



City Council Actions

In City Council

Monday, October 7, 2019

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

The City Council discussed the following items on Second Call:

Referred to Programs & Services and Finance Committees

#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.

Programs & Services Committee Approved; Public Hearing Closed

208-19 (A) Mayor Compensation \$155,000.00 Approved 7-0

208-19 (B) City Council Compensation \$15,500.00 Approved 7-0

208-19 (C) School Committee Compensation \$7,750.00 Approved 7-0

Finance Committee Approved

208-19 (A) Mayor Compensation \$155,000.00 Approved 5-0-1

208-19 (B) City Council Compensation \$15,500.00 Approved 5-0-1

208-19 (C) School Committee Compensation \$7,750.00 Approved 5-0-1

(A)(B) & (C) Approved 22 Yeas, 2 Nays (Councilors Auchincloss and Grossman) on 09-16-19

Motions to Reconsider (A)(B) & (C) Failed to Carry Unanimously on 09-16-19

On September 26, 2019, in accordance with the provisions of Section 3-8 of the Newton City Charter entitled Adoption of Measures; Mayor's Veto., her Honor the Mayor submitting her veto of City Ordinance #208-19(A)(B) & (C) adopted by the City Council on September 16, 2019.

Council overrides Mayor's Veto and approves #208-19(A) 21 Yeas, 2 Nays (Councilors Auchincloss and Grossman), 1 Absent (Councilor Norton)

Council overrides Mayor's Veto and approves #208-19(B) 21 Yeas, 2 Nays (Councilors Auchincloss and Grossman), 1 Absent (Councilor Norton)

No motion made to approve #208-19(C) - Mayor's Veto stands

Clerk's Note:

The following item was disposed of within the preceding 12 months and filed after the close of the docket. It requires a suspension of the Rules to be accepted to the Docket and referred to Committees.

Referred to Programs & Services and Finance Committees

- #208-19(D) Request for ordinance amendment to increase School Committee salary**
PRESIDENT LAREDO requesting an amendment to City Ordinance **Chapter 2, Sec 9. Salary and benefits of school committee members** to read: "Each school committee member, with the exception of the mayor, shall receive annual compensation of seven thousand seven hundred fifty dollars (\$7,750), payable monthly; and each such member shall be eligible to participate in the group insurance program available to other city officials and employees." This change to take effect January 1, 2020.

Approved to add to Docket and refer to Committees 23 yeas, 1 Absent (Councilor Norton)

Clerk's Note:

Referred to Zoning & Planning Committee

- #191-19 Ordinance amendment relative to Community Preservation Act and Committee**
COUNCILORS LAPPIN, ALBRIGHT, CROSSLEY, LEARY, DOWNS AND KELLEY requesting amendments to Chapter 7, Section 81 of the City of Newton Ordinances, to better define the membership of the Community Preservation Committee, to clarify oversight, and to include City approval procedures required by the 2012 update to MGL Chapter 44B, Section 5(d), the Community Preservation Act.
Zoning & Planning Committee Approved 5-0-2 (Krintzman, Kalis abstaining, Danberg not Voting)

A Motion to Amend the text of section 7-83(b) to the following:

(b) City departments hosting staff positions funded by CPC administrative and operating expenses shall collaborate with the CPC in finalizing job descriptions and organizational structure for said positions. The CPC chair and up to one other member of the CPC shall participate in the hiring process for Community Preservation Program Manager. Only candidates who are acceptable to both CPC participants in the hiring process shall be forwarded to the Mayor for consideration.

Was Approved by Voice Vote

Approved as amended 24 Yeas

Clerk's Note:

Referred to Public Safety & Transportation and Finance Committees

- #82-19 Authorize the Director of Planning to set the fees for parking meter spaces**
COUNCILORS AUCHINCLOSS, DOWNS, LEARY, KRINTZMAN, RICE, NOEL, DANBERG, GROSSMAN, MARKIEWICZ, CROSSLEY, SCHWARTZ AND THE DIRECTOR OF PLANNING & DEVELOPMENT requesting amendment to Section 19-191. **Parking meter fees.** of the

City of Newton Ordinances which sets the specific fees for parking meters be deleted and replaced with the following text: The fees for parking in a parking meter space during the days and hours designated for parking meters will be set by the Director of Planning and Development, in consultation with the Commissioner of Public Works.

