



City Council Actions

In City Council

Monday, September 18, 2017

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

Absent: Councilors Fuller & Rice

The City Council discussed the following items on Second Call:

- #183-17** **Special Permit to increase nonconforming FAR and setback at 11 Fairview Street**
ELIAS AND SONYA TEMBELOPOUSLOS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story addition and porch to the rear and side of the house and rebuild the existing front porch, continuing the non-conforming front setback and increasing the FAR from .54 to .64 where .48 is allowed at 11 Fairview Street, Ward 1, on land known as Section 71 Block 21 Lot 09, containing approximately 6,565 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 the City of Newton Rev Zoning Ord, 2015.
Public Hearing Closed and Land Use Approved Subject to Second Call 7-0-1 (Auchincloss abstaining) on August 8, 2017
A motion made during the August 14, 2017 City Council meeting to poll the Land Use Committee to change the approval vote to hold was approved
The Land Use Committee Held 6-0 on August 14, 2017
A motion made during the September 5, 2017 City Council meeting to poll the Land Use Committee to change the vote from Held to Approved was approved
Land Use Approved 7-0 on September 5, 2017

Item Postponed to a Date Certain of September 18, 2017
APPROVED 22 YEAS, 2 ABSENT (Councilors Fuller & Rice)

Clerk's Note:

Referred to Programs & Services Committee

- #138-17(2)** **Request to place question of new Charter on the November ballot**
CITY CLERK requesting the City Council, as required by MGL 43B, Section 11, order the Newton Charter Commission's proposed new charter to be submitted to the voters of

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

the City of Newton for their approval on the November 7, 2017 municipal ballot. The ballot question to read: "Shall the City of Newton approve the new home rule charter recommended by the Charter Commission as summarized below: Yes. No." [06/14/17 @ 2:42PM]

Programs & Services Approved 7-0

APPROVED 22 YEAS, 2 ABSENT (Councilors Fuller & Rice)

Clerk's Note:

Referred to Public Facilities Committee

#251-17 Eversource petition for grant of location in Hammond Street

EVERSOURCE ENERGY petition for a grant of location to install 45'± of conduit from existing manhole 10776 in a southeasterly direction to upgrade the existing service at house #413 Hammond Street. [(Ward 7) 08/01/17 @ 10:43 AM]

Public Facilities Approved 7-0

VOICE VOTE APPROVES (1 NAY-COUNCILOR COTE)

Clerk's Note:

Referred to Land Use Committee

#201-17 Special Permit to construct three-story building at 386-394 Watertown Street

JLM REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a three-story building, up to 36' high, allow an FAR of 1.5, waivers to allow parking in the side setback, waiver to allow parking within 5' of a building or structure containing dwelling units, waivers to allow a reduction in the parking requirement to 1.25 per dwelling unit, relief from parking facility landscaping, and a waivers to the lot area per unit in a multifamily dwelling by 25% to allow for an affordable unit at 386-394 Watertown Street, Ward 1, Newton, on land known as Section 14, Block 14, Lots 37-38, containing approximately 9,542 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Ref: 7.3, 7.4, 4.1.2.B.3, 4.1.3.3, 5.1.4, 5.1.8, 5.1.8.A.2, 5.1.13, 5.1.9, 5.1.1.13, 5.11, 5.11.15.A of the City of Newton Rev Zoning Ord, 2015.

Land Use Approved Subject to Second Call 6-0; Public Hearing Closed 09/07/2017

MOTION TO POSTPONE TO A DATE CERTAIN OF OCTOBER 2, 2017 APPROVED BY VOICE VOTE

Clerk's Note:

Referred to Finance Committee

#220-17

Transfer \$6,400 from Budget Reserve to mail Charter Commission Report

HIS HONOR THE MAYOR requesting authorization to transfer the sum of six thousand four hundred dollars (\$6,400) from Budget Reserve to supplement funds previously appropriated to the Charter Commission in order to distribute a printed copy of the Charter Commission's final report to all voter households, as required by Massachusetts state law. [07/06/17 @ 9:03 AM]

