



City Council Actions

In City Council

Monday, October 2, 2017

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

Absent: Councilor Lappin

The City Council discussed the following items on Second Call:

Referred to Land Use Committee

#201-17 Special Permit to construct three-story building at 386-394 Watertown Street

JLM REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a three-story building, up to 36' high, allow an FAR of 1.5, waivers to allow parking in the side setback, waiver to allow parking within 5' of a building or structure containing dwelling units, waivers to allow a reduction in the parking requirement to 1.25 per dwelling unit, relief from parking facility landscaping, and a waivers to the lot area per unit in a multifamily dwelling by 25% to allow for an affordable unit at 386-394 Watertown Street, Ward 1, Newton, on land known as Section 14, Block 14, Lots 37-38, containing approximately 9,542 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Ref: 7.3, 7.4, 4.1.2.B.3, 4.1.3.3, 5.1.4, 5.1.8, 5.1.8.A.2, 5.1.13, 5.1.9, 5.1.1.13, 5.11, 5.11.15.A of the City of Newton Rev Zoning Ord, 2015.

**Land Use Approved Subject to Second Call 6-0; Public Hearing Closed 09/07/2017
Item Postponed to a Date Certain of October 2, 2017**

Motion to postpone item to October 16, 2017 was Approved by Voice Vote

Clerk's Note: The Chair of the Land Use Committee requested that this item be postponed until the next Council meeting as the neighbors are still meeting with the owner of the project. The item was postponed until Monday, October 16, 2017.

Referred to Land Use and Finance Committees

#221-17 \$977,000 for CAN-DO to create 8-units of affordable housing at 236 Auburn Street

COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of three hundred thousand dollars (\$300,000) for historic rehabilitation and six hundred seventy-seven thousand seven hundred dollars (\$677,700) for affordable housing for a total of nine hundred seventy-seven thousand dollars (\$977,000) from the Community Preservation Fund, to the Planning & Development in Newton (CAN-DO), to create 8 units of permanently affordable rental housing at 236 Auburn Street, Auburndale,

including 5 units in a congregate home to be owned and operated by the Barry L. Price Rehabilitation Center, as described in CAN-DO's proposal submitted to the Community Preservation Committee in May 2017. [06/19/17 @ 5:19 PM]

Land Use Approved 6-0 on 09/07/17

Finance Approved Subject to Second Call 3-1-1 (Gentile opposed, Ciccone abstaining)

Approved 21 Yeas, 2 Nays (Councilors Ciccone and Gentile), 1 Absent (Councilor Lappin)

Clerk's Note: The Chair of the Finance Committee reported out the item and noted that it was held in Committee at the last full board meeting. He stated that the project was approved in Finance, and that the reason for holding the item had nothing to do with the merits of the project. Concern arose around the difficulty in understanding the new relationship between CAN-DO and a new entity; Metro West. All the questions around this arrangement were not answered to satisfaction. The Law Department met with people from Metro West and at the suggestion of the City Law Department, there is now a development service agreement between CAN-DO and the Metro West collaborative. This further serves to make clear what the relationship is and where the money should go. There was discussion to better understand the status of CAN-DO as it has been noted that CAN-DO has no employees and has entered into an affiliation agreement with Metro West collaborative. That was a relationship where some were having a difficult time because there is talk about giving some additional CDBG money. There are many questions regarding whether Metro West is going to eventually merge with CAN-DO and take over the properties. The Executive Director of Metro West was very open and honest and said that is not something in the works but could potentially happen down the road. There is absolutely no intention of that right now. There was discussion about the wisdom of giving this kind of money to Can-Do, an organization that seems to exist only on paper. There were questions as to why Metro West would not have applied since they are going to be developing the project.

After discussions, another vote was taken and the item passed by a vote of 3 in favor, 1 opposed, 1 abstention. The Chair of Finance said there has been a long standing relationship with CAN-DO and he went on to praise Josephine McNeil for her work on affordable housing. He noted that there was a time that the organization was experiencing severe financial difficulties and the Planning Board was requiring them to report to a particular member on a quarterly basis in order to keep an eye on their finances. Can-Do has seven affordable units that were given a considerable amount of money and are not on the state housing inventory because the lottery system that was supposed to have been used was not done properly. Therefore, seven units that should be there are not there. The Chair of Finance said he was not comfortable at this time to add or give this money to an organization that basically is an organization on paper. This should be the cutoff point and Metro West should be the petitioner in the future. That is where the money should go and they should be delivering the project.

Councilor Hess-Mahan said these projects are years in the making. He felt this project has come along for several years and is finally at the point where it can be funded and this housing built. On the whole Councilor Hess-Mahan felt this was a good thing to do.

