



City Council Reports Docket

February 4: Land Use
February 5: Programs & Services, Public
Facilities
February 10: Zoning & Planning; Finance
February 11: Land Use

Page 44
7:45 PM, Newton City Hall
To be reported on
Tuesday, February 18, 2020

City of Newton **In City Council Items to be Acted Upon**

Referred to Land Use Committee

Tuesday, February 4, 2020

Present: Councilors Lipof (Chair), Kelley, Greenberg, Markiewicz, Downs, Bowman, Laredo, Auchincloss;
also present: Councilors Wright, Malakie, Krintzman, Humphrey

- #68-20 Petition to allow a free-standing sign at 40 Austin Street**
BENLIN PROPERTIES LLC./ROCKLAND BANK petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 19.5 sq. ft. free-standing sign on the property located at 40 Austin Street, Ward 2, Newtonville, on land known as Section 24 Block 09 Lot 12, containing approximately 13,420 sq. ft. of land in a district zoned BUSINESS USE 5. Ref: Sec. 7.3.3, 7.4, 5.2.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 6-0-1 (Councilor Downs abstaining, Councilor Auchincloss not Voting); Public Hearing Closed 02/04/20
- #69-20 Petition to amend Order #284-95 to allow a free-standing sign at 84 Needham Street**
CREATIVE BOOKFAIR LLC./CHARLOTTE MAYNARD petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #284-95 to allow a new free-standing sign measuring 7'8.5' (h) by 4'0.5" (w) on the property located at 84 Needham Street, Ward 8, containing approximately 63,416 sq. ft. of land in a district zoned MIXED USE 2. Ref: Sec. 7.3.3, 7.4, 5.2.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 7-0 (Councilor Auchincloss not Voting); Public Hearing Closed 02/04/20

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.

#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.

Land Use Held 8-0; Public Hearing Continued

#67-20

Petition to allow adult-use marijuana dispensary at 58 Cross St/1089 Washington St

ASCEND MASS, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow retail marijuana sales and waivers to lighting requirements at 58 Cross Street/1089 Washington Street, Ward 3, West Newton, on land known as Section 31 Block 09 Lot 07, containing approximately 25,122 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 5.1.10, 5.1.13, 6.10.3.D of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 8-0; Public Hearing Continued

#25-20

Special Permit Petition to allow marijuana retailer at 1158 Beacon Street

UNION TWIST, INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL 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.

Land Use Held 8-0; Public Hearing Continued

Referred to Land Use Committee

Tuesday, February 11, 2020

Present: Councilors Lipof (Chair), Kelley, Greenberg, Markiewicz, Downs, Laredo, Auchincloss; also present: Councilors Ryan, Norton, Albright, Malakie, Leary and Crossley

#623-18(2)

Request for Extension of Time to Exercise Permit #623-18 at 20-22 Circuit Ave

ARTHUR KALOTKIN petition for a one-year EXTENSION OF TIME to EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL Council Order #623-18 to convert a two-family dwelling into a three-unit multi-family dwelling by converting the existing attic space, allow parking within 5' of residential dwelling units, to waive the minimum aisle width requirements, to waive driveway width, and to waive lighting requirements at 20-22 Circuit Avenue, Ward 5, Newton Highlands, on land known as Section 51 Block 20 Lot 39, containing approximately 12,353 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Said Extension of Time to Run from February 19, 2020 to February 19, 2021. Ref: Sec. 7.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 5-0 (Councilors Downs and Greenberg not voting)

- #621-18(2) Request for Extension of Time to Exercise Special Permit #621-18 at 105 Temple St**
SCOTT AND URSULA STEELE petition for a one-year EXTENSION OF TIME to EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL Council Order #621-18 to amend Special Permit Board Orders #62-01 and #62-01(2) to further increase the non-conforming FAR by constructing a 191 sq. ft. addition in the existing footprint of the house, further extending the non-conforming three-story structure at 105 Temple Street, Ward 3, West Newton, on land known as Section 32 Block 12 Lot 8, containing approximately 14,861 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Said Extension of Time to run from February 4, 2020 to February 4, 2021. Ref: Sec. 7.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 5-0 (Councilors Downs and Greenberg not voting)
- #15-20(2) Petition to amend Deed Restriction and Orders #148-15(2) and (3) at 180 Wells Ave**
180 WELLS AVENUE, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Orders #148-15(2) and (3) to revise the design of the parking structure and surface parking to the approved three-story office building, to reduce interior landscaping requirements, to reduce loading bay length requirements and to allow reduced minimum open space requirements which requires an amendment to the deed restriction at 180 Wells Avenue, Ward 8, Newton Centre, on land known as Section 84 Block 34A Lot 03, containing approximately 219,980 sq. ft. of land in a district zoned LIMITED MANUFACTURING. Sec. 7.3.3, 7.4, 5.1.9.B.1, 5.1.13, 5.1.12.D.1, 4.3.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Held 7-0; Public Hearing Continued
- #15-20(3) Petition to amend Deed Restriction at 180 Wells Ave**
180 WELLS AVENUE, LLC. requesting an amendment to the restriction adopted by Board Order #276-68(3), dated November 18, 1968, and subsequent amendments including 148-15(3) be further amended to allow a waiver of the minimum open space requirement to less than 40% at 180 Wells Avenue, Ward 8, Newton Centre. *NOTE: Public Hearing not required.*
Land Use Held 7-0
- #70-20 Petition to amend Special Permit Order #106-07 at 349 Dedham Street**
CHABAD LUBAVITCH, INC./BETH MENACHEM CHABAD petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #106-07 to increase the number of allowable nursery students to 41, to allow parking in the front setback and to reduce the minimum open space at the site at 349 Dedham Street, Ward 8, on land known as Section 83 Block 36A Lot 01, containing approximately 33,697 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. Dover Waiver, 7.3.3, 7.4, 5.1.8.A.1, 5.1.13, 3.1.6 of the City of Newton Rev Zoning Ord, 2017.
Land Use Held 7-0; Public Hearing Continued

