



City Council Actions

In City Council

Monday, March 18, 2019

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

Absent: Councilor Markiewicz

The City Council discussed the following items 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.

1. Brown Middle School Parking Lots
 - a) Front Parking Lot
Public Facilities Approved 3-0-1 with Conditions (Laredo abstaining, Kelley, Leary not voting)
 - b) Side Parking Lot
Public Facilities Approved with conditions 3-0-1 (Laredo abstaining, Kelley, Leary not voting)
2. Newton Free Library Parking Lot
Public Facilities Approved with Conditions 5-1 (Laredo opposed)

The above portions of #23-19 postponed to a date certain of March 04, 2019

The above portions of #23-19 postponed to a date certain of March 18, 2019

A motion to amend 1. b) the Brown side Lot to include the following text:

Side Parking lot:

The Sustainability Co-Director will work with the neighbors when determining the direction, brightness, and shut off timing of the solar canopy lights to minimize the impact on the neighborhood

was Approved Unanimously by Voice Vote

Motion to Approve 1. b) the Brown Side Lot as amended was Approved 19 Yeas, 4 Nays (Councilors Ciccone, Cote, Gentile & Lipof) 1 Absent (Councilor Markiewicz)

Motion to Reconsider was Approved by Voice Vote

Motion to Approve 1. b) the Brown Side Lot as amended was Approved 20 Yeas, 3 Nays (Councilors Ciccone, Cote & Gentile) 1 Absent (Councilor Markiewicz)

Motion to Approve 1. A) Brown Front Lot was Approved 16 Yeas, 7 Nays (Councilors Baker, Ciccone, Cote, Gentile, Kalis, Lipof & Laredo) 1 Absent (Markiewicz)

Motion to Approve 2. Newton Free Parking Lot was Approved 18 Yeas, 5 Nays (Councilors Baker, Ciccone, Cote, Gentile, & Laredo), 1 Absent (Markiewicz)

Motion to Reconsider 2. Newton Free Library Failed 22 Nays, 2 Absent (Councilors Cote & Markiewicz)

Clerk's Note:

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.

Public Facilities Approved 6-1-1 (Gentile opposed, Lappin abstaining) on 02/20/19

Finance Approved 5-1-1 a cost analysis of the wireless fee with no change to the \$750 application fee (Noel opposed; Grossman abstaining)

Motion to amend the Finance Committee recommendation to set the application fee at \$750 with each additional location at the same time set at \$100, and petitions to construct a pole at \$1,000 was Approved by Voice Vote Unanimously

Motion to Approve the Finance Committee recommendation as Amended Failed to Carry 14 Nays, 7 Yeas (Councilors Baker, Ciccone, Gentile, Kalis, Lappin, Lipof & Norton), 3 Absent (Councilors Brousal-Glaser, Cote & Markiewicz)

Motion to Amend the recommendation of the Public Facilities Committee to set the application fee at \$500 with each additional location at the same time set at \$100 Failed to Carry 14 Nays, 7 Yeas (Councilors Baker, Ciccone, Gentile, Kalis, Lappin, Lipof & Norton), 3 Absent (Councilors Brousal-Glaser, Cote & Markiewicz)

Motion to Approve the recommendation of the Public Facilities Committee was Approved 17 Yeas, 4 Nays (Councilors Gentile, Kalis, Lappin, & Lipof), 3 Absent (Councilors Brousal-Glaser, Cote & Markiewicz)

Clerk's Note:

The City Council voted without discussion 23 Yeas, 1 Absent (Councilor Markiewicz) to Accept the Committee Recommendations on the following items:

Referred to Land Use Committee

Tuesday, 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.
Land Use Approved 8-0; Public Hearing Closed 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.
Land Use Approved 8-0; Public Hearing Closed 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.
Land Use Approved 8-0; Public Hearing Closed 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.

Land Use Approved 8-0; Public Hearing Closed March 5, 2019

- #69-19** **Special Permit 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.

