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By Shawna Sullivan at 4:34 pm, Nov 16, 2017

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City Clerk

## City Council Reports Docket

Nov 8: Programs & Services; Public Safety & Trans.; Public Facilities      Monday, November 6, 2017  
Nov 13: Zoning & Planning      Continued  
Nov 14: Land Use      Page 559  
Nov 15: Programs & Services      7:45 PM, Newton City Hall  
Nov 16: Real Property Reuse      To be reported on  
**Monday, November 20, 2017**

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

**Note:** *At the request of Councilors Albright and Baker, and with the consent of President Lennon, a motion to enter into executive session will be entertained on Monday night, November 20, 2017 during the City Council meeting following the First Call portion of the meeting to hear from the City Solicitor on the status of the Appeal of the Pilotless Aircraft Ordinance.*

#### Unfinished Council Business

**Item postponed to a date certain of 11/20/2017**

**#216-17      Approval of Building Design and Construction Sustainability Guidelines**  
HIS HONOR THE MAYOR requesting approval of the "City of Newton – Public Buildings Department – Building Design and Construction Sustainability Guidelines." [07/03/17 @ 12:28 PM]  
**Public Facilities Approved 6-0**

#### Referred to Land Use Committee

Tuesday, November 14, 2017

Present: Councilors Laredo (Chair), Schwartz, Auchincloss, Cote, Crossley, Lipof; also present: Councilors Sangiolo, Brousal-Glaser; absent: Councilors Harney, Lennon

#### Referred to Land Use Committee

**#273-14(5)      Request for Extension of time for Special Permit at 5-7 Elm Street (#40-07)**  
NICORE CONSTRUCTION CORP. request for an EXTENSION of TIME in which to EXERCISE special permit #273-14(2), granted on February 17, 2015, to construct four attached single-family dwellings in two buildings and to locate a driveway within 10 feet of a side

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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](mailto: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.

lot line at 5-7 ELM STREET and 114 RIVER STREET, Ward 3, West Newton and to amend the site plan approved in special permit #40-07, dated May 21, 2007; said EXTENSION will run from February 17, 2017 to February 17, 2018. Ref: 30-24(c)(5) of the City of Newton Rev Zoning Ord, 2012.

**Land Use Approved 5-0 (Auchincloss not Voting)**

**#228-17**

**Special Permit to extend non-conforming use at 69-71 Cherry Street**

CAPPADONA CHERRY GROUP, LLC/ROSSANA CAMPOS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to legalize third unit and non-compliant lot area per unit in the existing non-conforming two-family at 69-71 CHERRY STREET, Ward 3, West Newton, on land known as Section 34, Block 42, Lot 15, containing approximately 23,511 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3, 7.4, 3.4.1, 7.8.2.C.2, 3.1.3 of the City of Newton Rev Zoning Ord, 2015.

**Public Hearing Closed; Land Use Approved 5-0-1 (Auchincloss abstaining)**

**#304-17**

**Special Permit Petition to allow single-family dwelling in MR-1 at 336 Newtonville Ave**

DONALD AND LINDA STANTON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to relocate an existing dwelling, add a unit to the rear of the dwelling and construct two additional single-family attached dwellings in an MR-1 district, requiring a special permit at 336 Newtonville Avenue, Ward 2, Newtonville, on land known as Section 22, Block 07, Lot 19, containing approximately 29,896 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1 of the City of Newton Rev Zoning Ord, 2015.

**Land Use Held 6-0**

**#305-17**

**Special Permit Petition to allow build factor of 28.08 at on Goddard Street**

PITSICK, LLC/JOSHUA SHRIBER/PATIENCE OROBELLO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to redraw lot lines of three existing lots into two irregular shaped lots, creating a higher than allowable build factor of 28.08 where 20 is allowed at an unnumbered lot, 22 & 26 Goddard Street, Ward 8, Newton Highlands, on land known as Section 83, Block 34, Lots 12, 13, 13A containing approximately 15,000 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 1.5.6 of the City of Newton Rev Zoning Ord, 2015.