Finance Approval Failed to Carry 1-5-1 (Norton, Brousal-Glaser, Rice, Blazar, Lappin opposed; Gentile abstaining)

Motion to substitute Approval for the Finance Committee's Vote of Approval Failed to Carry failed to Carry 14 Nays, 8 Yeas (Councilors Albright, Auchincloss, Baker, Crossley, Hess-Mahan, Laredo, Leary, Schwartz), 2 Absent (Councilors Fuller & Rice)

MOTION TO ACCEPT THE FINANCE COMMITTEES VOTE OF APPROVAL FAILED TO CARRY WAS APPROVED 14 YEAS, 8 NAYS (Councilors Albright, Auchincloss, Baker, Crossley, Hess-Mahan, Laredo, Leary, Schwartz), 2 ABSENT (Councilors Fuller & Rice)

Clerk's Note:

The City Council voted without discussion 22 Yeas, 2 Absent (Councilors Fuller & Rice) to take the following actions:

Referred to Land Use Committee

Thursday, September 7, 2017

#232-17

Class 1 Auto Dealer License

FLAHERTY EQUIPMENT SALES CORPORATION

846 Walnut Street

Newton Centre 02459

Land Use Approved 6-0

#233-17

Class 2 Auto Dealer License

CITY OF NEWTON

1000 Commonwealth Avenue

Newton Centre 02459

Land Use Approved 6-0

Referred to Land Use and Finance Committees

#221-17

\$977,000 for CAN-DO to create 8-units of affordable housing 236 Auburn Street

COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of three hundred thousand dollars (\$300,000) for historic rehabilitation and six hundred seventy-seven thousand seven hundred dollars (\$677,700) for affordable housing for a total of

nine hundred seventy-seven thousand dollars (\$977,000) from the Community Preservation Fund, to the Planning & Development in Newton (CAN-DO), to create 8 units of permanently affordable rental housing at 236 Auburn Street, Auburndale, including 5 units in a congregate home to be owned and operated by the Barry L. Price Rehabilitation Center, as described in CAN-DO's proposal submitted to the Community Preservation Committee in May 2017. [06/19/17 @ 5:19 PM]

Finance Held 7-0

Land Use Approved 6-0

#222-17

Special Permit to extend non-conforming two-family dwelling at 170-172 Sumner St
SU YAHG AND ZHENG YU petition for **SPECIAL PERMIT/SITE PLAN APPROVAL** to construct a three-story rear addition, further increasing the non-conforming three-story dwelling where 2.5 is the maximum allowed by right at 170-172 SUMNER STREET, Ward 6, Newton Centre, on land known as Section 61 Block 27 Lot 08A, containing approximately 12,023 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3, 7.4, 3.2.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

Land Use Approved 6-0; Public Hearing Closed 09/07/2017

Referred to Programs & Services Committee

Wednesday, September 6, 2017

#275-17

Request to increase membership of Board of Library Trustees

HIS HONOR THE MAYOR requesting an amendment to Section 16-1 to increase the membership of the board of Library Trustees from 5-7 members. [08/28/17 @ 4:47 PM]

Programs & Services Approved 6-0 (Schwartz and Sangiolo not voting)

#208-17

Proposal to place a nonbinding advisory question on the ballot

PETER HARRINGTON, ET AL., requesting that the following non-binding question be placed on the November 7, 2017 municipal ballot: "Do you support rezoning village centers to allow four- and five-story mixed-use buildings near public transit with retail on the first floor and apartments above, as the City is recommending to update Newton's Zoning Ordinance for future growth?" [07/03/17 @ 2:59 PM]

Programs & Services voted No Action Necessary 7-0 (Sangiolo not voting)

#137-17

Citizens Petition to discuss and repeal Welcoming City ordinance

SANDE YOUNG ET AL. requesting discussion and to repeal Ordinance A-102, the Welcoming City ordinance, or put the ordinance before the voters in the next municipal election. [04/28/17 @ 11:57 AM]

Hearing Closed; Programs & Services voted No Action Necessary 7-0 (Auchincloss not voting)