Land Use Approved 8-0; Public Hearing Closed March 5, 2019**Referred to Zoning & Planning Committee**

March 11, 2019

- #632-18** **Zoning Amendment to allow RMDs and marijuana retailers in MU districts**
COUNCILOR SCHWARTZ, KELLEY, NORTON, AND COTE proposing to amend Chapter 30, **Section 4.4.1. Business, Mixed Use & Manufacturing Districts.** to allow Registered Marijuana Dispensaries and marijuana retailers by special permit in Limited Manufacturing and Manufacturing Districts.

Zoning & Planning voted No Action Necessary 6-1-1 (Baker Opposed; Brousal-Glaser abstaining)

Referred to Programs & Services Committee

Wednesday, March 6, 2019

Referred to Programs & Services, Public Facilities, and Finance Committees

- #101-19** **Authorization to submit an SOI to the MSBA for Countryside School**
SUPERINTENDENT OF SCHOOLS requesting authorization to submit a Statement of Interest (SOI) – Core Program to the Massachusetts School Building Authority (MSBA) for consideration of funding for a renovation/addition of Countryside Elementary School, designated as the highest priority for a major project after Cabot Elementary School and Lincoln–Eliot Elementary School and Newton Early Childhood Program.

Finance Approved 7-0 on 03/11/19

Public Facilities Approved 6-0 on 03/06/19

Programs & Services Approved 6-0

- #92-19** **Reappointment of Brooke Foucault Welles to the Human Rights Commission**
HER HONOR THE MAYOR reappointing BROOKE FOUCAULT WELLES, 9 Williams Street, West Newton, as a member of the HUMAN RIGHTS COMMISSION for a term to expire February 25, 2021. (60 days: 05/03/19)

Programs & Services Approved 6-0

Referred to Public Safety & Transportation Committee

Wednesday, March 6, 2019

#93-19

Discussion on fire building codes, stick construction and fire hydrants

COUNCILORS DOWNS, GREENBERG AND AUCHINCLOSS requesting a discussion with Fire Chief Proia on fire building codes for new buildings and stick construction as well as on how the department ensures hydrants are in good working order (Cook Street fire).

Public Safety & Transportation No Action Necessary 5-0, Cote not voting

Referred to Public Facilities Committee

Wednesday, March 6, 2019

Referred to Programs & Services, Public Facilities, and Finance Committees

#101-19

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Finance Approved 7-0 on 03/11/19

Programs & Services Approved 6-0 on 03/11/19

Public Facilities Approved 6-0 (Leary not Voting)

Referred to Public Facilities and Finance Committees

#100-19

Request to bond \$1,364,006 for boilers at Bigelow Middle School

HER HONOR THE MAYOR requesting authorization to appropriate one million three hundred sixty-four thousand six dollars (\$1,364,006) from bonded indebtedness for the purpose of paying costs, including incidental and/or related costs, of replacing the boilers at Bigelow Middle School for which the City may be eligible for a grant from the Massachusetts School Building Authority (MSBA). The funds are to be expended under the direction of the Commissioner of Public Buildings.

Finance Approved 7-0 on 03/11/19

Public Facilities Approved 7-0

Referred to Finance Committee

Monday, March 11, 2019

#97-19

Mayor's appointment of James Shaughnessy as Director of Assessing

HER HONOR THE MAYOR appointing JAMES SHAUGHNESSY, as DIRECTOR OF ASSESSING

ADMINISTRATION pursuant to Sec. 3-3 of the City Charter. (30 days: 04/03/19)
Finance Approved 7-0

Referred to Programs & Services, Public Facilities, and Finance Committees

- #101-19** **Authorization to submit an SOI to the MSBA for Countryside School**
SUPERINTENDENT OF SCHOOLS requesting authorization to submit a Statement of Interest (SOI) – Core Program to the Massachusetts School Building Authority (MSBA) for consideration of funding for a renovation/addition of Countryside Elementary School, designated as the highest priority for a major project after Cabot Elementary School and Lincoln–Eliot Elementary School and Newton Early Childhood Program.
Programs & Services Approved 6-0 on 03/06/19
Public Facilities Approved 6-0 (Leary not voting) on 03/06/19
Finance Approved 7-0

