



City Council Reports Docket

RECEIVED
By City Clerk's Office at 4:35 pm, Mar 15, 2018

March 6: Land Use
March 12: Programs & Services; Zoning & Planning; Finance
March 14: Public Facilities

Monday, March 5, 2018
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7:45 PM, Newton City Hall
To be reported on
Monday, March 19, 2018

City of Newton In City Council Items to be Acted Upon

Referred to Land Use Committee

Tuesday, March 6, 2018

Present: Councilors Schwartz (Chair), Lipof, Auchincloss, Kelley, Markiewicz, Crossley, Laredo, Lipof;
also Present: Councilor Brousal-Glaser

- #92-18** **Petition to amend Special Permit #131-16 at 37 Westbourne Road**
JOYCE ZAKIM petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #131-16 to alter an existing nonconforming front and side setback at 37 Westbourne Road, Ward 7, Chestnut Hill on land known as Section 73 Block 45 Lot 09 containing approximately 8,090 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 3.1.3, 7.8.2.C.2, 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord., 2015.
Land Use Approved 7-0 (Markiewicz not Voting); Public Hearing Closed 03/06/2018
- #133-18** **Petition to allow a restaurant with more than 50 seats at 2095 Commonwealth Ave**
AUBURNDALE REALTY VENTURES NOMINEE TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the existing structure to allow a restaurant with more than 50 seats, to allow a free standing sign, to allow more than two secondary signs, waivers to the interior landscaping requirements, waivers to lighting requirements, waivers to perimeter screening requirements, and parking waivers for: parking in the front setback and reduced aisle width at 2095 Commonwealth Avenue, Ward 4, Auburndale, on land known as Section 41 Block 17 Lot 18 containing approximately 19,627 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 4.4.1, 5.1.8.A.1, 5.1.13, 5.1.8.C.1, 5.1.8.C.2, 5.1.9.A.1, 5.1.9.B, 5.1.10.A, 5.2.3, 5.2.8, 5.2.13.A of the City of Newton Rev Zoning Ord, 2015.
Land Use Held 8-0; Public Hearing Continued

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.

- #90-18** **Petition to amend Special Permit #45-10 at 70-80 and 93 Union Street**
80 UNION STREET, LLC/DOUBLE J HOSPITALITY, LLC/AMERICAN COMPANIES, INC/UNION REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend prior Board Order #45-10 relating to 70-80 Union Street, Ward 6, Section 61 Block 36 Lot 11A, Newton Centre, containing approximately 2,842 sq. ft. of land in a district zoned BUSINESS 1, to eliminate the requirement for four off-site parking stalls at 93 Union Street, Ward 6, Section 61 Block 36 Lot 09, Newton Centre, containing approximately 31,455 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 7.4 of the City of Newton Rev Zoning Ord, 2015.
Land Use Committee Approved 4-1-2 (Kelley Opposed, Markiewicz, Schwartz abstaining, Laredo Recused); Public Hearing Closed 03/06/2018
- #91-18** **Petition to Amend Special Permits #273-14(2) & #40-07 on Elm Street**
NICORE CONSTRUCTION CORP./ANTONIO BONADIO petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Orders #273-14(2) and #40-07 to allow for the location of a new driveway, requiring an amendment to the site plan at 5-7 Elm Street and 11-19 Elm Street, Ward 3, West Newton, on land known as Section 33 Block 23 Lot and Section 33 Block 23 Lot 16, containing approximately 26,320 sq. ft. of land in a district zoned MR2 and MR1. Ref: Sec. 7.3, 7.4, 6.2.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord., 2015.
Land Use Held 8-0; Public Hearing Closed 03/06/2018
- #135-18** **Petition to amend Board Order #190-12 at 429 Cherry Street**
429 CHERRY STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #190-12 to remove Conditions 11(a) and (e) from building permit requirements and insert them under Certificate of Occupancy requirements in Condition #12 for 429 Cherry Street, Ward 3, West Newton, on land known as Section 33 Block 23 Lot 20, containing approximately 13,398 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: 7.3.3, 7.4 of the City of Newton Rev Zoning Ord, 2015.
Land Use Approved 7-0 (Lipof not Voting); Public Hearing Closed 03/06/2018
- #134-18** **Petition to amend Board Order #201-17 at 386-394 Watertown Street**
JLM REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #201-17 to remove Conditions 3, 4 and 17(d) from building permit requirements and insert them under Certificate of Occupancy requirements in Condition #18 for 389-394 Watertown Street, Ward 1, Newton, on land known as Section 14 Block 14 Lots 37-39 containing approximately 9,542 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: 7.3.3, 7.4 of the City of Newton Rev Zoning Ord, 2015.
Land Use Approved 7-0 (Lipof not Voting); Public Hearing Closed 03/06/2018