Councilor Ciccone asked if these reserves are not enough, he wondered who would be responsible? He would vote against this as he did not receive an answer.

Councilor Crossley recalled several projects going for CPA money. She felt a little bit of risk should be taken. The agreement seems quite solid for the time being. She would hate to lose such an outstanding project.

Councilor Laredo said from a Land Use perspective this was an excellent project. He was aware and appreciates the concerns made by his colleagues about the financial liability of going forward. He does not want the project to go down, but feels there is a fiscal responsibility to the citizens of the City to be prudent with city finances.

Councilor Fuller said this project should be approved. Metro West is a strong capable organization. She said the city risk would be lowered if the vote is yes.

Councilor Gentile agreed with Councilor Fuller. The Executive Director said the affiliation agreement between Metro West and CAN-DO prevents Metro West from developing affordable housing in Newton. It will be an affiliation but that is all.

Councilor Norton would support this but felt it would be reasonable if Metro West would be handling projects.

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 Councilors-at-Large and 8 Ward Councilors. [09/25/17 @9:03 PM]

Motion to Reject Acceptance to the Docket Failed to Carry 15 Nays, 8 Yeas (Councilors Albright, Auchincloss, Crossley, Fuller, Gentile, Hess-Mahan, Leary, Lennon), 1 Absnet (Councilor Lappin)

Motion to Accept to the Docket with the Condition that the Programs & Services Committee not take up the item until November 8, 2017 was Approved 20 Yeas, 3 Nays (Councilors Auchincloss, Fuller, Lennon, 1 Absent (Councilor Lappin)

Clerk's Note: Councilor Gentile made a motion to refuse to accept docket item #313-17 to the Referral Docket. This item deals with the work of the Charter Commission and many of the docketors of the item agreed on the substance; and did not agree with the recommendations of the Charter Commission. He felt the item was a big mistake because of the message that it sends out to the rest of the community and wants to make this point. He is asking some people to change their mind and it

would only take a few to block this referral. If this was such a good idea, then why was it not proposed earlier? It should have been and could have been proposed a long time ago and felt that was a fair criticism. In addition, doing it a month before the election, it would be rushed. Councilor Gentile said this was a very complex issue and urged reconsideration and at this time not accept this item.

Councilor Rice feels there is a middle ground. If this is accepted to the docket, he would propose to the Programs and Services Committee that the item be held in Committee this week. If it does get accepted, he would ask for a Public Hearing on this item on Wednesday, October 18th.

Councilor Laredo feels the suggestion of Councilor Rice is quite appropriate. If the voters choose to accept the Charter on November 7th, then the voters have spoken and this item becomes meaningless. He would not support anything that goes against the will of the voters on November 7th. He does think it appropriate to put out an alternative for people to understand that other alternatives are available. One of the things he heard from proponents of the Charter is that this City Council is absolutely unwilling to do anything to change itself and that has been one of the arguments. There is a docket item that speaks the opposite of that. He said it was appropriate to go to committee and inappropriate to suggest that an item that has been docketed by any Councilor doesn't even deserve to go to Committee. He would vote no on the motion.

Councilor Auchincloss felt this compromise is no compromise at all. The very act of docketing this measure would only muddy the waters.

Councilor Norton said many people she has spoken to like the idea of downsizing and feel 24 is too many. They don't want to get rid of the Ward Councilor. She is very opposed to this charter proposal.

Councilor Baker wanted to clarify that he agreed with Councilor Gentile's motion. He is trying to deal with an issue in an effective way in this context but has always felt that there should be a chance to discuss these issues. He wanted to be clear that he did not support the item although opposed to the Charter Recommendation. Former Councilor Lipsitt, Councilor Gentile and Councilor Baker produced a memorandum which is not part of the record. He would make available a revised version to all members of the Council that basically states 24 Councilors is a good idea.

Councilor Albright finds this particular docket item is an obstruction of the democratic process set forth by the Commonwealth of Massachusetts for how a Charter Commission should work. She was not in favor of this docket item.

Councilor Fuller felt the impact of this item was to interfere and undermine the work of the Charter Commission.

Councilor Crossley felt this item presents a false promise. She felt the item was a narrow focus on one element of the vast amount of work that was done.

Vote to reject acceptance, vote would be yes. Vote to accept, vote would be no. 15 nays, 8 yeas, 1 absent. The vote to reject acceptance failed to carry and the item was still before Council.

Councilor Gentile made a motion to move any action on docket item #313-17 be delayed to a date certain of the Full Council meeting on November 20, 2017. Councilor Gentile said if the chair of Programs and Services agrees to not take up the item until after the election, he would withdraw his original motion. Councilor Gentile asked why a Public Hearing is necessary prior to the election? In response, Councilor Rice feels that the item should be voted out of committee before the election. He felt the process still should go on.