#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.

Land Use Held 7-0; Public Hearing Continued

#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.

Land Use Held 7-0; Public Hearing Continued

Referred to Zoning and Planning Committee

Monday, February 10, 2020

Present: Councilors Crossley (Chair), Danberg, Baker, Albright, Krintzman, Ryan, Wright, Leary; also present: Councilors Laredo, Downs, Malakie, Kalis

#93-20 Appointment of Scott Aquilina to the Upper Falls Historic District Commission

HER HONOR THE MAYOR appointing Scott Aquilina, 1253 Commonwealth Avenue, Newton, as a member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term to expire on June 8, 2021. (60 days: 04/03/20)

Zoning and Planning Approved 8-0

#94-20 Appointment of Daphne Romanoff to the Upper Falls Historic District Commission

HER HONOR THE MAYOR appointing Daphne Romanoff, 36 Canterbury Road, Newton, as a member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term to expire on December 24, 2022. (60 days: 04/03/20)

Zoning and Planning Approved 8-0

#92-20 Appointment of Martin Smargiasi to the Auburndale Historic Commission

HER HONOR THE MAYOR appointing Martin Smargiasi, 20 Fern Street, Auburndale, as an alternate member of the AUBURNDALE HISTORIC DISTRICT COMMISSION for a term to expire on February 28, 2023. (60 days 04/03/20)

Zoning and Planning Approved 8-0

#95-20 Reappointment of Chris Steele to the Planning and Development Board

HER HONOR THE MAYOR reappointing Chris Steele, 254 Elliot Street, Apt. 1, Newton Upper Falls, as a member of the PLANNING AND DEVELOPMENT BOARD for a term to expire on February 1, 2025. (60 days: 04/03/20)

Zoning and Planning Approved 8-0

#96-20 Reappointment of Dan Brody to the Community Preservation Committee

HER HONOR THE MAYOR appointing Dan Brody, 15 Brewster Road, Newton Highlands, as a member of the COMMUNITY PRESERVATION COMMITTEE for a term to expire on February 1, 2023. (60 days: 04/03/20)

Zoning and Planning Approved 8-0

#88-20

Discussion and review relative to the draft Zoning Ordinance

DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the draft Zoning Ordinance.

Zoning and Planning Held 8-0

Referred to Programs and Services Committee

Wednesday, February 5, 2020

Present: Councilors Krintzman (Chair), Noel, Humphrey, Ryan, Albright, Baker, and Wright; absent: Councilor Greenberg

#51-20

Request for a discussion on a new staff directory

COUNCILOR ALBRIGHT 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.

Programs and Services Held 7-0

#101-20

Requesting a discussion on the 2020 Census

COUNCILORS ALBRIGHT, RYAN, GREENBERG, NOEL, KRINTZMAN, HUMPHREY, AND MALAKIE requesting a discussion with the Complete Count Committee Newton's plans to assure that all Newton residents are counted in the next census. Newton receives a modest allocation of CDBG funds. To assure that Newton can continue to receive these funds to serve underserved people an accurate census is essential.

Programs and Services No Action Necessary 7-0

#103-20

Request to move the Ward 2 Precinct 1 polling location

CITY CLERK requesting that the polling location for Ward 2, Precinct 1, which is currently at the old Horace Mann School on the corner of Watertown Street and Albemarle Road, be moved down the street to the Albemarle Field House at 250 Albemarle Road. Construction and the conversion of the Old Horace Mann School to the Newton Early Childhood Program will preclude the space from being used as a Polling Location.

