



City Council Actions

In City Council

Monday, October 21, 2019

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

Absent: Councilor Kalis

The City Council went into a Committee of the Whole to hear Mayor Fuller, Chief Operating Officer Jonathan Yeo and Chief Financial Officer Maureen Lemieux present the 2021-2015 Capital Improvement Plan and the Financial Forecast.

The City Council discussed the following item on Second Call:

Referred to Committee of the Whole

#379-19

Acquisition of 300 Hammond Pond Parkway (Webster Woods)

HER HONOR THE MAYOR requesting the City Council approve the acquisition of approximately 17.4 acres of woods at 300 Hammond Pond Parkway by eminent domain to be used for conservation and open spaces purposes.

Motion to refer this item to a Committee of the Whole Approved 21 Yeas, 3 Absent (Councilors Ciccone, Gentile, and Kalis)

Motion to adjourn Council meeting and enter a Committee of the Whole Approved by Voice Vote

Clerk's Note: Pursuant to the Rules of the Council, items which are within the jurisdiction of the six standing committees which are referred to a Committee of the Whole, must be placed on second call and the decision of the referral shall be subject to a majority vote of the Council.

See attached Committee of the Whole Report.

The City Council voted without discussion 22 Yeas, 2 Absent (Councilors Kalis & Norton) to Accept the Committee Recommendations on the following items:

Referred to Land Use Committee

Thursday, October 10, 2019

#316-19

Petition to increase FAR & extend nonconforming use at 969/969F Chestnut St

JUDITH CIMETTA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct front and rear additions and a detached shed structure, altering a nonconforming three-family dwelling use and nonconforming lot coverage and creating an FAR of .72 where .45 is required and .59 exists at 969/969F Chestnut Street, Ward 5, Upper Falls, on land known as Section 51 Block 2 Lots 7 and 19, containing approximately 8,780 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 3.2.11, 7.8.2.C.2, 3.4.1 of the City of Newton Revised Zoning Ord, 2017.

Land Use Approved 5-0 (Auchincloss not Voting); Public Hearing Closed 10/10/2019

#313-19

Petition to extend nonconforming front setback at 37 Duffield Road

SANDRA AND DAVID BAIRD petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-car garage addition further extending the nonconforming front setback and to allow a retaining wall higher than four feet within a setback at 37 Duffield Road, Ward 4, Auburndale, on land known as Section 41 Block 22 lot 13, containing approximately 14,907 sq. ft. in a district zoned SINGLE RESIDENCE 3. Ref: 7.3, 7.4, 3.1.3, 7.8.2.C.2, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 6-0; Public Hearing Closed 10/10/2019

Referred to Land Use Committee

Tuesday, October 15, 2019

#332-19

Class 2 Auto Dealer License

NEWTON COLLISION d/b/a GM Autobody
64 Crafts Street
Newton, MA. 02458

Land Use Approved 7-0

#333-19

Class 2 Auto Dealer License

PARAGON EXPORTS
40 Summit Street
Newton, MA. 02458

Land Use Approved 7-0

Referred to Zoning and Planning Committee

Wednesday, October 16, 2019

#302-19

Appointment of Paul Dudek to Auburndale Historic District Commission

HER HONOR THE MAYOR appointing PAUL DUDEK, 30 Williston Road, Auburndale, as a member of the AUBURNDALE HISTORIC DISTRICT COMMISSION for a term to expire September 30, 2022 (60 days: 11/02/19)

Zoning and Planning Approved 6-0 (Councilor Krintzman and Downs not voting)

- #303-19 Appointment of Richard Alfred to Auburndale Historic District Commission**
HER HONOR THE MAYOR reappointing RICHARD ALFRED, 73 Grove Street, Auburndale, as an alternate member of the AUBURNDALE HISTORIC DISTRICT COMMISSION for a term to expire October 1, 2022 (60 days: 11/02/19)
Zoning and Planning Approved 7-0 (Councilor Krintzman not voting)
- #304-19 Appointment of Kathryn Kubie to the Newton Historical Commission**
HER HONOR THE MAYOR appointing KATHRYN KUBIE, 48 Holman Road, Auburndale, as a member of the NEWTON HISTORICAL COMMISSION for a term to expire August 1, 2022. (60 days: 11/02/19).
Zoning and Planning Approved 6-0 (Councilor Krintzman and Downs not voting)