**Public Hearing Closed; Land Use Approved 6-0**

**#284-17**

**Request to rezone three parcels on Langley Road**

LANGLEY MONTROSE LLC AND LANGLEY FARLOW LLC petition for a change of zone to MR-3 for land located at 392-396 Langley Road(MR-2; Parcel 1), 400 Langley Road (MR-2; Parcel 2), and 402-404 Langley Road (BU-1; Parcel 3), also identified as Section 65, Block 010, Lots 001, 008, 030.

**Land Use Held 6-0**

**#285-17**

**Special Permit to allow multi-family on Langley Road**

LANGLEY MONTROSE LLC AND LANGLEY FARLOW LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to develop 20,000+ sq. ft. of gross square area by razing the existing two-family at 400 Langley and constructing a three-story, 20-unit multi-family apartment building, legitimize a nonconforming deck and setback at 402-404 Langley Road, a reduction of parking to 1.25 stalls per unit or 83 stalls, parking in the side setback, a waiver of dimensional requirements for parking, a waiver for requirements for end stalls, a waiver for the minimum aisle width, a waiver of perimeter screening and interior landscaping requirements, a waiver for lighting and surfacing requirements and a waiver to allow multi-family dwellings in the MR-3 zone, at 392-396, 400, 402-404 Langley Road, Ward 6, containing approximately 79,636 sq. ft. of land in a district zoned MR-2 and BU-1. Ref: 7.3.3, 7.4, 7.3, 5.1.13, 3.4.1, 4.1.2.B.1, 5.1.4, 5.1.8.A, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.C.2, 5.1.9.A, 5.1.9.B, 5.1.10, and 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

**Land Use Held 6-0**

**Referred to Land Use, Programs & Services, and Finance Committees**

**#256-16**

**Request to extend notification area of notice for special permit petitions**

COUNCILORS COTE, NORTON, HARNEY, BLAZER, BROUSAL-GLASER, AND LEARY requesting an amendment to the City Council Rules, Article X; Section 6 – Additional Notification Requirements, to include that the area of notice for special permit petitions be expanded beyond the abutters to abutters within 300’ required by Massachusetts General Law Chapter 40A to also include property owners within 600’ of the subject property. This notification will apply to all classes of building except for residential 1 and 2-family units that will remain 1 or 2-family units after receiving a special permit. Only abutters to abutters within 300’ will be entitled to the rights conferred by Massachusetts General Law Chapter 40A. [07/01/16 @2:09 PM]

**Land Use Held 6-0**

**Referred to Land Use and Finance Committees**

**#122-17**

**Discussion on fees for Special Permits**

COUNCILOR COTE requesting a discussion with the Planning & Development Department regarding the fees charged for Special Permits and what the actual costs are for issuing Special Permits. [04-18-17 @ 12:32 PM]

**Land Use Held 6-0**

**Referred to Zoning & Planning, Land Use and Finance Committees**

**#104-15**

**Qualification of affordable units developed at Comm Ave, Pearl St, and Eddy St**

ALD. JOHNSON, LAREDO, AND GENTILE requesting a report from the Planning Department re how many of the affordable units developed at Commonwealth Avenue, Pearl Street, and Eddy Street qualify for inclusion on the State’s Subsidized Housing

Inventory List; if a property is not on the list, what can be done to make it eligible.  
[04/09/15 @ 12:00 PM]

**Land Use Held 6-0**

**Referred to Zoning & Planning Committee**

Monday, November 13, 2017

Present: Councilors Hess-Mahan (Chair), Danberg, Yates, Kalis, Baker, Albright and Leary; absent: Councilor Sangiolo; also present: Councilor Crossley; Planning & Development Board: Doeringer, Parisca and Heath

- #335-17 Mayor's appointment of Anne M. Killilea to Commission on Disability**  
ANNE M. KILLILEA, 789 Watertown Street, West Newton appointed as a member of the COMMISSION ON DISABILITY for a term to expire December 31, 2018. (60 days 1/5/18)  
[10/13/17 @ 3:23 PM]  
**Zoning & Planning Approved 7-0**