Referred to Public Facilities Committee

Wednesday, September 6, 2017

- #278-17** **Mayor's appointment of Brita Lundberg to the Solid Waste Commission**
BRITA LUNDBERG, 5 Oakwood Terrace, Newton, appointed as a member of the SOLID WASTE COMMISSION for a term to expire September 30, 2020. (60 DAYS 11/4/17) [08/09/17 @ 11:18 AM]
Public Facilities Approved 6-0 (Gentile not Voting)
- #249-17** **Comcast petition for a Grant of Location on Maple Avenue**
COMCAST petitioning for a grant of location to install 156'± of 1-4" conduit from existing vault at the corner of Church Street to existing vault in front of 25 Maple Avenue.(Ward 1) [08/03/2017 @ 9:15 AM]
Public Facilities Approved 7-0
- #250-17** **Comcast petition for a Grant of Location on Mount Ida Street**
COMCAST petitioning for a grant of location to install 216'± of 1-4" conduit from existing vault near 8-14 Mount Ida Street to pole#24-3 located at the corner of Newtonville Avenue.(Ward 1) [08/03/2017 @ 8:55 AM]
Public Facilities Approved 7-0
- #196-17** **Petition for Drain Extension in Park Avenue**
ADAM KESSLER, 94 Park Avenue, petitioning for a main drain extension in PARK AVENUE from the existing main drain at Cotton Street 155' ± in a southeasterly direction to a proposed manhole located in front of 94 Park Avenue. (Ward 7) [06/07/17 @ 12:15 PM]
PETITIONER TO PAY ENTIRE COST
Public Facilities Approved 7-0
- #248-17** **Petition for Drain Extension in Suffolk Road**
MARK DOLINS, 37 Suffolk Road, petitioning for a main drain extension in SUFFOLK ROAD from an existing drain in Suffolk Road 160'± in a northwesterly direction to a proposed drain manhole located in front of 46 Suffolk Road. (Ward 7) [07/18/17 @ 10:20 AM]
PETITIONER TO PAY ENTIRE COST
Public Facilities Approved 6-0 (Laredo not Voting)

Referred to Finance Committee

Monday, September 11, 2017

- #218-17** **Acceptance and expenditure of the Assistance to Firefighters' Grant**
HIS HONOR THE MAYOR requesting authorization to accept and expend the Assistance to Firefighters' grant, which is a 90/10 reimbursable grant in the amount of seventy-six

thousand ninety-one dollars (\$76,091) for the purchase of Personal Safety/Bailout systems. [07/03/17 @ 12:28 PM]

Finance Approved 7-0

#219-17 Acceptance and expenditure of the Green Communities Grant

HIS HONOR THE MAYOR requesting authorization to accept and expend the Green Communities Grant in the amount of one hundred ninety-six thousand one hundred fifty-seven dollars (\$196,157) for energy efficiency improvements to the Franklin, Underwood, Williams, and Memorial Spaulding Elementary Schools. [07/03/17 @ 12:28 PM]

Finance Approved 7-0

#258-17 Acceptance of a grant from Mass DOT for Complete Streets Program

HIS HONOR THE MAYOR requesting authorization to accept and expend a grant of up to one hundred forty seven thousand five hundred dollars (\$147,500) from the Massachusetts Department of Transportation offered as part of their Complete Streets Program. [08-07-17 @ 2:23 PM]

Finance Approved 7-0

#257-17 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: [08-07-17 @ 2:23 PM]

Address	Owner Name	Book/Page	Sec/Block/Lot	Total Cost
193 Ward Street	OCONNOR PETER ALBERT & OCONNOR SARA VICTORIA	66267/302	73038 0015	\$3,187.50
1445 Commonwealth Ave	BC EAGLES 79 TRUST, OROURKE STACEY S TR	56555/507	32033 0009	\$6,312.50
2 Newbury Terrace	KAUFMAN HOWARD & BOGUSLAW JANET	28587/246	62006 0003	\$2,372.50
69 SouthGate Park	BENES RICHARD H & SUSAN J	28704/327	33031 0018	\$2,307.50

