

City Council Docket

January 7: Land Use

January 8: Programs & Services, Public Facilities,

Public Safety and Transportation

January 13: Zoning & Planning, Finance

January 14: Land Use

Continued Page 5 Monday, January 6, 2020 7:00 PM, Newton City Hall Monday, December 2, 2019

City of Newton

Clerk's Note: The City Clerk's Office, on behalf of the Newton Election Commission, has determined that the citizens referendum petition requesting that the City Council repeal or rescind Council Order #425-18, the change of zone for the Northland parcels at Oak and Needham Streets, has a sufficient number of signatures, pending a two-day period of public review which will end at the close of business on January 7, 2020. Discussion of this item may take place at this meeting, but final action may not be taken.

Per City Charter, 3,032 certified signatures are required to place this again before the Council. The Clerk's Office stopped certifying signatures at 4,258; 40% more than needed as allowed by City Charter.

#425-18 Request to Rezone three parcels for Northland Development

NEEDHAM STREET ASSOCIATES, NORTHLAND TOWER ROAD INVESTORS, NORTHLAND OAK STREET, LLC petition for a change of zone to BUSINESS USE 4 for land located at 156 Oak Street (Section 51 Block 28 Lot 5A), 275-281 Needham Street (Section 51, Block 28, Lot 6) and 55 Tower Road (Section 51 Block 28 Lot 5), currently zoned MU1.

This item will be before the City Council for action at a special meeting of the Council on January 8, 2020, the Council must decide whether it will vote to repeal or rescind its decision on Board Order #425-18 or refer the measure to a public vote. If the Council chooses to repeal or rescind its approval, the Council vote must take place within 30 days of January 8, 2020. If the Council's vote on a motion to repeal does not pass, or alternatively if the Council affirmatively votes to refer the measure to the voters, the Council will have 30 days from its vote to set a date for an election. If the Council does not take any action on this item before February 7, 2020, it will automatically be referred to the voters and the Council will have 30-days to set an election date.

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: ifairley@newtonma.gov, or 617-796-1253. For Telecommunications Relay Service dial 711.

In City Council to be Accepted and Referred to Committees

Referred to Land Use Committee

#17-20 Class 1 Auto Dealer License

MAG RETAIL HOLDINGS – CJ LLC. D/B/A MCGOVERN CHRYSLER JEEP DODGE RAM 777 Washington Street Newton, MA. 02460

#18-20 Class 1 Auto Dealer License

FLAHERTY EQUIPMENT SALES CORPORATION 846 Walnut Street Newton, MA. 02459

#19-20 Class 2 Auto Dealer License

JACOB & ASSOCIATES 1232 Washington Street Newton, MA. 02465

#20-20 Class 2 Auto Dealer License

NEW ENGLAND MOTOR MART, INC. 1211 Washington Street West Newton, MA. 02465

#21-20 Class 2 Auto Dealer License

MOTORCARS OF BOSTON, INC. 1191 Washington Street Newton, MA. 0246

#22-20 Class 2 Auto Dealers License

JR CAR CARE, INC. 454 Watertown Street Newtonville MA 02460

#23-20 Class 2 Auto Dealers License

KC AUTO 55 Farwell Street Apartment 13 Newtonville MA 02460

#66-20 Class 2 Auto Dealers License

ENZO'S AUTO SALES 10 Hawthorn Street Newton MA 02458

#67-20 Class 2 Auto Dealers License

AUCTION DIRECT PREOWNED 1545 Washington Street West Newton, MA. 02465

#68-20 Class 2 Auto Dealers License

NEWTON COLLISION INC. D/B/A GM AUTO BODY 64 Crafts Street Newton, MA. 02458

#483-18(2) Petition to allow 20-unit multi-family dwelling at 182-184 & 166 California Street

