



City Council Actions

In City Council

Monday, December 3, 2018

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

Absent: Councilors Cote, Gentile & Norton

The City Council discussed the following items on Second Call:

Referred to Zoning & Planning Committee

#376-18 Zoning amendment to regulate marijuana establishments

THE PLANNING DEPARTMENT requesting amendments to the Newton Zoning Ordinance, Chapter 30, to regulate the use of land, structures and buildings for the operation of marijuana establishments; to determine in which zoning districts and under what conditions marijuana establishments will be allowed; and to establish minimum standards and criteria.

Zoning & Planning Approved as amended 6-0-1 (Brousal-Glaser abstaining)

Motion to Amend section 6.10.3.E.11 to read as follows so as to reduce the allowable square footage from 5,000 to 4,500: 11. No RMD or Marijuana Retailer or co-located facility shall exceed 4,500 square feet of area Failed to Carry 20 Nays, 3 Yeas (Councilors Auchincloss, Baker and Cote), 1 Absent (Councilor Gentile)

Item Chartered by Councilor Schwartz on November 19, 2018

Approved 18 Yeas, 3 Nays, (Councilors Ciccone, Kelley & Markiewicz), 3 Absent (Councilor Cote, Gentile & Norton)

Clerk's Note: Councilor Schwartz, who had chartered the item at the last meeting, explained that in discussions with the Law Department this past week he learned that if this ordinance doesn't pass tonight, there would be a potential gap without an ordinance after the moratorium ends on December 31st. Waiting to pass this ordinance until the next Council meeting would mean it could not be implemented until after the moratorium ended. This is not something the Council would want because there would be the opportunity for filing plans and permit requests to open one of these stores without any zoning applying. Councilor Schwartz noted that there are strong feelings about the potential for negative impacts from the opening of such stores in neighborhoods. He is concerned with the zones listed as it provides for the possible encounter with significant traffic as well as congestion issues and negative impacts on residents and businesses. He originally hoped to reduce the number of zones included in the ordinance, but after talking to the Planning Department, as well as the Chair of Zoning

and Planning, it was noted it would be very hard to provide enough meaningful opportunities for the required potential recreational sites if zones were eliminated. He has shifted his thinking to adding manufacturing zones to the list. All the manufacturing sites are not positive, but there are a number of manufacturing sites that would potentially be on transit, and on roads not close to village centers, that might be options. Councilor Schwartz would also like to add limited manufacturing in the Wells Avenue area, however further action would be needed by the City Council to lift the deed restrictions. Councilor Schwartz will docket an item to look at including manufacturing and limited manufacturing to the ordinance.

Referred to Zoning & Planning Committee

#408-18

Discussion and adoption of Economic Development Strategy Plan

DIRECTOR OF PLANNING requesting discussion and adoption of the Economic Development Strategy Plan as an amendment to the 2007 Newton Comprehensive Plan.

Zoning & Planning Approved 6-0-1 (Baker abstaining)

Motion to Recommit to Zoning & Planning Committee Approved by Voice Vote

Clerk's Note: The Chair of the Zoning and Planning Committee presented the item and noted that this item had been discussed at several meetings and the plan is both practical and scholarly. It has a tremendous amount of information about Newton and is something that could be extremely useful as a road map for what is needed to encourage commercial development in the city.

Councilor Baker put this item on second call because of reservations he had concerning staff and other resources that were implicit in the plan. The plan provides a variety of strategies to enhance the opportunities for economic development in the city, but he did not see an investment mechanism to produce those results. He is now convinced that a mechanism will be forthcoming. The plan indicates the need for a significant amount of economic development in order to move the needle of the relative distribution of tax obligations between residential, commercial and industrial property in the city. In his opinion that is an investment worth making and he is prepared to support the plan on the merits.

Councilor Baker noted that the City has a comprehensive plan that has an economic development element in it. His understanding from the presentation from the Planning Department is this new plan will replace that portion of the comprehensive plan that deals with economic development as well as relatively discreet updates to the full plan rather than taking the whole thing through a process of revision. In that context he offered a set of amendments that will remove from the plan those elements that relate to Land Use and zoning as there is a Land Use section in the comprehensive plan already. The economic development plan also has some criticisms of the City's development process in some places which are not appropriate. There are other ideas which are really wonderful relating to small retail zoning, but it seems the best way to deal with them is to take them out of this document and have them brought forward as part of the whole rezoning arrangement that the Planning Department will provide.

The Chair of the Zoning & Planning Committee noted that the zoning rewrite will address some of the major issues related to economic development, including bringing parcels into conformity with their

current use to minimize appeals and amendments, review parking requirements, ensuring the types of uses that are desired and allowed in villages. Review of the zoning regulations and associated policies will also include considering ways to make the overall process more predictable and faster. This review aligns with the city's goals with growing the commercial tax base. The whole zoning issue is right at the core of this plan and it is all about economic development and how zoning can support the economic development that is wanted. In her opinion, taking out all the references to zoning is gutting this plan. She hoped the amendment would not be supported.

