



City Council Actions

In City Council

Monday, November 18, 2019

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

Absent: Councilors Brousal-Glaser and Lappin

The City Council discussed the following items on Second Call:

Referred to Committee of the Whole

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 following three items were also late filed after the close of the docket and require a suspension of the Rules to be referred to Committee.

#379-19(3) CPC Recommendation to appropriate \$725,000 for Legal Fees for Webster Woods

COMMUNITY PRESERVATION COMMITTEE recommending appropriation of seven hundred twenty-five thousand dollars (\$725,000) from the CPC Preservation Fund's Fiscal 2020 Open Space Reserve and restricted fund balance for open space, to the control of the Law Department for legal services and other costs required for the acquisition by the City of Newton of approximately 17.4 acres of undeveloped wooded land, including trees, waters and structures located on the property, at the rear of 300 Hammond Pond Parkway (known as Webster Woods).

#379-19(4) CPC Recommendation to appropriate \$15,000 for costs relative to conservation restriction

COMMUNITY PRESERVATION COMMITTEE recommending appropriation of fifteen thousand dollars (\$15,000) from the CPC Fund's Fiscal 2020 Open Space Reserve to the control of the Planning Department for a grant to the Newton Conservators, Inc. for costs associated with the holding the conservation restriction required by G.L. c. 44B sec. 12. For approximately 17.4 acres of undeveloped wooded land, including trees, waters and structures located on the property, at the rear of 300 Hammond Pond Parkway (known as Webster Woods).

#379-19(5) CPC Recommendation to appropriate \$15,000,000 for Webster Woods acquisition

COMMUNITY PRESERVATION COMMITTEE recommending authorization of the City Treasurer to borrow fifteen million dollars (\$15,000,000) for the acquisition of approximately 17.4 acres of undeveloped wooded land, including trees, waters and structures located on the property at the rear of 300 Hammond Pond Parkway (known as Webster Woods) as authorized by G. L. c. 44B, sec. 11, for a period of 30 years, as required by G. L. c. 44, sec. 11, all proceeds from general obligation bonds or notes issued under this authorization shall be deposited in the Community Preservation Fund, any premium received upon the sale of such bonds or notes, less any such premium applied to the payment of insurance costs of the bonds or notes shall be deposited in the CPC Fund's restricted fund balance for open space.

#379-19(6) Acceptance and Expenditure of \$200,000 from Friends of Webster Woods

HER HONOR THE MAYOR requesting the City Council approve the acceptance and expenditure of a donation of the sum of \$200,000 by members of the Friends of Webster Woods, in accordance with the requirements of G.L. c. 44, sec. 53A, to be used for the purpose of acquiring approximately 17.4 acres of undeveloped wooded land, including trees, waters and structures located on the property, known as Webster Woods (located at the rear of 300 Hammond Pond Parkway). Said amount should be paid to Boston College for acquisition of Webster Woods and returned to the donors should the City not acquire Webster Woods.

A motion to suspend the rules to Accept and Refer to Committee the Late filed Items and a motion to refer all four items to a Committee of the Whole were Approved Unanimously.

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.*

Referred to Zoning & Planning Committee

#165-19 Adoption of Washington Street Vision Plan as part of the Comprehensive Plan
DIRECTOR OF PLANNING requesting approval and adoption of the Washington Street Vision Plan as an amendment to the 2007 Newton Comprehensive Plan.
Zoning and Planning Approved 6-0-1 (Councilor Kalis abstaining, Councilor Downs not voting)

Item postponed to December 2, 2019 by Unanimous Voice Vote

Clerk's Note:

Referred to Zoning & Planning Committee

- #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.
Zoning and Planning Approved 8-0; Public Hearing Closed
Approved 22 Yeas, 2 Absent (Councilors Brousal-Glaser & Lappin)

Clerk's Note:

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.
Finance Approved 5-0 on 11/13/2019
Public Facilities Approved 5-0-1 (Councilor Lappin abstaining and Councilor Gentile not voting)
Motion to Refer back to Finance Committee Approved by Voice Vote

Clerk's Note:

Referred to Land Use Committee

- #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 Approved 8-0; Public Hearing Closed 09/24/2019
Item postponed to December 2, 2019 by Unanimous Voice Vote

Clerk's Note:

Referred to Land Use Committee

- #426-18(2) 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' and up to eight stories, to allow a development with an FAR of up to 2.0, consisting of 800 residential units, with ground floor residential units, containing 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 reduction in the overall parking requirement, to allow tandem spaces, to allow valet spaces, to waive dimensional requirements for parking stalls, to allow assigned spaces, 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 and planting area requirements, to waive lighting requirements for parking lots, to waive tree requirements, to waive bumper overhang requirements, to waive 1-foot candle lighting requirements, to waive general lighting, surfacing and maintenance requirements, to waive off-street loading facilities requirements, to allow the extension of a nonconforming front setback, loading docks and nonconforming retaining wall to the extent necessary and to waive sign requirements relative to number, size, location or design, to waive the number of signs allowed at all properties known as 0 156 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, 7.8.2.C, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 4.4.1, 5.1.3.E, 5.1.4.A, 5.1.4.C, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.D.2, 5.1.8.E.1, 5.1.9.A, 5.1.9.B, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10, 5.1.10.A.1, 5.1.12, 5.1.13, 5.2, 5.2.13, 5.4.2 and of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 6-0-2 (Councilors Markiewicz and Schwartz abstaining; Public Hearing Closed 09/24/2019)

Item postponed to December 2, 2019 by Unanimous Voice Vote

Clerk's Note:

The City Council voted without discussion 22 Yeas, 2 Absent (Councilors Brousal-Glaser and Lappin) to Accept the Committee Recommendations on the following items:

Referred to Land Use Committee

Thursday, 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.

Note that the proposed FAR is .43 where .38 exists and .39 is allowed.

Land Use Approved 7-0 (Councilor Schwartz not Voting); Public Hearing Closed 11/07/2019

#314-19 **Petition to increase nonconforming FAR and lot coverage at 262 Otis Street**
DONNA ROTH petition for **SPECIAL PERMIT/SITE PLAN APPROVAL** to enclose an existing 175 sq. ft. porch and construct a single-story porch addition, increasing the non-conforming lot coverage, decreasing the non-conforming open space and creating an FAR of .56 where .53 exists and .33 is allowed at 262 Otis Street, Ward 2, West Newton, on land known as Section 32 Block 50 Lot 13, containing approximately 11,152 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 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 (Councilor Schwartz not Voting); Public Hearing Closed 11/07/2019

#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.

Land Use Approved 8-0; Public Hearing Closed 11/07/2019

Referred to Land Use Committee

Tuesday, 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

Land Use Approved Withdrawal without Prejudice 7-0 (Councilor Auchincloss not Voting)

#620-18(2) **Petition to amend Special Permits to allow additional uses at 55-71 Needham St**

NEEDHAM STREET VILLAGE SHOPS, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Orders #213-12(1), #213-12(2) and #620-18 to permit a for profit education use as well as other uses which could include animal services, dry cleaners and ground floor health clubs at 55-71 Needham Street, Ward 5, Newton Highlands, on land known as Section 51 Block 28 Lot 20, containing approximately 58,875 sq. ft. of land in a district zoned MIXED USE 1. Ref: Sec. 7.3, 7.4, 4.4.1, 6.3.14.B.2 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 8-0; Public Hearing Closed 11/12/2019

Referred to Zoning and Planning Committee

Thursday, November 7, 2019

The Zoning & Planning Committee discussed each of the following two zoning amendment docket items separately and then approved a version of the zoning amendment that incorporates both docket items #140-19(3) and #187-19 into one zone change Council Order. This Council Order was further amended with additional amendments. The Council will be voting one combined docket item number #140-19(3)/#187-19 as amended.

#140-19(3) Zoning amendments for Riverside Station

RIVERSIDE STATION/355 GROVE STREET AND 399 GROVE STREET requesting amendments to Chapter 30, Newton Zoning Ordinance, in Sections 4.2.3 and 4.2.4 relative to the Mixed Use 3 District.

