



## City Council Actions

### In City Council

**Monday, November 4, 2019**

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

**Absent:** Councilors Gentile, Grossman, Markiewicz, and Norton

### **The City Council discussed the following item on Second Call:**

#### **Referred to Committee of the Whole**

**#385-19**

#### **Con Com Request to take Webster Woods by Eminent Domain**

CONSERVATION COMMISSION requesting pursuant to M. G. L. c.40, sec. 8C that the City of Newton, in accordance with M.G.L. c. 79 take the fee in approximately 17.4 acres of wooded land, including trees, waters and structures located on the property, at the rear of 300 Hammond Pond Parkway (referred to as Webster Woods) by eminent domain for open space and conservation purposes.

**Motion to refer to a Committee of the Whole Approved 20 Yeas, 4 Absent  
(Councilors Gentile, Grossman, Markiewicz and Norton)**

**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.

### **The City Council voted without discussion 20 Yeas, 4 Absent (Councilors Gentile, Grossman, Markiewicz, and Norton) to Accept the Committee Recommendations on the following items:**

#### **Referred to Land Use Committee**

Tuesday, October 29, 2019

**#311-19**

#### **Petition to exceed FAR at 25-27 Oak Street**

NINA LEVIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 2.5 story, 1,298 sq. ft. side addition to #27 Oak Street, creating an FAR of .53 where .49 is allowed and .40 exists 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 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 8-0; Public Hearing Continued**

**#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~~ street and to further extend the nonconforming front setback at ~~7573~~ 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.  
**Land Use Approved Subject to Second Call 8-0; Public Hearing Continued**  
**Motion to allow the Chair of the Land Use Committee to poll his Committee was approved by Voice Vote**  
**Land Use Approved on First Call 7-0**

**#294-18(2)**      **Extension of time to Exercise Special Permit #294-18 at 1314 Washington and 31, 33 Davis St.**  
HQ, LLC petition for an EXTENSION OF TIME to EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL to construct a three-story addition in the BU1 district to be used for construction of a mixed-use development in Ward 3, West Newton, at 1314 Washington Street, 31 Davis Street and 33 Davis Street (Section 33 Block 10 Lots 01, 11, 12), containing approximately 30,031 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 7.8.2.C.1, 7.8.2.C.2, 4.4.1, 6.4.29.C.1, 5.1.3.B, 5.1.13, 5.1.4, 5.1.4.C, 5.1.8.A.1, 5.1.8.A.2, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.C.1, 5.1.8.C.2, 5.1.9.A, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10.A.1, 5.1.12 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 7-0 (Crossley not Voting)**

**Referred to Zoning and Planning Committee**

Monday, October 28, 2019

**#362-19**      **Conservation Restriction for 20 Rogers Street**  
HER HONOR THE MAYOR requesting approval to grant a conservation restriction at the Crystal Lake Bathhouse and 20 Rogers Street; a 44,449 sq. ft. parcel of land bordering Crystal Lake to the Newton Conservators. The parcel at 20 Rogers Street was acquired by the City in 2007 with Community Preservation Act funds. Any parcels purchased using such funds must be bound by a permanent conservation restriction.  
**Zoning and Planning Committee Approved 8-0**

**Referred to Programs and Services Committee**

Wednesday, October 23, 2019

**#328-19**      **Appointment of Kathleen McCarthy as a member of the Licensing Board**  
HER HONOR THE MAYOR appointing KATHLEEN MCCARTHY, 524 California Street, Newtonville, as a member of the LICENSING BOARD for a term to expire June 3, 2025. (60

days: November 15, 2019)

**Programs & Services Approved 4-0 (Baker not Voting)**

**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.

**Finance Approved 4-1 (Councilor Grossman opposed) on 10/28/19**

**Programs & Services Approved 5-0**

**Referred to Public Safety and Transportation Committee**

Wednesday, October 23, 2019

#336-19

**Discussion and potential change to Senior Citizen's Parking Sticker program**

DAVID KOSES, TRANSPORTATION COORDINATOR requesting a discussion and potential change to the Senior Citizen's Parking Sticker program to allow the possibility for vehicles displaying a valid Senior Citizen's Parking Sticker to continue to park on Highland Avenue, between Lowell Avenue & Bram Way, thereby freeing up parking spaces within the Austin Street Parking Lot for other vehicles.

**Public Safety & Transportation Approved as Amended 5-0, Referred to Finance Committee**

#337-19

**Discussion regarding a new commuter parking permit program in Newton**

DAVID KOSES, TRANSPORTATION COORDINATOR requesting a discussion about a new commuter parking permit program in Newton.

