



City Council Actions

In City Council

Monday, May 1, 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 item on Second Call:

- #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.
Public Hearing Closed; Land Use Approved Subject to Second Call 5-0-1 (Lennon not Voting)
Item Postponed by Land Use Committee on April 18, 2017 to May 1, 2017
Item Chartered by Councilor Gentile

Clerk's Note: The Chair of the Land Use Committee presented the item and explained that this project came to the Council after the developer combined three lots and started construction on two, two-family dwelling units on the site. After work was started, the developer requested a Special Permit to allow three units. The third unit is to be located on the rear of the site. The site itself is rather unusual as there is a fair amount of frontage, but it slopes rather steeply towards the Bowen fields in the back. The developer has agreed to two things which appear to be quite helpful to the committee. One was to deal with a retaining wall that was in disrepair, and the second was to accept a significant restriction to preserve a wooded area between the project itself and the field. The Committee felt that this was quite significant for two reasons: First, it provides a buffer for a sense of privacy between the development and the field; and second, it helps the storm water runoff from the project to the field. The three units are rather large at about 3,000 sq. ft. for each unit.

Councilor Schwartz clarified that it was determined that the three lots could not be merged into one lot and because of this the developer could not move the buildings around in a way that might have been preferable. The project has two by-right lots and the setback and other dimensional requirements on the third lot remain as they are.

Councilor Laredo stated that he would be voting against the permit, but did not advocate that others vote to deny it. He felt that the preservation restriction that is being put in place is a very significant improvement. However, these are very large units, over 3,000 sq. ft. He noted that floor area ratio does not include basements that can be used and does not include the type of attic where 6 ft. 11 inches does not count. He asked that as the Council deliberates on new zoning code, it should be thought long and hard if the Zoning Code should be changed. Attic space is not measured often, but it should be known that an attic built at 6 ft. 11 inches is so to be used as living space and is being sold as living space. Developers are using the rule to go around the requirements as best they can. Councilor Laredo could not understand the utility of having a third large unit on this site and questioned the public benefit of this and for that reason is voting against it. He noted that if the developer had come in before he started construction, there might have been a very different project. Councilor Laredo did think the developer's made some good faith efforts with preservation.

Councilor Crossley agreed that there needed to be changes in the Zoning Code. She noted that the basement area did count with these units. The special permit process gave the Council the authority to improve the project on this lot and the benefit of having a preservation restriction on the rear portion of the lot is huge. If there were only two units, the developer could build to the same size because the floor area ratio was observed for the three units. The mass of the building is what it could be, but if the special permit process was not there, the hillside would not have been preserved. In her opinion the preservation restriction is very important. Even though the developer chose, and it was his right, to build units on each of the other two lots, he combined the driveway area so that he would wind up with only one curb cut onto the street versus three. Councilor Crossley urged her colleagues to vote in favor.

Councilor Gentile was not as familiar with this project and apologized. He felt more time was needed and chartered the item.

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

Referred to Programs & Services Committee

Wednesday, April 26, 2017

Referred to Programs & Services and Finance Committees

#112-17

Appropriate \$185,000 to supplement the Highlands Playground Project budget

HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred eighty-five thousand dollars (\$185,000) from Overlay Surplus for the purpose of covering construction administration and contingency costs associated with the Newton Highlands Playground renovation project. [04/10/17 @ 2:42 PM]

Finance Approved 6-0 on 04/24/17

Programs & Services Approved 7-0

Referred to Public Facilities Committee

Wednesday, April 19, 2017

Referred to Public Facilities and Finance Committees

#113-17

Appropriate \$528,423 for School Department energy efficiency projects

HIS HONOR THE MAYOR requesting authorization to appropriate and expend five hundred twenty-eight thousand four hundred twenty-three dollars (\$528,423) from the Energy Stabilization Fund to a dedicated account for the Newton Public Schools' Energy Efficiency Projects. [04/10/17 @ 2:42 PM]

Finance Approved 6-0 on 04/24/17**Public Facilities Approved 8-0****Referred to Public Facilities Committee**

Thursday, 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 Facilities Approved 4-0 (Laredo, Lennon not Voting)

#105-17

Lighttower petition for grant of location in Beacon Street

LIGHTTOWER FIBER NETWORKS petition for a grant of location to install approximately 450'± of conduit in BEACON STREET from Pole # 31/172 northwesterly to Pole #469/4 at Windsor Street to provide fiber optic service to a cell site at 1643 Beacon Street. (Ward 5) [04/12/2017 @ 10:07 AM]

Public Facilities Approved 4-0 (Laredo, Lennon not Voting)

#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 Facilities Approved 4-0-1 (Lennon abstaining, Laredo not Voting)

#106-17

National Grid petition for grant of location Old Farm Road

NATIONAL GRID petitioning for a grant of location to install and maintain 240'± of 4" gas main in OLD FARM ROAD from the existing gas main near #63 Old Farm Road to #41 Old Farm Road for new services to houses #33 and #41. (Ward 8) [04/04/2017 @ 1:59 PM]

