



City Council Actions

In City Council

Tuesday, January 17, 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.

The City Council discussed the following items on Second Call:

Referred To Public Safety & Transportation Committee

#427-16

Accept Sec 193 & 194 of Ch 218 to establish a 25 mph speed limit on certain roadways
COUNCILORS LENNON and HESS-MAHAN requesting acceptance of Section 193 and 194 of Chapter 218 of the Acts of 2016, authorizing the City Council without further authority, to establish a speed limit of 25 miles per hour on any roadway inside a thickly settled or business district in the City on any way that is not a state highway; and to allow for the creation of designated safety zones on, at or near any way in the City which is not a state highway, with the approval of MassDOT if the same is a state highway. Such safety zones would have a posted speed limit of 20 miles per hour.
[12/5/2016 @ 9:13 AM]

Public Safety & Transportation Approved 7-0 (Cote not voting)

Motion to Postpone to a Date Certain of February 6, 2017 Approved by Voice Vote

Clerk's Note: A discussion of the item was requested, but due to the expectation that other items on second call would take a good deal of time, a Motion to Postpone was offered.

Referred to Land Use Committee

#392-16

Special Permit to amend Special Permit #416-12(3) at Modern Barre

JULIA WILLIAMSON/WALLY ZAINOUN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend special permit #416-12(3) to allow for more than 3 customers at one time, expanded hours of operation and amend the previously approved site plan at 242-244 Commonwealth Avenue, Ward 7, Chestnut Hill, on land known as SBL 61, 13, 11, containing approximately 7,452 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Approved 7-0-1 Subject to Second Call (Harney abstaining)

Motion to Suspend the Rules to allow the Chair of the Land Use Committee to Poll his Committee Approved by Voice Vote

Land use Approved 8-0

Approved 24 Yeas

Clerk's Note:

Referred to Programs and Services and Finance Committees

#31-15

Proposing an ordinance to limit leaf blower use

PROGRAMS & SERVICES COMMITTEE proposing an ordinance to limit the use of leafblowers. [01/26/15 @ 2:20 PM]

Programs & Services Approved as amended 7-0-1 (Kalis abstaining)

Finance Approved as Amended 5-0-3 (Blazar, Lappin, Norton abstaining)

Item Postponed on December 5, 2016 to Date Certain of January 17, 2017

Motion to Substitute Finance Committee Report for Programs & Services Committee Report Approved by Voice Vote

Motion to amend section 20-13(h) to include "except that one 65 dB(A) leaf blower per lot may be used during this period." Failed 16 Nays, 8 Yeas (Councilors Ciccone, Cote, Danberg, Gentile, Harney, Lipof, Yates & Lennon)Motion to amend section 20-13(h) to include "except that one 65 dB(A) electric or battery powered leaf blower per lot may be used during this period." Approved 16 Yeas, 8 Nays(Councilors Baker, Blazar, Brousal-Glaser, Hess-Mahan, Lappin, Norton, Sangiolo, Schwartz)Motion to amend section 20-13(h)(2) to include "D. Leafblowers must bear an affixed manufacturer's label documenting a noise rating of 65dbA or 77dBA. Use of 77dbA must be limited to one leafblower per lot for landscapers, and one 77dba leafblower per acre for the City of Newton and for golf courses, on a pre-approved basis. While all users must make their best efforts to only use 65dbA leafblowers, they may call the City of Newton Inspectional Services Department to register use of a 77dbA leafblower on the same day of anticipated use and provide rationale for such usage. (i.e. wet leaves, excessive cleanup required). ISD will track/log all usage of 77dbA blowers. In the event that ISD suspects over-usage, they will initially discuss with said user to remedy the situation, and, if not remedied, as defined as behavior not changed, will implement warnings and fines as per the noise ordinance, as well as report said user to the Newton police. Over-usage includes, but is not limited to, using multiple 77dba leafblowers, using a 77dbA leafblower during dry weather or using a 77 dba leafblower on 3 or more consecutive days. ISD will report, on a yearly basis, results of aforementioned tracking to the City Council." Failed 21 Nays, 3 Yeas (Councilors Ciccone, Cote & Kalis)Motion to amend Section 20-13(h)(1) to read "Saturday: 9:30 a.m. – 5:00 p.m." Failed 13 Nays, 12 Yeas (Councilors Albright, Baker, Blazar, Ciccone, Crosley, Hess-Mahan, Laredo, Leary, Norton, Sangiolo & Schwartz)