Referred to Zoning & Planning Committee

Monday, March 12, 2018

Present: Councilors Albright (Chair), Danberg, Brousal-Glaser, Krintzman, Downs, Leary and Kalis;
absent: Councilor Baker; also present: Councilors Scibelli Greenberg, Auchincloss and Crossley

#144-18 Zoning amendment relative to parking facilities

ALAN SCHLESINGER, on behalf of Northland Development LLC, requesting to amend Newton Zoning Ordinance, Chapter 30, Section 4.4.1 to allow parking facilities, accessory and non-accessory, single and multi-level in the Mixed Use 1 District by special permit.

Zoning & Planning Approved as amended 7-0; Public Hearing Closed

#143-18 Zoning amendment to delay effective date of garage ordinance

DIRECTOR OF PLANNING proposing to further amend Chapter 30, Section 3.4.4 of the Revised Ordinances as amended by Ordinance A-78, to implement a deferred effective date for the ordinance of December 1, 2019 or such other appropriate date, for the purpose of allowing the Planning Department to complete a comprehensive study thereof.

Zoning & Planning Approved as amended 6-1-0 to December 31, 2018 (Brousal-Glaser opposed); Public Hearing Closed

#75-18 Discussion relative to the Zoning Redesign Event Series

DIRECTOR OF PLANNING requesting discussion of topics, issues, and ideas from the Zoning Redesign Event Series, with Committee feedback leading to staff preparation of the draft policy content outline for the new Zoning Ordinance.

Zoning & Planning Held 7-0

Referred to Programs & Services Committee

Monday, March 12, 2018

Present: Councilors Rice (Chair), Brousal-Glaser, Krintzman, Scibelli Greenberg and Albright; absent: Councilors Baker, Schwartz and Kalis

Referred to Programs & Services, Zoning & Planning and Finance Committees

#59-18 Ordinance amendment for licensing and criteria for lodging houses

COUNCILORS CROSSLEY, ALBRIGHT, NORTON, DANBERG, LEARY, KALIS, AND BAKER requesting amendments to Chapters 17 and 20 of the City of Newton Ordinances to establish criteria, licensing requirements, and fees for lodging house owners and resident supervising agents.

Zoning & Planning voted No Action Necessary on 02/26/18

Finance Approved 7-0 on 3/12/18

Programs & Services Approved 5-0

#162-18 Re-appointment of Gary DuMoulin to the Biosafety Committee
PRESIDENT LAREDO re-appointing GARY DuMOULIN, 24 Myerson Lane, Newton Centre as a member of the BIOSAFETY COMMITTEE for a term to expire April 1, 2020.
Programs & Services Approved 5-0

Referred to Public Facilities Committee

Wednesday, March 14, 2018

Present: Councilors Crossley (Chair), Leary, Norton, Kelley, Danberg, Laredo, Lappin; also Present: Councilor Downs; absent: Councilor Gentile

#167-18 Granting of easements in the Austin Street Municipal Parking Lot
HER HONOR THE MAYOR requesting the authority to grant specific easements in the Austin Street Municipal Parking lot to permit the undergrounding of required electric service and telecommunications equipment, as noted on a plan entitled “Proposed Underground of Overhead Power & Telecommunications, Austin Street, Newton, Massachusetts”, dated April 24, 2016, revised December 11, 2017, prepared by JHD. (Ward 2)
Public Facilities Approved 6-0 (Leary not Voting)

Referred to Public Facilities and Finance Committees

#172-18 Appropriate \$500,000 for snow and ice removal expenses
HER HONOR THE MAYOR requesting authorization to appropriate the sum of five hundred thousand dollars (\$500,000) from Free Cash to supplement the Department of Public Works’ snow and ice operations budget.

