



REVISED
7:49 am, Mar 04, 2019

City Council Reports Docket

POSTED
City Clerk

Feb 20: Public Facilities
Feb 25: Zoning & Planning, Finance
Feb 26: Land Use

Tuesday, February 19, 2019
Continued
Page 363
7:45 PM, Newton City Hall
To be reported on
Monday, March 4, 2019

City of Newton In City Council Items to be Acted Upon Unfinished Council Business

Motion to Reconsider a portion of #23-19 filed by Councilor Gentile on February 20, 2019

#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:

Oak Hill Middle School Parking Lot
Memorial Spaulding Elementary School Parking Lot
Education Center Parking Lot
Mason Rice Elementary School Parking Lot
Pleasant Street Parking Lot
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

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

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.

Motion to Reconsider a portion of #23-19 filed by Councilor Cote on February 20, 2019

#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.

Newton North High School Parking Lots

- a) Lowell Avenue Parking Lot
- b) Walnut Street Parking Lot

Reconsider the removal of the general condition requiring that all solar revenue must go to the City unless an amendment to the Council Order is approved by the Council

Referred to Land Use Committee

Tuesday, February 26, 2019

Present: Councilors Schwartz (Chair), Lipof, Greenberg, Auchincloss, Kelley, Markiewicz, Crossley, Laredo, Lappin

#26-18(2) Request for an Extension of Time to Exercise Special Permit #26-18

SCOTT ROSS petition for an EXTENSION OF TIME to EXERCISE Special Permit Council Order #26-18, creating two attached dwelling units, allowing waivers to the lot area requirements and lot area per unit requirements, to reduce the side setback requirement, to reduce the lot coverage requirement, to allow a driveway within 10' of a side lot line and to allow parking within 20' of a side lot line at 20 Dale Street/19 Simpson Terrace, Ward 2, Newtonville, on land known as Section 22, Block 14, Lot 03, containing approximately 5,968 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.2.4, 6.2.3.B.2 of the City of Newton Rev Zoning Ord, 2015.

Land Use Approved 8-0

#130-17(2) Request for an Extension of Time to Exercise Special Permit at 164 Highland Avenue

ROBERT AND CINDY LAUGHREA petition for an EXTENSION OF TIME to EXERCISE Special Permit Council Order #130-17 for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish a portion of the rear dwelling, front porch and detached garage and construct a two-story rear addition and attached garage for more than three vehicles and in excess of 700 sq. ft. increasing the FAR to .28 where .27 is allowed and .19 exists at 164 Highland Avenue, Ward 2, on land known as Section 24, Block 12, Lot 20, containing approximately 22,230 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3, 7.4, 3.1.9, 3.4.2.C.1 of the City of Newton Rev Zoning Ord, 2015.

Land Use Approved 8-0

- #41-19(2) Extension of Time to Open Public Hearing for Special Permit at 24-26 Elliot St**
CYPRESS TREE MANAGEMENT, INC agrees to an EXTENSION OF TIME to open the public hearing until MARCH 26, 2019 for Special Permit petition #41-19 for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #288-18 to allow retail marijuana sales in conjunction with as the approved RMD (Registered Medical Dispensary), to waive the 25% façade transparency requirement, to waive minimum stall dimensions, to waive minimum aisle width for two-way traffic, to waive perimeter screening requirements, to waive interior landscaping requirements and to waive lighting requirements at 24-26 Elliot Street, Ward 5, Newton Highlands, on land known as Section 51 Block 25 Lot 01, containing approximately 25,320 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec 7.3.3, 7.4, 6.10.3.D, 4.4.1, 6.10.3.E.15, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.C.1, 5.1.8.C.2, 5.1.13, 5.1.9.A, 5.1.9.B, 5.1.10.A, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 8-0
- #497-18 Petition to allow single-family attached dwellings at 10 Pillion Court**
MICHAEL MOSKOWITZ/TEN PILLION, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an attached dwelling unit to the existing single-family structure, reduce lot area, frontage and lot coverage requirements, to reduce front and side setback requirements and to allow a driveway along the side lot line, requiring an amendment to Variance #99442 at 10 Pillion Court, Ward 2, on land known as Section 22 Block 7 Lot 46, containing approximately 10,559 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2, of the City of Newton Rev Zoning Ord, 2017.
Public Hearing Opened on November 8, 2019
Land Use Held 8-0
- #624-18 Review of compliance with the Hancock Estates Special Permit #102-06(12)**
COUNCILORS LAPPIN, LAREDO, GREENBERG, GENTILE, KELLEY, ALBRIGHT, NORTON, CICCONE, LEARY, DANBERG, NOEL, KALIS & GROSSMAN requesting a review by Law, Planning and ISD of the compliance of the current Hancock Estates project with the approved special permit. Questions to be addressed: Are the “dens” legally considered bedrooms? Is the short-term rental guest suite one of the 88 units? What calculations were used to determine habitable space. What calculations were used to determine the percentage of affordable units. Is the project that was built (unit size, bedroom mix, short term rental guest suite, distribution of units, unit square footage, habitable space, crosswalk and ped. light, etc.) the same project the City Council approved? Is CHR in violation of our Inclusionary Zoning Ordinances?
Land Use Voted No Action Necessary 8-0
- #566-18 Petition to allow multi-family dwellings at 424-432 Cherry Street**
DENNIS CAMERON/CRM MANAGEMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert an existing single-family dwelling to construct a six-unit residential

dwelling ~~with~~, to construct a second three-story 34.5' residential dwelling with three units, to allow ground floor units, to allow a reduction in the parking requirements to 1.25 per dwelling unit, to waive minimum stall width requirements, to reduce the minimum aisle width requirements, to waive the minimum driveway width, to waive perimeter landscape screening requirements and to waive lighting requirements in Ward 3, West Newton, at 424-432 Cherry Street, Section 33 Block 11 Lot 2, containing approximately 14,204 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.4.1, 4.1.2.B.3, 4.1.3, 5.1.4.A, 5.1.13, 5.1.8.C, 5.1.8.B.1, 5.1.8.D.1, 5.1.9.A, 5.1.10.A of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Opened on January 8, 2019 and February 26, 2019

