



## City Council Actions

### In City Council

**Tuesday, February 16, 2016**

**Present:** Councilors Albright, Auchincloss, Blazar, Brousal-Glaser, Ciccone, Cote, Crossley, Danberg, Fuller, Harney, Hess-Mahan, Lappin, Laredo, Leary, Lennon, Lipof, Norton, Rice and Yates.

**Absent:** Councilors Baker, Gentile, Kalis, Sangiolo and Schwartz

**The City Council voted without discussion 19 Yeas, 5 Absent (Councilors Baker, Gentile, Kalis, Sangiolo and Schwartz) to take the following actions:**

### Land Use Committee

February 2, 2016

**#480-14(4) Petition to expand Turtle Lane Playhouse and construct second building for a mixed-use project**

STEPHEN VONA petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to change one nonconforming use to another by restoring and expanding an existing structure known as the Turtle Lane Playhouse with office space above, to provide a mixed-use building with an addition containing 4 dwelling units at street level and above and a second building containing a 16-unit multi-family dwelling with a below grade parking garage for 27 cars at 283 MELROSE STREET, Ward 4, Auburndale, on land known as SBL 41, 14, 10 containing approximately 43,783 sf of land currently zoned MULTI-RESIDENCE 1 *or in the alternative in a proposed MIXED USE 4 DISTRICT*. Ref: Sec. 7.3, 7.4, 7.8.2.C, 4.4.1, 4.2.2.B.1, 4.2.5.A.1, 4.2.5.A.6.b, 5.4.2, 5.1.4, 5.1.13, 5.1.4.C, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

***Public Hearing Opened on January 12 and continued to February 2, 2016***

***Land Use Held 6-0; Hearing to continue on February 23, 2016***

### Referred to Land Use Committee

February 9, 2016

**#15-16 Special permit petition for an accessory apartment at 126 Cornell Street**

SCOTT TIMMINS petition for an accessory apartment in a detached carriage house at 126 Cornell Street, Ward 4, Newton Lower Falls, on land known as SBL 42, 32, 72, containing approximately 12,682 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 7.3, 7.4, 6.7.1.D of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**Public Hearing continued to February 23, 2016, Land Use Held 6-0**

#16-16

**Special permit petition for 30 Caroline Park**

VINCENT NAVE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to enclose portions of decks on the first and second floors to create living space, which will further increase the non-conforming Floor Area Ratio from .51 to .54, where .42 is the maximum allowed by right, for a single-family dwelling at 30 Caroline Park, Ward 5, Waban, on land known as SBL 53, 36, 2, containing approximately 8,500 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4, 7.8.2.C.2, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**Public Hearing Closed, Land Use Approved 6-0**

**Referred to Programs & Services Committee**

Wednesday, February 3, 2016

**Referred to Programs & Services and Finance Committees**

#45-16

**Request to authorize transfer of \$60,000 to the Parks and Recreation Department**

HIS HONOR THE MAYOR requesting authorization to transfer the sum of sixty thousand dollars (\$60,000) from the Parks and Recreation Department Full-time Salaries Account to the Parks and Recreation Department Forestry/Tree Services Account for the purpose of funding contracted services in the Forestry Division of the Parks and Recreation Department. [01/25/16 @ 4:06 PM]

**Finance Approved 6-0**

**Programs & Services Approved 6-0 (Schwartz not voting)**

**Referred to Public Facilities Committee**

Wednesday, February 3, 2016

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEE**

#47-16

**Transfer \$783,846 from various accounts for Auburndale Sq Traffic Improvements**

HIS HONOR THE MAYOR, requesting authorization to transfer the sum of seven hundred eight-three thousand eight hundred forty-six dollars to fully fund the Auburndale Square Traffic Improvements as follows:

**From:**

Riverside-Auburndale Improvements.....	\$136,710
Repurposing Savings from Other Projects:	
Capital Project Fund Bond Balances Available	
for Appropriation .....	\$327,752
Unrestricted Capital Purposes .....	\$27,061
Bonded Capital Projects.....	\$13,752
June 30, 2015 Free Cash .....	\$278,571

