



City Council Actions

In City Council

Monday, April 3, 2017

Present: Councilors Albright, Auchincloss, Baker, Blazar, Brousal-Glaser, Ciccone, Cote, Crossley, Danberg, Fuller, Gentile, Harney, Hess-Mahan, Kalis, Lappin, Laredo, Leary, Lennon, Lipof, Norton, Rice, Sangiolo, Schwartz, and Yates.

Executive Session

A Motion was made to go into Executive Session to hear from the Law Department regarding the status of an on-going National Grid Settlement. Having this discussion in public may be detrimental to the litigating position of the City. The Council will return to open session

Executive Session Approved 18 Yeas, 6 Absent (Councilors Danberg, Harney, Hess-Mahan, Sangiolo, Schwartz, and Yates)

The City Council discussed the following items on Second Call:

Referred to Zoning & Planning Committee

#343-16

Zoning amendment relative to accessory apartments

HIS HONOR THE MAYOR, COUNCILOR HESS-MAHAN, ALBRIGHT, CICCONE, CROSSLEY, AND NORTON proposing to amend Chapter 30 Section 6.7.1 Accessory Apartments and Section 5.1.4 Number of Parking Stalls in order to create a new accessory apartment ordinance that expands the availability of accessory apartments. [10/07/16 @ 10:03 AM) **Hearing closed 11/14/16 (90 days 2/12/17) Hearing closed 02/27/16 (90 days 5/29/17)**

Zoning & Planning Approved 4-0-4 (Kalis, Baker, Sangiolo, Yates abstaining)

Motion to Amend Section D3f and E3 to add the following text to the end of the

paragraph: *"Where a building is determined to be of historic significance and therefore subject to the procedures required under Section 22-50(C)(4) of the City of Newton ordinances, or where a building is located within a local historic district and therefore subject to the procedures required under Sections 22-40 through 44 of the City of Newton ordinances, any decisions of the Newton Historical Commission, or the local Historic District Commission, shall take precedence over the criteria and procedures set forth above, but may be guided by them in addition to their own criteria and procedures."*; **and to eliminate Section D5:** *"5. Where a building is determined to be of historic significance and therefore subject to procedures required under Section 22-50(C)(4) of the City of Newton Ordinances, or within a local historic district, any decisions of the Newton Historical Commission, or a local Historic District Commission, shall take precedence."* **Approved by Voice Vote.**

Motion to amend section C6 to change the word “primary” to “principal” Approved by Voice Vote.

Motion to Amend Section E1 to state: “Except as provided below, a [A] Detached Accessory Apartment *may be allowed by special permit from the City Council* is ~~allowed by right~~ as a use accessory to a Single Family, Detached building or a Two-Family, Detached building.” Approved 19 Yeas, 5 Nays (Councilors Albright, Crossley, Leary, Norton & Lennon)

Motion to Approve Item as Amended 22 Yeas, 2 Nays (Councilors Baker & Gentile)

Clerk’s Note:

Referred to Public Facilities Committee

#72-17

Cellco petition for Grant of Location for wireless communication equipment

CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS petitioning for a grant of location to attach wireless communication equipment to existing utility poles at the following locations [02/08/2017 @3:01 PM]:

Locations

Commonwealth Ave (at intersection of Boylston/Chestnut St) at Eversource Pole #102/200

Albemarle Rd (adjacent to 250 Albemarle) at Eversource Pole #2X

Public Facilities Split the item into 72-17(A) Commonwealth Ave (at intersection of Boylston/Chestnut St) at Eversource Pole #102/200 and

72-17(B) Albemarle Rd (adjacent to 250 Albemarle) at Eversource Pole #2X.

Public Facilities Held 72-17(B)

Public Facilities Approved 72-17(A) Subject to Second Call

(A) Approved by Voice Vote with two Nays (Councilors Lennon & Gentile)

Clerk’s Note:

Motion to Suspend the Rules to Allow the Finance Committee to report the following item, which was taken up earlier in the evening, without a written report, was Approved by Voice Vote.