LA&CA, LLC. petition for an EXTENSION OF TIME to EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL to allow the expansion of a nonconforming multi-family dwelling use by constructing a three-story multi-family development 32.6' in height in a manufacturing district with greater than 20,000 sq. ft. new gross floor area in Ward 1, Newton, at 182-184 California Street (Section 11 Block 12 Lot 12) and 166 California Street (Section 11 Block 12 Lot 13), containing approximately 18,121 sq. ft. of land in a district zoned MANUFACTURING. Said Extension of Time to Run from February 19, 2020 to February 19, 2021. Ref: 7.3, 7.4, 4.4.1, 7.8.2.2, 4.3.2.B.1, 4.3.3, 7.8.2.C.2, 4.3.2.B.3, 5.1.4, 5.1.8.B.6, 5.1.13, 5.1.8.E.1, 5.4.2 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for February 4, 2020

#24-20 Petition to allow for-profit educational use at 66 Winchester Street

OLYMPIA FENCING CENTER, INC/WINCHESTER 66 LLC., petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit educational use in 6,750 sq. ft. of the existing building at 66 Winchester Street, Ward 5, Newton Highlands, on land known as Section 83 Block 03 Lot 46, containing approximately 20,059 sq. ft. of land in a district zoned MULTI USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.3.14.B.2 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for February 4, 2020

#25-20 Special Permit Petition to allow marijuana retailer at 1158 Beacon Street

<u>UNION TWIST, INC.</u> petition for a <u>SPECIAL PERMIT/SITE PLAN APPROVAL</u> to allow a retail marijuana establishment, to waive the minimum driveway width for two-way traffic, to waive perimeter screening requirements and to waive lighting requirements at 1158 Beacon Street, Ward 6, Newton Highlands, on land known as Section 54 Block 22 Lot 49A, containing approximately 20,443 sq. ft. of space in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 6.10.3.D, 4.4.1, 5.1.10, 5.1.13, 5.1.8.D.1, 5.1.9.A of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for January 28, 2020

#26-20 Request to Rezone Approximately 4.4 acres to MU-3 to Create a Contiguous MU-3 Zone

MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for a change of zone to Mixed Use 3/Transit Oriented District for portions of land located at 355 Grove Street (currently zoned BU-2) and 399 Grove Street (currently zoned BU-5), also identified as Section 42, Block 11, Lots 3, 4, and 4A, abutting the existing MU-3 Zone.

Public Hearing to be Assigned for January 28, 2020

#27-20 Petition to allow Mixed Use Transit Oriented Development at Riverside Station

MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use, transit-oriented development of residential units, office, retail, personal services, restaurant, hotel, and related commercial uses not to exceed 1,025,000 square feet of gross floor area, with residential uses comprising not less than 60% of the total gross floor area with a residential density of not less than 800 square feet per unit with not less than 560 units nor more than 620 units with special permit relief and/or waivers as follows: as to dimensional standards, a development of more than 20,000 square feet of gross floor area, building height of up to 170 feet, buildings up to 11 stories, Floor Area Ratio of up to 2.5, beneficial open space of not less than 15%, increase of height of certain buildings with the Grove Street Area Corridor (to the extent necessary), and reduction in setback from Grove Street for certain buildings within the Grove Street Corridor Area (to the extent necessary); as to design standards, waiver of the sustainable development design standards and placement of a retaining wall greater than 4 feet in height located in a setback; as to uses, for-profit educational use, retail sales of over 5,000 square feet, restaurant with more than 5,000 square feet of gross floor area, personal service use of over 5,000 square feet, place of amusement, health club on ground floor, animal services, hotel, bank up to and over 5,000 square feet, theatre/hall, laboratory/research facility, parking facility, accessory, multi-level, parking facility, non-accessory, single level; as to parking, reduction of the residential parking requirement to 1.25 stalls per unit, reduction of the overall commercial parking requirement by 1/3, and waiver of parking stalls not to exceed 685 stalls, above and beyond the reductions specified above; as to parking facilities, waivers of the parking stall dimension requirements, the end stall maneuvering space requirements, the driveway entrance and exit requirements, the 5% interior landscaping requirements, the interior planting area requirements, the tree requirements, the bumper overhang requirements, the one-foot candle lighting requirement, the parking stall striping requirements (to the extent necessary), the curbing, wheel stop, guard rail, or bollard requirements, and the number of off-street loading facilities requirements; and as to signage, waiver of the number, size, type, location, and design requirements, all at 355 and 399 GROVE STREET on land known as Section 42, Block 11, Lots 3, 4 and 4A, containing approximately 13.05 acres of land in districts zoned Mixed Use 3 Transit Oriented (MU3), BU2 (a portion to be rezoned to MU3), BU5 (to be rezoned to MU3). Ref: Sec. 4.2.2.B.1, 4.2.2.B.3, 4.2.3, 4.2.4, 4.2.4.A.4, 4.2.4.B.3, 4.2.4.G.2, 4.4.1, 5.1.4, 5.1.4.A, 5.1.4.C, 5.1.8.B.1, 5.1.8.B.2,

