



City Council Actions

In City Council

Monday, September 5, 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, and Yates.

Absent: Councilor Lennon

The City Council discussed the following items on Second Call:

Referred to Land Use Committee

#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.

Land Use Approved Subject to Second Call 7-0-1 (Auchincloss abstaining); Public Hearing Closed August 8, 2017

A motion to Suspend the Rules to allow the Chair to Poll his Committee to change its vote to Hold was approved by Voice Vote

Land Use Held 6-0 on August 14, 2017

A motion to Suspend the Rules to allow the Chair to Poll his Committee to change its vote to Approved was approved by Voice Vote

Land Use Approved 7-0

Item postponed to date certain of September 18, 2017 by Voice Vote

Clerk's Note: The Chair of the Land Use Committee explained that the item was held in Committee because there was concern by abutters about a specific requirement that an abutter would pay for an arborist who would be allowed to go on the property to monitor the work being done. Rain barrels would also be required on the property. The issues have been resolved, although there is one abutter who still has some issues, but it was the Chair's view that the Board Order captures what was discussed in committee and the majority of the abutters concerns. The Vice Chair noted that the pavers would need to be replaced by hand. The Chair requested a Suspension of the Rules to allow him to poll his committee to change the committee vote to approved so that it could be voted at this meeting. Under

Suspension of the Rules the Land Use Committee voted to approve the special permit 7 yeas, 1 absent. Concern was raised that not everyone had seen the revised Council Order so a motion was made to postpone the Council vote on the item until the next Council meeting on September 18, 2017.

Referred to Land Use Committee

#129-17

Special Permit to reduce lot area by 4% at 19-21 Beaconwood Road

LENTO DEVELOPMENT, LLC/KENNETH LENTO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze and replace a two-family structure and allow a 4% reduction to the required lot area after combining lots at 19-21 Beaconwood Road, Ward 6, on land known as Section 54, Block 22, Lot 0044 and Section 54, Block 022, Lot 0047, containing approximately 9,602 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3, 7.4, 7.8.4.D.4, 7.8.4.D.5, 7.8.4.A of the City of Newton Rev Zoning Ord, 2015.

Land Use Approved 7-1 (Crossley Opposed); Public Hearing Closed July 11, 2017

Item Postponed to a Date Certain of September 5, 2017

Approved 22 Yeas, 1 Nay (Councilor Crossley), 1 Absent (Councilor Lennon)

Clerk's Note: The Chair of the Land Use Committee reminded the Council of the previous discussion and noted that the property that is in poor condition and that there is a city easement that runs through the property which makes development more difficult. It is the combination of three separate lots and the building of a two family on those three lots. A two family currently exists at the location.

Referred to Land Use Committee

#130-17

Special Permit to exceed FAR at 164 Highland Avenue

ROBERT AND CINDY LAUGHREA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish a portion of the rear dwelling, front porch and detached garage and construct a two-story rear addition and attached garage for more than three vehicles and in excess of 700 sq. ft. increasing the FAR to .28 where .27 is allowed and .19 exists at 164 Highland Avenue, Ward 2, on land known as Section 24, Block 12, Lot 20, containing approximately 22,230 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3, 7.4, 3.1.9, 3.4.2.C.1 of the City of Newton Rev Zoning Ord, 2015.

Land Use Approved 5-1-2 (Lennon Opposed, Schwartz, Auchincloss abstaining) Public Hearing Closed June 22, 2017

Item Postponed to a Date Certain of September 5, 2017

Approved 21 Yeas, 2 Nays (Councilors Brousal-Glaser, and Gentile), 1 Absent (Councilor Lennon)

Clerk's Note: The Chair of the Land Use Committee noted that this was unusual project. The petitioner is looking to build a garage that will store six vehicles. Four of those vehicles will be stored underground. The vehicles will be raised with an internal lift. The Chair reported that the committee had a great deal of discussion on whether this was appropriate for a residential neighborhood. Concern was expressed regarding noise associated with this lift. It was noted that the noise would be

contained within the structure. The Vice Chair of the Committee noted there was also a light increase in FAR as this structure is going to be a Mansard design to match the house and as a result includes slightly more area. Councilor Brousal-Glaser noted that she was not comfortable with the number of cars stored in the structure for a residential neighborhood. Councilor Auchincloss stated that he felt that the project was in the best interest of the community.

