—not 9 units, and that this over-development has resulted in no set back, too much parking allotted, and not enough landscaping.

#481-22**Reuse of parcel of land on Jackson Road**

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 Approved 6-0

Item Chartered by Councilor Malakie on January 3, 2023