



## City Council Actions

### In City Council

**Monday, December 4, 2017**

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

**Absent:** Councilor Lennon

**The City Council discussed the following items on Second Call:**

#### **Referred to Programs & Services and Zoning & Planning Committees**

**#276-17**

##### **Ordinance amendments to allow food trucks**

THE ECONOMIC DEVELOPMENT COMMITTEE, COUNCILORS FULLER, HESS-MAHAN, KALIS, LENNON, LIPOF, NORTON, AND SANGIOLO requesting to amend Chapter 17, Sections 17-46 through 17-50 to allow Food Trucks to locate and operate on public streets in Newton subject to licensing by the Health Department and to location permitting requirements, initially restricted to Wells Avenue; to introduce new rules applicable to all Food Trucks operating in the City; and requesting to amend Chapter 30 to allow Food Trucks in the Public Use District subject to the same restrictions and requirements. [08/24/17 @ 4:17 PM]

**Programs & Services Approved 5-0-1**

**Zoning & Planning Approved 7-0; Public Hearing Closed 11/13/17**

**Item postponed to a date certain of 12/04/2017**

**Approved 23 Yeas, 1 Absent (Councilor Lennon)**

**Clerk's Note:**

#### **Referred to Land Use Committee**

**#228-17**

##### **Special Permit to extend non-conforming use at 69-71 Cherry Street**

CAPPADONA CHERRY GROUP, LLC/ROSSANA CAMPOS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to legalize third unit and non-compliant lot area per unit in the existing non-conforming two-family at 69-71 CHERRY STREET, Ward 3, West Newton, on land known as Section 34, Block 42, Lot 15, containing approximately 23,511 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3, 7.4, 3.4.1, 7.8.2.C.2, 3.1.3 of the City of Newton Rev Zoning Ord, 2015.

**Land Use Approved 6-0 (Harney not Voting); Public Hearing Closed 11/14/2017**

**Approved 21 Yeas, 2 Nays (Councilors Baker, and Sangiolo), 1 Absent (Councilor Lennon)**

Clerk's Note:

**Referred to Real Property Reuse**

#92-16

**Amendments to the Real Property Reuse Ordinance**

COUNCILORS ALBRIGHT AND KALIS requesting amendments to Chapter 2, Section 7. Sale or lease of city owned real property, of the City of Newton Revised Ordinance, 2012 (The Real Property Reuse Ordinance) to clarify how properties are classified in regards to purpose, use, and ownership; the procedure to handle reused properties; and to address any other changes that might be needed. [02/17/16 @ 12:04 PM]

**Real Property Reuse Approved 7-0**

**Approved 23 Yeas, 1 Absent (Councilor Lennon)**

Clerk's Note:

**Referred to Programs & Services Committee**

#313-17

**Amendment to City Charter to change the composition of the City Council**

COUNCILORS BROUSAL-GLASER, BLAZAR, CICCONE, COTE, DANBERG, HARNEY, KALIS, LAPPIN, LAREDO, LIPOF, NORTON, RICE, SANGIOLO AND SCHWARTZ requesting that if the Charter Commission proposal is not approved by voters on November 7, 2017, the City Council seek Home Rule Legislation to amend the City Charter to change the composition of the City Council from 16 Councilors-at-Large and 8 Ward Councilors, to 8 **Programs & Services Approved 5-2-1 (Leary and Hess-Mahan opposed; Auchincloss abstaining)**

**Item postponed to a date certain of 12/04/2017**

**Approved 17 Yeas, 6 Nays (Councilors Albright, Crossley, Fuller, Gentile, Hess-Mahan, and Leary), 1 Absent (Councilor Lennon)**

Clerk's Note:

**The City Council voted without discussion 23 Yeas, 1 Absent (Councilor Lennon) to take the following actions:**

**Referred to Land Use Committee**

Tuesday, November 28, 2017

- #147-15(3) Request for an Extension of Time to exercise Special Permit #147-15**  
BSL NEWTON DEVELOPMENT LLC request for an EXTENSION of TIME in which to EXERCISE special permit #147-15, granted on December 8, 2015 to rehabilitate Farwell Hall, construct an addition and grant a parking waiver and associated relief from parking lot requirements at 157 Herrick Road, Ward 6, Newton Centre, said EXTENSION will run from December 8, 2017 to December 8, 2018. Ref: 7.4.5.D, of the City of Newton Rev Zoning Ord, 2015.  
**Land Use Committee Approved 5-0 (Lipof, Harney not Voting)**
- #133-17 Request to Rezone five parcels at Northland Site**  
NORTHLAND OAK STREET, LLC/NORTHLAND TOWER ROAD INVESTORS, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone five parcels at: 156 Oak Street (Parcel 1), 55 Tower Road (Parcel 2), 275-281 Needham Street (Parcel 3), 260 Needham Street (Parcel 4), 160 Charlemont Street (Parcel 5) to BU4 from MU1.  
**Land Use Committee voted No Action Necessary 6-0 (Harney not Voting)**
- #134-17 Special Permit to allow non-accessory parking at Northland Site**  
NORTHLAND OAK STREET, LLC/NORTHLAND TOWER ROAD INVESTORS, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to develop off-site, non-accessory, single-level parking on the parcel at 55 Tower Road (Parcel 2) to serve the existing office building at 156 Oak Street (Parcel 1), requiring a waiver of 84 parking stalls, a waiver to allow non-accessory parking on a lot separate from the principal use, waivers to allow parking within setbacks, waivers to dimensional requirements for parking stalls, waivers to the maximum width for entrance and exit drives, waivers for perimeter screening requirements for parking facilities, a waiver to interior landscaping requirements for parking facilities, waivers to lighting requirements for parking facilities, and waivers to the requirement for curbing, wheel stops, guard rails, and bollards at 156 Oak Street and 55 Tower Road, Ward 5, on land known as Section 5 Block 51 Lot 0005 containing approximately 237,832 sq. ft. and Section 5 Block 28 and Lot 0005A containing approximately 483,583 sq. ft. of land in a district zoned MU1. Ref: 7.3.3, 7.4, 5.1.4, 5.1.13, 5.1.6.A, 5.1.6.B, 4.4.1, 5.1.8.A.1, 5.1.8.B, 5.1.8.D.2, 5.1.9.A, 5.1.9.B, 5.1.10.A.1, 5.1.10.B.5 of the City of Newton Rev Zoning Ord, 2015.  
**Land Use Committee Approved Withdrawal Without Prejudice 6-0 (Harney not Voting)**
- #304-17 Special Permit Petition to allow single-family dwelling in MR-1 at 336 Newtonville Ave**  
DONALD AND LINDA STANTON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to relocate an existing dwelling, add a unit to the rear of the dwelling and construct two additional single-family attached dwellings in an MR-1 district, requiring a special permit at 336 Newtonville Avenue, Ward 2, Newtonville, on land known as Section 22, Block 07, Lot 19, containing approximately 29,896 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1 of the City of Newton Rev Zoning Ord, 2015.  
**Land Use Approved 4-1-2 (Auchincloss Opposed, Schwartz, Laredo abstaining) Public Hearing Closed 11/28/2017**

**Motion to suspend the Rules to allow the Chair of the Land Use to Poll his Committee to hold this item in Committee was approved**

**Land Use Held 7-0**

**Clerk's Note:** The Chair noted that has some changes that they wanted to have considered and so it was best that the Land Use Committee continue to discuss this item. He asked that the Committee change its vote to hold the item in committee. He polled his committee and all were in favor of changing the vote to hold.

**#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.

**Land Use Approved 6-0 (Schwartz not Voting); Public Hearing Closed 11/28/2017**

**#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.

**Land Use Approved 7-0; Public Hearing Closed 11/28/2017**

**Referred to Zoning & Planning Committee**

**Monday, November 27, 2017**

**#140-14**

**Zoning amendment for lodging house ordinance**

ALD. CROSSLEY AND HESS-MAHAN requesting to amend **Chapter 30**, City of Newton Zoning Ordinances, to include a "lodging house" ordinance to promulgate rules requiring annual fire, safety and health inspections and licensing of buildings providing single room occupancy and/or congregate living arrangements.

**Zoning & Planning Approved 7-0-1 (Baker abstaining)**

**Motion to suspend the Rules to allow the Chair of the Zoning & Planning Committee to Poll his Committee to hold this item in Committee was approved**

**Zoning & Planning Held 8-0**

**Clerk’s Note:** The Chair noted that as the Regulations that need to go along with this ordinance have not been created yet, it was best to hold this item in Committee until they were complete. He polled his committee and all were in favor of changing the vote to hold.