Referred to Finance Committee

Wednesday, October 16, 2019

- #344-19 Authorization of a revised FY20 budget for Community Preservation**
HER HONOR THE MAYOR requesting authorization of a revised FY2020 budget for the Community preservation Program, increasing the total budget from four million one hundred seven thousand eight hundred and fifty-eight dollars (\$4,107,858) to four million three hundred thirteen thousand and forty-six dollars (\$4,313,046). The Community Preservation Committee approved the revised budget on September 10, 2019 and it must be approved by the City Council before the City's FY2020 tax classification hearing in November. The budget reflects new information that was not available for the CPC's and City Council's Spring 2019 annual operating budget deliberations and votes. The revised budget includes FY2020 CPA surcharge revenue of exactly 1% of the total real estate levy in the FY2020 General Fund budget as well as changes in the 11.5% state matching revenue, as allowed by the State Department of Revenue.
Finance Approved 5-0

Public Hearings were assigned for the following items:

Public Hearing to be assigned for November 6

- #372-19 National Grid petition for grant of location in Boulder Road.**
NATIONAL GRID petition for a grant of location to install and maintain 193' +/- of 4" gas main in Boulder Road from the 4" gas main in the intersection of Boulder Road and Marcellus Drive southerly to the end of main at #19 Boulder to provide services to #19 and #28 Boulder Drive.

Public Hearing to be assigned for November 6

- #373-19 Installation of a sewer extension for the Farwell Street Subdivision**
HER HONOR THE MAYOR requesting authorization of a sewer extension for the Farwell

Street Subdivision consisting of six new single-family homes on a newly created road off Farwell Street.

Public Hearing Assigned for November 7, 2019

#350-19 Petition to allow subdivision at 1957 Beacon Street

CHARLENE ZION petition for SPECIAL PERMIT/SITE PLAN APPROVAL to subdivide a 29,983 sq. ft. lot into one 15,000 sq. ft. lot and one 14,983 sq. ft. lot, requiring a waiver of the lot frontage by 5% (5') and a reduction in the lot area by .114% (17 sq. ft.) at 1957 Beacon Street, Ward 5, Waban, on land known as Section 55 Block 01 Lot 27, containing approximately 29,983 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 7.8.4.E, 7.8.4.F of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Assigned for November 7, 2019

#351-19 Special Permit to extend nonconforming use and setback at 278-280 California St

NAJIM AND NAJLA AZADZOI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow construction of a one-story addition at the front of the structure, to allow a first floor residential use in the BU1 district and to extend the nonconforming use and nonconforming front setback at 278-280 California Street, Ward 1, Newton, on land known as Section 11 Block 07 Lot 03, containing approximately 4,534 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.4., 4.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Assigned for November 7, 2019

#352-19 Petition to extend nonconforming FAR at 32 Berkshire Road

MARIA YANAKAKIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to expand the existing garage and construct two bedrooms above, creating an FAR of .51 where .41 is allowed and .44 exists at 32 Berkshire Road, Ward 2, Newtonville, on land known as Section 24 Block 40 Lot 1, containing approximately 8,130 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. 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.

Public Hearing Assigned for November 7, 2019

#353-19 Petition to extend nonconforming FAR at 38 Fenno Road

MICHAEL ZALIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing deck and construct an addition on the first floor, creating an FAR of .48 where .42 is allowed and .45 exists at 38 Fenno Road, Ward 2, Newton Centre, on land known as Section 64 Block 12 Lot 05, containing 7,413 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.

