



City Council Actions

In City Council

Monday, July 8, 2019

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

Absent: Councilors Kalis, Norton and Rice

The City Council discussed the following items on Second Call:

The Rules & Orders of the Council contain a blackout period to avoid scheduling public hearings for Major Projects in July or August. The following petition was filed with the Clerk of the Council on June 27, 2019 during the June 1 to July 20 blackout period. A suspension of the rules is required as the petition seeks to allow a waiver of 14 parking stalls, which meets one of the criteria for a Major Project. The petitioner is requesting a suspension of the rules pursuant to Article IX, Section 1 of the Rules & Orders (3/4 vote) of the City Council to suspend the time restrictions to allow the petition to be assigned a public hearing for August 6, 2019

Referred to Land Use Committee

#238-19 **Petition to allow parking waivers for a health club at 35-41 Lincoln Street**
PAUL FEINBERG/EVELYN P GREENSPAN TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order # 306-12 to allow a waiver of 14 parking stalls and to allow assigned parking at 35-41 Lincoln Street, Ward 6, Newton Highlands, on land known as Section 52 Block 08 Lot 18, containing approximately 5,000 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3, 7.4, 5.1.4, 5.1.13, 5.1.3.E of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Motion to Suspend the Rules, to Accept to the Docket and Assign a Public Hearing was Approved by a Vote of 20 Yeas, 1 Recused (Councilor Laredo), 3 Absent (Councilors Kalis, Norton and Rice)

Clerk's Note:

Referred to Land Use Committee

#179-19 **Petition to amend Board Order #96-17 to allow bank use at Washington Place**
WASHINGTON PLACE OWNER, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #96-17 to allow modification of Condition #34 to allow the petitioner to lease commercial space to not more than one commercial bank with a total square footage not to exceed 3,800 sq. ft. at 845 Washington Street and 245

Walnut Street, Ward 2, Newtonville, Section 21 Block 29 Lot 10, containing approximately 123,956 sq. ft. of land in a district zoned MIXED USE DEVELOPMENT. Ref.: Sections 7.3, 7.4 of Chapter 30 of the City of Newton Revised Zoning Ordinances, 2017.

Land Use Approved Subject to Second Call 5-1-2 (Laredo Opposed, Schwartz, Markiewicz abstaining); Public Hearing Closed 06/18/2019

Motion to Postpone to a date certain of August 12 was Approved by Voice Vote

Clerk's Note:

Referred to Public Safety & Transportation Committee

#578-18

Shorten the duration of the winter parking ban

COUNCILORS ALBRIGHT, COTE, KELLEY, GREENBERG, CICCONE, LIPOF, AUCHINCLOSS, RICE, DOWNS, KRINTZMAN, NOEL, AND NORTON, requesting to shorten the duration of the winter parking ban to begin on December 15 (instead of November 15) and end on April 1 (instead of April 15).

**Public Safety & Transportation Approved 7-0-1 (Grossman abstaining) on 12/17/18
Item postponed to a date certain to be determined**

Motion to Postpone to a date certain of September 3 was Approved by Voice Vote

Clerk's Note:

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

#156-18

Ordinance amendments for enforcement and fines for sidewalk clearing violations

COUNCILORS DANBERG, ALBRIGHT, CROSSLEY, NORTON, AND LIPOF requesting amendments to Chapter 17, Section 3 and Chapter 26 Section 8D of the Revised Ordinances to provide for enforcement and fines for violations of the sidewalk clearing ordinance.

Public Safety Approved 6-1 (Ciccione opposed) on 06/19/19

Public Facilities Approved 6-2 (Gentile and Lappin opposed) on 06/19/19

Finance Approval as Amended Fails to Carry 3-3 (Ciccione, Gentile, Lappin opposed)

Motion to Postpone to a date certain of September 3 was Approved by Voice Vote

Clerk's Note:

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.

Programs & Services Approved as Amended 6-0 subject to second call on 02/06/19

Finance Approved 4-0-2 (Cote, Gentile abstaining)

Motion to Amend to Strike (c) (2) & (3) Failed to Carry 18 Nays, 3 Yeas (Councilors Ciccone, Cote & Gentile), 3 Absent (Councilors Kalis, Norton and Rice)

Approved as presented 20 Yeas, 1 Nay (Councilor Cote), 3 Absent (Councilors Kalis, Norton and Rice)

Motion to Reconsider Fails to Carry by Unanimous Voice Vote

Clerk's Note:

Referred to Zoning & Planning Committee

#188-19

Zoning amendment for Inclusionary Zoning

DIRECTOR OF PLANNING requesting amendments to the Inclusionary Zoning provisions of Chapter 30, Newton Zoning Ordinance, to apply the requirements to any project including seven or more residential units; to increase the required percentage of affordable units for projects of a certain size; 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 fractional cash payments; to waive certain inclusionary zoning requirements for 100% deed-restricted affordable developments; to strengthen the Elder Housing with Services requirements; and to clarify and improve the ordinance with other changes as necessary.