Councilor Gentile amended his motion to state that the Council accepts the docket item for referral to Programs and Services with the understanding that Programs and Services will not take up the item prior to November 8th. This was approved, the item accepted to the docket, and a public hearing was assigned for Wednesday, November 8, 2017.

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

Referred to Land Use Committee

Tuesday, September 26, 2017

- #97-17** **Special Permit to EXTEND nonconforming use at 966 Watertown Street**
BR STONE CORP./STEPHANIE OLIVEIRA DIAS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to use a portion of the legally nonconforming wholesale site to cut and fabricate stone countertops, further extending the nonconforming use to manufacturing at 966 WATERTOWN STREET, Ward 3, West Newton, on land known as SBL 31005 0003, containing approximately 13,408 sq. ft. of land in a district zoned BUSINESS 1. Ref. 7.3.3, 7.4, 4.4.1, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
Land Use Approved Withdrawal Without Prejudice 5-0 (Lipof, Lennon, Crossley, not voting)
- #146-17** **Special Permit to amend Board Order #229-14 to allow for a swing set**
MICHAEL AND DENA RASHES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #229-14 to allow a swing set on Lot 40 at 93 Bellevue Street, Ward 1, Newton, on land known as Section 12, Block 021, Lots 0039 and 0040, containing approximately 94,410 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4 of the City of Newton Rev Zoning Ord, 2015.
Land Use Approved Withdrawal Without Prejudice 5-0 (Lipof, Lennon, Crossley, not voting)
- #226-17** **Special Permit to allow oversized dormers and exceed FAR at 18 Meredith Avenue**
JAMES YOUNGBLOOD petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct three new dormers and increase the size of one existing dormer, exceeding the

allowable size of dormers and increasing the FAR to .48 where .46 is required and .42 exists at 18 MEREDITH AVENUE, Ward 5, Newton Highlands, on land known as Section 54, block 45, Lot 15, containing approximately 4,443 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4, 1.5.4.G.2.b, 3.1.3, 3.1.9, 3.1.9.A.2 of the City of Newton Rev Zoning Ord, 2015.

Land Use Approved 6-0 (Crossley, Harney not Voting); Public Hearing Closed 09/26/2017

#231-17

Special Permit to amend Board Order #437-03 at 60 Needham Street

CHRISTINE D'AMICO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #437-03 to create a third commercial space for ground level health club use and to allow a waivers for 15 parking stalls or to allow required stalls off site at 60 NEEDHAM STREET, Ward 8, Newton Highlands, on land known as Section 83, Block 28, Lot 02, containing approximately 25,753 sq. ft. of land in a district zoned MIXED USE 2. Ref: Sec. 7.3, 7.4, 4.4.1, 5.1.4, 5.1.13, 5.1.6.A, 5.1.6.B, of the City of Newton Rev Zoning Ord, 2015.

Land Use Approved 6-0 (Crossley, Harney not Voting); Public Hearing Closed 09/26/2017

Referred to Zoning & Planning Committee

Monday, 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]

Hearing Closed; Zoning & Planning Approved 6-0 (Kalis and Leary not voting)

#288-17

Mayor's re-appointment of Jane Ives to the Economic Development Comm

JANE IVES, 34 Lucille Place, Newton Upper Falls, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire October 30, 2019. (60 DAYS 11/17/17) [09/08/17 @ 9:11 AM]

Zoning & Planning Approved 7-0 (Sangiolo not voting)

#289-17

Mayor's re-appointment of Stephen Feller to the Economic Development Comm

STEPHEN FELLER, 104 Harvard Street, Newtonville, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire October 30, 2020. (60 DAYS 11/17/17) [09/08/17 @ 9:11 AM]

Zoning & Planning Approved 7-0 (Sangiolo not voting)

- #290-17 Mayor's re-appointment of Howard Barnstone to the Econ Development Comm**
HOWARD BARNSTONE, 26 Brackett Road, Newton, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire October 30, 2020. (60 DAYS 11/17/17) [09/08/17 @ 9:11 AM]
Zoning & Planning Approved 7-0 (Sangiolo not voting)
- #291-17 Mayor's re-appointment of Joyce Plotkin to the Economic Development Comm**
JOYCE PLOTKIN, 250 Hammond Pond Parkway, Chestnut Hill, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire October 30, 2020. (60 DAYS 11/17/17) [09/08/17 @ 9:11 AM]
Zoning & Planning Approved 7-0 (Sangiolo not voting)
- #292-17 Mayor's re-appointment of Philip Plottel to the Economic Development Comm**
PHILIP PLOTTEL, 50 Roslyn Road, Waban, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire October 30, 2019. (60 DAYS 11/17/17) [09/08/17 @ 9:11 AM]
Zoning & Planning Approved 7-0 (Sangiolo not voting)
- #293-17 Mayor's re-appointment of Peter Kai Jung Lew to the Econ Development Comm**
PETER KAI JUNG LEW, 61 West Pine Street, Auburndale, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire October 30, 2020. (60 DAYS 11/17/17) [09/08/17 @ 9:11 AM]
Zoning & Planning Approved 7-0 (Sangiolo not voting)