77 FairOaks Ave	FAIR OAKS AVE 77 RLTY TRST, FREEDMAN DONALD N TR	59923/267	21019 0023	\$3,550.00
				\$17,730.00

Finance Approved 7-0

#260-17 **5-year contract for ambulance services**
HIS HONOR THE MAYOR requesting authorization to enter into an up to 5-year contract for ambulance services. [08-07-17 @ 2:23 PM]
Finance Approved 7-0

#255-17 **Mayor’s re-appointment of Rosemary Larking to the Taxation Aid Committee**
ROSEMARY LARKING, 1600 Washington Street, West Newton re-appointed as a member of the NEWTON TAXATION AID COMMITTEE for a term of office to expire April 30, 2018 (60 days 10/13/17) [07/28/17 @ 10:54 AM]
Finance Approved 6-0 (Lappin not voting)

#256-17 **Mayor’s re-appointment of Doris F. Breay as Cousens Fund Trustee**
DORIS F. BREAY, 19 Blake Street, Newton, re-appointed as a Trustee of the Horace Cousens Industrial Fund for a term to expire June 1, 2020. (60 days 10/13/17) [07/12/17 @ 2:25 PM]
Finance Approved 6-0 (Lappin not voting)

Referred to Land Use and Finance Committees

#221-17 **\$977,000 for CAN-DO to create 8-units of affordable housing at 236 Auburn Street**
COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of three hundred thousand dollars (\$300,000) for historic rehabilitation and six hundred seventy-seven thousand seven hundred dollars (\$677,700) for affordable housing for a total of nine hundred seventy-seven thousand dollars (\$977,000) from the Community Preservation Fund, to the Planning & Development in Newton (CAN-DO), to create 8 units of permanently affordable rental housing at 236 Auburn Street, Auburndale, including 5 units in a congregate home to be owned and operated by the Barry L. Price Rehabilitation Center, as described in CAN-DO’s proposal submitted to the Community Preservation Committee in May 2017. [06/19/17 @ 5:19 PM]
Land Use Approved 6-0 on 09/07/17
Finance Approved 6-0 (Lappin not voting)
Motion to Suspend the Rules to allow the Chair of the Finance Committee to Poll his Committee was Approved by Voice Vote
Finance Held 7-0

Motion made by the Chair of the Zoning & Planning Committee to refer the following docket item previously referred to only the Zoning & Planning Committee also to the Public Safety & Transportation and Finance Committees was Approved by Voice Vote

#140-14 (2) Amend ordinances to add licensing requirements and criteria for lodging houses
ZONING & PLANNING COMMITTEE requesting to amend Chapter 17, City of Newton Ordinances, to establish licensing requirements and criteria for lodging houses.

Public Hearings were assigned for the following Docket Items:

Public Hearing assigned for October 3, 2017

#283-17 Special Permit Petition to increase nonconforming FAR at 715 Commonwealth Ave
DAVID BORUCHOFF petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct three additions including a mudroom, a second floor addition over an existing porch and extension of a kitchen, further extending the nonconforming FAR from .40 to .44 where .39 is allowed at 715 Commonwealth Avenue, Ward 2, on land known as Section 13, Block 33, Lot 08, containing approximately 9,105 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9, 3.1.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for October 24, 2017

#223-17 Special Permit to amend Board Order #64-02 to allow for a garage at 1080 Walnut St
MICHAEL E. LIU petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order#64-02 to allow for the construction of a detached garage at 1080 WALNUT STREET, Ward 6, Newton Highlands, on land known as Section 52 Block 20 Lot 8, containing approximately 21,331 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for October 24, 2017

#282-17 Special Permit to exceed FAR at 45 Chester Street
JEFFREY AND JUSTINE COHEN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing detached garage structure and rear portion of the dwelling and replace it with a two-car attached garage, mudroom, living space and a rear pool, creating an FAR of .37 where .21 exists and .33 is allowed at 45 Chester Street, Ward 6, Newton Highlands, on land known as Section 52, Lot 03 Block 08, containing approximately 19,800 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 3.1.9 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for October 24, 2017