Zoning & Planning Approved as amended 5-0-1 (Brousal-Glaser abstaining)

Approved 21 Yeas, 3 Absent (Councilors Kalis, Norton and Rice)

Clerk's Note:

The City Council voted without discussion 21 Yeas, 3 Absent (Councilors Kalis, Norton and Rice) to Accept the Committee Recommendations on the following items:

Referred to Land Use Committee

Tuesday, June 18, 2019

#177-19

Special Permit Petition to extend the non-conforming side setback at 92 Manet Road

DAVID MILLER AND RUTH HERTZMAN-MILLER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing detached garage and shed and construct a 698.5 sq. ft. garage, further extending the non-conforming side setback at 92 Manet Road, Ward 7, Chestnut Hill, on land known as Section 61 Block 12 Lot 06, containing approximately 6,825 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.3.A.1, 7.8.2.C.2, 3.2.4.B.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 6-0 (Greenberg, Crossley not voting); Public Hearing Closed 06/18/2019

- #178-19 Special Permit Petition to increase non-conforming FAR at 61 Forest Street**
YUBO CHEN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an attic level dormer to increase the living space, creating an FAR of .52 where .46 is allowed and .43 exists at 61 Forest Street, Ward 6, Newton Highlands, containing approximately 5,000 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 7-0 (Greenberg not voting)

Referred to Zoning & Planning Committee

Monday, June 24, 2019

- #212-19 Reappointment of Jack Leader to the Economic Development Commission**
HER HONOR THE MAYOR reappointing JACK LEADER, 613 California Street, Newton as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire May 1, 2022. (60 days: 08/17/19)
Zoning & Planning Approved 6-0
- #214-19 Reappointment of Jane Brown to the Commission on Disability**
HER HONOR THE MAYOR reappointing JANE BROWN, 104 Atwood Avenue, Newtonville, as a member of the COMMISSION ON DISABILITY for a term to expire July 31, 2022. (60 days: 08/17/19)
Zoning & Planning Approved 6-0
- #215-19 Reappointment of Rob Caruso to the Commission on Disability**
HER HONOR THE MAYOR reappointing ROB CARUSO, 237C Watertown Street, Newton, as a member of the COMMISSION ON DISABILITY for a term to expire July 31, 2022. (60 days: 08/17/19)
Zoning & Planning Approved 6-0
- #216-19 Reappointment of Girard Plante to the Commission on Disability**
HER HONOR THE MAYOR reappointing GIRARD PLANTE, 58 Ash Street, Auburndale, as a member of the COMMISSION ON DISABILITY for a term to expire July 31, 2022. (60 days: 08/17/19)
Zoning & Planning Approved 6-0
- #217-19 Reappointment of Nancy Grissom to the Auburndale Historic District Commission**
HER HONOR THE MAYOR reappointing NANCY GRISSOM, 7 Orris Street, Auburndale, as a member of the AUBURNDALE HISTORIC DISTRICT COMMISSION for a term to expire July 10, 2022. (60 days: 08/17/19)
Zoning & Planning Approved 6-0

- #218-19 Reappointment of Italo Visco to the Auburndale Historic District Commission**
HER HONOR THE MAYOR reappointing ITALO VISCO, 66 Grove Street, Auburndale, as a member of the AUBURNDALE HISTORIC DISTRICT COMMISSION for a term to expire May 31, 2022. (60 days: 08/17/19)
Zoning & Planning Approved 6-0

Referred to Programs & Services Committee

Wednesday, June 19, 2019

- #221-19 Appointment of Marcela Merino to the Community Education Commission**
HER HONOR THE MAYOR appointing MARCELA MERINO, 66 Cloverdale Road, Newton Highlands, as a member of the COMMUNITY EDUCATION COMMISSION for a term to expire May 31, 2020. (60 days: 08/17/19)
Programs & Services Approved 6-0 (Baker and Schwartz not voting)
- #222-19 Appointment of Rebecca Mozaffarian to Health & Human Services Adv. Council**
HER HONOR THE MAYOR appointing REBECCA MOZAFFARIAN, 38 Gammons Road, Waban, as a member of the HEALTH AND HUMAN SERVICES ADVISORY COUNCIL for a term to expire January 21, 2021. (60 days: 08/17/19)
Programs & Services Approved 7-0 (Schwartz not voting)
- #219-19 Reappointment of Barbara Meltz as a Library Trustee**
HER HONOR THE MAYOR reappointing BARBARA MELTZ, 287 Langley Road, Newton Centre, as a LIBRARY TRUSTEE for a term to expire June 30, 2024. (60 days: 08/17/19)
Programs & Services Approved 7-0 (Schwartz not voting)
- #220-19 Reappointment of Shadi Aryanpour to the Community Education Commission**
HER HONOR THE MAYOR reappointing SHADI ARYANPOUR, 15 Laura Road, Waban, as a member of the COMMUNITY EDUCATION COMMISSION for a term to expire May 31, 2020. (60 days: 08/17/19)
Programs & Services Approved 7-0 (Schwartz not voting)
- #223-19 Request to upgrade AV equipment in City Council Chamber**
COUNCILORS LAREDO, ALBRIGHT, BAKER, KALIS, LAPPIN AND MARKIEWICZ requesting approval of plans to upgrade the AV equipment in the City Council Chamber to provide for better projection of digital images.
Programs & Services Approved 7-0 (Schwartz not voting)