Referred to Finance Committee

#75-17

Approval of various sidewalk/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
47 RANDLETT PK	MCSHERRY BRIAN J	1487/100	31023 0012	\$4,005.00
73-79 AUBURN ST	OLEARY SIMON	65781/276	33006 0042	\$3,505.00
109 AUBURN ST	CAROLAN GEORGE F & JACQUELINE M TRS	16704/369	43003 0011	\$2,802.50
31 HAMMOND ST	BOVE CATHERINE M TR	21021/376	61009 0004	\$2,672.50
19 HAWTHORNE AVE	FAZLI JONATHAN B & PAULA H	28918/55	43034 0009	\$2,055.00
24 HAWTHORNE AVE	HOLSTEIN EDWIN C & MOSS, SHERRY B	37102/554	43036 0013	\$2,835.00
75 ASPEN AVE	BAKER ANNETTE L & CHRISTOPHER	67503/362	43046 0024	\$2,490.00
91 ASPEN AVE	MORNINGSTAR BETTY I	25390/191	43046 0022A	\$2,062.50
99 ASPEN AVE	GENTILE LEONARD J & SUSAN M	43376/123	43046 0022	\$6,520.00
115 ASPEN AVE	ODOWD JEFFREY G & ANGELA M	37373/305	43046 0021	\$2,777.50
150 ASPEN AVE	FULCHINO THOMAS P	56917/320	43039 0002	\$2,172.50
109 OLD ORCHARD RD	MIDDIE ROBERT N & SULLIVAN, ELIZABETH	61525/435	63016 0029	\$2,185.00

[03/13/17 @ 4:39 PM]

Finance Approved 8-0 on 04-03-17

Approved by Voice Vote

Clerk's Note:

The City Council voted without discussion 24 Yeas to take the following actions:

Motion to Suspend the Rules to Allow the Chairs of the Programs & Services, Public Facilities, and Finance Committees to report the following item, which was taken up in Executive Session earlier in the evening, without a written report, was Approved by Voice Vote.

Referred to Programs & Services, Public Facilities and Finance Committees

#175-16 **Authorization to enter into a settlement agreement with National Grid.**
HIS HONOR THE MAYOR requesting authorization for the City to enter into a settlement agreement with Boston Gas Company d/b/a National Grid. [04/25/16 @ 6:52 PM]

Motion to Approve Settlement Agreement as of April 2016 and to authorize Law Department to Accept the Agreement Approved 23 Yeas, 1 Absent (Councilor Harney)

Referred to Land Use Committee

Tuesday, March 28, 2017

#180-16 (2) MARK NEWTONVILLE, LLC petition for a change of zone to Mixed Use 4 for land located at 22 Washington Terrace, 16-18 Washington Terrace, 10-12 Washington Terrace, 6-8 Washington Terrace, 875 Washington Street, 869 Washington Street, 867 Washington Street, 861-865 Washington Street, 857-859 Washington Street, 845-855 Washington Street, 245-261 Walnut Street (a/k/a 835-843 Washington Street), 241 Walnut Street, 22 Bailey Place, 14-18 Bailey Place, and an unnumbered lot on Bailey Place, also identified as Section 21, Block 29, Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 19A, 20, 21, 22, and 23, Ward 2, currently zoned Business 1, Business 2, and Public Use, further described as follows:
 Beginning at a point on the northerly line of Washington Street, running thence;
 Along the northerly line of Washington Street, south 89 degrees - 04 minutes - 40 seconds west, a distance of 433.14 feet to a point; thence
 Along the easterly line of Washington Terrace north 02 degrees - 03 minutes - 34 seconds west, a distance of 278.34 feet to a point, thence, the following four (4) courses along the existing zone lines of MR-1 and MR-3:
 North 86 degrees - 11 minutes - 41 seconds west, a distance of 15.07 feet to a point; thence
 North 01 degrees - 52 minutes - 35 seconds west, a distance of 3.01 feet to a point; thence
 South 86 degrees - 11 minutes - 41 seconds east, a distance of 85.43 feet to a point; thence
 North 88 degrees - 31 minutes - 34 seconds east, a distance of 370.56 feet to a point on the westerly line of Walnut Street; thence

