



City Council Reports Docket

March 5: Land Use

March 6: Programs & Services, Public Safety & Transportation; Public Facilities

March 11: Zoning & Planning, Finance

March 12: Land Use

Monday, March 4, 2019

Continued

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7:45 PM, Newton City Hall

To be reported on

Monday, March 18, 2019

City of Newton In City Council Items to be Acted Upon

Unfinished Council Business

A portion of #23-19 postponed to a date certain of March 18, 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.

2) 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)

3) Newton Free Library Parking Lot

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

Referred to Land Use Committee

Tuesday, March 5, 2019

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

#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,

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.

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

#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)

Referred to Land Use Committee

Tuesday, March 12, 2019

Present: Councilors Schwartz (Chair), Lipof, Greenberg, Auchincloss, Kelley, Markiewicz, Crossley, and Laredo; also Present: Councilors Downs, Rice, Albright, Baker

#425-18

Request to Rezone three parcels for Northland Development

NEEDHAM STREET ASSOCIATES, NORTHLAND TOWER ROAD INVESTORS, NORTHLAND OAK STREET, LLC petition for a change of zone to BUSINESS USE 4 for land located at 156 Oak Street (Section 51 Block 28 Lot 5A), 275-281 Needham Street (Section 51, Block 28, Lot 6) and 55 Tower Road (Section 51 Block 28 Lot 5), currently zoned MU1.

Land Use Held 8-0; Public Hearing Continued

#426-18

Special Permit to allow mixed use development

NEEDHAM STREET ASSOCIATES, NORTHLAND TOWER ROAD INVESTORS, LLC, NORTHLAND OAK STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a mixed-use development greater than 20,000 sq. ft. with building heights of up to 96' consisting of 822 residential units, with ground floor residential units, with restaurants with more than 50 seats, for-profit schools and educational uses, stand-alone ATMs drive-in businesses, open air businesses, hotels, accessory multi-level parking facilities, non-accessory single-level parking facilities, non-accessory multi-level parking facilities, places of amusement, radio or TV broadcasting studios, and lab and research facilities, to allow a waiver of 1,600 parking stalls, to allow a reduction in the overall parking requirement to not less than 1900 stalls, to waive dimensional requirements for parking stalls, to waive end stall maneuvering requirements, to allow driveway entrances and exits in excess of 25', to waive perimeter landscaping requirements, to waive interior landscaping requirements, to waive lighting requirements for parking lots, to waive general lighting, surfacing and maintenance requirements, to waive off-street loading facilities requirements, to waive sign requirements relative to number, size, location or design, to waive the number of signs allowed at 156 Oak Street (Section 51 Block 28 Lot 5A), 275-281 Needham Street (Section 51, Block 28, Lot 6) and 55 Tower Road (Section 51 Block 28 Lot 5), Newton Upper Falls, Ward 5, on 22.6 acres of land in a proposed BU4 district. Ref: Sec. 7.3.3, 7.4, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 7.8.2.C, 5.4.2, 4.4.1, 5.1.4, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.D.2, 5.1.9.A, 5.1.9.B, 5.1.10.A.1, 5.1.10, 5.1.12, 5.1.13, 5.2,

5.2.13 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 8-0; Public Hearing Continued

Referred to Zoning & Planning Committee

March 11, 2019

Present: Councilors Albright (Chair), Leary, Brousal-Glaser, Krintzman, Downs, Danberg, Baker, and Kalis; also present: Councilors, Auchincloss, Crossley, Greenberg, Laredo, Lipof, and Schwartz; Planning Board Members: Kelley Brown, Peter Doeringer, Sudha Maheshwari, and Sonia Parisca