Motion to amend Section 20-13(h)(1) regarding Sundays and Legal Holidays 2nd clause to read “and except for operation of leaf blowers on contiguous lots under single ownership that total a minimum of thirty acres used for institutional or recreational purposes between 9:30 a.m. and 12:00 p.m.” Approved 24 Yeas.

Motion to amend Section 20-13(h)(2) paragraph C. to increase the noise rating from 65 dB(A) to 77 dB(A) Failed 18 Nays, 6 Yeas (Councilors Ciccone, Cote, Gentile, Harney, Lipof and Lennon)

Motion to amend Section 20-13(h)(1) by adding paragraph “E. Gas powered leafblowers shall be prohibited beginning in 2022.” Failed 17 Nays, 7 Yeas (Councilors Baker, Blazar, Ciccone, Leary, Norton, Sangiolo, Yates)

Motion to amend Section 20-13(l) by striking “For purposes of enforcing sec. 20-13 (h) pertaining to use of leaf blowers, the enforcing department may take into consideration photographs, video, or electronic depiction as evidence of a violation.” Approved 24 Yeas

Motion to amend Section 20-13(l) by adding “2. The leafblower ordinance will be reviewed and evaluated at the end of each of its first three years by the City Council Programs and Services Committee. The Programs and Services Committee will decide the nature of such evaluation, but collaborators will include, but not necessarily be limited to the Commissioner of Parks and Recreation, the Commissioner of ISD, a selection of landscapers, members of Safe & Sound, as well as other citizens. Findings and recommendation will be presented to the full City Council.” Failed 12 Yeas, 12 Nays (Councilors Auchincloss, Baker, Blazar, Brousal-Glaser, Crossley, Danberg, Fuller, Hess-Mahan, Laredo, Lipof, Norton & Schwartz)

Motion to amend Section 20-13(h) by adding “(4) No more than one leaf blower at a time may be operated on a residential lot.” Failed 20 Nays, 4 Yeas (Councilors Baker, Leary, Norton & Schwartz)

Motion to amend Section 20-12(h)(1) to change weekday start time to 8:00 am Failed 21 Nays, 3 Yeas (Councilor Baker, Leary and Norton)

Motion to Approve Item as Amended Approved 20 Yeas, 4 Nays (Councilors Cote, Gentile, Harney & Lappin)

Clerk’s Note:

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

Referred to Land Use Committee

Tuesday, January 10, 2017

#340-16

Special Permit Petition to increase nonconforming front setback at 15 Cottage Court

SEAN ELISEEV AND EVGENIA ELISEEVA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER INCREASE NONCONFORMING SETBACK AND USE by enclosing the front porch and extending a bathroom on the second floor, adding a new roofline and further extending the front setback, nonconforming residential use and number of stories at 15 Cottage Court, Ward 1, Newton, on land known as SBL 14014 0031, containing approximately 6,000 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 4.1.3, 7.8.2.C.2, 4.1.2.B.3, 7.8.2.C.2, 4.4, 6.2.2, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Approved 8-0