Referred to Public Facilities and Finance Committees

- #100-19** **Request to bond \$1,364,006 for boilers at Bigelow Middle School**
HER HONOR THE MAYOR requesting authorization to appropriate one million three hundred sixty-four thousand six dollars (\$1,364,006) from bonded indebtedness for the purpose of paying costs, including incidental and/or related costs, of replacing the boilers at Bigelow Middle School for which the City may be eligible for a grant from the Massachusetts School Building Authority (MSBA). The funds are to be expended under the direction of the Commissioner of Public Buildings.
Public Facilities Approved 7-0 on 03/06/19
Finance Approved 7-0

Referred to Public Safety & Transportation and Finance Committees

- #510-18** **Increase non-resident parking permit fees**
COUNCILORS DOWNS, AUCHINCLOSS, DANBERG, LEARY, MARKIEWICZ, NOEL, AND RICE requesting an ordinance amendment to increase the non-resident parking permit fee from \$25 to a range which will include a maximum cap, to better cover costs and encourage alternatives to driving in parts of the City where demand is high.
Public Safety Approved 8-0 on 11/07/18
Finance Approved 7-0 (fees to be set by ordinance w/ recommendation from Traffic Council)
(Please note: conflicting committee reports)
Motion to Suspend the Rules to allow the Chair of the Public Safety Committee to Poll His Committee to Accept the Report of the Finance Committee was Approved by Voice Vote
Public Safety Approved Report of Finance 6-1

- #51-19(2)** **Request to transfer \$1.25 million to use unexpended funds for accelerated roads**
HER HONOR THE MAYOR requesting an amendment to Council Order #51-19 by authorizing the transfer of one million two hundred fifty thousand dollars (\$1,250,000)

from the Angier Elementary School Project Account to the Capital Stabilization Account for the Accelerated Roads Program.

Finance Approved 7-0

#98-19 Request to amend the FY 19 Budget Council Order (#250-18)

HER HONOR THE MAYOR requesting amendments to Page 9 of Council Order #250-18, the FY 19 Budget by authorizing the following changes:

- Amend the Sewer Fund Benefits column by decreasing Sewer Maintenance & operation by \$188,067 and increasing Retirement by \$188,067.
- Amend the Water Fund Benefits column by decreasing Water Maintenance & Operation by \$302,283 and increasing Retirement by \$302,283.

Finance Approved 7-0

#99-19 Request to re-appropriate unspent bond funds

HER HONOR THE MAYOR requesting re-appropriation of unspent bond funds for completed projects to new projects with loan terms of an equal or longer period as follows:

From Council Order	Project	Amount
#211-13	Lower Falls Community Center Improve	\$4,400
#286-15	NNHS Baseball Backstop	\$71,600
#191-16	NSHS Modulars	\$2,000
#219-15	NSHS Tennis Courts	\$108,081
To Council Order	Project	Amount
#494-18	Carr School Air Conditioning Units	\$186,081
From Council Order	Project	Amount
#52-13	Fire Station #10 Improvements	\$268,500
#470-14	City Hall War Memorial Elevator	\$38,500
To Council Order	Project	Amount
#511-18	Crafts Street Garage Roof	\$307,000
From Council Order	Project	Amount
#467-14	FA Day Water Heater Replacement	\$25,000
#220-15	DPW Snow Equipment	\$4,105
#274-16	2017 DPW Construction Equipment	\$3
#273-16	2017 DPW Street Sweeper	\$11
#307-16	2017 Fire Pumper Truck	\$95,800
To Council Order	Project	Amount
#537-18	2 6-Wheel Dump Trucks	\$124,919

Finance Approved 7-0

The following 2 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 Committees were approved by voice vote

Referred to Public Facilities and Finance Committees

#121-19

Funding for the South Meadow Brook Culvert at 170 Needham Street

HER HONOR THE MAYOR requesting authorization to appropriate and expend two hundred fifty thousand dollars (\$250,000) from the Stormwater Management Fund Surplus Account for the cleaning, inspection, and assessment for 230 linear feet of 5' x 16' concrete box culvert located adjacent to 170 Needham Street that conveys stormwater from the South Meadow Brook drainage basin.