- #89-19** **Appointment of David Kayserman to Auburndale Historic District Commission**
HER HONOR THE MAYOR appointing DAVID KAYSERMAN, 33 Hancock Street, Auburndale, as a member of the AUBURNDALE HISTORIC DISTRICT COMMISSION to complete Patricia Bottomley’s term which expires on May 31, 2019.
 (60 days: 05/03/19)
Zoning & Planning Held 7-0 (Kalis not voting)
- #90-19** **Reappointment of David Kayserman to Auburndale Historic District Comm**
HER HONOR THE MAYOR reappointing DAVID KAYSERMAN, 33 Hancock Street, Auburndale, as a member of the AUBURNDALE HISTORIC DISTRICT COMMISSION for a term to expire May 31, 2022. (60 days: 05/03/19)
Zoning & Planning Held 7-0 (Kalis not voting)
- #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)
- #187-18** **Zoning Amendment for Inclusionary Zoning**
DIRECTOR OF PLANNING requesting amendments to the Inclusionary Housing provisions of Chapter 30, Newton Zoning Ordinance, to increase the required percentage of affordable units; to require that some affordable units be designated for middle income households; to create a new formula for calculating payments in lieu of affordable units; and to clarify and improve the ordinance with other changes as necessary.
Zoning & Planning Held 8-0; Public Hearing Closed
- #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 8-0

Referred to Programs & Services Committee

Wednesday, March 6, 2019

Present: Councilors Rice (Chair), Brousal-Glaser, Kalis, Baker, Albright and Greenberg; absent: Councilors Krintzman and Schwartz; also present: Councilors Crossley, Norton, Kelley, Gentile, Laredo and Danberg

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
- #76-19** **Home Rule Legislation to amend City Charter**
PROGRAMS & SERVICES COMMITTEE requesting that the City Council seek Home Rule Legislation to amend the City Charter based on a review of the 2019 recommendations of the Charter Subcommittee of the Programs & Services Committee except for those relating to City Council composition and term limits for the Council and the Mayor.
Programs & Services Held 6-0

Referred to Public Safety & Transportation Committee

Wednesday, March 6, 2019

Present: Councilors Auchincloss (Acting Chair), Cote, Downs, Noel, Grossman and Markiewicz; absent: Councilor Ciccone (Chair) and Lipof; Also present: Councilors Crossley (Chair), Kelley, Danberg, Laredo, Leary, Gentile, Norton, Albright and Greenberg; absent: Councilor Lappin

- #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 Safety & Trans., Public Facilities, and Finance Committees

#103-19 Request to bond \$5.6 million for the West Newton Square Project

HER HONOR THE MAYOR requesting authorization to appropriate five million six hundred thousand dollars (\$5,600,000) from bonded indebtedness for the purpose of funding the construction of the West Newton Square, which includes street and pedestrian improvements, traffic flow upgrades, signal upgrades, parking upgrades, and the addition of bike lanes.

Finance to meet

Public Facilities Approved 6-0 (Leary not voting) on 03/06/19

Public Safety & Transportation Approved 6-0

Referred to Public Facilities Committee

Wednesday, March 6, 2019

Present: Councilors Crossley (Chair), Leary, Norton, Kelley, Gentile, Danberg, Laredo; also Present: Councilors Rice, Albright, Kalis, Baker, Norton, Leary, Noel, Auchincloss, Markiewicz, Downs, Grossman, Cote; absent: Councilor Lappin

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

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 Public Safety & Trans., Public Facilities, and Finance Committees

- #103-19 **Request to bond \$5.6 million for the West Newton Square Project**
HER HONOR THE MAYOR requesting authorization to appropriate five million six hundred thousand dollars (\$5,600,000) from bonded indebtedness for the purpose of funding the construction of the West Newton Square, which includes street and pedestrian improvements, traffic flow upgrades, signal upgrades, parking upgrades, and the addition of bike lanes.
Finance to meet
Public Safety & Transportation Approved 6-0
Public Facilities Approved 6-0-1 (Gentile abstaining)

- #49-18 **Updates on the Accelerated Roads Program**
PUBLIC FACILITIES COMMITTEE requesting periodic updates on the Accelerated Roads Program.
Public Facilities Held 7-0

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

Referred to Finance Committee

Monday, March 11, 2019

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

- #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 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)***(Please note: conflicting committee reports)***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**Approved 7-0 (fees to be set by ordinance w/ recommendation from Traffic Council)***(Please note: conflicting committee reports)*

#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 7-0

#343-18 Ordinance amendment to divest of funds from fossil fuel companies
COUNCILOR NORTON proposing an ordinance amendment to divest the City of direct or indirect holdings in fossil fuel companies.
Finance Held 7-0

#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