It was felt by several Councilors that the plan was thorough and excellent and that the suggested amendments should not be made after discussing this so extensively in Zoning and Planning. This is a very ambitious, thoughtful and progressive type of plan that guides the Council in the direction of where we want to go and that is what is needed. They were not in support of the amendments.

Several Councilors felt that the plan might be over-stepping what it was supposed to accomplish and that it mixes two strains that do not need to be mixed. There was discomfort with some of the language.

It was asked if the Chair would like the plan back in her Committee? In response Councilor Albright said at this point she would agree that it should go back to committee.

Councilor Baker agreed to withdraw his amendment if it went back to committee. The Council voted to send the item back to Committee.

The City Council voted without discussion 21 Yeas, 3 Absent (Councilors Cote, Gentile & Norton) to Approve the Committee recommendations on the following items:

Referred to Land Use Committee

Tuesday, November 27, 2018

- #359-18 Appointment of Jay Flynn to the Newton Wellesley Neighborhood Council**
PRESIDENT LAREDO appointing JAY FLYNN, 41 Longfellow Road, Newton Lower Falls, as a member of the NEWTON WELLESLEY NEIGHBORHOOD COUNCIL for a term to expire December 31, 2019.
Land Use Approved 3-0 (Auchincloss, Laredo, Markiewicz not voting)
- #411-18 Appointment of Bonnie Rosenberg to the Newton-Wellesley Neighborhood Council**
PRESIDENT LAREDO appointing BONNIE ROSENBERG, 129 Dorset Road, Waban, as a member of the Newton Wellesley Hospital Neighborhood Council for a term to expire on December 31, 2019.
Land Use Approved 3-0 (Auchincloss, Laredo, Markiewicz not voting)
- #515-18 Appointment of Terry Sherman to the Newton Wellesley Neighborhood Council**

PRESIDENT LAREDO appointing TERRY SHERMAN, 21 Belmore Park, Newton Lower Falls, as a member of the NEWTON-WELLESLEY HOSPITAL NEIGHBORHOOD COUNCIL for a term to expire on December 31, 2019.

Land Use Approved 3-0 (Auchincloss, Laredo, Markiewicz not voting)

#547-18

Appointment of Theresa Fitzpatrick to the Newton Wellesley Neighborhood Council

PRESIDENT LAREDO appointing THERESA FITZPATRICK, 1935 Beacon Street, Waban, as a member of the NEWTON WELLESLEY NEIGHBORHOOD COUNCIL for a term to expire December 31, 2019.

Land Use Approved 3-0 (Auchincloss, Laredo, Markiewicz not voting)

#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.

Land Use Approved 5-0 (Markiewicz not voting)

#544-18

Petition to allow parking in the setback within 5' of the street at 79 Crescent Street

JL 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.

Land Use Approved 6-0

Referred to Zoning & Planning Committee

Monday, November 26, 2018

#75-18

Discussion relative to the Zoning Redesign Event Series

DIRECTOR OF PLANNING requesting discussion of topics, issues, and ideas from the Zoning Redesign Event Series, with Committee feedback leading to staff preparation of the draft policy content outline for the new Zoning Ordinance.

Zoning & Planning voted No Action Necessary 7-0

#76-18

Discussion relative to the draft policy content outline of Zoning Ordinance

DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the Zoning Redesign Project on a draft policy content outline of the new Zoning Ordinance.

Zoning & Planning voted No Action Necessary 7-0

Motions to Suspend the Rules to Accept to the Docket and Refer to Committee the following three late filed docket items were Approved by Voice Vote.

Referred to Public Facilities Committee

#600-18 Update on the Climate Action Plan

PUBLIC FACILITIES COMMITTEE requesting updates on the status of the Climate Action Plan.

Referred to Finance Committee

#606-18 Transfer of \$7,000 to fund Operation Access Enforcement

HER HONOR THE MAYOR requesting authorization to transfer the sum of seven thousand dollars (\$7,000) from HP Fines – Disability Commission to the Operations Access Account to fund “Operation Access Enforcement”, a special police detail, enforcing the accessible HP parking regulations during this holiday period.

Referred to Public Safety & Transportation and Finance Committees

#607-18 HER HONOR THE MAYOR requesting authorization to transfer the sum of ninety-five thousand eight hundred forty-four dollars and fifty-one cents (\$95,844.51) from the Fire Pumper Replacement Account to the Following Fire Department accounts:

Automobiles/Light Trucks	\$60,000
Training Expenses	\$10,000
Housekeeping Equipment	\$15,000
Public Buildings Repair and Maintenance	\$10,000