Along the westerly line of Walnut Street, south 04 degrees - 12 minutes - 48 seconds east, a distance of 261.82 feet to a point of curvature; thence
 Along a curve to the right having a radius of 17.00 feet, a central angle of 93 degrees - 17 minutes - 28 seconds, an arc length of 27.68 feet, a chord bearing of south 42 degrees - 25 minutes - 56 seconds west, a chord length of 24.72 feet to the point and place of beginning.

Containing 123,765 square feet, or 2.84 acres, more or less.

Public Hearing Closed; Land Use Approved Withdrawal Without Prejudice 6-0 (Lipof not Voting)

#179-16

MARK NEWTONVILLE, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use development in excess of 20,000 square feet consisting of three interconnected buildings with building heights not exceeding 60 feet and five stories, total gross floor area not exceeding 235,000 square feet incorporating not more than 163 residential units, not exceeding 45,000 square feet of commercial space, not exceeding 2,500 square feet of community space, not less than 350 onsite parking stalls outside at grade or within a below-grade garage, and related site improvements; to authorize uses including retail of more than 5,000 square feet, personal service of more than 5,000 square feet, restaurants over 50 seats, standalone ATMs, health club establishments at or above ground floor, animal service, and street level office; to allow FAR of not more than 1.90, lot area per dwelling unit of approximately 775 square feet, reduction of the overall non-residential parking requirement by 1/3, 1.25 parking stalls per residential unit, and free standing signs; to grant waivers of not more than 97 parking stalls and of the height setback and facade transparency and entrance requirements; to grant waivers of certain parking facility design standards including dimensional requirements for parking stalls, parking stall setback requirements, entrance and exit driveways, interior landscaping, interior planting area, tree plantings, bumper overhang, lighting of one foot candle, curbing and surfacing, wheel stops, guard rails, bollards, and maneuvering space for end stalls; and to grant waivers as to number, size, location, and height of signs and number of required loading bays, at 22 Washington Terrace, 16-18 Washington Terrace, 10-12 Washington Terrace, 6-8 Washington Terrace, 875 Washington Street, 869 Washington Street, 867 Washington Street, 861-865 Washington Street, 857-859 Washington Street, 845-855 Washington Street, 245-261 Walnut Street (a/k/a 835-843 Washington Street), 241 Walnut Street, 22 Bailey Place, 14-18 Bailey Place, and an unnumbered lot on Bailey Place, also identified as Section 21, Block 29, Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 19A, 20, 21, 22, and 23, containing approximately 2.84 acres of land in a proposed Mixed Use 4 District. Ref.: Sections 4.2.2.A.2; 4.2.2.B.1; 4.2.3; 4.2.5.A.2; 4.2.5.A.3; 4.2.5.A.4; 4.2.5.A.4.c; 4.2.5.A.6; 4.2.5.A.6a; 4.2.5.A.6.b; 4.4.1; 5.1.4.A; 5.1.4.C; 5.1.8.A; 5.1.8.A.2; 5.1.8.B; 5.1.8.B.1; 5.1.8.B.2; 5.1.8.B.6; 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; 5.1.10.B.3; 5.1.10.B.5; 5.1.12; 5.1.13; 5.2.13; 5.2.13.A; 7.3; and 7.4 of Chapter 30 of the City of Newton Revised Zoning Ordinances, 2015. Public Hearing Opened on June 7, 2016 and continued to July 12, September 13, October 6, 2016,

November 1, 2016, November 29, December 15, 2016, January 12, 2017, January 31, 2017 and February 7, 2017.

