



## City Council Actions

### In City Council

**Monday, February 3, 2020**

**Present:** Councilors Auchincloss, Baker, Bowman, Crossley, Downs, Greenberg, Grossman, Humphrey, Kalis, Kelley, Krintzman, Laredo, Leary, Lipof, Malakie, Markiewicz, Noel, Norton, Ryan, Wright and Albright

**Absent:** Councilors Ciccone, Danberg, & Gentile

#### **Executive Session**

*The President of the City Council will be requesting a roll call vote to go into Executive Session in accordance with the Provisions of Chapter 30A, sec 21(a) to hear from Legal Council on an Open Meeting Law Complaint filed against the City Council.*

**Motion to go into Executive session approved 19 Yeas, 5 Absent (Councilors Auchincloss, Ciccone, Danberg, Gentile & Grossman)**

**The City Council discussed the following items on Second Call:**

#### **Unfinished Council Business**

**#16-20**

**Petition to allow parking waiver and restaurant with more than 50 seats at Piccadilly Sq.**

FIRST GENERAL REALTY GROUP petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a restaurant with more than 50 seats and a parking waiver of 478 parking stalls in Ward 6, Newton Centre, at 93-105 Union Street, (containing approximately 31455 sq. ft. of land) on land known as Section 61 Block 36 Lot 09, 1280 Centre Street (containing approximately 27,560 sq. ft. of land) on land known as Section 61 Block 36 Lot 05, 47-61 Langley Road (containing approximately 10,037 sq. ft. of land) on land known as Section 61 Block 36 Lot 06, 49-63 Union Street (containing approximately 8,735 sq. ft. of land) on land known as Section 61 Block 36 Lot 07 and 790-794 Beacon Street (containing approximately 7,400 sq. ft. of land) on land known as Section 61 Block 36 Lot 03, all zoned BUSINESS USE 1. Ref: 7.3.3, 7.4, 5.1.4.A, 5.1.13, 4.4.1, 6.4.29 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 6-0 (Laredo Recused); Public Hearing Closed 01/14/2020**

**Item Chartered by Councilor Gentile on January 21, 2020**

**Motion to Recommit to the Land Use Committee Approved by Unanimous Voice Vote**

**Clerk's Note:**

**Referred to Zoning & Planning Committee**

#37-20

**Amend ordinances by creating a temporary suspension on landmark designation**

COUNCILORS ALBRIGHT, AUCHINCLOSS, CROSSLEY, DOWNS, KELLEY, LIPOF, GREENBERG, KRINTZMAN, NOEL, LEARY, AND DANBERG proposing an amendment to Chapter 22 of the Revised Ordinances of the City of Newton, 2017 to temporarily suspend nominations made by the Historical Commission and the City Council for landmark designations of any land, buildings and structures in the City of Newton in order to allow the City adequate time to review the landmark ordinance and consider what revisions are appropriate. The temporary suspension will prevent and suspend the processing, and approval of any property currently under consideration for landmark designation and will temporarily suspend future landmark designations made by the Historical Commission and the City Council. Landmark nominations made by the Mayor, Director of Planning of Development and the Commissioner of Inspectional Services shall not be affected. This temporary suspension shall end no later than ~~December 31, 2020~~ June 30, 2020.

**Zoning and Planning Approved as Amended 5-2. (Councilors Baker and Wright opposed); The temporary suspension shall end no later than June 30, 2020 with a condition that an interim report is provided to the Committee within 3 months of the effective date.**

**Motion to Postpone to a Date Certain of March 3, 2020 was Approved Unanimously by Voice Vote**

**Clerk's Note:**

The following three items were discussed and voted together:

**Referred to Public Facilities Committee**

#77-20

**National Grid petition for grant of location in Jackson Street.**

NATIONAL GRID petition for a grant of location to install and maintain 300' +/- of 16" gas main in Jackson Street from the 10" gas main at #30 Jackson Street 240' easterly to the intersection of Boylston Street (Route 9), to cross Boylston Street at #335 and extend easterly to Florence Street and 30' on Florence Street from the intersection of Route 9 to the existing regulator.

