



City Council Actions

In City Council

Tuesday, February 19, 2019

Present: Councilors Albright, Auchincloss, Baker, Brousal-Glaser, Cote, Crossley, Danberg, Downs, Gentile, Greenberg, Kelley, Krintzman, Lappin, Leary, Lipof, Markiewicz, Noel, Norton, Rice and Laredo.

Absent: Councilors Ciccone, Grossman, Kalis, & Schwartz

The City Council discussed the following item on Second Call:

Referred to Public Facilities Committee

#23-19

Authorization to enter into lease negotiations for Solar Phase III project sites

HER HONOR THE MAYOR requesting authorization to enter into negotiations for the potential lease on 18 municipal and school properties for purposes of third-party construction, ownership, and operation of on-site renewable solar energy generation from which the City will purchase electric output and/or net metering credits.

(For the Public Facilities Committee votes on individual sites please refer to the 02-19-19 Reports Docket)

Motion to Remove the Bigelow and Auburndale Cove sites from consideration was Approved Unanimously by Voice Vote

Motion to Remove the Condition for all solar sites: All solar revenue (behind the meter or credits) must go to the City unless an amendment to the Council Order is approved by the Council; except for the Pleasant Street Parking Lot was Approved 17 Yeas, 3 Nays (Councilors Baker, Gentile & Laredo), 4 Absent (Councilors Ciccone, Grossman, Kalis & Schwartz)

Motion to Postpone 2) A) 1 & 2, the Brown Middle School Parking Lots, to March 4, 2019 was Approved Unanimously by Voice Vote.

Motion to Postpone 2) H) the Newton Free Parking Lot, to March 4, 2019 was Approved Unanimously by Voice Vote

Motion to Approve 1) Rooftop Solar panels at the following locations:

Fire Station #3 and Headquarters Roof

Zervas Elementary School Roof

FA Day Middle School Roof

Angier Elementary School Gym Roof

Williams Elementary School Roof

Cabot Elementary School Gym Roof

Carr School Roof

Education Center Roof

was Approved Unanimously by Voice Vote

Motion to Approve 2) B) Oak Hill Middle School Parking Lot with site specific conditions was Approved Unanimously by Voice Vote

Motion to Approve 2) C) Memorial Spaulding Elementary School Parking Lot with site specific conditions was Approved Unanimously by Voice Vote

Motion to Approve 2) D) Education Center Parking Lot with site specific conditions was Approved Unanimously by Voice Vote

Motion to Approve 2) E) Mason Rice Elementary School Parking Lot with site specific conditions was Approved Unanimously by Voice Vote

Motion to Approve 2) F) 1 Newton North High School Lowell Avenue Lot with site specific conditions was Approved 18 Yeas, 2 Nays (Councilors Baker & Gentile), 4 Absent (Councilors Ciccone, Grossman, Kalis & Schwartz)

Motion to Approve 2) F) 2 Newton North High School Walnut Street Lot with site specific conditions was Approved 18 Yeas, 2 Nays (Councilors Baker & Gentile), 4 Absent (Councilors Ciccone, Grossman, Kalis & Schwartz)

Motion to Approve 2) G) Pleasant Street Parking Lot with site specific conditions was Approved Unanimously by Voice Vote

A Motion to Reconsider all except the Motion to remove Bigelow and Auburndale Cove, the removal of the general condition for solar revenue for all but the Pleasant Street Lot, and the two Newton North Parking Lots was filed by Councilor Gentile on February 20, 2019.

A Motion to Reconsider the removal of the general condition for solar revenue for all but the Pleasant Street Lot, and the two Newton North Parking Lots was filed by Councilor Cote on February 20, 2019.

Clerk's Note:

The City Council voted without discussion 19 Yeas, 5 Absent (Councilors Baker, Ciccone, Grossman, Kalis, & Schwartz) to Approve the following items:

Referred to Land Use Committee

Tuesday, February 5, 2019

#38-19

Special Permit Petition to allow increased FAR at 11 Village Circle

ALEXANDER GENIN AND VERONICA TUROVSKY GENIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the habitable space above an existing attached garage,

creating an FAR of .36 where .34 is allowed and .34 exists at 11 Village Circle, Ward 8, Newton Centre, on land known as Section 81 Block 03 Lot 09, containing approximately 14,498 sq. ft. of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 8-0; Public Hearing Closed 02/05/2019

