



City Council Actions

In City Council

Monday, November 5, 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.

Absent: Councilor Norton

The City Council discussed the following item on second call:

#294-18 **Special Permit Petition to allow development at 1314 Washington and 31, 33 Davis St. HQ, LLC** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a three-story addition in the BU1 district to be used for mixed uses, to allow a building in excess of 20,000 sq. ft., to extend the existing non-conforming structure with regard to height, to extend the existing non-conforming structure with regard to side setback, to allow a restaurant with more than 50 seats, to waive the requirement of using the A-B+C parking formula, to allow a reduction in the overall parking required by 1/3, to waive 27 parking stalls, to allow parking in the front and side setback, to allow reduced parking stall dimensions, to waive end stall maneuvering space requirements, to allow reduced aisle width, to waive perimeter screening requirements, to waive interior landscaping requirements, to waive requirements for interior planting area, tree planting, and bumper overhang area landscaping, to waive lighting requirements, to waive off-street loading facility requirements 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, 2015.

Land Use Approved 7-0-1 (Laredo abstaining); Public Hearing Closed 10/23/2018

Motion to Amend the text of Condition 15 as follows was Approved by Voice Vote:

Paragraph 2 line 4 by adding after "Director of Transportation, the Ward 3 Councilors."

Paragraph 3 line 4 by adding after "Director of Transportation, the Ward 3 Councilors."

Paragraph 4 line 2 adding after "additional measures, including but not limited to a valet parking program, or on-site parking attendant."

And line 3 adding after "(or their designees), and the Ward 3 Councilors."

Special Permit as Amended Approved 23 Yeas, 1 Absent (Councilor Norton)

Clerk's Note: The Chair of the Land Use Committee presented the item. He noted that the major issue

with this request was parking and discussed Condition 15 of the Council Order that essentially refers to the Transportation Management Plan. The condition requires a look back at 12 months after the issuance of a Certificate of Occupancy. The plan focuses on how to manage the potential parking needs of the employees of the three businesses that will locate at this development. The first would be the headquarters for Mark Development, the second a restaurant, and the third an office use. There are three main items in the transportation management plan: the first is a subsidy by the developer to those businesses of up to \$5,000 annually for the first five years to a total of \$25,000 for the cost of transit passes for the employees and tenants of the building; the second is to make sure that bicycle services are encouraged and available by committing to not only providing secure bicycle parking, but also to engage in the Bike Share program and programs that might be available in the City that would enable folks to park bicycles for free; the third commit to a marketing effort and educating the employees to these opportunities as well as to some additional services which they are not providing but are available.

The building proposal is to add to the back of the structure a three-story addition that would house offices and a 120-seat restaurant. Currently there are 60 parking spots that are non-conforming and that would be reconfigured that would reduce to number 49 stalls. The petition asks for a waiver of 21 stalls. The reduction in parking was the main issue throughout the hearings. Since it is a privately-owned lot, the spots do not have a requirement that they be used by the public. The concern is tight parking and trying to make sure that there are enough parking options identified as there will be an increase in the use of this building. Parking studies have been done by the petitioner and reviewed by the Transportation Department identifying just how many spots are available in West Newton Square. There are a number of spots that are adequate and in addition the developer has committed to working with the church to help reconfigure their parking lot so they will have 18 spots on their site and allow any spaces not used by programs to be available to the public.

It was noted that there could be a spillover of parking into some of the neighborhoods. It was suggested that adding to Condition 15 to deal with the unknown of the impact of the parking. It was felt that Ward 3 Councilors should be included in discussions going forward. It was also felt that a parking valet program or an on-site parking attendant be added to the look back, but not mandated. These amendments were seconded.

It was asked what the impact would be on the West Newton businesses. In response it was felt that the restaurant was positive, but the potential impact of parking was of concern.

The Ward Councilor from Ward 3 was in support of the project and pleased to see the preservation of a historical building in West Newton Square.

