



City Council Actions

In City Council

Monday, July 9, 2018

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 Committee

#312-18 **Citizens Petition requesting ballot question on recreational marijuana establishments**
SUZANNE BENDER ET AL., submitting a group petition pursuant to Section 10-2 of the City of Newton Charter, requesting that the City Council place a question on the November 6, 2018 ballot as to whether the City of Newton will adopt the following ordinance:

“Operation of recreational (non-medical) marijuana establishments as defined in M.G.L. Chapter 94G is prohibited in Newton, provided that a marijuana establishment that was licensed and approved to operate as a Medical Marijuana Treatment Center (Registered Marijuana Dispensary) in the City of Newton prior to July 1, 2017 may, if otherwise allowed by zoning, (a) cultivate non-medical marijuana; (b) manufacture and/or produce non-medical marijuana related products; (c) test non-medical marijuana and the products derived therefrom; (d) engage in wholesale distribution of non-medical marijuana and non-medical marijuana products, but not to include retail sales thereof in the City of Newton.”

Programs & Services Approved 3-1-2 (Albright opposed; Krintzman and Brousal-Glaser abstaining; Baker not voting); Public Hearing Closed

Motion to Postpone to Date Certain of July 9, 2018 Approved by Voice Vote on 06/18/18

Motion to Approve Failed to Carry 13 Nays, 8 Yeas (Councilors Auchincloss, Baker, Ciccone, Cote, Gentile, Kelley, Rice & Schwartz), 2 Recused (Councilors Lappin and Lipof), 1 Absent (Councilor Laredo)

Clerk’s Note:

#379-18 **Ballot Question regulating the number of recreational marijuana establishments**
COUNCILORS ALBRIGHT AND KRINTZMAN requesting that the City Council place on the ballot, at a special election to be held in November 2018, a question as to whether the

City of Newton shall limit the number of retail recreational marijuana establishments operating in Newton to no fewer than two and no more than six.

Programs & Services Approved as amended 5-1-2 to “no fewer than 2 and no more than 4” (Baker opposed; Schwartz and Kalis abstaining)

Approved 19 Yeas, 2 Nays (Councilors Gentile & Leary), 2 Recused (Councilors Lappin and Lipof), 1 Absent (Councilor Laredo)

Clerk’s Note:

Referred to Land Use Committee

#137-18

Petition to allow 18-unit multi family dwelling at 189-193 Adams St/19 Quirk Ct

183-193 ADAMS STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a multi-family development in a business district with greater than 20,000 gross floor area, with a four-story structure 41’ in height, containing an 18-unit dwelling with ground floor units, to allow an FAR of 1.31, to allow a density bonus to reduce the lot area per unit and increase the number of inclusionary units, to allow a reduction of the requirement for parking to 1.25 stalls per unit, to allow parking in the setback, to allow parking within 5’ of a building containing dwelling units, to waive minimum stall dimension requirements, to allow a reduction in the minimum width of a entrance/exit drive, to allow a reduction in the minimum width of maneuvering aisles, to waive lighting requirements and to waive perimeter landscape screening requirements in Ward, 1, Newton, at 189-193 Adams Court, Section 14 Block 15 Lot 39, Section 14 Block 15 Lot 38 and 19 Quirk Court Section 14 Block 15 Lot 44, containing a combined lot area of approximately 19,349 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 4.4.1, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 5.1.4, 5.1.13, 5.1.8.A.1, 5.1.8.A.1, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.C.1, 5.1.8.C.2, 5.1.8.D.1, 5.1.9.A, 5.1.10.A, 5.11.4, 5.11.15, 4.1.2 of the City of Newton Rev Zoning Ord, 2015.

Land Use Approved 5-0-2; Public Hearing Closed June 12, 2018

Motion to Postpone to a date certain of July 9, 2018 Approved by Voice Vote on 06/18/18

Motion to Amend to adjust construction hours and add snow removal was Approved by Voice Vote

16 b. Hours of Construction shall be limited to between the hours of 7:00 am and 5:00 pm on weekdays. No construction on Saturdays, Sundays or Holidays, except in emergencies, and only with the prior approval of the Commissioner of Inspectional Services. The petitioner . . .

Snow removal on the shared driveway is the responsibility of the petitioner. Submit a snow removal plan.