#187-19 Zoning amendment from Newton LFIA for Riverside Station

LOWER FALLS IMPROVEMENT ASSOCIATION RIVERSIDE COMMITTEE requesting to amend Chapter 30, City of Newton Zoning Ordinance, Sections 4.2 and 7.3.5 pertaining to the Mixed Use3/Transit-Oriented zoning district.

Zoning and Planning Committee Approved #140-19(3)/#187-19 as Amended 7-0-1 (Councilor Kalis abstaining)

Motion to suspend the Rules to allow the Chair of the Zoning & Planning Committee to poll her committee to include the following amendment was approved by Voice Vote.

D. Exclusion of Public Structures from Zoning Requirements.

Any portion of a development parcel for the proposed development owned by a Commonwealth of Massachusetts instrumentality and devoted to a governmental function from which the general public is excluded (including, but not limited to, a rail yard, maintenance facility, or railroad right-of-way) and any portion of a building or structure **dedicated for public use** ~~used or leased~~ by a State instrumentality (such as a passenger station or associated facilities for use by customers of the Massachusetts Bay Transportation Authority, ~~or office space up to 10,000 square foot~~) shall not be included in the calculation of:

1. The quantity of beneficial open space required;

2. Minimum lot area; or
3. **Gross Floor area-ratio** Area.

Zoning & Planning Committee Approved #140-19(3)/#187-19 as amended and further amended 7-0

#360-19 **Reappointment of Phillip Plottel to the Economic Development Commission**
HER HONOR THE MAYOR reappointing Phillip Plottel, 50 Roslyn Road, Waban, as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire October 30, 2022. (60 Days: 12/14/19)
Zoning and Planning Approved 6-0 (Councilors Kalis and Downs not voting)

#359-19 **Reappointment of Jean Wood to the Economic Development Commission**
HER HONOR THE MAYOR reappointing Jean Wood, 90 Forest Avenue, West Newton as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire October 30, 2022. (60 Days: 12/14/19)
Zoning and Planning Approve 6-0 (Councilors Kalis and Downs not voting)

#357-19 **Reappointment of Peter Sargent to the Community Preservation Committee**
HER HONOR THE MAYOR reappointing Peter Sargent, 33 Avondale Road, Newton Centre, as a member of the COMMUNITY PRESERVATION COMMITTEE for a term to expire July 31, 2022. (60 days: 12/14/19)
Zoning and Planning Approved 6-0 (Councilors Kalis and Downs not voting)

Referred to Zoning and Planning Committee

Thursday, November 14, 2019

#361-19 **Appointment of Marcela Merino to the Economic Development Commission**
HER HONOR THE MAYOR appointing Marcela Merino, 66 Clover Road, West Newton, as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire November 30, 2022. (60 Days: 12/14/19)
Zoning and Planning Approved 8-0

#335-19 **Appointment of Leigh Gilligan to the Conservation Commission**
HER HONOR THE MAYOR appointing LEIGH GILLIGAN, 16 Bradford Road, Newton Highlands, as a full member to the CONSERVATION COMMISSION. Ms. Gilligan currently serves as an alternate member on the Conservation Commission. Ms. Gilligan will complete a new term as a full member which will expire November 1, 2022.
Zoning and Planning Approved 8-0

#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.

Zoning and Planning Approved 8-0; Public Hearing Closed

Referred to Public Safety and Transportation Committee

Wednesday, November 6, 2019

- #193-19** **Request to allow for legal two-way bicycle travel on Comm. Ave. Carriage Lane**
COUNCILORS DOWNS, ALBRIGHT, NORTON, BROUSAL-GLASER, KRINTZMAN, GROSSMAN, MARKIEWICZ, LAREDO, LIPOF, SCHWARTZ, NOEL, KELLEY, LEARY AND DANBERG, requesting a discussion of possible changes to allow for legal two-way bicycle travel on the Commonwealth Avenue Carriage Lane. (Wards 2, 3, 4 & 7)
Revised on 06/27/19
Public Safety & Transportation Vote No Action Necessary 5-0