**Public Safety & Transportation No Action Necessary 5-0**

**Referred to Public Facilities Committee**

Wednesday, October 23, 2019

#307-19

**Eversource petition for a grant of location in Woodward Street**

EVERSOURCE petitioning for a grant of location to install and maintain 693'± of conduit in WOODWARD STREET from the existing manhole #MH21030 in front of #991 Boylston Street in a northwesterly direction to a new proposed manhole in front of 38 Woodward Street, continuing on Woodward Street to a second proposed manhole at the intersection of Lincoln Street and Woodward Street thence turning and installing 182± of conduit on LINCOLN STREET in a northeasterly direction to utility pole #257/19 in front of #163 Lincoln Street. This work is necessary to perform system upgrades.

**Public Facilities Approved 5-0**

- #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 Facilities Approved 5-0**
- #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 Facilities Approved 5-0**
- #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 Facilities Approved 5-0**
- #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.  
**Public Facilities Approved 5-0**
- Referred to Public Facilities and Finance Committees**
- #346-19 Accepting Green Communities Program grants funds**  
HER HONOR THE MAYOR requesting to accept Green Communities Program grant funds of one hundred eleven thousand two hundred and seventeen dollars (\$111,217) from the Massachusetts Department of Energy Resources. The grant will be used for lighting at the Newton South High School tennis court and field house. The Public Buildings Department requesting authorization to spend \$24,406 out of the Energy Stabilization Fund to supplement the state grant funds and complete this lighting  
**Finance Approved 5-0 on 10/28/19**  
**Public Facilities Approved 5-0**
- Referred to Public Facilities and Finance Committees**
- #347-19 Appropriate \$1,160,066 for the Day Middle School Boiler Replacement Project**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend one million one hundred sixty thousand and sixty six dollars (\$1,160,066) for the Day Middle School Boiler Replacement Project, of which approximately three hundred sixty thousand seven

hundred and fifty-three dollars (\$360,753) will be funded by a grant from the Massachusetts School Building Authority's Accelerated Repair Program and authorization to apply any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing, and marketing them, and any accrued interest received upon the delivery of the bonds or notes to the costs of the project and to reduce the amount authorized to be borrowed for the project by like amount.

**Finance Approved 5-0 on 10/28/19**

**Public Facilities Approved 5-0**

**#250-19**

**Inflow and Infiltration Mitigation Ordinance**

CITY ENGINEER requesting amendments to Chapter 29 of the City of Newton Ordinances to create an Infiltration and Inflow Mitigation Ordinance that would codify mitigation requirements for development projects over a certain size, potential for fees in lieu of mitigation and waiver of fees by the City Council.

**Public Facilities Approved 5-0**

**Referred to Finance Committee**

Monday, October 28, 2019

**#375-19**

**Authorization to accept a Mass Housing Grant of \$4,300**

HER HONOR THE MAYOR requesting authorization to accept a Mass Housing grant of four thousand three hundred dollars (\$4,300) to support the activities of the Newton Hoarding Task Force.

**Finance Approved 4-0 (Councilor Ciccone not voting)**

**#376-19**

**Authorization to rescind a curb betterment assessment**

HER HONOR THE MAYOR requesting authorization to rescind a curb betterment assessment at 66 Waban Hill Road dated November 5, 2018, Council Order #532-18.

**Finance Approved 4-0 (Councilor Ciccone not voting)**

**#377-19**

**Appropriate \$11,706 for McKinney-Veto Homeless Student Transportation**

SCHOOL COMMITTEE requesting that the City Council approve authorizing the Mayor to appropriate the state reimbursement of eleven thousand seven hundred and six dollars (\$11,706) for McKinney-Veto Homeless Student Transportation from the general fund to the School Department.

**Finance Approved 4-0 (Councilor Ciccone not voting)**

**Referred to Public Facilities and Finance Committees**

**#346-19**

**Accepting Green Communities Program grants funds**

HER HONOR THE MAYOR requesting to accept Green Communities Program grant funds of one hundred eleven thousand two hundred and seventeen dollars (\$111,217) from the Massachusetts Department of Energy Resources. The grant will be used for lighting at the Newton South High School tennis court and field house. The Public Buildings Department requesting authorization to spend \$24,406 out of the Energy Stabilization

Fund to supplement the state grant funds and complete this lighting

**Public Facilities Approved 5-0 on 10/23/19**

**Finance Approved 5-0**

**Referred to Public Facilities and Finance Committees**

#347-19

**Appropriate \$1,160,066 for the Day Middle School Boiler Replacement Project**

HER HONOR THE MAYOR requesting authorization to appropriate and expend one million one hundred sixty thousand and sixty six dollars (\$1,160,066) for the Day Middle School Boiler Replacement Project, of which approximately three hundred sixty thousand seven hundred and fifty-three dollars (\$360,753) will be funded by a grant from the Massachusetts School Building Authority’s Accelerated Repair Program and authorization to apply any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing, and marketing them, and any accrued interest received upon the delivery of the bonds or notes to the costs of the project and to reduce the amount authorized to be borrowed for the project by like amount.