Referred to Public Facilities Committee

#108-17 **Taking an easement on Mt Ida College property for intersection realignment**
HIS HONOR THE MAYOR recommending that the City of Newton take an easement on property owned by Mount Ida College at the southeast corner of the Dedham Street and Carlson Avenue intersection in order to realign the Dedham Street/Brookline Street/Carlson Avenue intersection. Mount Ida College supports the taking of the easement. [04/10/17 @ 9:59 AM]

Public Facilities Approved 6-0-1 (Gentile abstaining)

Item Postponed to a Date Certain of September 5, 2017

Approved 23 Yeas, 1 Absent (Councilor Lennon)

Clerk's Note: The Chair of the Public Facilities Committee noted that the Mt. Ida attorney agrees with the terms of the City's Law Department. The Council did not get the final agreement in its packet for the last Council meeting but is now ready to move the item forward. Clarification was requested that the latest agreement does not contain any changes financially to what had been previously voted in the Committee. The Chair noted that there were no changes.

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

A motion to Suspend the Rules to allow the Chair of the Programs & Services Committee to report the following eight items without a written report was Approved by Voice Vote.

Referred to Programs & Services Committee

#261-17 **Request to recognize September as Childhood Cancer Awareness Month**
COUNCILOR LIPOF requesting the City Council and the City recognize September as Childhood Cancer Awareness Month. [008/11/17 @ 8:30 AM]
Programs & Services Approved as amended to be an annual designation 6-0

- #235-17 Mayor's appointment of Karl Munger to the Biosafety Committee**
KARL MUNGER, 5 Nightingale Path, Newton, appointed as a member of the BIOSAFETY COMMITTEE for a term to expire September 30, 2020. (60 days 10/13/17) [07/12/17 @ 2:25 PM]
Programs & Services Approved 4-0
- #243-17 Mayor's appointment of Julie A. Norstrand to the Council on Aging**
JULIE A. NORSTRAND, 44 Stearns Street, Newton, appointed as a COMMISSIONER of the NEWTON COUNCIL ON AGING for a term to expire September 30, 2020. (60 days 10/13/17) [08/02/17 @ 2:23 PM]
Programs & Services Approved 5-0
- #245-17 Mayor's appointment of Chryse Gibson to the Council on Aging**
CHRYSE GIBSON, 19 Hampden Terrace, Newton, appointed as a COMMISSIONER of the NEWTON COUNCIL ON AGING for a term to expire September 30, 2020. (60 days 10/13/17) [08/02/17 @ 2:23 PM]
Programs & Services Approved 6-0
- #236-17 Mayor's re-appointment of Edward Marple to the Biosafety Committee**
EDWARD MARPLE, 12 Ohio Avenue, Newton, re-appointed as a member of the BIOSAFETY COMMITTEE for a term to expire September 30, 2019. (60 days 10/13/17) [07/12/17 @ 2:25 PM]
Programs & Services Approved 6-0
- #237-17 Mayor's re-appointment of John J. Schwartz to the Biosafety Committee**
JOHN J. SCHWARTZ, 200 Upland Road, Newton, re-appointed as a member of the BIOSAFETY COMMITTEE for a term to expire September 30, 2020. (60 days 10/13/17) [07/12/17 @ 2:25 PM]
Programs & Services Approved 6-0
- #242-17 Mayor's re-appointment of Dana Hanson as Library Trustee**
DANA HANSON, 64 Kingswood Road, Newton, appointed as a LIBRARY TRUSTEE for a term to expire June 30, 2021. (60 days 10/13/17) [07/12/17 @ 2:25 PM]
Programs & Services Approved 6-0

Referred to PS&T, Programs & Services, Public Facilities and Finance Committees

- #59-17 Appropriate \$350,000 for construction of a Parks & Recreation/Police building**
HIS HONOR THE MAYOR requesting authorization to appropriate three hundred fifty thousand dollars (\$350,000) from Overlay Surplus for the purpose of funding the construction of a new combined Parks & Recreation and Police Department facility to be located at the Elliot Street DPW yard. [02/17/17 @ 9:29 AM]
Programs & Services No Action Necessary 6-0

A motion to Suspend the Rules to allow the Chair of the Public Facilities Committee to report the following four items without a written report was Approved by Voice Vote.