#36-19

Special Permit to parking waivers for a day care at 1440-1450 Washington Street

HAPPY MUNCHKINS DAY SCHOOL, INC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to waive 15 parking stalls, to waive perimeter landscaping requirements of an outdoor play area and to waive perimeter landscaping requirements of a parking facility associated with a day care center in a residential zone to support the proposed day care at 1440-1450 Washington Street, Ward 3, West Newton, on land known as Section 32 Block 14 Lots 13-14, containing approximately 41,051 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3, 7.4, 7.5, 6.3.4.3, 5.1.4, 5.1.13, 6.3.4.B.3.b, 6.3.4.B.3.a, 5.1.9, Dover Waiver of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 8-0; Public Hearing Closed 02/05/2019

#483-18

Petition to allow 20-unit multi-family dwelling at 182-184 & 166 California Street

LA&CA, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow the expansion of a nonconforming multi-family dwelling use by constructing a three-story multi-family development 32.6' in height in a manufacturing district with greater than 20,000 sq. ft. new gross floor area, allowing a nonconforming front setback, to allow a reduction of the requirement for parking to 1.25 stalls per unit, to waive maneuvering space for restricted parking stalls, to allow tandem parking and to allow retaining walls greater than four feet in height in the setback in Ward 1, Newton, at 182-184 California Street (Section 11 Block 12 Lot 12) and 166 California Street (Section 11 Block 12 Lot 13), containing approximately 18,121 sq. ft. of land in a district zoned MANUFACTURING. Ref: 7.3, 7.4, 4.4.1, 7.8.2.2, 4.3.2.B.1, 4.3.3, 7.8.2.C.2, 4.3.2.B.3, 5.1.4, 5.1.8.B.6, 5.1.13, 5.1.8.E.1, 5.4.2 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved Subject to Second Call 7-0 (Lipof not Voting); Public Hearing Closed 02/05/2019

A motion to suspend the rules to allow the Vice Chair of the Land Use Committee to poll his committee to report this item on first call was approved by voice vote

Land Use Approved on First Call 5-0

#53-19

Class 2 Auto Dealers License

Sonoma Classics, LLC

1215 Chestnut Street

Newton, MA. 02465

Land Use Approved 7-0 (Lipof not Voting)

Referred to Programs & Services Committee

Wednesday, February 6, 2019

#56-19 Reappointment of Amy Sangiolo to the Urban Tree Commission
HER HONOR THE MAYOR reappointing AMY SANGIOLO, 389 Central Street, Auburndale, as a member of the URBAN TREE COMMISSION for a term to expire December 31, 2020. (60 days: 4/5/19)
Programs & Services Approved 8-0

#57-19 Reappointment of Julia Malakie to the Urban Tree Commission
HER HONOR THE MAYOR reappointing JULIA MALAKIE, 50 Murray Road, West Newton, as a member of the URBAN TREE COMMISSION for a term to expire February 5, 2020. (60 days: 4/5/19)
Programs & Services Approved 8-0

#58-19 Reappointment of Elizabeth Wilkinson to the Urban Tree Commission
HER HONOR THE MAYOR reappointing ELIZABETH WILKINSON, 14 Trowbridge Street, Newton Centre, as a member of the URBAN TREE COMMISSION for a term to expire May 1, 2020. (60 days: 4/5/19)
Programs & Services Approved 8-0

#79-18 Amendments to the plastic bag ordinance
COUNCILORS LEARY, NORTON, AUCHINCLOSS, BROUSAL GLASER, DANBERG, KALIS, MARKIEWICZ, proposing amendments to **Chapter 12, Section 71. Plastic Bag Reduction Ordinance** to add a 10-cent fee for paper bags provided at point of sale, eliminate the small business exemption for retail space under 3,500 square feet, and update the definition of “reusable bag”.
Programs & Services voted No Action Necessary 6-0 (Baker and Albright not voting)

Referred to Public Safety & Transportation Committee

Wednesday, February 6, 2019

#45-19 Requesting ordinance amendments that will expand the availability of Police details
HER HONOR THE MAYOR, requesting the following ordinances be amended by adding into **Chapter 24, Sec. 24-11 Supplemental Traffic Control Detail** and amend **Sec. 19-46 to include the new Supplemental Traffic Control Detail appointees.**
Public Safety & Transportation voted No Action Necessary 8-0

Referred to Public Facilities Committee

Wednesday, February 6, 2019

Referred to Public Facilities and Finance Committees

#67-19 Approve a \$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:

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

Finance Approved as Amended 8-0 @ \$1 million on 02/11/19
Public Facilities Approved as Amended 5-0 (Norton not Voting)

Referred to Finance Committee

Monday, February 11, 2019

- #60-19 **Appointment of Michelle Pizzi O’Brien as Director of Human Resources**
HER HONOR THE MAYOR appointing MICHELLE PIZZI O’BRIEN as DIRECTOR OF HUMAN RESOURCES pursuant to Sec. 3-3 of the City Charter (30 days: 03/06/19).
Finance Approved 8-0

