

**RECEIVED**

By City Clerk at 2:13 pm, Feb 03, 2020



**City Council Docket**

**REVISED**

2:13 pm, Feb 03, 2020

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

Continued  
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**Monday, February 3, 2020**

7:45 PM, Newton City Hall

To be reported on

Tuesday, February 18, 2020

**City of Newton**

**In City Council to be Accepted and Referred to Committees**

**Referred to Land Use Committee**

- #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.
- #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.

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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: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov), or 617-796-1253.* For Telecommunications Relay Service dial 711.

***Public Hearing to be Assigned for February 11, 2020***

**#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.

**#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.*

***Public hearing to be assigned for March 10, 2020***

**#337-16(2) Petition to amend Special Permit Council Order #337-16 at 41 Dorset Road**  
TIMOTHY LEARY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #337-16, which approved an oversized dormer, an accessory structure with ground floor area in excess of 700 sq. ft. and an accessory apartment in a detached structure, to make changes to the site plan at 41 Dorset Road, Ward 5, Waban, on land known as Section 55 Block 10 Lot 45, containing approximately 24,936 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

***Public Hearing to be Assigned for March 10, 2020***

**#89-20 Petition to allow waivers for a rear lot subdivision at 40 Williston Road**  
LAUREN AND DAVID BROOKS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a rear lot subdivision and construct a new single-family dwelling on the rear lot, requiring relief to exceed FAR on the front (from .40 to .42) and rear (from .24 to .30) lots, and to allow a retaining wall greater than four feet in the setback at 40 Williston Road, Ward 4, Auburndale, on land known as Section 43 Block 28 Lot 06, containing approximately 25,099 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.5, 3.1.10.A, 3.1.3, 3.1.9, 3.1.5, 3.1.10.C, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

- #90-20**      **Discussion regarding utility undergrounding costs for special permit projects**  
COUNCILORS LAREDO, ALBRIGHT, CROSSLEY AND LEARY requesting a discussion of whether to require, as part of the Special Permit process for projects over a certain size, that developers provide a project-specific cost estimate for undergrounding utilities, both on the project site and in adjacent streets and sidewalks, so that the City Council can decide whether to include such requirements in the special permit.

**Other Communications**

- #91-20**      **Grant of Location for a lateral crossing in Bernard Street**  
EVERSOURCE ENERGY petitioning for a grant of location to install 6'± of conduit in BERNARD STREET southwesterly from Pole 605/7, located 181' northwest of Charles River Terrace, to private property at 55 Bernard Street.  
**Commissioner of Public Works Approved**

**Referred to Zoning & Planning Committee**

- #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)
- #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)
- #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)
- #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)

- #96-20**      **Appointment 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)
- #97-20**      **Request for discussion with ISD regarding special permit compliance**  
COUNCILORS BAKER, LAREDO, AND LIPOF requesting a discussion with the Commissioner of Inspectional Services about the existing and potential resources and practices involved in assuring compliance with zoning special permits once issued by the Council.
- #98-20**      **Request for a discussion with ISD regarding noise ordinance Compliance**  
COUNCILORS BAKER, RYAN, AND WRIGHT requesting discussion with Inspectional Services about possible ways of enhancing compliance with the provisions of Newton's noise ordinance which limits construction activity to certain times of day and on Sundays and legal holidays, including possible additional measures to advise contractors and subcontractors of applicable rules to minimize the need for complaint driven enforcement by city staff or police.
- #99-20**      **Referred to Zoning & Planning and Programs & Services Committees**  
HER HONOR THE MAYOR requesting amendments to the City of Newton Ordinances, Chapters 3, 7, 10, 13, 17, 18, 20, 21, 22 and 30 to rename the Department of Parks & Recreation to the Department of Parks, Recreation and Culture.
- Referred to Programs & Services Committee**
- #100-20**      **Requesting a discussion on fees in the Newton Public Schools**  
COUNCILORS KRINTZMAN AND CROSSLEY, LAREDO, NORTON, GREENBERG, LIPOF, KALIS, NOEL, HUMPHREY AND MARKIEWICZ requesting a discussion with appropriate members of the School Department and School Committee about fees in the Newton Public Schools. The discussion should include an explanation of the basis upon which fees are set and how the fees factor into the overall budget request of the schools.
- #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. To assure that Newton can continue to receive CDBG funds to serve underserved people an accurate census is essential.

**#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.

**#104-20 Appointment of Julie Winsett to the Urban Tree Commission**  
HER HONOR THE MAYOR appointing Julie Winsett, 33 Alexander Road, Newton Highlands, as a member of the URBAN TREE COMMISSION for a term to expire on March 1, 2023. (60 days: 04/03/20)

**Referred to Public Safety & Transportation Committee**

**#105-20 Requesting public comment on priorities for transportation planning**  
CHAIR OF PUBLIC SAFETY & TRANSPORTATION COMMITTEE requests public comment on priorities for transportation planning.

**#106-20 Requesting a discussion on multiple crossings around Memorial Spaulding School**  
COUNCILOR LIPOF requesting a discussion with the Police Department and Traffic Engineers to discuss multiple crossings around the Memorial Spaulding School.

**#107-20 Requesting new public auto license**  
NOEL DIAZ, 9 Elmwood Park, #2, Newtonville, MA 02460 requesting **one (1) new public auto license** for Newton Limos Company, LLC.

**#108-20 Requesting new public auto license**  
JOSE GREGORIO CEDENO, 9 Elmwood Park, Newtonville, MA 02460 requesting **one (1) new public auto license** for Bace Limousine Services, LLC.

**Referred to Public Facilities Committee**

**#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)

**#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 Hearing to be Assigned for February 19, 2020***

**#117-20 Acceptance of a sewer extension and easement on Farwell Street**

HER HONOR THE MAYOR requesting the acceptance of 40 linear feet of sewer pipe as a public sewer and the acceptance of a 20' x 40' easement in property known as the Farwell Street Subdivision (Ward 3). The developer shall pay all costs associated with the construction of the sewer pipe and the direct connection to the MWRA trunk interceptor sewer line.

**Referred to Finance Committee**

**#111-20 Reappointment of James Shaughnessy to the Board of Assessors**

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

**#102-20 Request for a discussion on the vacancy of the LGBTQ+ Liaison**

PROGRAMS AND SERVICES COMMITTEE requesting a discussion on whether the Administration intends to fill the recently vacated position of LGBTQ+ liaison and whether a replacement would be compensated or uncompensated.

**#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.

**#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.

The following three items were filed after the close of the docket and require a suspension of the Rules to be referred to Committee:

**Referred to Finance Committee**

**#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.

**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

**#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.