Public Safety Approved as amended 5-0-2 (Cote, Ciccone abstaining) on 04/03/19

Finance Approved as Amended 2-1-2 (Councilors Cote and Norton abstaining)

Motion to amend the Committee votes of Approval to Denied failed 18 Nays, 6 Yeas (Councilors Baker, Ciccone, Cote, Gentile, Norton and Laredo)

Motion to amend to have the Director of Planning report changes to the City Council Approved by Voice Vote

Motion to amend to Cap the upper limit of fees to \$2.50 Failed 15 Nays, 9 Yeas (Councilors Baker, Ciccone, Cote, Gentile, Kalis, Markiewicz, Norton, Schwartz & Laredo)

Motion to amend to Cap the upper limit of fees at \$3.75 was Approved by Voice vote with two Nays.

Approved as Amended 19 Yeas, 5 Nays (Councilors Ciccone, Cote, Gentile, Norton and Laredo)

Clerk's Note:

Referred to Public Facilities Committee

#305-19

National Grid petition for grant of location in Voss Terrace

NATIONAL GRID petition for a grant of location to install and maintain 50' +/- of 6" gas main in Voss Terrace from the existing 6" gas main in front of house #40 southwesterly to the end of main in front of house #50 to provide new service to #50 Voss Terrace.

Public Facilities Approved subject to second call 7-0

Approved by Voice Vote

Clerk's Note:

Referred to Public Facilities Committee

#306-19

National Grid petition for a grant of location in Dearborn Street

NATIONAL GRID petition for a grant of location to install and maintain 85' +/- of 4" gas main in Dearborn St from the existing 4" gas main in front of house #56 southwesterly to the end of main in front of house #64 in order to provide service #64 Dearborn Street.

Public Facilities Approved subject to second call 6-0-1 (Councilor Kelley abstaining)

Approved by Voice Vote

Clerk's Note:

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

Referred to Land Use Committee

Tuesday, September 24, 2019

#267-19 **Petition to alter existing nonconforming three-story at 410 Newtonville Ave**
KRISHNA BUTANEY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #608-89 to construct a flat roof over the second story, creating a three-story structure at 410 Newtonville Avenue, Ward 2, Newtonville, on land known as Section 22 Block 05 Lot 14, containing approximately 14,547 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 8-0; Public Hearing Closed 09/24/2019

#266-19 **Petition to establish accessory apartment at 342 Dudley Road**
KEREN DIAMOND petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow an accessory apartment larger than 1,000 sq. ft. in the existing lower level space at 342 Dudley Road, Ward 8, Newton Centre, on land known as Section 82 Block 04A Lot 02, containing approximately 16,700 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 6.7.1.D.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 8-0; Public Hearing Closed 09/24/2019

Referred to Land Use Committee

Thursday, October 3, 2019

#309-19 **Petition to extend nonconforming side setback and lot coverage at 14 Church St**
ETHAN SOLOMON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story rear addition, further extending the non-conforming side setback and non-conforming lot coverage at 14 Church Street, Ward 7, Newton, on land known as Section 72 Block 22 Lot 03, containing approximately 4,200 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 4-0 (Markiewicz not Voting)

#310-19 **Petition to extend nonconforming height at 67 Temple Street**
JULIE HAYDU AND IRUN BHAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow construction of a rear addition, further extending the nonconforming height at 67 Temple

Street, Ward 3, on land known as Section 32 Block 12 Lot 4, containing approximately 27,053 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 4-0 (Markiewicz not Voting)

- #422-18(2) Petition to amend Special Permits to allow salon use at 148 California Street**
UNITED PROPERTIES GROUP/KF REALTY ASSOCIATES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Orders #162-88, #199-99(2), #175-12 and #422-18 to change the existing non-conforming office use to allow a non-conforming salon use in Ward 1, Newton, at 148 California Street/171 Watertown Street, Section 11 Block 12 Lot 11, containing approximately 523,642 sq. ft. of land in a district zoned MANUFACTURING. Ref: Sec. 7.3.3, 7.4, 4.4.1, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 4-0 (Markiewicz not Voting)