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

Referred to Land Use Committee

Tuesday, October 23, 2018

- #462-18** **Petition to allow Veterinary Hospital in a BU2 district at 858 Walnut Street**
ISAAC MAXMEN/858 WALNUT STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to locate a veterinary hospital in the existing building and waive up to five parking stalls in the BUSINESS USE 2 district at 858 Walnut Street, Ward 6, on land known as Section 64 Block 5 Lot 04, containing approximately 23,250 sq. ft. of land. Ref: Sec. 7.3.3, 7.4, 4.4.1, 5.1.4.A of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 7-0 (Crossley not Voting); Public Hearing Closed 10/23/2018

Referred to Programs & Services Committee

Wednesday, October 17, 2018

- #519-18** **Appointment of Alissa Ocasio Giuliani as City Solicitor**
HER HONOR THE MAYOR appointing ALISSA OCASIO GIULIANI as City Solicitor, pursuant to Section 3-4 of the Newton City Charter, to be effective November 19, 2018. (30 days 11/14/18)
Programs & Services Approved 6-0
- #521-18** **Appointment of Charles Reilly to the Farm Commission**
HER HONOR THE MAYOR appointing CHARLES REILLY, 158 Upland Road, Waban, as a member of the FARM COMMISSION for a term to expire October 31, 2021.
(60 days: 12/14/18)
Programs & Services Approved 6-0
- #522-18** **Re-appointment of James Harper to the Farm Commission**
HER HONOR THE MAYOR re-appointing JAMES HARPER, 59 Westminster Road, Newton Centre, as a member of the FARM COMMISSION for a term to expire March 31, 2020. (60 days: 12/14/18)
Programs & Services Approved 6-0
- #523-18** **Re-appointment of Michael Goldman to the Farm Commission**
HER HONOR THE MAYOR re-appointing MICHAEL GOLDMAN, 14 Saxon Terrace, Newton Highlands, as a member of the FARM COMMISSION for a term to expire July 31, 2020. (60 days: 12/14/18)
Programs & Services Approved 6-0
- #524-18** **Re-appointment of Vaunita Schnell to the Farm Commission**
HER HONOR THE MAYOR re-appointing VAUNITA SCHNELL, 68 Stearns Street, Newton Centre, as a member of the FARM COMMISSION for a term to expire March 31, 2020. (60

days: 12/14/18)

Programs & Services Approved 6-0

A motion to Suspend the Rules to allow the Chair of the Programs & Services Committee to Report the following seven items taken up earlier in the evening without a written report was Approved by Voice Vote.

#525-18 Appointment of Brianna Spiegel to the Youth Commission

HER HONOR THE MAYOR appointing BRIANNA SPIEGEL, 427 Crafts Street, West Newton, as a member of the YOUTH COMMISSION for a term to expire September 1, 2020. (60 days: 12/14/18)

Programs & Services Approved 8-0

#526-18 Appointment of Madison Branagan to the Youth Commission

HER HONOR THE MAYOR appointing MADISON BRANAGAN, 91 Greenlawn Avenue, Newton Centre, as a member of the YOUTH COMMISSION for a term to expire September 1, 2019. (60 days: 12/14/18)

Programs & Services Approved 8-0

#527-18 Appointment of Veer Sawhney to the Youth Commission

HER HONOR THE MAYOR appointing VEER SAWHNEY, 52 Forest Avenue, Auburndale, as a member of the YOUTH COMMISSION for a term to expire September 1, 2019. (60 days: 12/14/18)

Programs & Services Approved 8-0

#528-18 Appointment of Christina Bednarzh to the Youth Commission

HER HONOR THE MAYOR appointing CHRISTINA BEDNARZH, 91 Osborne Path, Newton Centre, as a member of the YOUTH COMMISSION for a term to expire September 1, 2020. (60 days: 12/14/18)

Programs & Services Approved 8-0

#529-18 Appointment of Coral Lin to the Youth Commission

HER HONOR THE MAYOR appointing CORAL LIN, 100 Exeter Street, West Newton, as a member of the YOUTH COMMISSION for a term to expire September 1, 2021. (60 days: 12/14/18)