**To:**

Auburndale Square Traffic Improvements .....\$783,846

[02-01-16 @ 11:53 AM]

**Finance Approved 6-0 on 02/10/16**

**Public Facilities Approved Subject to Second Call 6-0-1 (Lappin abstaining)**

**A motion was made to suspend the rules to allow the Chair of the Public Facilities Committee to poll her committee to allow this item to be voted on first call. The motion was Approved by Voice Vote.**

**Public Facilities Approved 7-0**

**Clerk's Note:** The Chair of the Public Facilities Committee explained that there was some confusion about the funding of this project as was presented at the Public Facilities Committee meeting, but the committee felt they were missing some information regarding the funding. There was also information presented at the public hearing that this funding was needed as there were some costs that were not included in the original proposal. There was also concern that other traffic improvement projects in the city might be affected. The Committee approved the item, but wanted the additional information before the Council voted. That information was provided and was available to the Finance Committee when the Committee discussed and approved the item. The Chair of Public Facilities requested to poll her committee to allow the item to be approved on first call.

**Referred to Finance Committee**

Wednesday, February 10, 2016

**Referred to Programs & Services and Finance Committees**

#45-16

**Request to authorize transfer of \$60,000 to the Parks and Recreation Department**

HIS HONOR THE MAYOR requesting authorization to transfer the sum of sixty thousand dollars (\$60,000) from the Parks and Recreation Department Full-time Salaries Account to the Parks and Recreation Department Forestry/Tree Services Account for the purpose of funding contracted services in the Forestry Division of the Parks and Recreation Department. [01/25/16 @ 4:06 PM]

**Programs & Services Approved 6-0 on 02/03/16**

**Finance Approved 5-0 (Norton not voting)**

**Referred to Zoning & Planning and Finance Committees**

#44-16

**Request to authorize transfer of \$100,000 to the Inspectional Services Department**

HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thousand dollars (\$100,000) from Free Cash to the Inspectional Services Department Full-time Salaries Account and to increase staffing levels in Inspectional Services Account by two full-time positions. [[01/25/16 @ 4:06 PM]

**Zoning & Planning to Meet on 02/16/16**

**Finance Approved 6-0**

**A motion to suspend the rules was requested by the Chair of the Zoning and Planning Committee to allow the Chair to report out the vote the Zoning and Planning Committee on this item earlier in the evening without a written report was approved by Voice Vote**

**Zoning & Planning Approved 5-0**

**Referred to Public Facilities and Finance Committees**

**#47-16** **Transfer \$783,846 from various accounts for Auburndale Sq Traffic Improvements**  
HIS HONOR THE MAYOR, requesting authorization to transfer the sum of seven hundred eight-three thousand eight hundred forty-six dollars to fully fund the Auburndale Square Traffic Improvements as follows:

**From:**

Riverside-Auburndale Improvements.....\$136,710

Repurposing Savings from Other Projects:

    Capital Project Fund Bond Balances Available

    for Appropriation .....\$327,752

    Unrestricted Capital Purposes .....\$27,061

    Bonded Capital Projects.....\$13,752

June 30, 2015 Free Cash .....\$278,571

**To:**

Auburndale Square Traffic Improvements .....\$783,846

[02-01-16 @ 11:53 AM]

**Public Facil Approved Subject to Second Call 6-0-1 (Lappin abstaining) on 02/03/16**

**Finance Approved 6-0**

**Public Facilities Approved 7-0**

**Clerk's Note:** See explanation above for change of vote of the Public Facilities Committee.

**#39-16** **Reappointment of Elizabeth Dromey by Mayor as Chair of the Board of Assessors**  
ELIZABETH DROMEY, 15 Horace Road, Belmont, re-appointed as Chair of the Board of Assessors for a term expiring on February 1, 2019. (30 days – 03/02/16)  
 [01/25/16 @ 4:07 PM]