**Public Facilities Approved 7-0 (Councilor Kelley not voting)**

**Motion to Recommit to the Public Facilities Committee Failed to Carry 15 Nays, 4 Yeas (Councilors Bowman, Humphrey, Norton & Ryan), 5 Absent (Councilors Auchincloss, Ciccone, Danberg, Gentile & Grossman)**

**Motion to Approve carried by Voice Vote**

**Referred to Public Facilities Committee**

#78-20

**National Grid petition for grant of location in Sargent Street.**

NATIONAL GRID petition for a grant of location to install and maintain 621' +/- of 8" gas

main in Sargent Street from the 4" gas main at the intersection of Park Avenue westerly to existing 8' gas main at the intersection of Hyde Avenue and 609' +/- of 4" gas main in Jameson Road from the new 8 inch gas main in Sargent Street to the end of main at #48 Jameson Road. This is to replace and abandon the existing 4' gas main in Sargent Street and the existing 6' gas main in Jameson Road.

**Public Facilities Approved 7-0 (Councilor Kelley not voting)**

**Motion to Recommit to the Public Facilities Committee Failed to Carry 15 Nays, 4 Yeas (Councilors Bowman, Humphrey, Norton & Ryan), 5 Absent (Councilors Auchincloss, Ciccone, Danberg, Gentile & Grossman)**

**Motion to Approve carried by Voice Vote**

**Referred to Public Facilities Committee**

**#79-20**

**National Grid petition for grant of location in David Road.**

**NATIONAL GRID petition for a grant of location to install and maintain 250' +/- of 4" gas main in David Road from the 4" gas main at #28 David Road northwesterly to the end of the main at #11 David Road.**

**Public Facilities Approved 7-0 (Councilor Kelley not voting)**

**Motion to Recommit to the Public Facilities Committee Failed to Carry 15 Nays, 4 Yeas (Councilors Bowman, Humphrey, Norton & Ryan), 5 Absent (Councilors Auchincloss, Ciccone, Danberg, Gentile & Grossman)**

**Motion to Approve carried by Voice Vote**

**Clerk's Note:**

**The City Council voted without discussion 20 Yeas, 4 Absent (Councilors Auchincloss, Ciccone, Danberg, & Gentile) to Accept the Committee Recommendations on the following items:**

**Referred to Land Use Committee**

Tuesday, January 28, 2020

**#66-20**

**Class 2 Auto Dealer License**

PARAGON EXPORTS

40 Summit Street

Newton, MA. 02458

**Land Use Approved 7-0**

**Referred to Programs and Services Committee**

Wednesday, January 22, 2020

- #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)  
**Programs and Services Approved 6-0**
- #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)  
**Programs and Services Approved 6-0**
- #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)  
**Programs and Services Approved 6-0**
- #44-20 Appointment of Shiv Sawhney to the Youth Commission**  
HER HONOR THE MAYOR 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)  
**Programs and Services Approved 6-0**
- #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)  
**Programs and Services Approved 6-0**
- #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)  
**Programs and Services Approved 5-0 (Councilor Baker not voting)**

**Referred to Public Safety and Transportation Committee**

Wednesday, January 22, 2020

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

#87-20

**Appropriate \$900,000 for Fire Rescue Full Time Salaries**

HER HONOR THE MAYOR requesting authorization to appropriate and expend nine hundred thousand dollars (\$900,000) from June 30, 2019 Certified Free Cash to Acct# 0121022-511001 Fire Rescue Full Time Salaries.

**Finance Approved 6-0 on 01/29/2020**

**Public Safety & Transportation Approved 5-0**

**Referred to Public Facilities Committee**

Wednesday, January 22, 2020

**Referred to Public Facilities and Finance Committees**

#85-20

**Approve a \$1,000,000 for snow and ice removal**

HER HONOR THE MAYOR requesting authorization to transfer the sum of one million dollars (\$1,000,000) from the Budget Reserve – Snow and Ice Removal Account to the following accounts:

DPW Overtime, Snow & Ice Removal (0140123-513010) .....	\$250,000
DPW Rental Vehicles/Subcontractors (0140123-527301) .....	\$750,000

**Finance Approved 5-0 on 01/29/2020 (Councilor Malakie not voting)**

**Public Facilities Approved 5-0 (Councilor Kelley, Norton and Danberg not voting)**

#76-20

**Eversource Energy petition for a Grant of Location on Claflin Place**

EVERSOURCE ENERGY petitioning for a grant of location to relocate one pole (JO Pole #513/1) approximately 22.1' northerly from its existing location in front of 3-5 Claflin Place to the south side of Claflin Place.