Motion made by the Chair of the Zoning & Planning Committee to refer the following docket item previously referred to the Zoning & Planning Committee, Public Safety & Transportation and Finance Committees also to the Programs & Services Committee was Approved by Voice Vote

- #140-14 (2) Amend ordinances to add licensing requirements and criteria for lodging houses**
ZONING & PLANNING COMMITTEE requesting to amend Chapter 17, City of Newton Ordinances, to establish licensing requirements and criteria for lodging houses.

Referred to Programs & Services Committee

Monday, September 25, 2017

Referred to Programs & Services and Finance Committees

- #259-17 Increase the number of years the City can lease Weeks House**
HIS HONOR THE MAYOR requesting consideration of a request to petition the General Court for special legislation to increase the number of years the City of Newton is

authorized to lease the Weeks House from the current period of sixty-five years, as authorized by the Acts of 1981, Chapter 330, to a period of up to ninety-nine years. [08/07/17 @ 2:23 PM]

Finance Approved 5-0 on 09/25/17

Programs & Services Recommended Approval 3-0 (Hess-Mahan, Sangiolo, Baker not voting)

A motion to suspend the rules to allow the Chair of the Public Facilities Committee to report out the following item taken up earlier in the evening without a written report was approved by Voice Vote:

Referred to Public Facilities Committee

#301-17

Verizon petition for grant of location on Carlson Avenue

VERIZON petition for a grant of location to relocate JO pole #T-1105-1 to the northwesterly side of Carlson Avenue approximately 113'± southwesterly to Dedham Street. [(Ward 8) 09/01/2017 @3:02 PM]

Public Facilities Approved 6-0

Referred to Finance Committee

Monday, September 25, 2017

Referred to Programs & Services and Finance Committees

#259-17

Increase the number of years the City can lease Weeks House

HIS HONOR THE MAYOR requesting consideration of a request to petition the General Court for special legislation to increase the number of years the City of Newton is authorized to lease the Weeks House from the current period of sixty-five years, as authorized by the Acts of 1981, Chapter 330, to a period of up to ninety-nine years. [08/07/17 @ 2:23 PM]

Programs & Services Recommended Approval 3-0 (Hess-Mahan, Sangiolo, Baker not voting)

Finance Approved 5-0

Motion to Suspend the Rules to accept and refer to committees the following late-filed docket item was approved by Voice Vote.

Referred To Public Facilities and Finance Committees

#320-17

Request to construct fence around Rumford Avenue solar site

COUNCILORS SANGIOLO, HARNEY AND GENTILE requesting that His Honor the Mayor take the necessary steps to construct a 9 ½' chain link fence with ivy around the exterior of the Rumford Avenue solar site. [09/29/17 @ 2:18 PM]

Public Hearings were assigned for the following Docket Items:

Public Hearing assigned for November 14, 2017

#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.

Public Hearing assigned for November 14, 2017

#305-17 **Special Permit Petition to allow build factor of 28.08 at on Goddard Street**
PITSICK, LLC/JOSHUA SHRIBER/PATIENCE OROBELLO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to redraw lot lines of three existing lots into two irregular shaped lots, creating a higher than allowable build factor of 28.08 where 20 is allowed at an unnumbered lot , 22 & 26 Goddard Street, Ward 8, Newton Highlands, on land known as Section 83, Block 34, Lots 12, 13, 13A containing approximately 15,000 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 1.5.6 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for November 8, 2017

#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 Councilors-at-Large and 8 Ward Councilors. [09/25/17 @9:03 PM]

A Commendation was offered by President Lennon to Aaron Goldman for his service to the City over the last eight years.

The City Council voted without discussion 22 Yeas, 1 Recused (Councilor Hess-Mahan), 1 Absent (Councilor Lappin) to take the following actions:

Referred to Land Use Committee

#43-17 **Special Permit to extend non-conforming two-family use at 893 Watertown Street**
JAMES AND CAROL HOOPES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a single-story rear addition extending the existing non-conforming two-family

use at 893 Watertown Street, Ward 3, West Newton, on land known as SBL 31014 0005, containing approximately 19,560 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 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Land Use Approved 6-0-1 (Lennon abstaining, Crossley not voting); Public Hearing Closed 09/26/2017