Motion to Approve as Amended Failed to Carry 15 Yeas, 9 Nays (Councilors Baker, Brousal-Glaser, Ciccone, Cote, Danberg, Gentile, Kalis, Markiewicz, Norton)

Request for Reconsideration filed by Councilor Markiewicz on July 10, 2018. Item will be before the Council for Reconsideration on August 13, 2018.

Clerk's Note:

Referred to Zoning & Planning Committee

#186-18

Zoning Amendment for Shared Parking Pilot Program

DIRECTOR OF PLANNING requesting amendments to Chapter 30, Newton Zoning Ordinance, to allow for a Shared Parking Pilot Program as an accessory use in commercial districts.

Zoning & Planning Approved subject to second call 7-0; Public Hearing Closed

Item Chartered by Councilor Baker

Clerk's Note:

Referred to Zoning & Planning Committee

#201-18

Zoning amendment to limit residential portion of business zone developments

COUNCILOR GENTILE, MARKIEWICZ, COTE AND NORTON requesting amendments to Chapter 30, Newton Zoning Ordinance, to require that any development in a business zone, limit the residential portion of the project to 50% of the total development.

Zoning & Planning voted No Action Necessary 7-0

Motion to Postpone to August 13, 2018 was Approved 17 Yeas, 7 Nays (Councilors Auchincloss, Downs, Kelley, Krintzman, Lappin, Lipof & Noel)

Clerk's Note:

Referred to Zoning & Planning Committee

#202-18

Zoning amendment to Mixed Used 4 district

COUNCILOR GENTILE MARKIEWICZ, COTE AND NORTON requesting amendments to Chapter 30, Newton Zoning Ordinance, so that the Mixed Used 4 (MU4) zone is either eliminated; or the dimensional controls are reduced; or a moratorium of two years be placed on any new MU4 development; or any combination of these three action.

Zoning & Planning voted No Action Necessary 6-0-1 (Brousal-Glaser abstaining)

Motion to Postpone to August 13, 2018 was Approved 17 Yeas, 7 Nays (Councilors Auchincloss, Downs, Kelley, Krintzman, Lappin, Lipof & Noel)

Clerk's Note:

Referred to Zoning & Planning Committee

#203-18

Zoning amend. for moratorium on zone changes/construction on Washington St.

COUNCILOR GENTILE AND NORTON requesting amendments to Chapter 30, Newton Zoning Ordinance, to adopt an immediate moratorium on any zone changes and/or construction/development along both sides of Washington Street, including abutting properties, from the intersection of Commonwealth Avenue Washington Street in Auburndale/West Newton, to the intersection of Washington Street and Centre Street in Newton Corner. This moratorium shall remain in place until Zoning Redesign and the proposed “actionable plan for the Washington Street Corridor” are completed. This moratorium does not apply to by right construction/development that is currently allowed by the Newton Zoning Ordinances. This moratorium shall expire on September 30, 2019. **Public Hearing Closed 5/29/18**

Zoning & Planning Approval Failed to Carry 1-5-1 (Albright, Leary, Danberg, Downs and Krintzman opposed; Kalis abstaining)

Motion to Postpone to August 13, 2018 was Approved 17 Yeas, 7 Nays (Councilors Auchincloss, Downs, Kelley, Krintzman, Lappin, Lipof & Noel)

Clerk’s Note:

Referred to Public Safety and Transportation and Public Facilities Committees

#381-18

Walnut Street Newtonville Enhancements Project

HER HONOR THE MAYOR, COMMISSIONER OF PUBLIC WORKS, and COUNCILORS ALBRIGHT, AUCHINCLOSS & NORTON requesting approval pursuant to §26-51 of the City of Newton Ordinances for the Walnut Street Newtonville Enhancements Project on Walnut Street from approximately the northerly bridge abutment of the Massachusetts Turnpike Bridge to the intersection of Elm Road; Highland Avenue from Walnut Street to Bram Way; Austin Street from Walnut Street to the westerly end of the 28 Austin Street project; and the east sidewalk of Bram Way.