Referred to Public Facilities Committee

Wednesday, November 6, 2019

- #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 Facilities Approved 5-0 (Councilor Leary and Gentile not voting)
- #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 Facilities Approved 5-0 (Councilor Leary and Gentile not voting)
- #374-19** **Renaming the intersection of Walnut Street and Lincoln Street**
COUNCILORS RICE, DOWNS, CROSSLEY, SCHWARTZ, NOEL, DANBERG, COTE, BROUSAL-GLASER, AND KELLEY requesting the intersection of Walnut Street and Lincoln Street be renamed to John O'Hara Square.
Public Facilities Approved 5-0 (Councilor Leary and Gentile not voting)

Referred to Public Facilities and Finance Committees

- #388-19** **Transfer of \$86,800 for boiler replacement at Police Headquarters**
HER HONOR THE MAYOR requesting authorization to transfer the sum of eight hundred six thousand and eight hundred dollars (\$86,800) from Interest Temp Loans to a Capital Project Account under Public Buildings Department for the purpose of funding the replacement of the leaking boiler at the Police Headquarters.

Finance Approved 5-0 on 11/13/2019

Public Facilities Approved 4-0-1 (Councilor Lappin abstaining, Councilors Leary, and Gentile not voting)

Referred to Public Facilities and Finance Committees

#389-19

Accept a grant from Mass DEP to be used for waste diversion efforts

HER HONOR THE MAYOR requesting authorization to accept and expend a grant from the Massachusetts Department of Environmental Protection as part of the Recycling Dividends Grant Program in the amount of fifty-two thousand dollars (\$52,000) to support the City's waste diversion efforts.

Finance Approved 5-0 on 11/13/2019

Public Facilities Approved 5-0 (Councilor Leary and Gentile not voting)

Referred to Public Facilities and Finance Committees

#390-19

Request to transfer \$88,000 to replace two trash compactors at Rumford Avenue

HER HONOR THE MAYOR requesting authorization to transfer the sum of eighty-eight thousand dollars (\$88,000) from Free Cash to the Department of Public Works' Sustainable Materials Management Equipment & Machinery account to fund the replacement of two trash compactors located at Rumford Avenue.

Finance Approved 5-0 on 11/13/2019

Public Facilities Approved 5-0 (Councilor Leary and Gentile not voting)

Referred to Public Facilities and Finance Committees

#641-18

Request to transfer \$60,000 to replace two trash compactors at Rumford Avenue

HER HONOR THE MAYOR requesting authorization to transfer the sum of sixty thousand dollars (\$60,000) from Free Cash to the Department of Public Works' Sustainable Materials Management Equipment & Machinery account to fund the replacement of two trash compactors located at 115 Rumford Avenue.

Finance Voted No Action Necessary 5-0 on 11/13/2019

Public Facilities voted No Action Necessary 5-0 Councilors Leary and Gentile not voting)

Referred to Finance Committee

Wednesday, November 13, 2019

#343-19

Discussion on the new City website

COUNCILORS NORTON, ALBRIGHT, LAREDO, KALIS and MARKIEWICZ requesting a discussion with IT and Executive departments regarding the City's new website now in development.

Finance voted No Action Necessary 5-0

#382-19

Appropriate \$5,000 for police enforcement of accessible parking regulations

HER HONOR THE MAYOR requesting authorization to appropriate five thousand dollars (\$5,000) from the Accessible Parking Fines Fund to be used to pay for special police detail enforcement of the accessible parking regulations.

Finance Approved 5-0

#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:

Name	Address	Book/Page	SBL	Estimate
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

Finance Approved 5-0

Referred to Public Facilities and Finance Committees

#388-19 Transfer of \$86,800 for boiler replacement at Police Headquarters

HER HONOR THE MAYOR requesting authorization to transfer the sum of eight hundred six thousand and eight hundred dollars (\$86,800) from Interest Temp Loans to a Capital Project Account under Public Buildings Department for the purpose of funding the replacement of the leaking boiler at the Police Headquarters.

Public Facilities Approved 4-0-1 (Councilor Lappin abstaining, Councilors Leary, and Gentile not voting) on 11/06/2019

Finance Approved 5-0

Referred to Public Facilities and Finance Committees

#389-19 Accept a grant from Mass DEP to be used for waste diversion efforts

HER HONOR THE MAYOR requesting authorization to accept and expend a grant from the Massachusetts Department of Environmental Protection as part of the Recycling Dividends Grant Program in the amount of fifty-two thousand dollars (\$52,000) to support the City's waste diversion efforts.

