



City Council Actions

In City Council

Monday, February 6, 2017

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

Absent: Councilors Lipof, Norton & Sangiolo

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)

Item Postponed on January 17, 2017 to Date Certain of February 6, 2017

Approved 19 Yeas, 2 Nays (Councilors Auchincloss & Laredo), 3 Absnet (Councilors Lipof, Norton & Sangiolo)

Clerk's Note:

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 @ 10:03AM]

Zoning & Planning Approved 5-1-2 (Baker opposed; Yates and Sangiolo abstaining)

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

Clerk's Note:

Referred to Real Property Reuse Committee

#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 4-0-1 (Lennon abstaining, Gentile not voting)

Motion to Recommit to the Real Property Reuse Committee was Approved by Voice Vote

Clerk's Note:

The City Council voted without discussion 21 Yeas, 3 Absent (Councilor Lipof, Norton & Sangiolo) to take the following actions:

Referred to Land Use Committee

January 26, 2017

#308-16

Special Permit Petition to further increase nonconforming setback at 79 Kenwood Ave
SURRENDRA DUDANI AND SHALINI SEN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER INCREASE THE NONCONFORMING SETBACK by razing the existing 12'x22' detached garage and construct a 22'x22' detached garage, reducing the setback from 16.2' to 6.2' where 25' is required at Kenwood Avenue, Ward 6, Newton Centre, on land known as SBL 64 20 01, containing approximately 7,964 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.4, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Land Use Approved Withdrawal Without Prejudice 4-0 (Auchincloss, Harney, Schwartz, Lennon not voting)

#428-16

Special Permit to allow parking within 5' of street and stall depth at 113 Edinboro St.

NATALIA TEREKHOVA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow two parking stalls within five feet of the street and waive minimum stall depth at 113 Edinboro Street, Ward 2, Newtonville, on land known as SBL 21023 0004, containing approximately 3,250 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 5.1.7.A, 5.1.8.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Denied 5-0-2 (Harney, Auchincloss abstaining, Lennon not voting)

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

Land Use Approved Withdrawal Without Prejudice 7-0

Clerk's Note:

#429-16 Special Permit to amend Special Permit #284-16 at 7-9 Arundel Terrace

CARMEN FUGAZZOTTO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend special permit #284-16 to change the language of the Council Order to allow continued nonconformity without obtaining variances for rear and side setbacks., open space and lot coverage at 7-9 Arundel Terrace, Ward 1, Newton, on land known as SBL 71001 0025, containing approximately 5,100 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 7.4, 3.2.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Approved 7-0 Subject to Second Call (Lennon not voting)

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

Land Use Approved 7-0

Clerk's Note:

#430-16 Special Permit to change nonconforming use at 15 South Gate Park

ANTHONY DEPASQUALE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to change NONCONFORMING clubhouse use to a 3-unit multi-family dwelling, locate parking within a front setback and allow a two way entrance/exit drive less than 20' at 15 South Gate Park, Ward 3, West Newton, on land known as SBL 33031 0009, containing approximately 14, 120 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 5.1.8.A.1, 5.1.13, 5.1.8.D.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Approved 7-0-1 (Lennon abstaining)

Referred to Zoning & Planning Committee

January 23, 2017

#108-15 Zoning amendment for accessory apartments supportive of seniors

HIS HONOR THE MAYOR requesting consideration of changes to the Zoning Ordinance that would facilitate the creation of accessory apartment units, supportive of Newton's seniors. [04/24/15 @ 2:38 PM]