Public Safety & Transportation Approved 4-0 (Lipof not voting) on 06/20/18

Public Facilities Approved 6-1-1 (Gentile Opposed, Laredo abstaining)

Voice Vote Approves, 2 Nays (Gentile &)

Clerk’s Note:

The City Council voted without discussion 23 Yeas, 1 Absent (Councilor Laredo) to Approve the Committee recommendations on the following items:

Referred to Land Use Committee

Tuesday, June 26, 2018

#392-18

Extension of time to exercise Special Permit #179-15 for 1349 Centre St

MYRTHA CHANG petition for an EXTENSION of TIME to EXERCISE Special Permit Board Order #179-15 allowing a freestanding sign at 1349 CENTRE STREET, Ward 6, Newton Centre, on land known as SBL 62, 10, 1, containing approximately 10,579 sf. of land in a

district zoned BUSINESS 2. Said EXTENSION to expire September 21, 2018 Ref: Sec 30-24, 30-23, 30-20(f)(1), 30-20(l) of the City of Newton Rev Zoning Ord, 2012.

Land Use Approved 7-0 (Auchincloss not Voting)

#254-18

Request for an extension of time for Special Permit at 283 Melrose Street

STEPHEN VONA requesting an EXTENSION OF TIME in which to EXERCISE special permit #480-14(4) granted on March 21, 2016 to change one nonconforming use to another by restoring and expanding an existing structure known as the Turtle Lane Playhouse with office space above, to provide a mixed-use building with an addition containing 4 dwelling units at street level and above and a second building containing a 16-unit multi-family dwelling with a below grade parking garage for 27 cars at 283 MELROSE STREET, Ward 4, Auburndale; said EXTENSION will run to November 14, 2018. Ref: 7.4.5.E of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved Withdrawal Without Prejudice 4-0-3

Referred to Programs & Services Committee

Wednesday, June 20, 2018

#377-18

Appointment of John Castellot to the Institutional Biotechnology Committee

PRESIDENT LAREDO appointing JOHN CASTELLOT, 3 Albion Place, Newton Centre, as a member of the INSTITUTIONAL BIOTECHNOLOGY COMMITTEE for a term to expire July 1, 2021.

Programs & Services Approved 6-0 (Baker, Schwartz not voting)

#316-18

Appointment of Elizabeth Ingraham to the Human Rights Commission

HER HONOR THE MAYOR appointing ELIZABETH INGRAHAM, 187 Woodward Street, Waban, as a member of the HUMAN RIGHTS COMMISSION for a term to expire May 15, 2021.

Programs & Services Approved 6-0 (Baker, Schwartz not voting)

#315-18

Appointment of Tamika Olszewski to the Human Rights Commission

HER HONOR THE MAYOR appointing TAMIKA OLSZEWSKI, 341 Lexington Street, Auburndale, as a member of the HUMAN RIGHTS COMMISSION for a term to expire May 15, 2021.

Programs & Services Approved 7-0 (Baker not voting)

#318-18

Appointment of David Kuppenheimer to the Human Rights Commission

HER HONOR THE MAYOR appointing DAVID KUPPENHEIMER, 12 Sylvester Road, West Newton, as a member of the HUMAN RIGHTS COMMISSION for a term to expire May 15, 2021.

Programs & Services Approved 7-0 (Baker not voting)

#319-18

Re-Appt of Michelle Freshman to the Health & Human Services Advisory Council

HER HONOR THE MAYOR re-appointing MICHELLE FRESHMAN, 39 Gray Cliff Road, Newton Centre, as a member of the HEALTH & HUMAN SERVICES ADVISORY COUNCIL for a term to expire January 31, 2021.

Programs & Services Approved 7-0 (Baker not voting)

#320-18 Re-appointment of Bryan Barash to the Human Rights Commission

HER HONOR THE MAYOR re-appointing BRYAN BARASH, 161 Lowell Avenue, Newtonville, as a member of the HUMAN RIGHTS COMMISSION for a term to expire May 15, 2021.

Programs & Services Approved 7-0 (Baker not voting)

#321-18 Re-appointment of Kerwin Derrick to the Human Rights Commission

HER HONOR THE MAYOR re-appointing KERWIN DERRICK, 107 Spiers Street, Newton Centre, as a member of the HUMAN RIGHTS COMMISSION for a term to expire May 15, 2021.

Programs & Services Approved 7-0 (Baker not voting)

#378-18 Re-appointment of Jane Brown to Human Rights Commission

HER HONOR THE MAYOR re-appointing JANE BROWN, 104 Atwood Avenue, Newtonville, as a member of the HUMAN RIGHTS COMMISSION for a term to expire January 1, 2021. (60 days: 8/17/18)

Programs & Services Approved 7-0 (Baker not voting)

Referred to Programs & Services and Finance Committees

#350-18 Request to increase the salary of the City Clerk/Clerk of the Council

COUNCILORS LAREDO AND KALIS requesting an increase in the salary of the City Clerk/Clerk of the City Council to \$135,619 effective July 1, 2018 to match the percentage increase included in the FY 2019 budget for H-grade employees.