5.1.8.B.4, 5.1.8.B.6, 5.1.8.D.1, 5.1.8.D.2, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10.A.1, 5.1.10.B.3, 5.1.10.B.5, 5.1.12, 5.1.12.B.4, 5.1.13, 5.2, 5.2.13, 5.4.2.B, 5.12, 6.4.29.C.5, 7.3.3, 7.3.5, 7.4 of the City of Newton Revised Zoning Ordinance, 2017. Additionally, as to infiltration and inflow mitigation, an abatement of the infiltration/inflow mitigation fee pursuant to Section 29-170 of the City of Newton Revised Zoning Ordinance, 2017.

Other Communications

Lateral Grant of Location in Washington Street #28-20

#31-20

EVERSOURCE ENERGY petitioning for a lateral grant of location to install two 4' conduits 90' from existing manhole MH73 in a northwesterly direction to manhole 306 for in Washington Street

Approved by the Commissioner of Public Works

Referred to Zoning & Planning Committee

- #29-20 Review and possible amendment of Demolition Delay and Landmark Ordinances COUNCILORS KELLEY, ALBRIGHT, AUCHINCLOSS, CROSSLEY, GREENBERG, KALIS, KRINTZMAN, LEARY, LIPOF, MARKIEWICZ, BOWMAN, HUMPHREY, RYAN AND NORTON requesting a review and, if appropriate, an update of Chapter 22, Sections 22-50 to 22-76 that relate to demolition delays, historic designation, and landmarking.
- #30-20 Ordinance amendment to repeal Zoning Ordinance 3.4.4 Garages COUNCILOR ALBRIGHT requesting amendment to Chapter 30 of Newton's Zoning Ordinance, section 3.4.4 on garages (delayed implementation until July 1). This ordinance has been delayed five times.
- Amend zoning ordinance special permit criteria related to energy conservation COUNCILORS CROSSLEY AND ALBRIGHT seeking a review and possible amendments to Section 7.3.3.C.5 of Chapter 30, Newton Zoning Ordinance, to: a) further inform the objectives of reducing energy consumption and limiting use of natural resources, and b) consider reducing the threshold for compliance to apply the

requirement to buildings 10,000 sq. ft. and larger.

Zoning amendment to require solar system installation #32-20 COUNCILORS ALBRIGHT, CROSSLEY, KRINTZMAN, NORTON, DOWNS, DANBERG, LIPOF, NOEL, LEARY, MARKIEWICZ AND KELLEY requesting an amendment to Chapter 30, Newton Zoning Ordinance, to require solar system installation in certain new construction projects greater than 10,000 square feet.