**Public Facilities Approved 7-0 (Councilor Kelley not voting)**

**Referred to Finance Committee**

Wednesday, January 29, 2020

**Referred to Public Facilities and Finance Committees**

#85-20

**Approve \$1,000,000 for snow and ice removal**

HER HONOR THE MAYOR requesting authorization to transfer the sum of one million dollars (\$1,000,000) from the Budget Reserve – Snow and Ice Removal Account to the

following accounts:

DPW Overtime, Snow & Ice Removal (0140123-513010) .....	\$250,000
DPW Rental Vehicles/Subcontractors (0140123-527301) .....	\$750,000
<b>Public Facilities Approved 5-0 on 01/22/2020 (Councilor Kelley, Norton and Danberg not voting)</b>	
<b><u>Finance Approved 5-0 (Councilor Malakie not voting)</u></b>	

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

- #87-20      **Appropriate \$900,000 for Fire Rescue Full Time Salaries**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend nine hundred thousand dollars (\$900,000) from June 30,2019 Certified Free Cash to Acct# 0121022-511001 Fire Rescue Full Time Salaries.  
**Public Safety & Transportation Approved 5-0 on 01/22/2020**  
**Finance Approved 6-0**
  
- #82-20      **Appropriate \$41,869 from E-Rate Funds to fund technology enhancements**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend forty-one thousand eight hundred and sixty-nine dollars (\$41,869) from E-Rate reimbursement funds to purchase the conversion of the phone system at Williams Elementary School to Voice Over Internet Protocol (VoIP)  
**Finance Approved as Amended to the Burr School 6-0**
  
- #83-20      **Authorization to expend a ~~\$3,000~~ \$6,000 US Food and Drug Administration Grant**  
HER HONOR THE MAYOR requesting authorization to accept and expend a ~~three~~ six thousand dollar (~~\$3,000~~ \$6000) grant from the United States Food and Drug Administration for Environmental Health Specialist training.  
**Finance Approved as Amended 6-0 to \$6000**
  
- #84-20      **Authorization to expend a \$200,000 Housing Choice Grant**  
HER HONOR THE MAYOR requesting authorization to accept and expend a two hundred thousand dollar (\$200,000) Housing Choice Grant from the Department of Housing and Community Development to study the possibility of converting the West Newton Armory into affordable housing.  
**Finance Approved 6-0**

**Public Hearings were Assigned for the following Items:**

- Public Hearing 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.

***Public Hearing 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.

***Public Hearing Assigned for February 24, 2020***

**#31-20 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:

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.

***Public hearing 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 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.

## Commendations

### League of Women Voters on their 100<sup>th</sup> Anniversary

**The City Council voted without discussion 18 Yeas, 2 Nays (Councilors Bowman & Downs), 4 Absent (Councilors Auchincloss, Ciccone, Danberg, & Gentile) to Accept the Committee Recommendations on the following item:**

**#14-20**

#### **Petition for parking facility waivers at 287-289 Newtonville Avenue**

POFCO, Inc. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow parking design criteria including waivers to; interior landscaping requirements, lighting requirements, to allow parking accessory to a manufacturing use in a residential district and to allow parking in the front and side setback at 287-289 Newtonville Avenue, Ward, 2 Newtonville, on land known as Section 22 Block 01 Lots 17 and 13, containing approximately 72,643 sq. ft. of land in a district zoned MANUFACTURING and MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 5.1.6.C, 3.2.3, 5.1.8.A.1, 5.1.13, 5.1.9.B, 5.1.10 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 4-0-3 (Councilors Auchincloss, Bowman, Kelley abstaining); Public Hearing Closed 01/07/2020**