Finance Approved 5-0 on 06-25-18

Programs & Services Approved 7-0 (Baker not voting)

Referred to Public Facilities Committee

Wednesday, June 20, 2018

#386-18 National Grid Grant of Location for Gay Street

NATIONAL GRID petitioning for a grant of location to install and maintain 230' ± of 6" gas main in GAY STREET from the existing 4" gas main at the intersection of Cabot Street to just past the intersection of Clyde Street and 60' ± of 6" gas main in Clyde Street from the new 6" gas main in Gay Street to 10 Clyde Street. (Ward 2)

Public Facilities Approved 5-0 (Leary, Norton, Gentile not voting)

#387-18 National Grid Grant of Location on California Street
NATIONAL GRID petitioning for a grant of location to install and maintain a new regulator traffic control box in the grassy area across from the existing regulator at 367 California Street with a 4" conduit and a 1 ½" conduit crossing California Street to an existing pole to provide electricity to the proposed regulator.
Public Facilities Approved 6-0 (Gentile, Norton not voting)

#325-18 President Laredo’s appointment of Amy MacKrell to the Designer Selection Committee
Amy MacKrell, 12 Dexter Road, Newtonville, appointed as a member of the DESIGNER SELECTION COMMITTEE for a term to expire December 31, 2021.
Public Facilities Approved 6-0 (Norton, Gentile not voting)

#323-18 President Laredo’s reappointment of Peter Barrer to the Design Review Committee
Peter Barrer, 24 Hazelton Road, Newton Centre, reappointed as a member of the DESIGN REVIEW COMMITTEE for a term to expire December 31, 2021.
Public Facilities Approved 7-0 (Gentile not voting)

#382-18 Re-appointment of Halina Brown to the Citizens Commission on Energy
HER HONOR THE MAYOR re-appointing HALINA BROWN, 56 Cloverdale Road, Newton Highlands, as a member of the CITIZENS COMMISSION ON ENERGY for a term to expire April 15, 2020. (60 days: 8/17/18)324
Public Facilities Approved 7-0 (Gentile not voting)

#383-18 Re-appointment of Jonathan Kantar to the Citizens Commission on Energy
HER HONOR THE MAYOR re-appointing JONATHAN KANTAR, 672 Chestnut Street, Waban, as a member of the CITIZENS COMMISSION ON ENERGY for a term to expire June 15, 2020. (60 days: 8/17/18)
Public Facilities Approved 7-0 (Gentile not voting)

Referred to Finance Committee

Monday, June 25, 2018

#394-18 Transfer \$240,000 for back pay owed to the former police chief
HER HONOR THE MAYOR requesting authorization to transfer the sum of two hundred forty thousand dollars from the below accounts to fund the “back pay” owed to the former police chief.

Executive Office Full-time Salaries.....	\$25,000
Assessing Full-time Salaries	\$60,000
Treasury Full-time Salaries.....	\$20,000
Human Resources Full-time Salaries.....	\$30,000
Information Technologies Full-time Salaries	\$50,000
Planning Full-time Salaries.....	\$55,000

Finance Approved 5-0

Motion to suspend the rules to allow the Chair of the Finance Committee to poll his committee to amend the Committee's vote was Approved by Voice Vote

Finance Approved as Amended to increase the amount from Assessing by \$6,500 and decrease Treasury by \$6,500 8-0

#393-18

Appropriate \$9,837.31 to settle a claim resulting from a sewer backup

HER HONOR THE MAYOR requesting authorization to appropriate and expend nine thousand eight hundred thirty-seven dollars and thirty-one cents (\$9,837.31) for full and final settlement of a claim resulting from damage caused by a sewer backup to a finished basement at 121 Hanson Road.

Finance Approved 5-0

#389-18

Appropriation of \$6,400 to fund the purchase and installation of APS equipment

HER HONOR THE MAYOR requesting authorization to appropriate and expend six thousand four hundred dollars (\$6,400) from the HP Fines – disability Commission Receipts Reserved for Appropriation for the purpose of funding the purchase and installation of Accessible Pedestrian Signals (APS) equipment at the Waverley and Tremont Streets intersection.