- #46-19 **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, 2018 for City Council review/acceptance.
Finance Approved 8-0

- #62-19 **Authorize \$51,168.77 to settle claims against the City**
HER HONOR THE MAYOR requesting authorization to appropriate and expend fifty-one thousand one hundred sixty-eight dollars and seventy-seven cents (\$51,168.77) for full and final settlement of the claims by Roger Counts against the City.
Finance Approved as Amended 8-0

- #64-19 **Authorization to expend a US Food and Drug Administration Grant of \$20,000**
HER HONOR THE MAYOR requesting authorization to accept and expend a twenty thousand dollars (\$20,000) grant from the United States Food and Drug Administration for the Newton Food Safety Training Video Project.
Finance Approved 8-0

- #65-19 **Authorization to expend a US Food and Drug Administration Grant of \$3,000**
HER HONOR THE MAYOR requesting authorization to accept and expend a three thousand dollars (\$3,000) grant from the United States Food and Drug Administration for Environmental Health Specialist training.
Finance Approved 8-0

- #66-19 **Authorization to expend a US Food and Drug Administration Grant of \$4,000**

HER HONOR THE MAYOR requesting authorization to accept and expend a four thousand dollars (\$4,000) grant from the Massachusetts Housing Finance Authority to support the activities of the Hoarding Task Force.

Finance Approved 8-0

#534-18(2) Amend Council Order #534-18 by changing the funding source to Free Cash
COMPTRROLLER requesting Council Order #534-18 be amended by changing the funding source of twenty-eight thousand eight hundred four dollars (\$28,804) received from the State as reimbursement for McKinney-Vento Homeless Student Transportation from Revenue – 2018 to Free Cash.

Finance Approved 8-0

Referred to Public Facilities and Finance Committees

#67-19 Approve a \$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:

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

Public Facilities Approved as Amended @ 1 million

Finance Approved as Amended 8-0 @ \$1 million

A motion to suspend the Rules to allow the Chair of the Finance Committee to report the following item, taken up earlier in the evening, without a written report was Approved by Voice Vote

#63-19 Authorization to expend Byrne Memorial Justice Assistance Grant of \$19,741.60
HER HONOR THE MAYOR requesting authorization to accept and expend the Edward J. Byrne Memorial Justice Assistance Grant in the amount of nineteen thousand seven hundred forty-one dollars and sixty cents \$19,741.60.

Finance Approved 5-0

Public Hearings were assigned for the following items:

Public Hearing reassigned for March 5, 2019

#39-19 Special Permit Petition to allow detached garage at 32 Baldpate Hill Road
MATTHEW AND DINA WOSK petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow the construction of a detached single-car garage where an attached two car garage exists,

to allow greater than 700 sq. ft. of garage space and to allow a retaining wall greater than four feet in height in the setback at 32 Baldpate Hill Road, Ward 8, Newton Centre, on land known as Section 82 Block 26 Lot 01, containing approximately 25,225 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.2.B.1, 3.4.3.A.4.a, 3.4.2.B.1, 3.4.3.A.4.c, 5.4.2 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing reassigned for March 5, 2019

#40-19 Special Permit Petition to increase non-conforming FAR at 46 Berwick Road

JONATHAN FLYNN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing garage and replace it with a single-car attached garage, library space and a second story accessory apartment, increasing the non-conforming FAR to .65 where .44 is required and .50 exists at 46 Berwick Road, Ward 6, Newton Centre, on land known as Section 52 Block 16 Lot 14, containing approximately 6,437 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing assigned for March 5, 2019

#68-19 Petition to increase non-conforming height and FAR at 45 Hyde Avenue

CHRIS AND MELISSA KONTARIDIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow construction of a rear addition to the basement, first-floor and second-floor, increasing the non-conforming height to 41.56 feet where 41.12' exists and 36' is allowed and increasing the non-conforming FAR to .42 where .36 exists and .33 is allowed at 45 Hyde Avenue, Ward 7, Newton, on land known as Section 72 Block 24 Lot 07, containing approximately 19,603 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Sec. 7.3.3, 7.4, 3.1.9, 7.8.2.C.2, 3.1.3 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing assigned for March 5, 2019

#69-19 Petition to extend non-conforming side setback at 110 Greenlawn Ave

PHOEBE BELSLEY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing stair and landing at the rear of the structure and construct a new, larger deck and stairs, further extending the existing non-conforming side setback at 110 Greenlawn Avenue, Ward 6, Newton Centre, on land known as Section 64 Block 13 Lot 05, containing approximately 7,475 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Sec. 7.3.3, 7.4, 7.8.2.C.2, 3.1.3 of the City of Newton Rev Zoning Ord, 2017.