- #268-19(2) Extension of Time to Open a Public Hearing at 58 Cross Street/1089 Washington St**
ASCEND MASS, LLC petition for an EXTENSION OF TIME to open the public hearing until October 31, 2019 for Special Permit #268-19 to allow retail marijuana sales and waivers to the extent necessary for minimum stall dimensions, perimeter screening requirements, interior landscaping requirements and lighting requirements at 58 Cross Street/1089 Washington Street, Ward 3, West Newton, on land known as Section 31 Block 09 Lot 07, containing approximately 25,122 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 5.1.8.B.2, 5.1.9.A, 5.1.9.B, 5.1.10, 3.1.13, 6.10.3.D of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 5-0

- #179-19(2) Extension of Time for #179-19 - Washington Place**
AGREEMENT TO AN EXTENSION OF TIME in which to ACT on petition #179-19 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, said extension will run from SEPTEMBER 16, 2019 to OCTOBER 7, 2019.

Land Use Voted No Action Necessary 5-0

Referred to Zoning & Planning Committee

Monday, September 23, 2019

- #274-19 Appointment of Rick Wetmore to the Chestnut Hill Historic District Commission** HER HONOR THE MAYOR appointing RICK WETMORE, 131 Suffolk Road, Chestnut Hill, as a

member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire August 1, 2022.

Zoning and Planning Approved 6-0 (Brousal-Glaser, Danberg not Voting)

Referred to Zoning & Planning Committee

Wednesday, October 2, 2019

#301-19

Appointment of Dante Capasso to Auburndale Historic District Commission

HER HONOR THE MAYOR appointing DANTE CAPASSO, 5 Ionia Street, Auburndale, as a member of the AUBURNDALE HISTORIC DISTRICT COMMISSION for a term to expire September 30, 2022 (60 days: 11/02/19)

Zoning & Planning Committee Approved 7-0 (Kalis not Voting)

Referred to Public Facilities Committee

Wednesday, September 18, 2019

#308-19

Request for a main drain extension at 12 Ferncroft Road

PETER AND PRUDENCE ROAF, 12 Ferncroft Road, Waban, petitioning for a main drain extension in FERNCROFT ROAD a distance of 90'± from the property at #12 Ferncroft Rd in a northerly direction to the existing drain manhole in front of #20 Ferncroft Rd.

PETITIONER TO PAY ENTIRE COST

Public Facilities Approved 7-0

#251-19

Building Sewer, Water Service Pipe and Sidewalk Replacement Ordinance

CITY ENGINEER requesting amendments to Chapter 29 of the City of Newton Ordinances to create a building sewer and water service pipe update ordinance that would require the removal and replacement of sewer and water connections, and replacement of sidewalk when a dwelling is demolished or substantially remodeled or rehabilitated.

Public Facilities Approved 5-0 (Councilors Lappin and Laredo not voting)

Referred to Finance Committee

Wednesday, September 25, 2019

#286-19

Mayor's appointment of Brian Davis to the Board Assessors

BRIAN DAVIS, 1100 VFW Parkway, West Roxbury, appointed to the Board of Assessors. Term to expire August 4, 2022. (60 day: October 11, 2019)

Finance Approved 5-0

#331-19

Transfer \$136,020.45 from Water Fund Reserve to Water Main 2018 Debt Service

HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thirty-six thousand twenty dollars and forty-five cents (\$136,020.45) from the Water

Fund Reserve to the Water Main 2018 Debt Service.

Finance Approved 5-0

Referred to Real Property Reuse Committee

Tuesday, September 17, 2019

#295-19

Reuse of the West Newton National Guard Armory

DIRECTOR OF PLANNING & DEVELOPMENT submitting on August 7, 2019 a letter recommending that the West Newton Armory located at 1135 Washington Street be evaluated for the purpose of leasing the property for redevelopment as 100% affordable housing or for municipal uses pursuant to Ordinance Section 2-7.

Motion to make an initial determination that the property be made available for sale or lease Approved 8-0.

Motion to hold a public hearing after the JAPG is formed and prior to the start of their work was Approved 8-0.