Finance Approved 5-0

Referred to Programs & Services and Finance Committees

#350-18

Request to increase the salary of the City Clerk/Clerk of the Council

COUNCILORS LAREDO AND KALIS requesting an increase in the salary of the City Clerk/Clerk of the City Council to \$135,619 effective July 1, 2018 to match the percentage increase included in the FY 2019 budget for H-grade employees.

Programs & Services Approved 7-0 (Baker not voting)

Finance Approved 5-0

Referred to Recodification Committee

Monday, July 1, 2018

#391-18

Discussion of changes to the Historic District Commission section of the Ordinances

RECODIFICATION COMMITTEE requesting discussion of changes to the Historic District Commission sections of Chapter 22 of the Ordinances as suggested by the Recodification Committee during the 2017 recodification process.

Recodification Committee Approved 2-0 Items 1-6 as technical amendments and docketing items 7 & 8 to Zoning & Planning

The following item was filed after the close of the Docket and a Motion to Suspend the Rules to accept the item to the Docket and assign it to Committees was Approved by Voice Vote.

Referred to Public Facilities and Finance Committees

#410-18

Appropriate \$100,000 for schematic design study for potential boiler projects

HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thousand dollars (\$100,000) from budget Reserve to the F.A. Day/Bigelow Boiler Replacement Account for the purpose of paying costs of conducting schematic design studies at F.A. Day Middle School and Bigelow Middle School for potential boiler replacement projects for which the City may be eligible for a grant from the Massachusetts School Building Authority.

Public Hearings were assigned for the following items:

Public hearing assigned for August 7, 2018

#397-18

Special Permit Petition to increase FAR at 47 Rokeby Road

DARBY AND RANDI LEIGH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a single-story two-car garage and front entry vestibule, creating an FAR of .41 where .39 is allowed and .39 exists at 47 Rokeby Road, Ward 5, Waban, on land known as Section 55 Block 39 Lot 29, containing approximately 9,280 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref. 7.3.3, 7.4, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public hearing assigned for August 7, 2018

#398-18

Petition to amend Council Order #285-17 at 392-396, 400 and 402-404 Langley Road

LANGLEY MONTROSE, LLC. AND LANGLEY FARLOW, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #285-17 to relocate Condition 22(h) from building permit requirements and insert it under Certificate of Occupancy requirements for 392-396, 400, 402-404 Langley Road, Ward 6, containing approximately 79,636 sq. ft. of land in a district zoned MR-2 and BU1. Ref: 7.3.3, 7.4, 7.3, 5.1.13, 3.4.1, 4.1.2.B.1, 5.1.4, 5.1.8.A, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.C.2, 5.1.9.A, 5.1.9.B, 5.1.10, and 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

Commendations were presented to:

Jane Leighton Commendation – Councilors Crossley, Kelley, Leary and Downs

NewTV Commendation – Councilor Lappin

Emma Colantonio's 100th Birthday Commendation – Councilors Gentile, Ciccone, Leary and Greenberg

The City Council voted without discussion 21 Yeas, 2 Nays (Councilors Brousal-Glaser & Gentile), 1 Absent (Councilor Laredo) to Approve the Committee recommendation on the following item:

Referred to Land Use Committee

#215-18

Special Permit Petition to allow a rear-lot subdivision at 156 Otis Street

156 OTIS STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a rear lot subdivision to create two lots, raze the existing single-family dwelling and construct single-family dwellings on each lot at 156 Otis Street, Ward 2, West Newton, on land known as Section 24, Block 13, Lot 14A, containing approximately 43,700 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 3.1.5, 3.1.10 and 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Land Use Approved 7-0 (Schwartz not voting); Public Hearing Closed June 5, 2018

The City Council voted without discussion 21 Yeas, 2 Nays (Councilors Markiewicz & Norton), 1 Absent (Councilor Laredo) to Approve the Committee recommendation on the following item:

Referred to Finance Committee

#344-18

Request to transfer funds to hire a consultant to develop a cultural strategy

HER HONOR THE MAYOR requesting authorization to transfer the sum of thirty thousand dollars (\$30,000) from Current Year Budget Reserve to the Executive Office Consulting Account for the purpose of developing a cultural strategy for the City.

Finance Approved 5-0