Public Facilities Approved 5-0 (Councilor Leary and Gentile not voting) on 11/06/2019

Finance Approved 5-0

Referred to Public Facilities and Finance Committees

- #390-19** **Request to transfer \$88,000 to replace two trash compactors at Rumford Avenue**
HER HONOR THE MAYOR requesting authorization to transfer the sum of eighty-eight thousand dollars (\$88,000) from Free Cash to the Department of Public Works' Sustainable Materials Management Equipment & Machinery account to fund the replacement of two trash compactors located at Rumford Avenue.
Public Facilities Approved 5-0 (Councilor Leary and Gentile not voting) on 11/06/2019
Finance Approved 5-0

Referred to Public Facilities and Finance Committees

- #641-18** **Request to transfer \$60,000 to replace two trash compactors at Rumford Avenue**
HER HONOR THE MAYOR requesting authorization to transfer the sum of sixty thousand dollars (\$60,000) from Free Cash to the Department of Public Works' Sustainable Materials Management Equipment & Machinery account to fund the replacement of two trash compactors located at 115 Rumford Avenue.
Public Facilities voted No Action Necessary 5-0 (Councilors Leary and Gentile not voting) on 11/06/2019
Finance voted No Action Necessary 5-0

A motion to Suspend the Rules to accept the following late filed docket item and refer it to Committee was approved by Voice Vote

Referred to Finance Committee

- #421-19** **Appropriate \$85,000 to settle a discrepancy**
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of eight-five thousand dollars (\$85,000) from Certified Free Cash to settle a discrepancy in the amount of 2017 Massachusetts State Income Taxes paid versus the amount owed.

A motion to Suspend the Rules to allow the Chair of the Finance Committee to report out the following item, which was taken up earlier in the evening, without a written report was approved by Voice Vote

- #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.
Approved Unanimously by Voice Vote at a residential factor of .916764

Public Hearings were assigned for the following items:

Public Hearing Assigned for December 3, 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 .50 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.

The Rules & Orders of the Council contain a blackout period to avoid scheduling public hearings for Major Projects in November or December in the last year of the Council's term. The following petition was filed with the Clerk of the Council on November 4, 2019 during the blackout period. Criteria for a Major Project classification includes projects that involve a non-residential use that immediately abuts a residential zone. The petitioner is requesting a suspension of the rules pursuant to Article IX, Section 1 of the Rules & Orders of the City Council to suspend the time restrictions, requiring a three-fourths vote of the Council to be accepted to the docket and referred to Committee.

Accepted to the Docket by Unanimous Voice Vote

Public Hearing assigned for December 3, 2019

#393-19 Petition to amend Board Order #317-92(5) and change use at 562 Commonwealth Ave

552 COMM AVE, LLC/NIANXIONG GUAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #317-92(5) to convert an existing nonconforming barbershop into a nonconforming retail florist shop at 562 Commonwealth Avenue, Ward 6, Newton Centre, on land known as Section 61 Block 03 Lot 22, containing approximately 13,000 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref. 7.3.3, 7.4, 3.4.1, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing assigned for November 25, 2019

#327-19 Ordinance amendment to repeal Zoning Ordinance 3.4.4 Garages

COUNCILOR ALBRIGHT requesting that Chapter 30 of Newton's Zoning ordinance be amended to repeal section 3.4.4 Garages (effective December 31, 2019 after three postponements). Garages will be discussed during Zoning Redesign next term.

Commendations:

Eagle Scout Commendations for Oscar Foster Pontiff and Declan Bryce Griffin

The City Council voted without discussion 21 Yeas, 1 Recused (Councilor Schwartz), 2 Absent (Councilors Brousal-Glaser and Lappin) to Accept the Committee Recommendations on the following item:

Referred to Land Use Committee

#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.

Land Use Approved 7-0 (Councilor Schwartz not Voting); Public Hearing Closed 11/07/2019