Public Hearing Closed; Land Use Approved Withdrawal Without Prejudice 6-0 (Lipof not Voting)

#37-17

Special Permit to extend nonconforming FAR & front setback at 8 Hazelwood Ave

JOEL AND MARGHERTIA ROBBINS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story rear addition and deck in front of the house, further extending the nonconforming front setback and nonconforming FAR to .62 where .50 is allowed and .55 exists at 8 Hazelwood Avenue, Ward 3, West Newton, on land known as SBL 44003 0030, containing approximately 4,750 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.9, 7.8.2.C.2, 3.1.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Approved 6-0-1 (Schwartz abstaining)

#39-17

Special Permit to locate a daycare center at 45-47 Bryon Road

LARISA BANKOVSKY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to terminate the residential use at the property and use it for a day care center to enroll 34 children, requiring a waiver of four parking stalls, a waiver for parking in the setback, a waiver for the parking stall dimensions, waiver for the minimum aisle width for two-way traffic, waivers for lighting requirements for parking, a waiver for the outdoor play area vegetative buffer at 45-47 Bryon Road, Ward 8, Chestnut Hill, on land known as SBL82043 0007, containing approximately 10,050 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Dover Waiver, 7.3.3, 7.4, 7.4.5, 6.3.4.3, 5.1.4.A, 5.1.13, 5.1.8.A.1, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.C.2, 5.1.10, 6.3.4.B.3.a, of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Land Use Approved 7-0

Referred to Zoning & Planning Committee

Monday, March 27, 2017

#67-17

Mayor's appointment of Mark Chudy to Newtonville Historic District Commission

MARK CHUDY, 34 Prescott Street, Newtonville, appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire May 31, 2020 (60 days 05/19/17) [03/13/17 @ 3:26PM]

Zoning & Planning Approved 8-0

#68-17

Mayor's appointment of Ralph Abele to Newtonville Historic District Commission

RALPH ABELE, 15 Page Road, Newtonville, appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire May 31, 2020 (60 days 05/19/17) [03/13/17 @ 3:26PM]

Zoning & Planning Approved 8-0

- #70-17 Mayor's appointment of Ed Zielinski to Chestnut Hill Historic District Commission**
ED ZIELINSKI, 128 Gibbs Street, Newton Centre, appointed as an alternate member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire May 31, 2020. (60 days 05/19/17) [03/13/17 @ 3:26PM]
Zoning & Planning Approved 8-0

Referred to Programs & Services Committee

Wednesday, March 22, 2017

- #45-17 Resolution to commemorate Newton residents in World War I**
COUNCILOR YATES proposing a Resolution to urge all relevant City agencies to commemorate the participation of Newton residents in World War I, honor their courage, idealism and suffering, and learn from the consequences of the war. [02/27/17 @ 2:15PM]
Programs & Services Approved as amended 8-0

Referred to Public Facilities Committee

Wednesday, March 22, 2017

- #47-17 Petition for grant of location at Washington Street**
EVERSOURCE ENERGY petition for a grant of location to install ± 673 feet of conduit in WASHINGTON STREET from Manhole #3383 approximately 43' south of Walnut Street. [(Ward 2) 01/26/16 @ 12:31 PM]
Public Facilities Approved Subject to Second Call 6-0-1 (Laredo abstaining)
Motion to Suspend the Rules to allow the Chair of Public Facilities to Poll Her Committee was Approved by Voice Vote
Public Facilities Approved on First Call 8-0

Clerk's Note:

- #48-17 Petition for grant of location at Washington Street**
EVERSOURCE ENERGY petition for a grant of location to install one hip guy at pole #447/94 approximately 180'± east of Lowell Avenue [(Ward 2) 01/26/16 @ 12:31 PM]
Public Facilities Approved 7-0

Referred to Public Facilities and Finance Committees

#76-17

Appropriate \$1 million for snow and ice removal expenses

HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one million dollars dollars (\$1,000,000) from Free Cash to supplement the Department of Public Works' snow and ice operations budget.