**Referred to Programs & Services and Zoning & Planning Committees**

- #276-17 Ordinance amendments to allow food trucks**  
THE ECONOMIC DEVELOPMENT COMMITTEE, COUNCILORS FULLER, HESS-MAHAN, KALIS, LENNON, LIPOF, NORTON, AND SANGIOLO requesting to amend Chapter 17, Sections 17-46 through 17-50 to allow Food Trucks to locate and operate on public streets in Newton subject to licensing by the Health Department and to location permitting requirements, initially restricted to Wells Avenue; to introduce new rules applicable to all Food Trucks operating in the City; and requesting to amend Chapter 30 to allow Food Trucks in the Public Use District subject to the same restrictions and requirements. [08/24/17 @ 4:17 PM]  
**Programs & Services Approved 5-0-1**  
**Public Hearing Closed; Zoning & Planning Approved 7-0**
- #109-15(2) Zoning amendment to increase inclusionary zoning units from 15% to 25%**  
HIS HONOR THE MAYOR requesting consideration of changes to the inclusionary housing provisions of the Zoning Ordinance to increase the required percentage of affordable units to 25% for larger projects; require that some affordable units be designated for middle income households; and to create a new formula for calculating payments in lieu of affordable units. [10/31/17 @ 4:42 PM]  
**Zoning & Planning Held 7-0**

**Referred to Programs & Services Committee**

Wednesday, November 8, 2017

Present: Councilors Rice (Chair), Baker, Auchincloss, Sangiolo, Leary, Schwartz and Kalis; absent: Councilor Hess-Mahan; also present: Councilors Lipof, Laredo, Harney, Lappin, Albright, Danberg and Norton

**Referred to Programs & Services and Finance Committees**

**#351-17** **Bond authorization for \$215,000 to purchase a bucket truck for the Forestry Div**  
HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred fifteen thousand dollars (\$215,000) from bonded indebtedness for the purpose of purchasing a bucket truck for the Forestry Division of the Parks and Recreation Department. [10/30/17 @ 2:15 PM]  
**Finance to Meet**  
**Programs & Services Approved 3-0-1 (Sangiolo abstaining; Leary, Schwartz and Kalis not voting)**

**Referred to Programs & Services and Finance Committees**

**#352-17** **Bond authorization for \$213,000 to renovate tennis courts at McGrath Park**  
HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred thirteen thousand dollars (\$213,000) from bonded indebtedness for the purpose of renovating three tennis courts at McGrath Park. [10/30/17 @ 2:15 PM]  
**Finance to Meet**  
**Programs & Services Approved 3-0-1 (Sangiolo abstaining; Leray, Schwartz and Kalis not voting)**

**Referred to Programs & Services and Finance Committees**

**#353-17** **Bond authorization for \$192,000 for two Parks & Recreation trash/recycling trucks**  
HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred ninety two thousand dollars (\$192,000) from bonded indebtedness for the purpose of replacing the current Parks & Recreation trash truck with two F-550 6-cubic yard packers – one for trash and one for recycling. [10/30/17 @ 2:14 PM]  
**Finance to Meet**  
**Programs & Services Approved 4-0-1 (Sangiolo abstaining; Schwartz and Kalis not voting)**

**#34-13** **Ordinance to prohibit polystyrene food/beverage containers**  
ALD. DANBERG, ALBRIGHT, BLAZAR, RICE, LINSKY AND CROSSLEY requesting a prohibition on polystyrene-based disposable food or beverage containers in the City of Newton if that packaging takes place on the premises of food establishments within the City. [01/03/13 @ 11:01 AM]  
**Programs & Services Held 6-0 (Kalis not voting)**