Public Facilities Approved 5-0 (Laredo not Voting)

#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 Facilities Approved 5-0 (Laredo not Voting)

#107-17

National Grid petition for grant of location

NATIONAL GRID petition for a grant of location to install and maintain gas main in the following locations: 23' ± of 4" gas main from new gas main in Adams Street to the existing main at Wiltshire Road

- 69' ± of 6" gas main from new gas main in Adams Street to the existing main on Lincoln Road in front of house #255
- 21' ± of 8" gas main from new gas main in Adams Street to existing gas main in Middle Street next to #260
- 40' ± of 4" gas main from new gas main in Adams Street to existing gas main in Clinton Street in front of #6
- 2' ± of 4" gas main from new gas main in Adams Street to tie into Quirk Court (Ward 1) [03/16/2017 @ 11:22 AM]

Public Facilities Approved 5-0 (Laredo not Voting)

Referred to Finance Committee

Monday, April 24, 2017

#109-17

Appropriate \$600,000 from Overlay Surplus to fund revaluation

HIS HONOR THE MAYOR requesting authorization to appropriate and expend six hundred thousand dollars (\$600,000) from Overlay Surplus to fund revaluation and litigation costs. [04/11/17 @ 1:06 PM]

Finance Approved 6-0

Referred to Programs & Services and Finance Committees

#112-17

Appropriate \$185,000 to supplement the Highlands Playground Project budget

HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred eighty-five thousand dollars (\$185,000) from Overlay Surplus for the purpose of covering construction administration and contingency costs associated with the Newton Highlands Playground renovation project. [04/10/17 @ 2:42 PM]

Programs & Services Approved 7-0 on 04/26/17

Finance Approved 6-0

Referred to Public Facilities and Finance Committees

#113-17 **Appropriate \$528,423 for School Department energy efficiency projects**
HIS HONOR THE MAYOR requesting authorization to appropriate and expend five hundred twenty-eight thousand four hundred twenty-three dollars (\$528,423) from the Energy Stabilization Fund to a dedicated account for the Newton Public Schools' Energy Efficiency Projects. [04/10/17 @ 2:42 PM]
Public Facilities Approved 8-0 on 04/19/17
Finance Approved 6-0

#111-17 **Appropriate \$539,881 to the Rainy Day Stabilization Fund**
HIS HONOR THE MAYOR requesting authorization to appropriate five hundred thirty-nine thousand eight hundred eighty-seven dollars (\$539,887) from Overlay Surplus to the Rainy Day Stabilization Fund. 04/10/17 @2:42 PM]
Finance Approved 6-0

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

#116-17 **Submission of the FY18 Annual Action Plan To HUD**
HIS HONOR THE MAYOR requesting City Council authorization, pursuant to the 2017 Revised Citizen Participation Plan, to submit the FY18 Annual Action Plan to the US Department of Housing and Urban Development (HUD) for the City of Newton Community Development Block Grant (CDBG) and Emergency Solution Grant (ESG) funds and the WestMetro HOME Consortium. [04/26/17 @3:52 PM]

Public Hearings were assigned for the following Docket Items:

Public Hearing assigned for May 8, 2017:

#53-16(2) **Zoning Ordinance technical amendment**
DIRECTOR OF PLANNING requesting a technical amendment to the Newton Zoning Ordinance, Chapter 30, Section 7.3.2.E in order to edit incorrectly transcribed language pertaining to the time periods for special permit lapse and extension. [04/19/17 @ 1:29 PM]

Public Hearing assigned for May 23, 2017:

#114-17 **Special Permit to amend Special Permit for the Atrium Wellness Center**
ATRIUM WELLNESS CENTER, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #2-15 to allow a 1/3 reduction in the number of required parking stalls or a waiver for 386 stalls, dimensional relief to allow conformance with the existing parking facility and waivers with regard to the number, size, location and/or height of signs at 300 Boylston Street, Ward 7, Chestnut Hill, on land known as Section 82, Block 002, Lot 0001, containing approximately 125,771 sq. ft. of land in a district

zoned BUSINESS USE 1. Ref: 7.3, 7.4, 5.1.4.A, 5.1.4.C, 5.1.13, 5.2.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for June 7, 2017:

#82-17

Citizens Petition requesting a resolution for Presidential impeachment inquiry

CINDY CUBA CLEMENTS ET AL. submitting a petition, pursuant to Section 10, Section 2 of the City of Newton Charter, for the City to adopt a resolution or other measure, such as the Model Local Resolution, calling upon the U.S. House of Representatives to open an investigation into the impeachment of President Donald. J. Trump. [03/27/17 @ 10:05 AM]

A Testimonial Commendation honoring Scott and Mary Pohlman on 35 years of coaching the Newton Bluefish Swim Team was presented by Councilors Brousal-Glaser and Kalis.