Personnel Costs – Overtime

(0140110-513001)..... \$250,000

Rental Vehicles

(0140110-5273-5273) \$750,000

[03/13/17 @ 4:39 PM]

Public Facilities Approved 7-0

Referred to Real Property Reuse Committee

Tuesday, March 21, 2017

#360-16

Reuse of the Stanton Avenue water tower site

DIRECTOR OF PLANNING& DEVELOPMENT submitting on October 7, 2016 a letter stating that the water tower site located at Stanton Avenue declared surplus by the COMMISSIONER OF PUBLIC WORKS on September 15, 2016, should be declared unnecessary for municipal purposes pursuant to Ordinance Section 2-7. [10/10/16 @ 10:48 PM]

Real Property Reuse Approved 6-0

Motion to Suspend the Rules to Allow the Finance Committee to report the following item, which was taken up earlier in the evening, without a written report, was Approved by Voice Vote.

Referred to Public Facilities and Finance Committees

#76-17

Appropriate \$1 million for snow and ice removal expenses

HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one million dollars dollars (\$1,000,000) from Free Cash to supplement the Department of Public Works' snow and ice operations budget.

Personnel Costs – Overtime

(0140110-513001)..... \$250,000

Rental Vehicles

(0140110-5273-5273) \$750,000

[03/13/17 @ 4:39 PM]

Public Facilities Approved 7-0 on 03/22/17

Finance Approved 8-0 on 04-03-17

Public Hearings were assigned for the following Docket Items:***Public Hearing assigned for May 9, 2017***

#80-17 **Special Permit to allow six-unit multi-family with accessory parking at 39 Herrick Road**
HERRICK ROAD REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct three-story, six unit, multi-family dwelling in excess of 24' with ground floor residential use, allow a reduction to 1.25 parking stalls per unit, allow parking in the side setback, allow a reduced minimum aisle width, allow reduced minimum entrance and exit drive width, allow off street parking on a separate lot, waive perimeter screening requirements, waive lighting and surfacing requirements at 39 Herrick Road, Ward 6, on land known as SBL 61035 0007, containing approximately 12,979 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: 7.3.3, 7.4, 4.4.1, 4.1.2.B.3, 5.1.4, 5.1.13, 5.1.8.A, 5.1.8.C.2, 5.1.8.D.1, 5.1.9.A, 5.1.10 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public hearing assigned for April 27, 2017

#83-17 **Lighttower petition for grant of location in Chestnut Street**
LIGHTTOWER FIBER NETWORKS petition for a grant of location to install approximately 100'± of conduit in CHESTNUT STREET from Pole # 85/92 northerly to Pole #85/93 at the corner of Collins Road to provide fiber optic service. [(Ward 5) 03/24/2017 @ 9:14 AM]

Public hearing assigned for April 27, 2017

#84-17 **National Grid petition for grant of location in Maynard Street**
NATIONAL GRID petitioning for a grant of location to install and maintain 350'± of 4" gas main in MAYNARD STREET from the existing main at Emmons Street in an easterly direction, ending at #36 Maynard Street for new service. [(Ward 3) 03/16/2017 @ 11:22 AM]

Public hearing assigned for April 27, 2017

#85-17 **National Grid petition for grant of location in Adams Street**
NATIONAL GRID petitioning for grants of location at the following locations:

- Install and maintain 1450 '± 8" gas main in ADAMS STREET from 168 Adams Street southeasterly to an existing 8" gas main at Wiltshire Road; (this includes the horizontal gas mains in Adams Street to the private ways); and
- Install and maintain 230'± of 4" gas main in JONES COURT from the proposed 8" gas main in Adams Street to the end of Jones Court. (Ward 1) [03/16/2017 @ 11:22 AM]

Public hearing assigned for May 8, 2017

#360-16(2) **Zoning amendment to rezone 160 R Stanton Avenue**
DIRECTOR OF PLANNING AND DEVELOPMENT requesting to rezone land known as Section 43, Block 45, Lot 33 located at 160 R Stanton Avenue from PUBLIC USE to MULTI

RESIDENCE 3 in order to prepare the site for multi-family affordable housing development. [03/23/17 @ 11:44 AM]

DRAFT