Referred to Public Facilities Committee

- #252-17** **Verizon petition for grant of location on Christina Street**
VERIZON petition for a grant of location to install pole #604/0 with guy and anchor at the corner of Needham and Christina Street and install pole #604/5-1 with guy and anchor on the northerly side, 40' northerly of pole #604/5. [(Ward 5) 07/05/2016 @ 4:33 PM]
Public Hearing Closed; Public Facilities Approved 7-0
- #254-17** **Verizon petition for grant of location on Christina Street**
VERIZON petition for a grant of location to relocate five poles (#604/1, #604/2, #604/3, #604/4 and #604/5) laterally in a southerly direction on Christina Street. [(Ward 5) 07/05/2016 @ 4:33 PM]
Public Facilities Approved 7-0
- #253-17** **Verizon petition for grant of location on Needham Street**
VERIZON petition for a grant of location to install 22' ± of conduit in Needham Street southwesterly from Manhole # 47/301 thence turning northwesterly to proposed relocated Pole #113/31 across from 300 Needham Street and to install 90' of conduit southwesterly in Needham Street from Manhole # 47/301 thence turning northwesterly on to Oak Street to proposed relocated Pole #25/1 on Oak Street.
Public Hearing Closed; Public Facilities Approved 7-0
- #277-17** **Mayor's re-appointment of Seth Parker to the Solid Waste Commission**
SETH PARKER, 26 Shornecliffe Road, Newton, re-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 7-0

A motion to Suspend the Rules to allow the Chair of the Public Safety Committee to request the removal of the referral to the Public Safety Committee from Docket Item #260-17 was approved by Voice Vote.

Referred to ~~Public Safety & Transportation~~ and Finance Committees

- #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]
Removal of the Referral to Public Safety & Transportation was Approved by Voice Vote

Clerk's Note: The Chair of the Public Safety Committee stated that he would like his committee removed from the referral for this item as it was a three-year contract with the option of two extensions and that it was more properly to be just before the Finance Committee.

A motion to suspend the rules to accept to the docket and refer to committee the following item was approved by voice vote.

Referred to Zoning & Planning Committee

#264-17

Zoning amendments to rezone parcels related to school uses

HIS HONOR THE MAYOR requesting that the following residential properties be rezoned to Public Use as they have been acquired by the City for use at the Zervas, Cabot and Pre-School sites:

- 1316 Beacon Street, 1330 Beacon Street and 1338 Beacon Street from SR2 to Public Use
- 23 Parkview Avenue and 15 Walnut Park from MR1 to Public Use

[08/29/17 @ 4:01PM]

Public Hearings were assigned for the following Docket Items:

Public Hearing assigned for October 3, 2017

#261-17

Special Permit to exceed FAR at 14 Pond Avenue

KEVIN FAHEY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 1,026 sq. ft. rear addition to the basement, first and second stories, creating an FAR of .67 where .58 is allowed and .44 exists at 14 POND AVENUE, Ward 1, on land known as Section 11, Block 20, Lot 14, containing approximately 4,530 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3, 7.4, 3.2.11 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for October 3, 2017

#262-17

Special Permit to exceed FAR at 115 Nonantum Street

SHAWN AND NANCY BELLMORE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 764 sq. ft. rear addition to allow for new living space and creating an FAR of .60 where .44 exists and .46 is allowed at 115 Nonantum Street, Ward 1, on land known as Section 72, Block 21, Lot 15, containing approximately 4,790 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 3.1.9.A.2 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for September 25, 2017

#264-17 Zoning amendments to rezone parcels related to school uses

HIS HONOR THE MAYOR requesting that the following residential properties be rezoned to Public Use as they have been acquired by the City for use at the Zervas, Cabot and Pre-School sites:

- 1316 Beacon Street, 1330 Beacon Street and 1338 Beacon Street from SR2 to Public Use
 - 23 Parkview Avenue and 15 Walnut Park from MR1 to Public Use
- [08/29/17 @ 4:01PM]

A Testimonial Commendation was offered by Councilors Lappin and Lennon for NewTV on the occasion of receiving the National Alliance for Community Media Hometown Media Award for Overall Excellence in P.E. & G.