Programs & Services Approved 8-0

#530-18 Appointment of Reethika Digumarthy to the Youth Commission

HER HONOR THE MAYOR appointing REETHIKA DIGUMARTHY, 4 Frances Street, Newton Highlands, as a member of the YOUTH COMMISSION for a term to expire September 1, 2021. (60 days: 12/14/18)

Programs & Services Approved 8-0

#317-18 Appointment of Rabbi Eric Gurvis to the Human Rights Commission

HER HONOR THE MAYOR appointing RABBI ERIC GURVIS, 64 Putnam Street, West Newton, as a member of the HUMAN RIGHTS COMMISSION for a term to expire May 15, 2021. *Clerk's Note:*

NAN vote required. Item was withdrawn and new appointment submitted.

Programs & Services No Action Necessary 8-0

Referred to Public Facilities Committee

Wednesday, October 17, 2018

#531-18

Petition for water main extension in a private way off Farwell Street

STEPHEN VONA, 77 Oldham Road, West Newton, petitioning for a water main extension through a proposed utility easement in a private way off Farwell Street from the existing water main in Farwell Street 150' ± northeasterly thence turning easterly and continuing a distance of 320'± thence turning northeasterly and continuing 30'± to a proposed hydrant in the private way off Farwell Street.

Public Facilities Approved 4-0 (Danberg not Voting)

Referred to Public Facilities and Finance Committees

#536-18

Appropriate \$500,000 for a wash bay at the Crafts Street Garage

HER HONOR THE MAYOR requesting authorization to appropriate five hundred thousand dollars (\$500,000) from bonded indebtedness for the purpose of funding the installation of a new wash bay at the Crafts Street Garage.

Finance Approved 6-0 on 10/22/18

Public Facilities Approved 4-0 (Danberg not Voting)

Referred to Public Facilities and Finance Committees

#537-18

Appropriate \$420,000 for two 6-wheel dump trucks

HER HONOR THE MAYOR requesting authorization to appropriate four hundred twenty thousand dollars (\$420,000) from bonded indebtedness for the purpose funding the purchase of two (2) Mack 42FR 6-wheel dump trucks for the Public Works Department.

Finance Approved 6-0 on 10/22/18

Public Facilities Approved 4-0 (Danberg not Voting)

Referred to Public Facilities and Finance Committees

#538-18

Appropriate \$89,600 for engineering services for evaluation of Bullough's Pond Dam

HER HONOR THE MAYOR requesting authorization to appropriate eighty-nine thousand six hundred dollars (\$89,600) from the Stormwater Reserve Fund for consulting engineering services to perform the Phase 2 Dam Safety Engineering Evaluation for the Bullough's Pond Dam, NID No. MA03414.

Finance Approved 6-0 on 10/22/18

Public Facilities Approved 4-0 (Danberg not Voting)

Referred to Public Facilities and Finance Committees

#539-18

Transfer \$100,000 for Audible Pedestrian Signal Installation at intersections in the City

HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thousand dollars (\$100,000) from Budget Reserve for the purpose of funding Phase 1 of

3 of Audible Pedestrian Signal Installation at all remaining intersections throughout the City.

Finance Approved 6-0 on 10/22/18

Public Facilities Approved 4-0 (Danberg not Voting)

Referred to Public Facilities and Finance Committees

#540-18

Authorize acceptance of \$105,103 from the State's Transportation Infrastructure Fund

HER HONOR THE MAYOR requesting authorization to accept, appropriate, and expend one hundred five thousand one hundred three dollars (\$105,103) from the City's FY18 allocation from the Commonwealth Transportation Infrastructure Fund to be used for concept design engineering services for the complete streets design of the Wells-Nahanton Traffic Signalization and Intersection Improvement Project.