Referred to Public Facilities Committee

#122-19

Request for changes in traffic flow at five intersections

HER HONOR THE MAYOR requesting approval of proposed design changes to the below intersections that result in changes to traffic flow to improve pedestrian and bicycle safety in accordance with the complete streets initiative:

- Crafts Street at Walnut Street – bump out and elimination of slip lane
- Walnut Street at Minot Place – bump out
- Walnut Street at Lowell Avenue - bump out and elimination of slip lane
- Waltham Street at Derby and Fairway Drive – bump outs and median island
- Elliot Street at Linden Street – two median islands

Public Hearings were assigned for the following items:

Public hearing assigned for April 2, 2019

#104-19

Special Permit to allow attached dwelling units at 499 Winchester Street

ARTHUR ARBETTER AND GERRY WELCH/MARY AND DUANE HILLIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwellings in two buildings, allowing single-family attached dwellings with three stories and to allow retaining walls greater than 4' within a setback at 499 Winchester Street, Ward 8, Newton Highlands, on land known as Section 83 Block 35 Lot 08, containing approximately 43,567 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.1.4, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing assigned for April 2, 2019

#105-19

Petition to grant 11 parking waivers at 2345 Commonwealth Avenue (Marriot Hotel)

CHSP TRS Newton, LLC d/b/a Marriott Newton petition for SPECIAL PERMIT/SITE PLAN

APPROVAL to amend Special Permit Order #385-08 to allow restructuring of the parking layout, eliminating 14 parking stalls and requiring a waiver of 11 stalls at 2345 Commonwealth Avenue, Ward 4, Auburndale, on land known as Section 02 Block 30 Lot 18, containing approximately 11.4 acres of land in a district zoned BUSINESS USE 5. Ref. Sec. 7.3.3, 7.4, 5.1.4.A of the City of Newton Rev Zoning Ord, 2017.

Public hearing assigned for March 25, 2019

#111-19 Technical amendments to the Zoning Ordinance

DIRECTOR OF PLANNING requesting technical amendments to the Newton Zoning Ordinance, Chapter 30, which became effective November 1, 2015, in order to address clarifications, corrections, and edits related to missing or incorrectly transcribed ordinance provisions in the following sections:

- Sec. 4.4.1
- Sec. 1.3.1
- Sec. 5.1.4.A
- Sec. 5.11.4.B

Public hearing assigned for April 3, 2019

#114-19 ExteNet Systems petition for wireless grant of location on Adams Street

EXTENET SYSTEMS, LLC petitioning for a grant of location to install a small cell wireless facility on an existing utility pole located in the right-of-way in the vicinity of 132 Adams Street. The installation will include an antenna, radio equipment, an electric meter, and cabling for fiber and power to enhance wireless coverage in the area. (60-day action date: 05/04/19)

Public hearing assigned for April 3, 2019

#115-19 ExteNet Systems petition for wireless grant of location on Beacon Street

EXTENET SYSTEMS, LLC petitioning for a grant of location to install a small cell wireless facility on an existing utility pole located in the right-of-way in the vicinity of 262 Beacon Street. The installation will include an antenna, radio equipment, an electric meter, and cabling for fiber and power to enhance wireless coverage in the area. (60-day action date: 05/04/19)

Public hearing assigned for April 3, 2019

#116-19 ExteNet Systems petition for wireless grant of location on Commonwealth Avenue

EXTENET SYSTEMS, LLC petitioning for a grant of location to install a small cell wireless facility on an existing city-owned streetlight pole located in the right-of-way in the vicinity of 140 Commonwealth Avenue. The installation will include an antenna, radio equipment, an electric meter, and cabling for fiber and power to enhance wireless coverage in the area. (60-day action date: 05/04/19)

The City Council voted without discussion 22 Yeas, 1 Recused (Councilor

Crossley), 1 Absent (Councilor Markiewicz) to Approve the Committee recommendation on the following item:

#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.

Land Use Approved 7-0 (Crossley recused)

DRAFT