**Referred to Programs & Services Committee**

Monday, November 27, 2017

**Referred To Programs & Services and Finance Committees**

**#381-17**

**Transfer \$109,200 to address tree damage resulting from severe wind storms**

HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred nine thousand two hundred dollars from the Budget Reserve Snow and Ice Account to fund overtime staffing expenses and tree services incurred and anticipated because of wind storms that result in tree damage to the following accounts:

P&R Overtime (01602011-513001) .....	\$12,200
Forestry/Tree Services (01602011-5243).....	\$97,000

**Finance Approved 5-0 (Norton not voting) on 11/27/17**

**Programs & Services Approved 7-0**

**Referred to Public Safety & Transportation Committee**

Wednesday, November 29, 2017

**Referred To Public Safety & Transportation and Public Facilities Committees**

**#338-16(2)**

**Request to extend trial program for removal of snow from sidewalk**

COUNCILORS ALBRIGHT AND DANBERG requesting an amendment to City of Newton Ordinances Chapter 26 Section 8D **Trial program for removal of snow and ice from sidewalks.** by extending the expiration date of the trial from November 1, 2017 to November 1, 2019.

**Public Facilities Approved 6-0**

**Public Safety & Transportation Approved 5-0**

**Referred to Public Facilities Committee**

Wednesday, November 29, 2017

**Referred To Public Safety & Transportation and Public Facilities Committees**

- #338-16(2) **Request to extend trial program for removal of snow from sidewalk**  
COUNCILORS ALBRIGHT AND DANBERG requesting an amendment to City of Newton Ordinances Chapter 26 Section 8D **Trial program for removal of snow and ice from sidewalks.** by extending the expiration date of the trial from November 1, 2017 to November 1, 2019.  
**Public Safety & Transportation Approved 6-0 on 11/29/17**  
**Public Facilities Approved 6-0**

**Referred To Public Facilities and Finance Committees**

- #382-17 **Appropriate \$5 million from Overlay Surplus to the Accelerated Roads Program**  
HIS HONOR THE MAYOR requesting authorization to appropriate five million dollars (\$5,000,000) from the November 13, 2017 Overlay Surplus Declaration to fund the Accelerated Roads Program.  
**Finance Approved 6-0 on 11/29/17**  
**Public Facilities Approved 6-0**

- #330-17 **Verizon petition for grant of location on Bellevue Street**  
VERIZON petition for a grant of location to install one new Pole (P.13/20S) on the southerly side of Bellevue Street, 30'± southerly to existing pole (P.13/20) in front of 35 Howard Street, to remove a guy wire from a tree. [(Ward 1) 10/10/2017 @ 12:08 PM]  
**Public Facilities Voted No Action Necessary 5-0 (Danberg not Voting)**

**Referred to Finance Committee**

Monday, November 27, 2017

**Referred To Programs & Services and Finance Committees**

- #381-17 **Transfer \$109,200 to address tree damage resulting from severe wind storms**  
HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred nine thousand two hundred dollars from the Budget Reserve Snow and Ice Account to fund overtime staffing expenses and tree services incurred and anticipated because of wind storms that result in tree damage to the following accounts:

P&R Overtime	
(01602011-513001) .....	\$12,200
Forestry/Tree Services	
(01602011-5243).....	\$97,000

**Programs & Services Approved 7-0 on 11/27/17**  
**Finance Approved 5-0 (Norton not voting)**

- #350-17 **Bond authorization for \$1,507,105 for upgrading the financial software**  
HIS HONOR THE MAYOR requesting authorization to appropriate one million five hundred seven thousand one hundred five dollars (\$1,507,105) from bonded

indebtedness to upgrade the City's financial system to Tyler Technology's Munis Software. [10/30/17 @ 2:12 PM]

**Finance Approved as Amended 5-0 (Fuller not voting)**

**Referred to Programs & Services and Finance Committees**

#351-17

**Bond authorization for \$215,000 to purchase a bucket truck for the Forestry Division**

HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred fifteen thousand dollars (\$215,000) from bonded indebtedness for the purpose of purchasing a bucket truck for the Forestry Division of the Parks and Recreation Department. [10/30/17 @ 2:15 PM]