Item Remains in Committee

Public Hearings were assigned for the following items:

Public Hearing reassigned for October 29, 2019

#311-19

Petition to exceed FAR at 25-27 Oak Street

NINA LEVIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a three-story, 1,298 sq. ft. side addition to #27 Oak Street, creating an FAR of .53 where .49 is allowed and .40 exists and to allow a dormer within three feet of the end wall at 25-27 Oak Street, Ward 5, Newton Upper Falls, on land known as Section 51 Block 38 Lot 24, containing approximately 9,240 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 3.2.3, 1.5.4.G.2.c of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing reassigned for October 29, 2019

#315-19

Petition to exceed FAR at 73 Falmouth Road

MAUREEN DOWLING, TRUSTEE M&D FAMILY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to attach and expand an existing detached garage structure to the main dwelling, creating an FAR of .54 where .38 exists and .48 is allowed, parking within 5' of the setback and to further extend the nonconforming front setback at ~~75~~73 Falmouth Road, Ward 3, West Newton, on land known as Section 34 Block 46 Lot 8, containing approximately 4,254 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.2.3, 3.2.11, 1.5.3, 7.8.2.2, 7.8.2.C.2, 3.1.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing assigned for October 23, 2019

#338-19

Eversource petition for a Grant of Location on Chandler Street

EVERSOURCE petitioning for a grant of location to relocate one pole (JO Pole 447/222) to the southerly side of Chandler Street 70'± east of Adams Street (in front of house #32).

Public Hearing assigned for October 23, 2019

#339-19 Verizon petition for a Grant of Location on Temple and Putnam Street

VERZION petitioning for a grant of location to install and maintain 140'± of conduit from existing Manhole #17/116 on Temple Street (approximately 110' northwest of Putnam Street) thence turning to a westerly direction crossing Putnam Street for approximately 30' to proposed handhole located in the sidewalk area on the westerly side of Putnam Street near #71. This work is necessary to provide new services on Putnam Street.

Public Hearing assigned for October 23, 2019

#340-19 Verizon petition for a Grant of Location on Walnut Street

VERZION petitioning for a grant of location to install and maintain 213'± of conduit from existing Manhole #16/182 on the easterly side of Walnut Street crossing the street approximately 45' thence turning to a southerly direction for 155'± along Walnut street in the gutter and then in a westerly direction for 13'± to private property near #227 Walnut Street. This work is necessary to provide new service.

Public Hearing assigned for October 23, 2019

#341-19 National Grid petition for a Grant of Location Walnut St/Washington St and Terr

National Grid petitioning for a grant of location to install 300'± of gas main in Walnut Street from the existing gas main in Washington Street northerly to end of #245 Walnut Street/#845 Washington Street, and to install and maintain 39'± of 6" gas main in Washington Street from the existing 24" gas main at building #885 northerly to Washington Terrace, which is a private way. This work is necessary to provide gas service to #245 Walnut Street/#845 Washington Street.

Public Hearing assigned for October 23, 2019

#342-19 Eversource petition for Grant of Location in Beacon Street

EVERSOURCE ENERGY petitioning for a grant of location to install 122.9'± of conduit in a southerly directly from existing pole 125/19 across Beacon Street, thence turning and continuing in an easterly direction to a point 80± west of Tudor Road.

The City Council voted without discussion 22 Yeas, 1 Recused (Councilor Kelley), 1 Absent (Councilor Norton) to Accept the Committee Recommendations on the following item:

Referred to Land Use Committee

#262-19(3) Petition to allow more than one garage at 333 Otis Street

NATHANIEL K AND LAURA FOOTE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to

amend Special Permit Board Order #63-99 to construct a 329 sq. ft. one-car attached garage where a three-car garage exists, creating private garage space greater than 700 sq. ft., more than one garage, a private garage for more than three vehicles, extending the nonconforming height and exceeding the allowable FAR at 333 Otis Street, Ward 3, West Newton, on land known as Section 32 Block 03 Lot 13, containing approximately 24,547 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 3.4.2.B.1 and 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 7-0 (Kelley Recused); Public Hearing Closed 09/24/2019

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