- #33-20 Ordinance amendment to extend the jurisdiction of the Historic District Comm

 RECODIFICATION COMMITTEE proposing an ordinance amendment to Chapter 22,
 Section 40 to extend the jurisdiction of the historic districts to include reflective glazes on storm windows.
- #34-20 Ordinance amendment to extend the jurisdiction of the Historic District Comm

 RECODIFICATION COMMITTEE proposing an ordinance amendment to Chapter 22,
 Section 40 to extend the jurisdiction of the historic districts to include terraces, walks, and public sidewalks.
- #35-20 Requesting amendments to clarify inclusionary zoning fund application process

 COUNCILORS ALBRIGHT AND CROSSLEY requesting discussion of amendments to the Newton Zoning Ordinance, Chapter 30, Section 5.11.10 Public Funding Limitations, to clarify the application process including notice to applicants, the review process, and the selection criteria for the award of inclusionary zoning funds to affordable housing projects.
- Review and discussion of potential Zoning Recodification revisions

 COUNCILOR BAKER requesting review and discussion of potential substantive revisions in Newton Zoning considered during the Phase One recodification not already acted upon, but which were deferred to Phase Two. The objective would be to consider which of them might be appropriate for interim Council action while a longer-term rewrite of the Newton Zoning Ordinances is underway.
- #37-20 Amend zoning ordinance special permit criteria related to energy conservation COUNCILORS CROSSLEY AND ALBRIGHT seeking a review and possible amendments to Section 7.3.3.C.5 of Chapter 30, Newton Zoning Ordinance, to further inform the objectives of reducing energy consumption and limiting use of natural resources, consider reducing the threshold for compliance to apply the requirement to buildings 10,000 sq. ft. and larger.
- #38-20 Request for discussion relative to single-family attached dwellings

 COUNCILOR LAREDO requesting a review of the zoning requirements for single-family attached dwelling units.
- #39-20 Request for discussion relative to existing small businesses and new development COUNCILORS ALBRIGHT AND KELLEY requesting the Planning Department, along with the Economic Development Commission, research and develop tools including an ordinance or some other means, to ensure that existing small commercial/retail/independent and/or locally-owned businesses can remain in Newton when new development occurs.
- #52-20 Request for discussion relative to existing small businesses and new development

 COUNCILORS ALBRIGHT AND KELLEY requesting the Planning Department, along with the Economic Development Commission, research and develop tools including an ordinance

or some other means, to ensure that existing small commercial/retail/independent and/or locally-owned businesses can remain in Newton when new development occurs.

Referred to Zoning & Planning and Programs & Services Committees

#40-20 Discussion with Department Heads regarding supportive services

COUNCILORS ALBRIGHT, CROSSLEY, DOWNS, KELLEY, LEARY, GREENBERG AND HUMPHREY requesting a discussion with the Director of Health and Human Services, Director of Senior Services, Commissioner of Parks & Recreation and the Director of Planning and Development regarding what Newton is doing to support economically disadvantaged persons in Newton, including; immigrants, seniors, disabled individuals and families with adult disabled children.

Referred to Programs & Services Committee

#41-20 Appointment of Anna Kusiak to the Youth Commission

HER HONOR THE MAYOR appointing Anna Kusiak of Newton North High School, Newtonville as a member of the YOUTH COMMISSION for a term to expire on September 1, 2022. (60 days: 02/14/20)

#42-20 Appointment of Anabel Marré to the Youth Commission

HER HONOR THE MAYOR appointing Anabel Marré of Newton North High School, Newtonville as a member of the YOUTH COMMISSION for a term to expire on September 1, 2022. (60 days: 02/14/20)

#43-20 Appointment of Andrew Li to the Youth Commission

HER HONOR THE MAYOR appointing Andrew Li of Newton South High School, Newton as a member of the YOUTH COMMISSION for a term to expire on September 1, 2022. (60 days: 02/14/20)

#44-20 Appointment of Shiv Sawhney to the Youth Commission

<u>HER HONOR THE MAYOR</u> appointing Shiv Sawhney of Newton South High School, Newton as a member of the YOUTH COMMISSION for a term to expire on September 1, 2022. (60 days: 02/14/20)

#45-20 Reappointment of Elizabeth Dugan to the Council on Aging

HER HONOR THE MAYOR reappointing Elizabeth Dugan, 62 Woodcliff Road, Newton, as a member of the COUNCIL ON AGING for a term to expire on September 15, 2022. (60 days: 02/16/20)

#46-20 Appointment of Sue Rasala to the Council on Aging

HER HONOR THE MAYOR appointing Sue Rasala, 285 Tremont Street, Newton, as a member of the COUNCIL ON AGING for a term to expire on January 31, 2023. (60 days: 02/16/20)

#47-20 Amendment to the noise ordinance related to rock saws and similar devices COUNCILORS BAKER, GROSSMAN, & LAREDO recommending amendment to Chapter 20, Article II. Noise to clarify the appropriate sound and other limit for rock saws and similar devices used in construction work in residential areas.