#49-16(2) Petition to amend Board Order #49-16 at 103 Court Street (including 15 Wilton Road)
ALAN AND BARBARA QUEBEC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #49-16 to allow for changes to the site plan at 103 Court Street, Ward 2, on land known as Section 23, Block 16, Lots 36 and 36A containing

approximately 22,848 sq. ft. of land in a district zoned MR1. Ref: 7.3.3, 7.4, of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for October 24, 2017

#132-14(2) Special Permit Petition to amend Board Order #132-14 at 49 Winchester Street

THE CREATIVE KIDS STUDIO, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #132-14 to allow parking within the front setback and waive the requirement for outdoor play area screening at 49 Winchester Street, Ward 8, on land known as Section 51, Block 28, Lot 30, containing approximately 79,500 sq. ft. of land in a district zoned MULTI USE 1. Ref: Sec. 7.3.3, 7.4, 5.1.8.A.1, 7.8.2.C.2, 6.3.4.B.3 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for October 24, 2017

#284-17 Request to Rezone three parcels on Langley Road

LANGLEY MONTROSE LLC AND LANGLEY FARLOW LLC petition for a change of zone to MR-3 for land located at 392-396 Langley Road(MR-2; Parcel 1), 400 Langley Road (MR-2; Parcel 2), and 402-404 Langley Road (BU-1; Parcel 3), also identified as Section 65, Block 010, Lots 001, 008, 030.

Public Hearing assigned for October 24, 2017

#285-17 Special Permit to allow multi-family on Langley Road

LANGLEY MONTROSE LLC AND LANGLEY FARLOW LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to develop 20,000+ sq. ft. of gross square area by razing the existing two-family at 400 Langley and constructing a three-story, 20-unit multi-family apartment building, legitimize a nonconforming deck and setback at 402-404 Langley Road, a reduction of parking to 1.25 stalls per unit or 83 stalls, parking in the side setback, a waiver of dimensional requirements for parking, a waiver for requirements for end stalls, a waiver for the minimum aisle width, a waiver of perimeter screening and interior landscaping requirements, a waiver for lighting and surfacing requirements and a waiver to allow multi-family dwellings in the MR-3 zone, at 392-396, 400, 402-404 Langley Road, Ward 6, containing approximately 79,636 sq. ft. of land in a district zoned MR-2 and BU-1. 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.

Public Hearing assigned for October 2, 2017

#301-17 Verizon petition for grant of location on Carlson Avenue

VERIZON petition for a grant of location to relocate JO pole #T-1105-1 to the northwesterly side of Carlson Avenue approximately 113'± southwesterly to Dedham Street. [(Ward 8) 09/01/2017 @3:02 PM]

Public Hearing assigned for October 4, 2017

#302-17 Verizon petition for grant of location Windsor Road

VERIZON petition for a grant of location to install one new Pole (P.469/20S) on the northerly side of Windsor Road 500'± from Kent Road, to remove a guy wire from a tree. [(Ward 5) 09/11/2017 @11:30 PM]

The City Council voted without discussion 21 Yeas, 1 Recused (Councolor Laredo), 2 Absent (Councilors Fuller & Rice) to take the following actions:

- #225-17 Special Permit to continue non-conforming setback at 155 Monadnock Road**
DANIEL AND ALISON JAFFE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to replace the existing non-conforming detached garage with an expanded, connected garage, continuing the non-conforming front setback of 11.4' where 25' is required at 155 MONADNOCK ROAD, Ward 7, Chestnut Hill, on land known as Section 61, Block 17, Lot 01, containing approximately 29,100 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3, 7.4, 3.1.4, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.
Land Use Approved 5-0 (Laredo Recused); Public Hearing Closed 09/07/2017
- #230-17 Special Permit to extend non-conforming side setback at 191 Grant Avenue**
LAUREN AND DAVID GANSLER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second story addition over an existing sunroom on the side of the house, extending the non-conforming side setback at 191 GRANT AVENUE, Ward 6, Newton Centre, on land known as Section 61, block 29, Lot 14, containing approximately 6,044 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4, 3.1.4, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.
Land Use Approved 4-0-1 (Schwartz abstaining, Laredo Recused); Public Hearing Closed 09/07/2017