Referred to Public Facilities Committee

Wednesday, June 19, 2019

Referred to Public Facilities Committee

- #194-19** **5-58 for the Newton Early Childhood Program at 687 Watertown Street**
DESIGN REVIEW COMMITTEE petition, pursuant to 5-58, for schematic design and site plan approval at 687 Watertown Street for the interior renovation of the former Horace Mann school to accommodate the Newton Early Childhood Program and proposed site design that includes a new entry plaza, removal of the existing modular structures to provide an access drive, a school transportation van loading area and emergency access, and landscaping improvements. Additional site improvements include parking improvements and an accessible ramp to new play structures located in the adjacent area north of the building.
Public Facilities Approved 5-0-2 (Lappin, Gentile abstaining)

- #230-19** **Resolution in support of the F.U.T.U.R.E. Act**
COUNCILORS CROSSLEY, KELLEY, LAREDO, LEARY AND NORTON requesting a resolution from the City Council in support of “An Act for Utility Transition to Using Renewable Energy” House H.2849/Senate S.1940, also known as the FUTURE Act, which mandates measures that address the urgent need to advance repair of a growing number of underground leaking gas pipes under our streets, while implementing a transition to safer and cleaner energy sources, and mandates processes to ensure coordinating this work with municipalities.
Public Facilities Approved 7-0 (Laredo not Voting)

Referred to Finance Committee

Wednesday, June 26, 2019

- #231-19** **Mayor’s re-appointment of Daniel Kunitz as a trustee of the Cousens Fund**
DANIEL KUNITZ, 51 Pratt Drive, West Newton re-appointed as a trustee of the Horace Cousens Fund for a term of office to expire on June 1, 2022. (60 days – 08/17/19)
Finance Approved 6-0

Referred to Programs & Services and Finance Committees

- #224-19** **Request for salary increase for City Clerk/Clerk of the City Council**
COUNCILORS LAREDO AND KALIS requesting an increase in the salary of the City Clerk/Clerk of the City Council to \$139,719 effective July 1, 2019 to match the percentage increase included in the FY20 budget for H-grade employees.
Programs & Services Approved 7-0 on 06-19-19
Finance Approved 6-0

Motions to Suspend the Rules to Report out the following items without written reports were Approved by Voice Vote

- #23-19(2) Authorization to amend the lease for Solar Phase III**
HER HONOR THE MAYOR requesting authorization to amend the lease for Brown Middle School to replace the front canopy at the site with two canopies in the rear parking area.
Public Hearing Closed; Committee of the Whole Approved 20 yeas, 4 absent (Councilors Brousal-Glaser, Kalis, Norton and Rice)
- #115-19(3) Extension of time to act on a wireless attachment grant of location**
EXTENET SYSTEMS, INC agrees to an EXTENSION OF TIME in which to ACT until SEPTEMBER 17, 2019 on Petition #115-19 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.
Committee of the Whole Approved Extension of Time by Unanimous Voice Vote
- #209-19** HER HONOR THE MAYOR, COMMISSIONER OF PUBLIC WORKS AND DIRECTOR OF PLANNING & DEVELOPMENT providing a recommendation to the City Council on the use of seven hundred thousand dollars (\$700,000) for off-site improvements provided for in the Washington Place Special Permit #96-17 as amended by Special Permit #216-18.
Committee of the Whole Approved Referral to Public Safety & Transportation Committee by Unanimous Voice Vote
- #236-19 Appropriate \$50,000 for a video distribution system for the Council Chamber**
HER HONOR THE MAYOR requesting authorization to appropriate and expend fifty thousand dollars (\$50,000) from Cable CATV Capital Receipts for the purpose of upgrading the City Council Chamber with a high-quality video distribution system for state-of-the-art computer displays while maintaining the historic integrity of the room.
Finance Approved 6-0

Public Hearings were assigned for the following items:

Public hearing reassigned for July 17, 2019

- #226-19 National Grid petition for grant of location in Commonwealth/Manet/Ward**
NATIONAL GRID petition for a grant of location to install and maintain:
- 290'+/- of 8" main in from the existing 6" gas main from near Pole #186/58 easterly to the intersection of Manet Road
 - from the existing 4" main on Manet Road near Pole #271/10 southerly to a traffic island on Commonwealth Avenue

- from the existing 6" gas main near 233-235 Commonwealth Avenue easterly to the intersection of Manet Road.