Land Use Approved 8-0; Public Hearing Closed February 26, 2019

#564-18

Petition to allow nine-unit multi-family dwelling at 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 located on the adjacent parcel, to allow off-site parking facilities, ~~to waive~~ 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 the 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 Lot 7, containing approximately 12,979 sq. ft. of land 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.B of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Opened on January 8, 2019 and February 26, 2019

Land Use Held 7-0 (Laredo Recused)

Referred to Zoning & Planning Committee

Monday, February 25, 2019

Present: Councilors Albright (Chair), Baker, Brousal-Glaser, Downs, Leary, Krintzman and Kalis; absent: Councilor Danberg; also present: Councilors Laredo, Schwartz, Kelley, Auchincloss, Greenberg and Crossley

#55-19

Reappointment of Kelley Brown to the Planning Board

HER HONOR THE MAYOR reappointing KELLEY BROWN, 457 Waltham Street, West Newton, as a member of the PLANNING & DEVELOPMENT BOARD for a term to expire February 1, 2024. (60 days: 4/5/19)

Zoning & Planning Approved 7-0

- #74-19 Reappointment of Daniel Green to the Conservation Commission**
HER HONOR THE MAYOR reappointing DANIEL C. GREEN, 38 Everett Street, Newton Centre, Newton to the CONSERVATION COMMISSION for a term to expire January 1,2022. (60 days: 4/16/19)
Zoning & Planning Approved 7-0
- #43-19 Discussion of Riverside Vision Plan**
DIRECTOR OF PLANNING requesting regular progress reports on the Riverside Vision Plan.
Zoning & Planning Held 7-0
- #518-18 Discussion and review relative to the draft Zoning Ordinance**
DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the draft Zoning Ordinance.
Zoning & Planning Held 6-0 (Downs not voting)

Referred to Public Facilities Committee

Wednesday, February 20, 2019

Present: Councilors Crossley (Chair), Leary, Norton, Kelley, Gentile, Danberg, Laredo, and Lappin; also present: Councilors Downs and Greenberg

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.
Finance to Meet
Public Facilities Approved 6-1-1 (Gentile Opposed, Lappin Abstaining)

Referred to Finance and Appropriate Committees

- #542-18 Submittal of the FY 2020 to FY 2024 Capital Improvement Plan**
HER HONOR THE MAYOR submitting the Fiscal Years 2020 to 2024 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter.
Public Facilities Held 7-0 (Gentile not Voting)
- #638-18 Evaluation of street sweeping policies and protocols**
COUNCILORS LEARY, LAREDO, AND GREENBERG requesting an evaluation of the City's street sweeping policies and protocols including but not limited to (a) whether we should increase the frequency of our street sweeping program; (b) how we notify Newton residents when street sweeping will occur and otherwise provide information about the

program; (c) how we evaluate the effectiveness of the program; (d) identifying barriers to possible program improvements including vehicles parked on city streets that hinder the operation of street sweeping activities.

Public Facilities Held 7-0 (Gentile not Voting)

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

Finance Approved 6-0 on 02/25/19

Public Facilities Approved 7-0 (Laredo not Voting)

Referred to Finance Committee

Monday, February 25, 2019

Present: Councilors Lappin (Acting Chair), Ciccone, Norton, Cote, Noel, and Grossman

#81-19

Amend 17-23(d) to include fines for overtime parking violations

PUBLIC SAFETY & TRANSPORTATION COMMITTEE requesting amendments to Section 17-23(d) of the City of Newton Ordinance by deleting "other, in any other area where parking is permitted for a limited period of time in excess of the time allowed (Sec. 19-166)' where it appears in Sec. 17-23(d) under the listing for Sec. 19-9 penalty for parking violations, and insert in its place the following:

Overtime parking in excess of posted time limits (Sec. 19-181):

- a) metered space \$15.00
- b) non-metered time restricted space \$15.00

Finance Approved 5-0 (Cote not voting)

#79-19

Mayor's reappointment of Charles Grillo, Jr. as a Constable

HER HONOR THE MAYOR reappointing CHARLES V. GRILLO, 1011 Washington Street, Newtonville as a Constable for the City of Newton for a term of office to expire January 31, 2022. (60 days: 3/16/19)

Finance Approved 6-0

Referred to Public Facilities and Finance Committees

#541-18

Amendments to the Stormwater Use Charge

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.

Public Facilities Approved as Amended 5-0 on 02/06/19

Finance Approved as Amended 5-0 (Cote not voting)

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

Public Facilities Approved 7-0 on 02/20/19

Finance Approved 6-0

#80-19

Authorize Administration to apply bond premiums to capital project costs

HER 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.

Finance Approved 5-0 (Cote not voting)