#48-20 Request for a discussion regarding Senior Services outreach

<u>COUNCILORS ALBRIGHT AND GREENBERG</u> requesting a discussion with the Department of Senior Services regarding outreach and services to the growing number of Newton residents who are 85 and older yet living alone. Discussion should focus on the City's efforts to provide a program; whether through current programs or proposed alternatives.

#49-20 Request for update on leaf blower ordinance compliance

<u>COUNCILORS BAKER AND LEARY</u> requesting update from the Executive Department on compliance with Newton's leaf blower ordinance and discussion of possible revisions to the ordinance's enforcement provisions to improve compliance.

#50-20 Discussion of handling of trash and recyclables by private haulers

<u>COUNCILORS LEARY, CROSSLEY, GREENBERG AND DOWNS</u> requesting discussion and adoption of best practices, including a mandate to separate recyclables from trash and include recycling pick up to meet Massachusetts Waste Ban regulations, 310CMR 19.017, for private haulers doing business in the City of Newton.

#51-20 Request for a discussion on a new staff directory

<u>COUNCILOR ALBRIGHT</u> requesting a discussion with the Chief Information Officer and members of the administration to discuss the creation of an online or phone-based staff directory, so that citizens can be directly connected to city staff. As examples in advance of this discussion, please refer to Somerville, Watertown, Lexington, and Brookline, which all have online or phone-based directories. This would take the pressure off the 796-1000 line so that fewer people will be on hold waiting for a free operator and in fact may free up staff who handle phone calls for other work.

Referred to Public Safety & Transportation Committee

#53-20 Requesting an amendment to Senior citizen sticker parking ordinance JAYNE COLINO, DIRECTOR, DEPARTMENT OF SENIOR SERVICES, AND DAVID KOSES, TRANSPORTATION COORDINATOR requesting an amendment to Chapter 19, Section 198 - Senior citizen sticker parking to allow the possibility for vehicles displaying a valid senior citizen's parking sticker to continue to park on Highland Avenue, between Lowell Avenue and Bram Way, thereby freeing up parking spaces within the Austin Street parking lot for other vehicles.

#54-20 Annual Report of the work of the Traffic Council 2019

<u>DAVID KOSES, TRAFFIC COUNCIL CHAIR</u> providing the Annual Report of the work of the Traffic Council for 2019.

Referred to Public Facilities Committee

#55-20 Update on the status of the Solar Phase 3 Projects

<u>COUNCILOR CROSSLEY</u> requesting an update on the status of the Solar Phase 3 Projects.

#56-20 Requesting an update on Horace Mann Improvements

<u>COUNCILOR CROSSLEY</u> on behalf of the Public Facilities committee, requesting an update from the administration and school department on the plans, proposed schedule and any funding needed to correct recently identified deficiencies and improvements to the Horace Mann school at Nevada Street, including addressing classroom space needs, mitigating acoustics, providing sinks for the second floor classrooms, improving proximity of bathrooms to activity areas, etc.

#57-20 Request for Review/Update Double Pole compliance

<u>COUNCILORS ALBRIGHT, DANBERG, LAREDO & CROSSLEY</u> requesting an update from the Double Poles Working Group on the work of the group and the status of removing double poles and cataloguing and assigning responsibilities for transfer of utility and city wires.