**Referred to Programs & Services and Zoning & Planning Committees**

- #276-17**      **Ordinance amendments to allow food trucks**  
THE ECONOMIC DEVELOPMENT COMMITTEE, COUNCILORS FULLER, HESS-MAHAN, KALIS, LENNON, LIPOF, NORTON, AND SANGIOLO requesting to amend Chapter 17, Sections 17-46 through 17-50 to allow Food Trucks to locate and operate on public streets in Newton subject to licensing by the Health Department and to location permitting requirements, initially restricted to Wells Avenue; to introduce new rules applicable to all Food Trucks operating in the City; and requesting to amend Chapter 30 to allow Food Trucks in the Public Use District subject to the same restrictions and requirements. [08/24/17 @ 4:17 PM]  
**Zoning & Planning Approved 7-0**  
**Programs & Services Approved 5-0-1 (Schwartz abstaining; Kalis not voting)**
- #313-17**      **Amendment to City Charter to change the composition of the City Council**  
COUNCILORS BROUSAL-GLASER, BLAZAR, CICCONE, COTE, DANBERG, HARNEY, KALIS, LAPPIN, LAREDO, LIPOF, NORTON, RICE, SANGIOLO AND SCHWARTZ requesting that if the Charter Commission proposal is not approved by voters on November 7, 2017, the City Council seek Home Rule Legislation to amend the City Charter to change the composition of the City Council from 16 Councilors-at-Large and 8 Ward Councilors, to 8 Councilors-at-Large and 8 Ward Councilors. [09/25/17 @9:03 PM]  
**Public Hearing Closed; Programs & Services Held 7-0**
- #322-17**      **Mayor's appointment of Peter Doherty to Newton Commonwealth Foundation**  
PETER DOHERTY, 66 Harvard Street, Newtonville appointed as a member of the NEWTON COMMONWEALTH FOUNDATION for a term to expire December 31, 2020. (60 days 12/15/17) [10/06/17 @ 8:47 AM]  
**Programs & Services Approved 6-0 (Kalis not voting)**
- #323-17**      **Mayor's re-appointment of Marietta Marchitelli to Jackson Homestead**  
MARIETTA MARCHITELLI, 100 Waverly Avenue, Newton re-appointed as a Trustee of the JACKSON HOMESTEAD for a term to expire November 1, 2020. (60 days 12/15/17) [09/27/17 @ 3:33 PM]  
**Programs & Services Approved 6-0 (Kalis not voting)**
- #324-17**      **Mayor's re-appointment of Russel Feldman to Jackson Homestead**  
RUSSEL FELDMAN 85 Langley Road, Newton Centre, re-appointed as a Trustee of the JACKSON HOMESTEAD for a term to expire November 1, 2020. (60 days 12/15/17) [09/27/17 @ 3:33 PM]  
**Programs & Services Approved 6-0 (Kalis not voting)**

- #336-17 Mayor's re-appointment of Thekla Diehl to Biosafety Committee**  
THEKLA DIEHL, 102 Parker Avenue, Newton re-appointed as a member of the BIOSAFETY COMMITTEE for a term to expire December 31, 2020. (60 days 1/5/18) [10/13/17 @ 3:23 PM]  
**Programs & Services Approved 6-0 (Kalis not voting)**

**Referred to Programs & Services Committee**

Wednesday, November 15, 2017

Present: Councilors Rice (Chair), Leary, Baker, Sangiolo, Schwartz, Auchincloss, Kalis and Hess-Mahan; also present: Councilors Yates, Crossley, Lappin, Laredo, Lipof and Albright

- #313-17 Amendment to City Charter to change the composition of the City Council**  
COUNCILORS BROUSAL-GLASER, BLAZAR, CICCONE, COTE, DANBERG, HARNEY, KALIS, LAPPIN, LAREDO, LIPOF, NORTON, RICE, SANGIOLO AND SCHWARTZ requesting that if the Charter Commission proposal is not approved by voters on November 7, 2017, the City Council seek Home Rule Legislation to amend the City Charter to change the composition of the City Council from 16 Councilors-at-Large and 8 Ward Councilors, to 8  
**Programs & Services Approved 5-2-1 (Leary and Hess-Mahan opposed; Auchincloss abstaining)**