Personnel Costs – Overtime (0140110-513001).....	\$150,000
Rental Vehicles (0140110-5273-5273)	\$350,000

Finance Approved as Amended 7-0 @ \$1,939,987 on 03/12/18
Public Facilities Approved as Amended 5-0 @ \$1,939,987 (Leary, Lappin not Voting)

#45-18 Request for updates on Newton Power Program
PUBLIC FACILITIES COMMITTEE requesting updates from the Director of Sustainability and the Administration on the development of a program, known as Newton Power Choice, to aggregate the electricity supply and provide clean energy power options to Newton electric customers.
Public Facilities Held 7-0

#151-18 President’s Appointment of James Purdy to the Energy Commission
PRESIDENT LAREDO re-appointing James Purdy, 943 Chestnut Street, Newton Upper Falls to the Energy Commission for a term of office to expire December 31, 2019. (60 days: 04/06/18)

Public Facilities Approved 7-0

#152-18 President’s Appointment of Michael Gevelber to the Energy Commission
PRESIDENT LAREDO re-appointing Michael Gevelber, 166 Melrose Street, Auburndale to the Energy Commission for a term of office to expire December 31, 2019. (60 days: 04/06/18)

Public Facilities Approved 7-0

Referred to Finance Committee

Monday, March 12, 2018

Present: Councilors Gentile, Norton, Cote, Rice, Noel, Grossman, and Lappin; absent: Councilor Ciccone; also present: Councilors Albright, Auchincloss, Downs, Greenberg, Kalis, and Krintzman

#171-18 Appointment of Karen Glasgow as Human Resources Director
HER HONOR THE MAYOR appointing KAREN GLASGOW as the Human Resources Director for the City of Newton effective March 12, 2018 pursuant to §3-3 of the City Charter. (30 days 04/04/18)

Finance Approved 7-0

#168-18 Authorize submittal of Lincoln Eliot statement of interest to the MSBA
SUPERINTENDENT FLEISHMAN requesting a vote of the City Council to complement the vote of the School Committee to authorize the Superintendent of Schools to submit to the Massachusetts School Building Authority (MSBA) the FY 18 Statement of Interest no later than April 5, 2018 for the consideration of Lincoln-Eliot Elementary School as a major school Building project after Cabot Elementary School.

Finance Approved 7-0

Referred to Public Facilities and Finance Committees

#172-18 Appropriate \$500,000 for snow and ice removal expenses
HER HONOR THE MAYOR requesting authorization to appropriate the sum of five hundred thousand dollars (\$500,000) from Free Cash to supplement the Department of Public Works’ snow and ice operations budget.

Personnel Costs – Overtime
(0140110-513001)..... \$150,000
Rental Vehicles
(0140110-5273-5273) \$350,000

Public Facilities Approved as Amended 5-0 @ \$1,939,987 on 03/14/18

Finance Approved as Amended 7-0 @ \$1,939,987

#153-18 Discussion with Procurement Officer on criteria for bidding contracts

COUNCILORS GENTILE, MARKIEWICZ, AND NORTON requesting a discussion with the Chief Procurement Officer regarding the City's process for hiring consultants. Discussion should focus in particular on 1) the criteria which determines whether a consulting contract is put out for public bid; and 2) when there is no bid process, what criteria are used to choose consultants.

Finance Held 7-0

Referred to Zoning & Planning and Finance Committees**#85-18 Appropriate funds to develop an action plan for Washington Street Corridor**

HER HONOR THE MAYOR requesting authorization to appropriate and expend five hundred thousand dollars (\$500,000) from Free Cash for the purpose of developing an actionable plan for the Washington Street Corridor that addresses land use, economic development, transportation, fiscal impacts, and other issues that may arise, as well as a new zoning district(s).

Zoning & Planning Approved 8-0 on 02/12/18

Finance Approval Failed to Carry 2-4-1 (Gentile, Lappin, Rice, Norton opposed; Noel abstaining)

#154-18 Accept MGL C. 64N Sec 3 to impose local sales tax on recreational marijuana

COUNCILORS KRINTZMAN, ALBRIGHT, DOWNS, LEARY, DANBERG, BROUSAL-GLASER, GENTILE AND KALIS requesting acceptance of Massachusetts General Law Chapter 64N, Section 3, and further requesting that the city impose a local sales tax of 3% on the sales of recreational marijuana and marijuana products by a licensed marijuana retailer to a consumer in the City.

Finance Approved 7-0

Referred to Programs & Services, Zoning & Planning and Finance Committees**#59-18 Ordinance amendment for licensing and criteria for lodging houses**

COUNCILORS CROSSLEY, ALBRIGHT, NORTON, DANBERG, LEARY, KALIS, AND BAKER requesting amendments to Chapters 17 and 20 of the City of Newton Ordinances to establish criteria, licensing requirements, and fees for lodging house owners and resident supervising agents.

Zoning & Planning voted No Action Necessary on 02/26/18

Programs & Services Approved 5-0 on 03/12/18

Finance Approved 7-0