#58-20 Proposed amendments to Sec. 5-54 through 5-58 of the Ordinances

COUNCILORS CROSSLEY, ALBRIGHT, LAREDO & KELLEY requesting revisions to Sections 5-54 through 5-58 of the City of Newton Ordinances to clarify the City Council's role and decision-making process with respect to design review, funding, and budget oversight during the construction process of municipal capital building projects; in particular, to better align City Council decisions with typical steps in the design development process, and where applicable, with Massachusetts School Building Authority (MSBA) and other state requirements.

#59-20 Discussion with DPW to consider amending the Ordinance for street reconstruction COUNCILORS CROSSLEY & LAREDO requesting a discussion with the Commissioner of Public Works, to review city policy and/or ordinances governing repairs to city streets within a period of years after full reclamation and/or milling and repaving of said streets, and to consider strengthening the requirements for repairs so as to protect the public investment in said streets.

#60-20 Update on the Climate Action Plan

<u>PUBLIC FACILITIES COMMITTEE</u> requesting updates on the status of the Climate Action Plan.

#61-20

Discussion to limit or prohibit the installation of fossil fuel infrastructure

COUNCILORS CROSSLEY, KELLEY, LEARY, NORTON, ALBRIGHT, GREENBERG,

AUCHINCLOSS, MARKIEWICZ, NOEL, DANBERG, KALIS, DOWNS & HUMPHREY

requesting a discussion with the Sustainability Team to create an ordinance to limit or

prohibit the installation of fossil fuel infrastructure in new construction and
substantially renovated buildings, as well as to clarify the Council's authority to
prohibit the extension of gas mains subject to the condition of the existing
infrastructure

Referred to Programs & Services and Public Facilities Committees

#63-20 Request for updates on the Library Renovation Project

<u>COUNCILORS CROSSLEY AND ALBRIGHT</u> requesting periodic updates from the Library Trustees and Library Director on the Library expansion project.

Referred to Finance Committee

Referred to Programs & Services and Finance Committees

Requesting that Her Honor the Mayor submit a new Crescent St proposal
COUNCILORS GENTILE, ALBRIGHT, MARKIEWICZ, WRIGHT, MALAKIE, CICCONE, LEARY,
LAREDO, KALIS, AUCHINCLOSS, BAKER, NORTON, LIPOF & GREENBERG and JAMES
COTE & BARBARA BROUSAL-GLASER requesting that Her Honor the Mayor submit a
new proposal to the Community Preservation Committee allocating funds for the
development of park space on the site at Crescent Street and requesting that a
Conservation Restriction be placed on Crescent Street that allows the land to be
maintained as open space and that signifies that the control and maintenance of the
land will remain within the Parks & Recreation Department and Commission.

Referred to Finance and Appropriate Committees

#8-20 Submittal of the FY 2021 to FY 2025 Capital Improvement Plan (#8-20)

<u>HER HONOR THE MAYOR</u> submitting the Fiscal Years 2021 to 2025 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter.

#9-20 Review/Acceptance of the FY 2021 – FY 2025 5-year Financial Forecast (#380-19)

HER HONOR THE MAYOR submitting the Fiscal Years 2021 to 2025 5-Year Financial Forecast for City Council review/acceptance.

Referred to the Real Property Reuse Committee

#65-20 Reuse of the West Newton National Guard Armory (295-19)

<u>DIRECTOR OF PLANNING & DEVELOPMENT</u> submitting on August 7, 2016 a letter recommending that the West Newton Armory located at 1135 Washington Street be evaluated for the purpose of leasing the property for redevelopment as 100% affordable housing or for municipal uses pursuant to Ordinance Section 2-7.

Pursuant to the Rules of the Council, items which are within the jurisdiction of the six standing committees which are referred to a Committee of the Whole, must be placed on second call and the decision of the referral shall be subject to a majority vote of the Council.

Referred to Committee of the Whole

#425-18(2) Request set the date for a special election

<u>PRESIDENT ALBRIGHT</u> requesting the setting of the date for a special election in the event that it becomes necessary to call an election to refer to the voter's docket item #425-18, passed by the City Council on December 2, 2019.