**Public Facilities Approved 5-0 on 10/23/19**

**Finance Approved 5-0**

**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.

**Programs & Services Approved 5-0 on 10/23/19**

**Finance Approved 4-1 (Councilor Grossman opposed)**

**Motions to Suspend the Rules to allow the following three late-filed Docket Items to be accepted to the Docket and referred to Committees were Approved by Voice Vote.**

#383-19

**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:

<b>Name</b>	<b>Address</b>	<b>Book/Page</b>	<b>SBL</b>	<b>Estimate</b>
David A. Kenney, III and Amy Roberts Kenney	22 Agawam Road	1404/100 Cert # 249470	42-06-04	\$2,672.00
John W. Slokum and Shuchi S. Pandya	100 Franklin Street	67606/565	72-35-09	\$4,752.00

Eric Bosco and Elizabeth Bosco	310 Waverley Avenue	56720/437	73-09-15	\$3,824.00
Alexandra Vozick Thatcher	51 Devon Road	12966/314	61-03-12	\$2,160.00

**Referred to Zoning & Planning and Finance Committees**

#386-19

**Request to appropriate \$50,000 in CPC funds for Pigeon Hill Trail Design**

COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of fifty-thousand dollars (\$50,000) to the Planning & Development Department for a grant to the Newton Conservators, as the fiscal agent of the Riverside Greenway Working Group, for design of the Pigeon Hill Trail in Auburndale as described in the proposal submitted to the CPC in September 2019.

**Referred to Public Facilities and Finance Committees**

#391-19

**Authorization to revise White Goods and Bulky Items City Ordinances**

HER HONOR THE MAYOR requesting authorization to revise ordinances pertaining to solid waste and recycling definitions, management of bulky waste items, management of white goods, including amendments to the fees and management of residential moveouts and cleanouts.

**Public Hearings were assigned for the following items:**

***Public Hearing to be assigned for November 14, 2019***

#13-19

**Adoption of the Climate Action Plan**

DIRECTOR OF PLANNING requesting discussion and adoption of the Climate Action Plan as an amendment to the 2007 Comprehensive Plan.

***Public Hearing to be assigned for November 14, 2019***

#363-19

**Amendment(s) to Chapter 30 relative to building efficiencies**

DIRECTOR OF PLANNING & CO-DIRECTORS OF SUSTAINABILITY requesting discussion and adoption of amendments to Chapter 30, the Newton Zoning Ordinance to create exemptions to building envelope standards such as height and setback to facilitate the implementation of energy efficiency and alternative energy measures in buildings including external insulation, doorway vestibules, heat pumps, and solar panels among other features.

***Public Hearing to be assigned for November 14, 2019***

#364-19

**Amendment(s) to Chapter 30 relative to sustainable design**

DIRECTOR OF PLANNING & CO-DIRECTORS OF SUSTAINABILITY requesting discussion and adoption of amendments to Chapter 30, the Newton Zoning Ordinance to create a new set of standards related to sustainable development design with requirements for new buildings and development projects to include environmental and energy efficiency features.

***Public Hearing to be assigned for November 18, 2019***

- #381-19 Request for approval of FY 20 Property tax levy distribution percentages**  
DIRECTOR OF ASSESSMENT ADMINISTRATION submitting for City Council review and approval the FY 20 Municipal Property Tax Levy Distribution Percentages among residential, open space, commercial and industrial classes of Real Property.

***Public Hearing to be assigned for November 19, 2019***

- #349-19 Reuse of parcel of land on Brackett Road**  
 DIRECTOR OF PLANNING & DEVELOPMENT submitting on September 13, 2019 a letter recommending that a 1200 sq. ft. parcel of land on Brackett Road, Ward 7, Newton Centre, known as Property ID: 73005 0002A be made available for sale or lease pursuant to Ordinance Section 2-7.

***Public Hearing to be Reassigned for December 3, 2019***

- #257-19 Amended Petition to allow attached dwelling units at 956 Walnut Street**  
956 WALNUT STREET, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing single-family dwelling and construct seven single-family attached dwellings in ~~two~~ three buildings, to reduce the frontage requirement, to reduce the side setback requirement, to allow three-stories, to exceed maximum lot coverage, to allow a retaining wall greater than 4' in the setback and to allow a driveway in the side setback at 956 Walnut Street, Ward 6, Newton Highlands, on land known as Section 62 Block 04 Lot 05, containing approximately 32,274 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 5.4.2.B, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**The City Council voted without discussion 19 Yeas, 1 Nay (Councilor Brousal-Glaser), 4 Absent (Councilors Gentile, Grossman, Markiewicz and Norton) to Accept the Committee Recommendations on the following item:**

- #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 Facilities Approved 5-0