Finance Approved 6-0 on 10/22/18

Public Facilities Approved 4-0 (Danberg not Voting)

Referred to Finance Committee

Monday, October 22, 2018

#508-18

Authorization to accept and expend two Assistance to Firefighter Grants

HER HONOR THE MAYOR requesting authorization to accept and expend two grants from the Federal Emergency Management Agency Assistance to Firefighters Grant program totaling eighty-one thousand eight hundred nineteen dollars with a required 10% match of eight thousand one hundred eighty-one dollars (\$8,181) by the city. The first grant of \$60,000 is for fire officer training and the second grant of \$30,000 is for a firefighter health and wellness program.

Finance Approved 5-0 (Gentile not voting)

#534-18

Appropriate \$28,804 for McKinney-Vento Homeless Student Transportation

SCHOOL COMMITTEE requesting that the City Council approve authorizing the Mayor to appropriate the state reimbursement of twenty-eight thousand eight hundred four dollars (\$28,804) for McKinney-Vento Homeless Student Transportation from the general fund to the School Department.

Finance Approved 5-0 (Gentile not voting)

Referred to Public Facilities and Finance Committees

#536-18

Appropriate \$500,000 for a wash bay at the Crafts Street Garage

HER HONOR THE MAYOR requesting authorization to appropriate five hundred thousand dollars (\$500,000) from bonded indebtedness for the purpose of funding the installation of a new wash bay at the Crafts Street Garage.

Public Facilities Approved 4-0 (Danberg not voting) on 10/17/18

Finance Approved 6-0

Referred to Public Facilities and Finance Committees

#537-18

Appropriate \$420,000 for two 6-wheel dump trucks

HER HONOR THE MAYOR requesting authorization to appropriate four hundred twenty thousand dollars (\$420,000) from bonded indebtedness for the purpose funding the purchase of two (2) Mack 42FR 6-wheel dump trucks for the Public Works Department.

Public Facilities Approved 4-0 (Danberg not voting) on 10/17/18

Finance Approved 6-0

Referred to Public Facilities and Finance Committees

#538-18

Appropriate \$89,600 for engineering services for evaluation of Bullough's Pond Dam

HER HONOR THE MAYOR requesting authorization to appropriate eighty-nine thousand six hundred dollars (\$89,600) from the Stormwater Reserve Fund for consulting engineering services to perform the Phase 2 Dam Safety Engineering Evaluation for the Bullough's Pond Dam, NID No. MA03414.

Public Facilities Approved 4-0 (Danberg not voting) on 10/17/18

Finance Approved 6-0

Referred to Public Facilities and Finance Committees

#539-18

Transfer \$100,000 for Audible Pedestrian Signal Installation at intersections in the City

HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thousand dollars (\$100,000) from Budget Reserve for the purpose of funding Phase 1 of 3 of Audible Pedestrian Signal Installation at all remaining intersections throughout the City.

Public Facilities Approved 4-0 (Danberg not voting) on 10/17/18

Finance Approved 6-0

Referred to Public Facilities and Finance Committees

#540-18

Authorize acceptance of \$105,103 from the State's Transportation Infrastructure Fund

HER HONOR THE MAYOR requesting authorization to accept, appropriate, and expend one hundred five thousand one hundred three dollars (\$105,103) from the City's FY18 allocation from the Commonwealth Transportation Infrastructure Fund to be used for concept design engineering services for the complete streets design of the Wells-Nahanton Traffic Signalization and Intersection Improvement Project.

Public Facilities Approved 4-0 (Danberg not voting) on 10/17/18

Finance Approved 6-0

A motion to Suspend the Rules to Accept to the Docket and Refer to Committee the following late filed docket item was Approved by Voice Vote.

Referred to Land Use Committee

#562-18

Request for an Extension of Time for Special Permit at 19-21 Beaconwood Road

LENTO DEVELOPMENT, LLC/KENNETH LENTO petition for an EXTENSION OF TIME to EXERCISE SPECIAL PERMIT COUNCIL ORDER #129-17 to raze and replace a two-family structure and allow a 4% reduction to the required lot area after combining lots at 19-21 Beaconwood Road, Ward 8, on land known as Section 54, Block 22, Lot 0044 and Section 54, Block 022, Lot 0047, containing approximately 9,602 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3, 7.4, 7.8.4.D.4, 7.8.4.D.5, 7.8.4.A of the City of Newton Rev Zoning Ord, 2017.