**Programs & Services Approved 3-0-1 (Sangiolo abstaining; Leary, Schwartz, Kalis not voting) on 11/08/17**

**Finance Approved 5-0 (Fuller not voting)**

**Referred to Programs & Services and Finance Committees**

#352-17

**Bond authorization for \$213,000 to renovate tennis courts at McGrath Park**

HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred thirteen thousand dollars (\$213,000) from bonded indebtedness for the purpose of renovating three tennis courts at McGrath Park. [10/30/17 @ 2:15 PM]

**Programs & Services Approved 3-0-1 (Sangiolo abstaining; Leary, Schwartz, Kalis not voting) on 11/08/17**

**Finance Approved 5-0 (Fuller not voting)**

**Referred to Programs & Services and Finance Committees**

#353-17

**Bond authorization for \$192,000 for two Parks & Recreation trash/recycling trucks**

HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred ninety two thousand dollars (\$192,000) from bonded indebtedness for the purpose of replacing the current Parks & Recreation trash truck with two F-550 6-cubic yard packers – one for trash and one for recycling. [10/30/17 @ 2:14 PM]

**Programs & Services Approved 4-0-1 (Sangiolo abstaining; Schwartz and Kalis not voting) on 11/08/17**

**Finance Approved 5-0 (Fuller not voting)**

**Referred To Public Facilities and Finance Committees**

#382-17

**Appropriate \$5 million from Overlay Surplus to the Accelerated Roads Program**

HIS HONOR THE MAYOR requesting authorization to appropriate five million dollars (\$5,000,000) from the November 13, 2017 Overlay Surplus Declaration to fund the Accelerated Roads Program.

**Public Facilities Approved 6-0 11/29/17**

**Finance Approved 6-0**

#344-17

**Accept a grant from Mass DEP to be used for the recycling program**

HIS HONOR THE MAYOR requesting authorization to accept and expend a grant from the Massachusetts Department of Environmental Protection as part of the Recycling Dividends Grant Program in the amount of forty-four thousand dollars (\$44,000) to support the City's recycling program. [10/17/17 @ 1:06 PM]

**Finance Approved 6-0**

**#379-17 Request to appropriate \$35,674 to settle a claim**

HIS HONOR THE MAYOR requesting authorization to appropriate thirty-five thousand six hundred seventy-four dollars and sixty-five cents (\$35,674.65) from the Judgments and Settlements Account to fund an indemnification award.

**Finance Approved 6-0**

**#380-17 Appropriate \$2 million from Overlay Surplus to the Rainy Day Stabilization Fund**

HIS HONOR THE MAYOR requesting authorization to appropriate two million dollars (\$2,000,000) from the November 13, 2017 Overlay Surplus Declaration to the Rainy Day Stabilization Fund.

**Finance Approved as Amended 6-0**

**#347-17 Request to transfer \$26,000 to support changes in the Comptroller's Office**

HIS HONOR THE MAYOR requesting authorization to transfer the sum of twenty-six thousand dollars (\$26,000) within the Comptroller's budget from the Staffing Reserve Account to the Full-time Salaries Account to support changes in the Comptroller's Office. [10/30/17 @ 2:13 PM]

**Approved as Amended 6-0 Subject to Second Call**

**A motion to Suspend the Rules to allow the Chair of the Finance Committee to poll his committee to allow this item to be voted on first call was Approved by Voice Vote**

**Approved as amended 7-0**

**A Motion to suspend the rules to accept and refer to committees the following late filed item was approved by Voice Vote:**

**Referred to Public Safety & Transportation and Public Facilities Committees**

**#397-17 Request for amendment to the ordinance requiring snow removal from sidewalks**

COUNCILOR DANBERG requesting that §26-8(D) of the City of Newton Rev. Ords., 2012 be amended to make the trial program for removal of snow and ice from sidewalks permanent.

**A Public Hearing was assigned for the following Docket Item:**



***Public Hearing assigned for December 6, 2017***

**#377-17**

**Petition for forced main at Rumford Avenue**

DAVID WILLIAMS, SSG DEVELOPMENT petition for a 1.5" forced main 425'+ from 143 Rumford Avenue easterly to an existing sewer manhole at the intersection of Lexington Street and Rumford Avenue.

A Commendation was offered by Councilor Rice on behalf of the City Council to Karl and John O'Hara for their support of Newton Athletes Unlimited.

A Commendation was offered by Councilor Albright to Amelia LeClair for winning a national award for her work with Capella Clasura.