Zoning & Planning Voted No Action Necessary 8-0

- #64-13** **Permitting for conversion of historic barns/carriage houses to accessory apts**
HISTORICAL COMMISSION requesting the creation of an administrative permitting process for converting historic barns and carriage houses into accessory apartments to assist in their preservation.
Zoning & Planning Voted No Action Necessary 8-0
- #61-10** **Discussion relative to bringing existing accessory apartment into compliance**
ALD. CICCONE, SWISTON, LINSKY, CROSSLEY AND HESS-MAHAN requesting a discussion relative to various solutions for bringing existing accessory and other apartments that may not meet the legal provisions and requirements of **Chapter 30** into compliance.
Zoning & Planning Voted No Action Necessary 8-0
- #164-09(2)** **Request for amendments to dimensional requirements for accessory apartments**
ALD. HESS-MAHAN requesting that the Planning Department study the dimensional requirements for lot and building size for accessory apartments and make recommendations for possible amendments to those dimensional requirements to the board of Aldermen that are consistent with the Newton Comprehensive Plan.
Zoning & Planning Voted No Action Necessary 8-0

Referred to Programs & Services Committee

January 18, 2017

- #426-16** **Resolution to affirm Newton's commitment to tolerance and diversity**
COUNCILORS SANGIOLO, KALIS, NORTON, HESS-MAHAN, BROUSAL-GLASER, HARNEY, AUCHINCLOSS, ALBRIGHT AND CROSSLEY offering a Resolution to affirm the City of Newton's commitment to inclusiveness, tolerance and diversity and will continue to welcome and protect all peoples into our community regardless of race, ethnicity, national origin, religious beliefs, age, sexual orientation, disabilities and gender.
 [12/5/2016 @ 9:13 AM]
Programs & Services Approved 7-0 (Auchincloss not voting)

Referred to Public Facilities Committee

January 18, 2017

- #440-16** **Sewer easement relocation at 255-257 Newtonville Avenue**
DOROTHY NORCROSS, Manager of the Norcross Trust, LLC, 25 Fisher Avenue, Newton Highlands requesting, in accordance with Massachusetts General Law Ch. 40, Sec. 15., abandonment of a portion of a 10' wide City sewer easement in the northeast corner of Section 12, Block 16, Lot 8 (255-257 Newtonville Avenue, Newtonville) and acceptance of a 18' wide sewer easement located northerly of the existing easement. [12/07/16 @ 9:10 AM]
Public Facilities Approved 6-0 (Lennon not voting)

Referred to Public Facilities and Finance Committees

#15-17

Transfer \$1 million for snow and ice removal expenses

HIS HONOR THE MAYOR requesting authorization to transfer the sum of one million dollars (\$1,000,000) from the Budget Reserve – Snow and Ice Removal Account to the following accounts:

Personnel Costs – Overtime (0140110-513001).....	\$300,000
Sand & Salt (0110410-5532).....	\$700,000

[01/09/17 @ 11:20 AM]

Finance Approved as Amended 5-0 @ \$1.5 million (Fuller not voting) on 01/23/17
Public Facilities Approved 6-0 (Lennon not voting)

Motion to Suspend the Rules to allow the Chair to poll her Committee was Approved by Voice Vote

Public Facilities Approved @ \$1.5 million 7-0

Clerk’s Note:

Referred to Finance Committee

Monday, January 23, 2017

#441-16

Mayor’s appointment of Daniel Kunitz as a trustee of the Cousens Fund

DANIEL KUNITZ, 51 Pratt Drive, West Newton appointed as a trustee of the Cousens Fund for a term of office to expire on January 30, 2019. [11/29/16 @ 9:21 AM]

Finance Approved 5-0 (Fuller not voting)

#14-17

Expend Wells Ave Mitigation Funds for improvements @ Wells Ave/Nahanton St

HIS HONOR THE MAYOR requesting authorization to appropriate and expend sixty-seven thousand five hundred dollars (\$67,500) from the Wells Avenue/Nahanton Street and Winchester Street traffic improvement mitigation funds for the completed design and installation of updated pavement markings to decrease congestion at the intersection of Wells Avenue and Nahanton Street. [01/09/17 @ 11:20 AM]

Finance Approved 5-0 (Fuller not voting)

Referred to Public Facilities and Finance Committees

#15-17

Transfer \$1 million for snow and ice removal expenses

HIS HONOR THE MAYOR requesting authorization to transfer the sum of one million dollars (\$1,000,000) from the Budget Reserve – Snow and Ice Removal Account to the following accounts:

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Sand & Salt (0110410-5532).....	\$700,000

[01/09/17 @ 11:20 AM]

Public Facilities Approved 6-0 (Lennon not voting) on 01/18/17
Finance Approved as Amended 5-0 @ \$1.5 million (Fuller not voting)

Motion to Suspend the Rules to allow the Chair to poll her Committee was Approved by Voice Vote

Public Facilities Approved @ \$1.5 million 7-0

Clerk's Note:

#248-12 **Ordinance amendments to Article IV Purchases and Contracts**
RECODIFICATION COMMITTEE recommending that **ARTICLE IV. PURCHASES AND CONTRACTS, Secs. 2-182 through 2-205**, be amended to make it consistent with state law.
Finance Voted No Action Necessary 6-0

#173-16 **Interest charges on late payment of utility bills**
COUNCILOR SANGIOLO requesting creation of a policy or ordinance related to interest charges on late payments of utility bills to the City and proportional return of interest charges if or when the utility bill is abated. [04/27/16 @ 1:39 PM]
Finance Voted No Action Necessary 5-0 (Fuller not voting)

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

Referred to Program & Services and Public Safety Committees

#443-16(3) **Ordinance amendment to create a "Welcoming City" Ordinance**
HIS HONOR THE MAYOR, CHIEF OF POLICE, PRESIDENT LENNON, COUNCILOR ALBRIGHT, AUCHINCLOSS, BLAZAR, BROUSAL-GLASER, CROSSLEY, DANBERG, FULLER, HARNEY, HESS-MAHAN, KALIS, LAREDO, LEARY, LIPOF, NORTON, RICE, SANGIOLO AND FORMER MAYOR COHEN requesting an ordinance amendment that reaffirms the City's commitment to fair treatment for all and codifies current community policing practices. One of the city's most important objectives is to enhance relationships with all residents and make all residents, workers and visitors feel safe and secure regardless of immigration status.

Request from Councilor Schwartz to be added as a docketer to this item.

Public Hearings were assigned for the following Docket Items:

Public hearing assigned for February 27, 2017

#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 @ 10:03AM]
Zoning & Planning Approved 5-1-2 (Baker opposed; Yates and Sangiolo abstaining)

Public hearing assigned for March 7, 2017

#17-17 Special Permit to further extend nonconforming structure at 14 Llewellyn Road
SINEAD AND JOHN EVANS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to further extend the nonconforming rear setback to 8' where 15' is allowed by adding a 483 sq. ft. rear addition at 14 Llewellyn Road, Ward 3, West Newton, on land known as SBL 34026 0001, containing approximately 7,350 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.4, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public hearing assigned for March 7, 2017

#18-17 Special Permit to further increase nonconforming FAR at 26 Sterling Street
CHRISTOPHER DUVAL petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a rear addition with enclosed mudroom and covered porch, further increasing the nonconforming FAR to .35 where .34 exists and .33 is allowed at 26 Sterling Street, Ward 3, West Newton, on land known as SBL 32011 0016, containing approximately 10,663 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 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.

Public hearing assigned for March 7, 2017

#19-17 Special Permit to rectify already constructed garage at 129 Cabot Street
MICHAEL MENDIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rectify the building permit issued in error due to a garage with an oversized dormer on the half-story above the first level at 129 Cabot Street, Ward 2, Newton, on land known as SBL 13008 0010, containing approximately 8,793 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3, 7.4, 1.5.4.G.2, 1.5.4.G.2.b of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public hearing assigned for March 7, 2017

#20-17 Special Permit to extend nonconforming use and FAR at 85 Fuller Terrace
D&L REMODELING, INC/ANDREW DIPASQUALE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the existing two-family residence to a single dwelling unit and construct an 1,840 sq. ft. second dwelling addition with two car garage, extending the nonconforming two-family use and exceeding the maximum FAR at .43 where .41 is allowed and .19 exists at 85 Fuller Terrace, Ward 3, West Newton, on land known as SBL 34016 0039, containing approximately 10,097 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.1.9, 3.1.9.A.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.