- # 261-16(2) Special Permit Petition to allow site and building improvements at “The Street”**
CHESTNUT HILL SHOPPING CENTER LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to ALTER A NONCONFORMING STRUCTURE to construct new buildings to allow for existing and new commercial uses including banking, office, medical office, theatre, health club, retail, restaurant and parking, to allow buildings in excess of 20,000 sq. ft., allow a building up to 60’ in height, site plan review for buildings within 300’ of a great pond, allow parking within a setback, extend Farmers Market special permit 230-14, update signage special permit 417-12, allow some parking stalls on portions of the site to be reduced size and in garage to be reduced stall depth, allow reduced parking facility lighting and grant exceptions for parking stall size and interior landscaping requirements at 1-55 Boylston Street, Ward 7, Chestnut Hill, on land known as SBL 63037 0025, 63037 0026, containing approximately 859,444 sq. ft. in a district zoned BUSINESS USE 4. Ref. 7.3.3, 7.4, 4.1.2.B.1, 4.1.2.B.2, 4.1.2.B.3, 5.6, 5.1.8, 5.1.13, 6.4.22, 5.8.2.C, 5.1.8.B, 5.1.10.A of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Approved 7-0 (Cote not Voting)

Motion to suspend the Rules to allow the Chair to Poll his Committee Approved by Voice Vote

Land Use Approved as Amended 8-0

Clerk’s Note:

- #432-16 Class 1 Auto Dealer License**
 CLAY NISSAN OF NEWTON INC.
 431 Washington Street
 Newton Corner 02458
Land Use Approved 7-0 (Cote not Voting)
- #1-17 Class 1 Auto Dealer License**
 MCGOVERN CHRYSLER JEEP DODGE RAM
 777 Washington Street
 Newton, MA. 02460

Land Use Approved 7-0 (Cote not Voting)

#433-16 **Class 1 Auto Dealer License**
VILLAGE MOTORS GROUP, INC.
d/b/a HONDA VILLAGE
371 Washington Street
Newton Corner 02458
Land Use Approved 7-0 (Cote not Voting)

#434-16 **Class 2 Auto Dealer License**
NEW ENGLAND MOTOR MART, INC.
1221-1229 Washington Street
West Newton 02465
Land Use Approved 7-0 (Cote not Voting)

#2-17 **Class 2 Auto Dealer License**
MOTORCARS OF BOSTON, INC.
1191 Washington Street
Newton, MA. 02465
Land Use Approved 7-0 (Cote not Voting)

#435-16 **Class 2 Auto Dealer License**
JACOB & ASSOCIATES
1232 Washington Street
West Newton 02465
Land Use Approved 7-0 (Cote not Voting)

#436-16 **Class 2 Auto Dealer License**
SONOMA CLASSICS LLC.
1215 Chestnut Street/145 Wells Avenue
Newton, MA 02466
Land Use Approved 7-0 (Cote not Voting)

#437-16 **Class 2 Auto Dealer License**
R.J.S. SERVICE, INC.
361 Washington Street
Newton Corner 02458
Land Use Approved 7-0 (Cote not Voting)

#408-16 **Class 2 Auto Dealer License**
SAM'S AUTO CENTER
875 Washington Street
Newtonville 02460

Land Use Approved 7-0 (Cote not Voting)

#405-16 **Class 2 Auto Dealer License**
NTC-NEWTON TRADE CENTER
103 Adams Street
Nonantum 02458

Land Use Approved 7-0 (Cote not Voting)

Referred to Zoning & Planning Committee

Monday, January 9, 2017

#53-16(2) **Zoning ordinance technical amendments**
DIRECTOR OF PLANNING requesting technical amendments to the Newton Zoning Ordinance, **Chapter 30**, in order to address edits related to missing or incorrectly transcribed ordinance provisions. [12/13/16 @ 11:15 AM]

Hearing Closed; Zoning & Planning Approved as Amended 6-0

Motion to Suspend the Rules to allow the Chair to Poll his Committee Approved by Voice Vote

Zoning & Planning Approved as further amended by withdrawing the changes requested to section 6.2.2 and 6.2.3 Approved 7-0