Public Hearing Assigned for November 12, 2019

#354-19 Special Permit to allow multi-family dwelling at 13-17 Gardner Street

CIVICO GARDNER, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to combine

two parcels and construct a five-unit multi-family dwelling, altering and extending a nonconforming front setback, altering and extending a nonconforming side setback, to waive one parking stall and to allow a retaining wall greater than four feet within a setback at 13-17 Gardner Street, Ward 1, Newton, on land known as Section 11 Block 25 Lots 5 and 6, containing approximately 16,579 sq. ft. of total land in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.6, 7.8.2.C.2, 5.4.2.B, 5.1.4, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Assigned for November 12, 2019

#355-19 Special Permit to extend nonconforming use for multi-family dwelling at 148 Pine St PHILIP MASTROIANNI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to change the existing nonconforming use from the existing two-family use to allow a three single-family dwellings in the SR3 district, to further extend the nonconforming lot area per unit, to further extend a nonconforming front setback and to allow a retaining wall in excess of four feet within a setback at 148 Pine Street, Ward 4, Auburndale, on land known as Section 44 Block 17 Lot 32, containing approximately 18,235 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.1.3, 5.4.2.B

The City Council voted without discussion 21 Yeas, 1 Recused on 121 Park Avenue Only (Councilor Grossman), 2 Absent (Councilors Kalis & Norton) to Accept the Committee Recommendations on the following item:

#345-19 Assessment of Curb Betterments
COMMISSIONER OF PUBLIC WORKS requesting approval of the following mentioned sidewalk/driveway apron and/or curb betterments; said betterments to be levied under the provisions of MGL Chapter 83, Sec. 26, authorizing the assessments of betterments for construction:

Name	Address	Book/Page	SBL	Estimate
Michael J. Weaver and Cheri N. Weaver	386 Highland Ave	59094/150	24-23-01	\$2,730.00
Steffen Helmling and Jessica Berns	39 Devon Rd	63452/274	61-03-10	\$5,740.00
Laurie Giandomenico, Trustee of THE LAURIE GIANDOMENICO 2017 REVOCABLE TRUST	48 North St	69025/349	64-02-22	\$2,120.00
Mary Ellen Clark	53 Waban Ave	87809/578	55-11-13	\$2,197.50
Jen Hsian Huang Suong Xuan Nguyen	21 Hammond St Needs CHHDC Approval	24743/336	61-09-03	\$2,896.00

Bryan F. Albano and Sara K. Albano	18 Ionia St	70565/459	44-29-03	\$2,087.50
Michael Gleason and Michele Ciarcia	40 Wykeham Rd	59504/511	32-31-10	\$3,720.00
Debra T. Cohen and Arthur Cohen, Trustees of the DEBRA T. COHEN REVOCABLE TRUST	79 Warren St	68616/73	65-02-06	\$2,320.00
Rebecca M. Cohan, Trustee of the Rebecca M. Cohan 2007 Family Trust	1370 Beacon St	50543/124	53-16-23	\$3,568.00
Joan M. Boecke	36 Rowena Rd	53724/264	62-20-13	\$2,000.00
Brent Markus and Emily Jessica Derr	121 Park Ave	69798/101	73-23-06	\$4,368.00

Finance Approved 5-0; Councilor Grossman recused on 121 Park Ave



Newton City Council

Committee of the Whole Report

Monday, October 21, 2019

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

Absent: Councilors Ciccone, Gentile, Kalis

Also Present: Attorney Ouida Young; Attorney Mark Bourbeau of Drohan, Tocchio & Morgan; City Solicitor Alissa Guiliani; Director of Planning Barney Heath; Conservation Planner Jennifer Steele; Chief Operating Officer Jonathan Yeo; and City Clerk David Olson

Referred to Committee of the Whole

379-19 Acquisition of 300 Hammond Pond Parkway (Webster Woods)

HER HONOR THE MAYOR requesting the City Council approve the acquisition of approximately 17.4 acres of woods at 300 Hammond Pond Parkway by eminent domain to be used for conservation and open spaces purposes.

The President of the Council requested the Committee of the Whole enter into an Executive Session in accordance with the Provisions of Chapter 30A, sec 21(a) (3) & (6) for the purpose of considering the purchase, exchange, lease or value of Webster Woods and strategy with regards to litigation.

He announced that there would be no votes taken in the Committee of the Whole and that the Councilors would not be returning to open session.

Motion to Enter Executive Session Approved by Roll Call Vote 21 Yeas, 3 Absent (Councilors Ciccone, Gentile & Kalis)

Respectfully submitted,

Marc Laredo, President