Programs and Services Approved 7-0

Referred to Public Facilities Committee

Wednesday, February 5, 2020

Present: Councilors Leary (Chair), Kelley, Crossley, Norton, Kalis and Gentile; absent: Councilors Danberg and Laredo; also Present: Councilors Bowman and Downs

- #109-20 Appointment of Meryl Kessler to the Solid Waste Commission**
HER HONOR THE MAYOR appointing MERYL KESSLER, 147 Prince Street, West Newton, as a member of the SOLID WASTE COMMISSION for a term to expire March 15, 2023. (60 days 04/03/20)
Public Facilities Approved 5-0 (Councilor Kalis not voting)
- #110-20 Appointment of Carl Valente to the Solid Waste Commission**
HER HONOR THE MAYOR appointing CARL VALENTE, 84 Sumner Street, Newton, as a member of the SOLID WASTE COMMISSION for a term to expire March 15, 2023. (60 days: 04/03/20)
Public Facilities Approved 5-0 (Councilor Kalis voting)
- #55-20 Update on the status of the Solar Phase 3 Projects**
COUNCILOR CROSSLEY requesting an update on the status of the Solar Phase 3 Projects.
Public Facilities Held 6-0
- #60-20 Update on the Climate Action Plan**
PUBLIC FACILITIES COMMITTEE requesting updates on the status of the Climate Action Plan.
Public Facilities Held 6-0
- Referred to Public Facilities and Finance Committees**
- #114-20 Approve \$500,000 for snow and ice removal**
HER HONOR THE MAYOR requesting authorization to transfer the sum of five hundred thousand dollars (\$500,000) from the Budget Reserve – Snow and Ice Removal Account to the following accounts:
- DPW Overtime, Snow & Ice Removal
(0140123-513010)..... \$200,000
DPW Rental Vehicles/Subcontractors
(0140123-527301)..... \$300,000
- Finance Held 5-0 on 02/10/2020**
Public Facilities Approved 5-0 (Councilor Crossley not voting)

Referred to Finance Committee

Monday, February 10, 2020

Present: Councilors Grossman (Chair), Humphrey, Malakie, Kalis and Norton; absent: Councilors Gentile, Ciccone and Noel

#115-20 Authorization to expend a \$43,943 Office of Public Safety and Security Grant
HER HONOR THE MAYOR requesting authorization to accept and expend a forty-three thousand nine hundred and forty-three dollar (\$43,943) grant from the Executive Office of Public Safety and Security for the purpose of funding overtime to have Police Officers monitor high accident locations and conduct traffic enforcement through written warnings and/or citations.
Finance Approved 5-0

Referred to Public Facilities and Finance Committees

#114-20 Approve \$500,000 for snow and ice removal
HER HONOR THE MAYOR requesting authorization to transfer the sum of five hundred thousand dollars (\$500,000) from the Budget Reserve – Snow and Ice Removal Account to the following accounts:

DPW Overtime, Snow & Ice Removal
 (0140123-513010)..... \$200,000
 DPW Rental Vehicles/Subcontractors
 (0140123-527301)..... \$300,000

Public Facilities Approved 5-0 (Councilor Crossley not voting) on 02/05/2020
Finance Held 5-0

#116-20 Approve a proposed contract for online pay services
TREASURY DEPARTMENT requesting authorization to approve a proposed five year contract for online payment services with the vendor as chosen by the RFP evaluation committee.
Finance Approved 5-0

#379-19(7) CPC Recommendation to amend funding source for Webster Woods acquisition
COMMUNITY PRESERVATION COMMITTEE recommending authorization for the City Treasurer to amend the funding source for \$740,000 seven hundred and forty thousand dollars to fund legal and conservation restriction expenses for Webster Woods approved by Council Orders #379-19 (3) and (4) to allow the City to borrow seven hundred and forty thousand dollars (\$740,000) as authorized by G. L. c. 44B, sec. 11, for a period of 30 years, and any expenditures already appropriated from the CPC's Open Space Reserve and Restricted Fund Balance for Open space pursuant to the CPC's original recommendations be reimbursed from the sale of such bonds or notes, and that any premium received upon the sale of such bonds or notes, less any such premium applied to the payment of issuance costs of the bonds or notes shall be deposited in the Community Preservation Fund's restricted fund balance for open space.
Finance Approved 5-0

#112-20

Submittal of the CAFR, and external audit reports

COMPTROLLER transmitting the Comprehensive Annual Financial Report and external audit reports for fiscal year ending June 30, 2019 for City Council review/acceptance.

Finance Approved 5-0

#111-20

Reappointment of James Shaughnessy to the Board of Assessors

HER HONOR THE MAYOR reappointing James Shaughnessy, 17 Whirty Circle, Hopkinton, as a member of the Board of Assessors for a term to expire February 1, 2023. (60 days 04/03/20)

Finance Approved 5-0