**Referred to Public Safety & Transportation Committee**

Wednesday, November 8, 2017

Present: Councilors Ciccone (Chair), Norton, Lipof, Fuller, Cote, Blazar, Harney and Yates; also present: Councilor Barbara Brousal-Glaser

**Referred to Public Safety & Transportation and Finance Committees**

- #354-17 Bond authorization for \$106,000 to upgrade computer equipment in police vehicles**  
HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred six thousand dollars (\$106,000) from bonded indebtedness for the purpose of upgrading the Toughbooks equipment in the Police Department's first line response vehicles. [10/30/17 @ 2:14 PM]  
**Public Safety & Transportation Approved 7-0, Yates not voting**

**Referred to Public Safety & Transportation and Finance Committees**

- #355-17 Bond authorization for \$1.2 million to replace Fire Ladder Truck #2**  
HIS HONOR THE MAYOR requesting authorization to appropriate and expend one million two hundred thousand dollars (\$1,200,000) from bonded indebtedness to replace the Fire Department's Ladder Truck #2. [10/30/17 @ 2:17 PM]  
**Public Safety & Transportation Approved 7-0, Yates not voting**



- #209-17**      **Appeal of Traffic Council Decision #12-17 Fairway Drive**  
WILLIAM DILWORTH, 34 Fairway Drive, West Newton appealing the denial of Traffic Council petition TC12-17 on June 22, 2017 for a four-way stop sign at the intersection of Fairway Drive and Bunker Lane in West Newton. (Ward 3) [06/29/17 @ 11:40 AM]  
**Public Safety & Transportation Approved the Appeal 3-0-2, Yates and Blazar abstaining, Lipof, Fuller and Norton not voting.**
- #71-17**      **Amendment relative to docketing Traffic Council petitions**  
PUBLIC SAFETY & TRANSPORTATION COMMITTEE, proposing to amend **Sec. 19-29. Docketing of petitions; determination of eligibility for hearing.** by deleting section (c) (3). [03/10/17 @ 4:54 PM]  
**Public Safety & Transportation Approved As Amended 4-0, Fuller, Lipof, Norton and Harney not voting**
- #338-17**      **Proposed Ordinance amendment to Chapter 19 Section 190 Overtime Parking**  
DAVID KOSES, TRANSPORTATION COORDINATOR, requesting revision to **Sec. 19-190. Overtime parking.** To be clearer and more enforceable. [10/23/17 @ 3:50 PM]  
**Public Safety & Transportation Approved 4-0, Fuller, Lipof, Norton and Harney not voting**
- #339-17**      **Proposed Ordinance amendment to Chapter 19 Section 196. Enforcement**  
DAVID KOSES, TRANSPORTATION COORDINATOR, requesting to modify **Sec. 19-196. Enforcement.**, for the Melrose Avenue parking area, so to be consistent with Traffic and Parking Regulations **Sec. TPR-194. Time limits in municipal off-street parking areas.**, which indicates that the parking meters are in effect Monday through Saturday from 8:00 a.m. to 6:00 p.m. [10/23/17 @ 3:50 PM]  
**Public Safety & Transportation Approved 4-0, Fuller, Lipof, Norton and Harney not voting**

**Referred to Public Facilities Committee**

Wednesday, November 8, 2017

Present: Councilors Crossley (Chair), Albright, Brousal-Glaser, Gentile, Danberg, Laredo, Lappin; also Present: Councilor Fuller; absent: Councilor Lennon

- #330-17**      **Verizon petition for grant of location on Bellevue Street**  
VERIZON petition for a grant of location to install one new Pole (P.13/20S) on the southerly side of Bellevue Street, 30'± southerly to existing pole (P.13/20) in front of 35 Howard Street, to remove a guy wire from a tree. [(Ward 1) 10/10/2017 @ 12:08 PM]  
**Public Facilities Held 5-0 (Brousal-Glaser, Danberg not voting)**