Public hearing assigned for March 5, 2019

#70-19 Special Permit to allow Martial Arts Studio at 739 Beacon Street

SSDS Martial Arts Studio 4, LLC/EQUITY REALTY, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit school in the existing building at 739 Beacon Street, Ward 6, Newton Centre, on land known as Section 61 Block 27 Lot 17, containing approximately 10,498 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.3.14.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public hearing assigned for March 5, 2019**#71-19 Special Permit to allow more than one garage at 106 Sumner Street**

BARRY ELENOR WHITE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-car garage, creating more than 700 sq. ft. of garage space and more than one garage at 106 Sumner Street, Ward 6, Newton Centre, on land known as Section 61 Block 02 Lot 08, containing approximately 21,670 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.2.B.1, 3.4.3.A.4.a, 3.4.2.B.1, 3.4.3.A.4.c of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for March 26, 2019**#564-18(2) Petition to allow nine-unit multi-family dwelling at 19-31 and 39 Herrick Road**

STUART ROTHMAN/HERRICK ROAD REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 36' three-story nine-unit multi-family dwelling with accessory parking for nine cars, to allow multi-family residential use on the ground level in a BU1 district, to allow a reduction to one parking stall per unit, to waive 18 stalls on the parcel associated with the multi-family dwelling (Lot 7), to allow off-site parking facilities (Lot 6), to allow parking in the side setback, to allow a reduced minimum aisle width, to waive maneuvering space required of restricted stalls, to allow a retaining wall greater than 4' in a setback, to waive perimeter screening requirements and to waive lighting and surfacing requirements at 39 Herrick Road, Ward 6, on land known as Section 61 Block 36 Lots 6 and 7, in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.4.1, 4.1.2.B.3, 5.1.4, 5.1.13, 5.1.6.A, 5.1.6.B, 5.1.8.A, 5.1.8.B.6, 5.1.8.C.2, 5.1.9.A, 5.1.10, 5.4.2, 5.4.2.B of the City of Newton Rev Zoning Ord, 2017.

The following 3 items were filed after the close of the Docket and motions to suspend the rules to accept the items to the Docket and refer them to Committee were approved by voice vote

Referred to Finance Committee**#80-19 Authorize Administration to apply bond premiums to capital project costs**

HIS HONOR THE MAYOR requesting that each prior order of the City Council that authorizes the borrowing of money to pay costs of capital projects is hereby supplemented to provide that, in accordance with Chapter 44, Section 20 of the General Laws, as most recently amended by the Municipal Modernization Act, so-called, the premium received by the City upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

Referred to Public Facilities and Finance Committees

#83-19 HER HONOR THE MAYOR requesting amendment to Section 17-3 of the City of Newton Ordinances adopting the Federal Communications Commission's presumptively

reasonable application fees for wireless attachments and new pole construction and conduct cost studying in the coming months to document the City’s time and expenses regarding these applications.

Referred to Public Facilities and Finance Committees

#84-19 Approve a \$500,000 for snow and ice removal

HER HONOR THE MAYOR requesting authorization to transfer the sum of five hundred thousand dollars from the Budget Reserve – Snow and Ice Removal Account to the following accounts:

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

The City Council voted without discussion 18 Yeas, 1 Recused (Councilor Crossley), 5 Absent (Councilors Baker, Ciccone, Grossman, Kalis & Schwartz) to Approve the Committee recommendations on the following item:

Referred to Land Use Committee

#623-18 Special Permit Petition to allow multi-family dwelling at 20-22 Circuit Avenue

ARTHUR KALOTKIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL 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. Ref: Sec. 7.3., 7.4, 3.4.1, 5.1.8.A.2, 5.1.13, 5.1.8.C.2, 5.1.8.C.2, 5.1.10.A, 5.1.8.D.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 4-0-2 (Laredo, Markiewicz abstaining, Crossley Recused, Lipof Not Voting); Public Hearing Closed 02/05/2019

The City Council voted without discussion 18 Yeas, 1 Recused (Councilor Laredo), 5 Absent (Councilors Baker, Ciccone, Grossman, Kalis & Schwartz) to Approve the Committee recommendations on the following item:

Referred to Land Use Committee

#37-19 Special Permit Petition to allow a hotel use at 1170-1176 Walnut Street

STAS GAVROVSKY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the

existing 2.5 story structure into an eight-bedroom hotel with a ground floor restaurant at 1170-1176 Walnut Street, Ward 6, Newton Highlands, on land known as Section 52 Block 38 Lot 16, containing approximately 4,624 sq. ft. of land in a district zoned BUSINESS USE 2. Ref 7.3.3, 7.4, 4.4.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 7-0 (Laredo Recused); Public Hearing Closed 02/05/2019

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