This work is needed because of an MWRA water main replacement project.

Public hearing reassigned for July 17, 2019

#227-19 National Grid petition for grant of location in Waverly Avenue

NATIONAL GRID petition for a grant of location to install and maintain 80'± of 12" main in from the existing 12" gas main at #11 Waverly Avenue southerly to just before the curb cut at #11 Waverly Avenue due to a 20" MWRA gate valve replacement.

Public hearing reassigned for July 17, 2019

#228-19 Verizon petition for grant of location on Washington Street

VERIZON petition for a grant of location to relocate one pole (JO Pole 447/222) 13' north of the current location on Washington Street (in the vicinity of 2014-2060 Washington Street) to accommodate a new driveway.

Public hearing reassigned for July 17, 2019

#229-19 Eversource petition for a Grant of Location in Upland Avenue

EVERSOURCE petitioning for a grant of location to install 110' ± of conduit from Manhole #19249 (approximately 315' south of Dedham Street) in a southerly direction thence turning easterly to provide new service to 116 Upland Avenue.

Public hearing assigned for July 17, 2019

#252-19 National Grid petition for grant of location in Ward Street

NATIONAL GRID petition for a grant of location to install and maintain:

- 1410'+/- of 12' and 8" main in from the existing 12" gas main at house #256 easterly to the existing 6" gas main at 233-235 Commonwealth Avenue
- 140'± in Waverly Avenue from the new 12" gas main in Ward Street to the existing 12" gas main near pole #9/55

This work is needed due to a MWRA water main replacement project.

Public hearing assigned for July 17, 2019

#253-19 National Grid petition for grant of location in Waverley Avenue

NATIONAL GRID petition for a grant of location to install and maintain 5400'+/- of 12', 8" and 6" gas main in from the existing 12" gas main at the intersection of Stuart Street northerly to the existing 12" gas main in the existing 12" gas main in the intersection of Tremont Street. This work is needed due to a MWRA water main replacement project.

Public hearing assigned for July 23, 2019

#237-19 Petition to exceed FAR and extend non-conforming use at 138 Lincoln Street

DOUGLAS AND HANA GRAGG petition for SPECIAL PERMIT/SITE PLAN APPROVAL to

construct a rear sunroom in the footprint of an existing deck, extending the non-conforming two family use and creating an FAR of .37 where .36 exists and .34 is allowed at 138 Lincoln Street, Ward 6, Newton Highlands, on land known as Section 64 Block 26 Lot 09, containing approximately 13,800 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2, 3.4.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public hearing assigned for July 24, 2019

#208-19 PRESIDENT LAREDO requesting consideration of the recommendations of the special Blue Ribbon Commission regarding compensation for the Mayor, City Council, and School Committee.

Public hearing assigned for August 6, 2019

#238-19 **Petition to allow parking waivers for a health club at 35-41 Lincoln Street**
PAUL FEINBERG/EVELYN P GREENSPAN TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order # 306-12 to allow a waiver of 14 parking stalls and to allow assigned parking at 35-41 Lincoln Street, Ward 6, Newton Highlands, on land known as Section 52 Block 08 Lot 18, containing approximately 5,000 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3, 7.4, 5.1.4, 5.1.13, 5.1.3.E of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

The City Council voted without discussion 20 Yeas, 1 Recused (Councilor Laredo), 3 Absent (Councilors Kalis, Norton and Rice) to Accept the Committee Recommendations on the following items:

Referred to Land Use Committee

#180-19 **Special Permit to further increase nonconforming FAR at 67 Marlboro Street**
DEB AND BRYAN GILPIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story side addition and one-story rear addition, further increasing the non-conforming FAR of .49 where .41 is required and .55 is proposed at 67 Marlboro Street, Ward 1, Newton, on land known as Section 72 Block 20 Lot 07, containing approximately 7,987 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 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 7-0 (Laredo Recused); Public Hearing Closed 06/18/2019

Referred to Zoning & Planning Committee

#213-19 **Reappointment of Robert Finkel to the Economic Development Commission**
HER HONOR THE MAYOR reappointing ROBERT FINKEL, 6 Stearns Street, Newton Centre, as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire May 1, 2022. (60 days: 08/17/19)
Zoning & Planning Approved 6-0