



City Council Reports Docket

Feb 5: Land Use
Feb 6: Programs & Services, Public Safety & Transportation, Public Facilities
Feb 11: Zoning & Planning, Finance
Feb 12: Land Use

Monday, February 4, 2019
Continued
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7:45 PM, Newton City Hall
To be reported on
Tuesday, February 19, 2019

City of Newton In City Council Items to be Acted Upon

Referred to Land Use Committee

Tuesday, February 5, 2019

Present: Councilors Schwartz (Chair), Lipof, Greenberg, Auchincloss, Kelley, Markiewicz, Crossley; Laredo; also present: Councilor Leary

#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

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.

- #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
- #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
- #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
- #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 Zoning & Planning Committee

Monday, February 11, 2019

Present: Councilors Albright (Chair), Leary, Brousal-Glaser, Krintzman, Downs, Danberg, Baker, and Kalis; also present: Councilors Ciccone, Greenberg, Norton, Cote, Kelley, Gentile, Crossley, Rice, Noel, Grossman, Laredo, Lappin and Lipof

- #220-18** **Discussion relative to the Washington Street Corridor Action Plan**
DIRECTOR OF PLANNING requesting monthly progress discussions on the Washington Street Corridor action plan.
Zoning & Planning Held 8-0

Referred to Programs & Services Committee

Wednesday, February 6, 2019

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

- #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 Programs & Services and Finance Committees

#455-18

Ordinance amendments to the Plastic Bag Reduction Ordinance

COUNCILORS LEARY, NORTON, AUCHINCLOSS, BROUSAL GLASER, DANBERG, KALIS, MARKIEWICZ proposing ordinance amendments to Chapter 12, Section 71 by revising the definition of “reusable bag”, revising the definition for retailers to include establishments of less than 3,500 sq. ft., and adding a 10-cent fee for paper bags provided by the retailer.

Finance to Meet

Programs & Services Approved as amended 6-0 (Baker and Albright not voting) subject to second call

Referred to Public Safety & Transportation Committee

Wednesday, February 6, 2019

Present: Councilors Ciccone (Chair), Cote, Downs, Noel, Grossman, Lipof, Auchincloss and Markiewicz; also Present: Councilors Albright, Kelley and Baker

#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

#554-18

Proposal to end winter parking ban on select streets in Wards 2 and 3.

COUNCILORS ALBRIGHT, NORTON, COTE, BROUSAL-GLASER AND KELLEY, proposing to end the winter parking ban on select streets in Wards 2 and 3.

Public Safety & Transportation Held 6-1-0 (Cote opposed, Lipof not voting)

Referred to Public Facilities Committee

Wednesday, February 6, 2019

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

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 Public Facilities and Finance Committees

#541-18

Amendments to the Stormwater Use Charge Ordinance

HER HONOR THE MAYOR requesting Chapter 29, Section 120 (a) **Stormwater Use Charge** of the City of Newton Revised Ordinance, 2017 be amended by deleting the current rate structure and replacing it with the following effective July 1, 2019:

Every owner of property in the city shall pay a charge for use of public main drains and stormwater facilities, which shall be based on the following annual rates. Such charge shall be billed quarterly:

- 1. 1-4 family dwellings \$100.00
- 2. All other properties: \$0.0425 per square foot of impervious surface area, except that if the square footage charge multiplied by the total impervious area of the parcel equals a sum less than \$150.00, then the annual fee shall be \$150.00.

Finance to meet

Public Facilities Approved as Amended 5-0 (Norton not Voting)

#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.

Locations:

Brown Middle School Parking Lots

- a) Front Parking Lot

Public Facilities Approved 3-0-1 (Laredo abstaining, Kelley, Leary not voting) with conditions

- b) Side Parking Lot

Public Facilities 3-0-1 (Laredo abstaining, Kelley, Leary not voting) with conditions

Oak Hill Middle School Parking Lot

Public Facilities Approved 5-0 (Kelley not voting) with conditions

Memorial Spaulding Elementary School Parking Lot

Public Facilities Approved 5-0 (Kelley not voting) with conditions

Education Center Parking Lot

Public Facilities Approved 5-0 (Kelley not voting) with a condition

Mason Rice Elementary School Parking Lot

Public Facilities Approved 5-0 (Kelley not voting) with conditions

Newton North High School Parking Lots

a) Lowell Avenue Parking Lot

Public Facilities Approved 3-0-1 (Laredo abstaining, Kelley, Leary not voting) with conditions

b) Walnut Street Parking Lot

Public Facilities Approved 4-0 (Kelley, Leary not voting) with conditions

Pleasant Street Parking Lot

Public Facilities Approved 5-0 (Kelley not voting) with conditions

Newton Free Library Parking Lot

Public Facilities Approved 5-1 (Laredo opposed) with conditions

Fire Station #3 and Headquarters Roof

Public Facilities Approved 4-0 (Kelley, Norton) with a condition

Zervas Elementary School Roof

Public Facilities Approved 4-0 (Kelley, Norton) with a condition

FA Day Middle School Roof

Public Facilities Approved 4-0 (Kelley, Norton) with a condition

Angier Elementary School Gym Roof

Public Facilities Approved 4-0 (Kelley, Norton) with a condition

Williams Elementary School Roof

Public Facilities Approved 4-0 (Kelley, Norton) with a condition

Cabot Elementary School Gym Roof

Public Facilities Approved 4-0 (Kelley, Norton) with a condition

Carr School Roof

Public Facilities Approved 4-0 (Kelley, Norton) with a condition

Education Center Roof

Public Facilities Approved 4-0 (Kelley, Norton) with a condition

~~Auburndale Cove Parking Lot~~

~~Bigelow Middle School Parking Lot~~

Note: The Mayor has requested withdrawal of the above two sites as solar canopy locations

Referred to Finance Committee

Monday, February 11, 2019

Present: Councilors Gentile (Chair), Ciccone, Norton, Cote, Rice, Noel, Grossman, and Lappin; also present: Councilor Downs

- #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
- #61-19 Rescind the acceptance of Section 22F of MGL Chapter 40**
COUNCILOR GENITILE requesting rescission of the acceptance of Section 22F of Mass General Law Chapter 40 which authorizes certain municipal boards and officers to fix reasonable fees for the issuance of certain licenses, permits, or certificates, as provided therein.
Finance Held 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
- #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. [11/17/16 @12:56 PM]
Finance Held 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
COMPTROLLER 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