Public Hearings were assigned for the following items:

Public hearing assigned for November 27, 2018

#544-18 **Petition to allow parking in the setback and within 5' of the street at 79 Crescent Street**
JJ SHI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four parking stalls in the front setbacks of the existing two-family dwelling at 79 Crescent Street/Robinhood Street, in Ward 4, Auburndale, on land known as Section 43 Block 02 Lot 08, containing approximately 7,837 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 5.1.13, 5.1.7.A of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public hearing assigned for November 27, 2018

#545-18 **Special Permit Petition to increase non-conforming FAR at 132 Pleasant Street**
DAVID JELLINEK and SARAH SPITZ petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a rear addition to the first floor and basement levels, exceeding the maximum allowable FAR of .42 where .50 exists and .54 is proposed at 132 Pleasant Street, Ward 6, Newton Centre, on land known as Section 64 Block 26 Lot 9, containing approximately 7,560 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, 2015.

Public hearing assigned for December 10, 2018

#488-18 **Adoption of the Climate Change Vulnerability Assessment and Action Plan**
DIRECTOR OF PLANNING & DEVELOPMENT requesting discussion and adoption of the Climate Change Vulnerability Assessment and Action Plan as an amendment to the 2007 Newton Comprehensive Plan.

The City Council voted without discussion 22 Yeas, 1 Recused (Councilor Laredo), 1 Absent (Councilor Norton) to Approve the Committee recommendation on the following item:

#520-18 **Appointment of Lori Yarvis to the Farm Commission**
HER HONOR THE MAYOR appointing LORI YARVIS, 1469 Centre Street, #1, Newton, as a member of the FARM COMMISSION for a term to expire October 31, 2021.
 (60 days: 12/14/18)

Programs & Services Approved 6-0

The City Council voted without discussion 22 Yeas, 1 Recused (Councilor Laredo), 1 Absent (Councilor Norton) to Approve the Committee recommendation on the following item, except for 86 Waban Hill Road where the vote to Approve was 21 Yeas, 2 Recused (Councilors Laredo & Grossman), 1 (Absent):

#532-18 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 assessment of betterments for construction:

Address	Owner Name	Book/Page	Sec/Block/Lot	Total Cost
51 Avalon Road	Rittenhouse Nancy E & Larson Dale N	1226/153	53014 0014	\$5,220.00
25 Ballard Street	Feder Miriam	65077/563	73030 0001	\$4,992.50
36 Brooks Avenue	Denison Sherman F & Susan Trs (Denison Realty Trust)	66381/362	21032 0008	\$2,185.00
33 Duxbury Road	Jennings Bruce E & Sybicki Joan	17325/397	62027 0001	\$2,347.50
77 Pembroke Street	Vitagliano Kenneth & Mccann-Vitagliano Nancy	32580/290	72021 0005	\$1,632.50
65 Rowena Road	Moran Michael J & Farrell Kathleen C	17830/502	62016 0045	\$2,230.00
66 Waban Hill Road	Kiley Manley J Jr & Leahy Mary M	64001/532	63008 0041	\$2,445.00
86 Waban Hill Road	Grossman David M & Sisk Marja J	1465/41	63008 0037	\$1,165.00
101 Waban Hill Road	Varma-Wilson Anisha & Wilson Marcus E	62215/317	63008 0009	\$3,505.00
101 Waban Hill Road	Varma-Wilson Anisha & Wilson Marcus E	62215/317	63008 0009	\$1,625.00
1093 Walnut Street	Brail Leslie H Tr (Trust Agrmt Of Les H Brail)	68706/594	52009 0010	\$3,030.00
208 Auburn Street	Ardini Andrew J & Stacey B	64194/525	43014 0001	\$6,812.50

Finance Approved 5-0 (Gentile not voting) with the exception of 86 Waban Hill Road which was Approved 4-0 (Grossman recused, Gentile not voting)