Clerk's Note:

#415-16 **Zoning amendment to conform with M.G.L. changes to special permit requirement**
COUNCILOR HESS-MAHAN requesting to amend Chapter 30, Section 7.3.2.E. to conform with recent amendments to M.G.L. Chapter 40A, Section 9 relative to period of time in which to exercise a special permit. [11/28/16 @ 1:28 PM]

Zoning & Planning Voted No Action Necessary 6-0

Referred to Programs & Services Committee

Wednesday, January 4, 2019

Referred to Programs & Services, Public Facilities and Finance Committees

#388-16 **Authorize the Library Trustees to apply for grant funds for library renovation**
HIS HONOR THE MAYOR requesting that the City Council authorize the Board of Library Trustees to apply for any state funds which might be able to make improvements and additions to the Newton Free Library and which will defray all or part of the cost of the design, construction and equipping of the library project; and to authorize the Library Trustees to accept and expend any such funds when received without further appropriation. [10/31/16 @ 2:05 PM]

Public Facilities voted No Action Necessary 5-0 on 01/04/17

Finance voted No Action Necessary 8-0 on 01/09/17

Programs & Services voted No Action Necessary 5-0 (Hess-Mahan not voting)

Referred to Public Facilities & Programs and Services Committees

#388-16(2) Approval of conceptual library design for grant application

NEWTON FREE LIBRARY DIRECTOR requesting approval of conceptual designs for renovation and addition to the Newton Free Library as basis for application to the Massachusetts Board of Library Commissioners for a Library Construction Grant. [12/07/2016 @ 3:20 PM]

Public Facilities voted No Action Necessary 5-0 on 01/04/17

Programs & Services voted No Action Necessary 5-0 (Hess-Mahan not voting)

Referred To Public Safety & Transportation Committee

Wednesday, January 4, 2017

Referred to Public Safety & Transportation and Public Facilities Committees

#7-17 Request for approval of intersection improvements at Harvard and Washington Sts

COMMISSIONER OF PUBLIC WORKS requesting approval of the design and installation of intersection improvements including a traffic signal and bump outs at the intersection of Harvard and Washington Street. [12/28/2016 @ 4:35 PM]

Public Facilities Approved 6-0 on 01/04/17

Public Safety & Transportation Approved 8-0

Referred to Public Facilities Committee

Wednesday, January 4, 2017

#439-16 National Grid petition for grant of location in Ruane Circle

NATIONAL GRID petitioning for a grant of location to install and maintain 175' ± of 4" main in Ruane Circle from existing 3" gas main in Ruane Road, easterly to House #12 for new gas service. [(Ward 3) 12/01/2016 @ 1:42 PM]

Public Facilities Approved 5-0 (Brousal-Glaser not Voting)

Referred to Public Safety & Transportation and Public Facilities Committees

#7-17 Request for approval of intersection improvements at Harvard and Washington St

COMMISSIONER OF PUBLIC WORKS requesting approval of the design and installation of intersection improvements including a traffic signal and bump outs at the intersection of Harvard and Washington Street. [12/28/2016 @ 4:35 PM]

Public Safety & Transportation Approved 8-0 on 01/04/2017

Public Facilities Approved 6-0

Referred to Programs & Services, Public Facilities and Finance Committees

- #388-16** **Authorize the Library Board of Trustees to apply for grant funds for library renovation**
HIS HONOR THE MAYOR requesting that the City Council authorize the Board of Library Trustees to apply for any state funds which might be able to make improvements and additions to the Newton Free Library and which will defray all or part of the cost of the design, construction and equipping of the library project; and to authorize the Library Trustees to accept and expend any such funds when received without further appropriation. [10/31/16 @ 2:05 PM]
Programs & Services Voted No Action Necessary 5-0 (Hess-Mahan not voting) 01/04/17
Finance Voted No Action Necessary 8-0 on 01/09/17
Public Facilities Voted No Action Necessary 5-0 (Lennon not Voting)