**Referred To Public Facilities and Finance Committees**

**#320-17**

**Request to construct fence around Rumford Avenue solar site**

COUNCILORS SANGIOLO, HARNEY AND GENTILE requesting that His Honor the Mayor take the necessary steps to construct a 9 ½' chain link fence with ivy around the exterior of the Rumford Avenue solar site. [09/29/17 @ 2:18 PM]

**Public Facilities Approved 5-0 (Brousal-Glaser, Danberg not voting)**

**#331-17**

**Acceptance of a drainage easement at the end of Lake Terrace**

HIS HONOR THE MAYOR requesting acceptance of a 20' wide drainage easement from the Lake Terrace Right-of-Way extending to the shore of Crystal Lake, as noted on the proposed drainage easement plan.

**Public Facilities Approved 5-0 (Brousal-Glaser, Danberg not voting)**

**Referred to Public Facilities and Finance Committees**

**#356-17**

**Bond authorization for \$280,000 to purchase a Gradall for DPW**

HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred eighty thousand dollars (\$280,000) from bonded indebtedness to purchase a Gradall vehicle for the Public Works Department. [10/30/17 @ 2:17 PM]

**Public Facilities Approved 5-0 (Brousal-Glaser, Laredo not voting)**

**#5-17**

**Discussion with DPW regarding salt use for snow clearing operations**

COUNCILORS CROSSLEY, ALBRIGHT requesting a discussion with the Commissioner of Public Works about City Policy that determines the use of salt on roadways during snow clearing operations, to understand how we might minimize the amount of salt used overall and consider eliminating the placement of salt barrels at certain locations throughout the City. [12/23/2016 @ 8:37 AM]

**Public Facilities Voted No Action Necessary 5-0 (Brousal-Glaser, Danberg not Voting)**

**Referred to Public Facilities and Finance Committees**

**#123-17**

**Pilot Program for curbside food waste collection**

COUNCILORS SANGIOLO, NORTON, CROSSLEY, LENNON, AUCHINCLOSS, HARNEY, FULLER, ALBRIGHT, LAPPIN, AND LAREDO requesting the City through the Department of Public Works, pilot a curbside food waste collection program. [04/21/17 @ 11:15 AM]

**Finance to meet**

**Public Facilities Voted No Action Necessary 7-0**

**#313-15**

**Request for an update on the Second Water Meter Program**

ALD. LAPPIN requesting an update from the Department of Public Works on the second water meter program including: the progress of the inspection and programming of the approximately 900 new outdoor irrigation meters provided by the City to property owners that have yet to be inspected and/or programmed by the City; the process going

forward for the issuance, inspection, programming and tracking of second meters; and the notification of residents who already had second meters regarding the process for registering their meters. 10/26/15 @ 7:15 PM]

**Public Facilities Voted No Action Necessary 6-0 (Laredo not Voting)**

**Referred to Programs & Services and Public Facilities Committees**

**#201-15**

**Discussion regarding the condition of the Kennard Estate building**

ALD. SANGIOLO requesting a discussion with the Commissioner of Public Buildings, the Commissioner of Parks and Recreation, and the Executive Department regarding the condition of the property located at 246 Dudley Road (Kennard Estate) and how much, if any, repairs and upgrades will be needed as the City relocates the Parks and Recreation Department to that location. [09/01/15 @ 4:00 PM].

**Programs & Services to meet**

**Public Facilities Voted No Action Necessary 7-0**

**Referred to Public Safety & Transportation And Public Facilities Committees**

**#413-11**

**Updates on the renovations to the City's fire stations**

ALD. CICCONE, SALVUCCI, GENTILE & LENNON updating the Public Facilities and Public Safety & Transportation Committees on the progress of renovations to the city's fire stations. [11-17-11 @11:07 AM]

**PS&T Voted No Action Necessary 6-0 (Fuller, Norton not Voting) on 10/18/2017**

**Public Facilities Voted No Action Necessary 7-0**