Referred to Public Facilities & Programs and Services Committees

- #388-16(2)** **Approval of conceptual library design for grant application**
NEWTON FREE LIBRARY DIRECTOR requesting approval of conceptual designs for renovation and addition to the Newton Free Library as basis for application to the Massachusetts Board of Library Commissioners for a Library Construction Grant. [12/07/2016 @ 3:20 PM]
Programs & Services Voted No Action Necessary 5-0 on 01/04/17
Public Facilities Voted No Action Necessary 5-0 (Lennon not Voting)

Referred to Finance Committee

Monday, January 9, 2017

- #445-16** **Recommendation on the appointment of the City Comptroller**
COUNCILOR GENTILE on behalf of the Comptroller's Search Committee recommending Sue Dzikowski for appointment by the City Council to succeed David Wilkinson as Comptroller of the City of Newton.
Finance Approved 8-0
- #8-17** **Temporarily increase the staff in the Comptroller's Office**
COUNCILOR GENTILE requesting authorization to temporarily increase the authorized full-time complement of Comptroller Office staff by 1 FTE. [12/27/16 @ 11:30 AM]
Finance Approved 8-0
- #9-17** **Discussion on Governor's Municipal Modernization Law**
COMPTRROLLER DAVID WILKINSON requesting a discussion with the Finance Committee regarding financial reform measures in Governor's Municipal Modernization Law. [12/16/16 @ 4:10 PM]
Finance Voted No Action Necessary 8-0

- #25-15(2) Increase Investment Advisory Committee membership**
COUNCILOR GENTILE requesting an amendment to City of Newton Ordinances Chapter 2, Section 142 to increase the Investment Advisory Committee membership to 9 by one by adding an additional member to be appointed by the President of the Council. [11-21-16 @10:32 AM]
Finance Voted No Action Necessary 8-0
- Motion to Suspend the Rules to allow the Chair to Poll his Committee Approved by Voice Vote**
- Finance Approved 8-0**

Clerk's Note:

Referred to Programs & Services, Public Facilities and Finance Committees

- #388-16 Authorize the Library Trustees to apply for grant funds for library renovation**
HIS HONOR THE MAYOR requesting that the City Council authorize the Board of Library Trustees to apply for any state funds which might be able to make improvements and additions to the Newton Free Library and which will defray all or part of the cost of the design, construction and equipping of the library project; and to authorize the Library Trustees to accept and expend any such funds when received without further appropriation. [10/31/16 @ 2:05 PM]
Programs & Services voted No Action Necessary 5-0 on 01/04/17
Public Facilities voted No Action Necessary 5-0 on 01/04/17
Finance voted No Action Necessary 8-0

A motion to accept to the Docket and refer to Committee the following late-filed item was approved by Voice Vote

Referred to Zoning & Planning Committee

- 16-17 Ord. amendment regarding Administrative Site Plan Approval**
COUNCILOR HARNEY requesting an amendment to the City of Newton Revised Ordinances Chapter 30, Sec. 7.5. Administrative Site Plan Review, to require that as part of the process, the Planning & Development Department conduct a public hearing and to extend the amount of time that the City has to review the application. [01-17-17 @ 3:35 PM]

A Public Hearing was assigned for the following Docket Item:

Public Hearing reassigned for January 26, 2017

- #431-16 Special Permit to allow three attached dwellings at 377 Langley Road**

367-377 LANGLEY ROAD LLC., petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow three attached single-family dwellings, reduce frontage requirements for attached single family dwellings, reduce side setback requirements, allow parking within 20' of a side lot line and a driveway within 10' of a side lot line and to allow placement of a retaining wall of 4 feet or more within a setback at 377 LANGLEY ROAD, Ward 6, Newton Centre, on land known as SBL 65019 0058, containing approximately 23,545 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

DRAFT