**Finance Approved 6-0**

**#41-16** **Request to authorize transfer of \$25,000 to the Human Resources Department**  
HIS HONOR THE MAYOR requesting authorization to transfer the sum of twenty-five thousand dollars (\$25,000) from Free Cash to the Human Resources Department Full-time Salaries Account to absorb additional costs associated with a significant increase in workload. [01/25/16 @ 4:06 PM]

**Finance Approved 6-0**

**#42-16** **Request to authorize transfer of \$25,000 to the Financial Info Systems Department**  
HIS HONOR THE MAYOR requesting authorization to transfer the sum of twenty-five thousand dollars (\$25,000) from Free Cash to the Financial Information Systems Department Full-time Salaries Account to absorb the costs of vacation and sick time buyouts for a retirement within the department. [01/25/16 @ 4:06 PM]

**Finance Approved 6-0**

**#43-16** **Request to authorize transfer of \$25,000 to the Assessing Department**  
HIS HONOR THE MAYOR requesting authorization to transfer the sum of twenty-five thousand dollars (\$25,000) from Free Cash to the Assessing Department Full-time

Salaries Account to absorb the costs of vacation and sick time buyouts as a result of the retirement of a long-term employee and to temporarily increase staffing levels by one full-time position while that employee transitions to retirement. [01/25/16 @ 4:06 PM]

**Finance Approved 6-0**

**A motion to accept the following two late filed items to the docket and refer them to the appropriate committees was Approved by voice vote.**

*The following item was filed after the close of the docket and requires a suspension of the Rules to be referred to Committee:*

**Referred to Public Facilities and Finance Committees**

**#68-16      Transfer from budget reserve to DPW for snow removal**

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

Personnel Costs – Overtime	
(0140110-513001).....	\$ 300,000
Rental Vehicles	
(0140110-5273-5273) .....	\$700,000

[02/10/16 @ 10:26 AM]

*The following item was filed after the close of the docket and requires a suspension of the Rules to be referred to Committee:*

**Referred to Finance Committee**

**#69-16      Funding for research and public outreach by the Charter Commission**

HIS HONOR THE MAYOR requesting a discussion of the request from the Newton Charter Commission to appropriate forty-five thousand five hundred dollars (\$45,500) to the following accounts:

Consulting	
(C108004-5301) .....	\$30,000
Part-time Salaries	
(C108004-211101) .....	\$4,500
Printing	
(C108004-5342) .....	\$10,000
Office Supplies	
(C108004-5420) .....	\$1,000

[02/11/16 @ 4:24 PM]

**Public Hearings were assigned for the following items:**

***Public hearing assigned for February 17, 2016:***

**#57-16 Verizon and Eversource petition for grant of location in Saw Mill Brook Parkway**  
VERIZON NEW ENGLAND INC. & EVERSOURCE petitioning for a grant of location to install and maintain a new stub pole and anchor in Sawmill Brook Parkway at Fredette Road in front of 552 Saw Mill Brook Parkway. (Ward 8) [01/25/16 @ 4:16 PM]

***Public hearing assigned for February 17, 2016:***

**#187-15(2) National Grid petition to revise grant of location for Centre Street**  
NATIONAL GRID petitioning to revise a grant of location for Centre Street approved by the Board of Aldermen on September 21, 2015 by installing 38' ± of 12" gas main in Centre Street near the intersection of Franklin Street easterly to the proposed 12" gas main at 334 Centre Street, installing 417' ± of 12" gas main southerly to the proposed 12" gas main at Centre Street and Buswell Park, and installing 29' ± of 12" gas main westerly to the previously approved 12" gas main in Centre Street near Bennington Street. (Ward 1) [02/02/2016 @ 9:51 AM]

***Public hearing assigned for March 14, 2016:***

**#53-16 Zoning Ordinance technical amendments**  
ACTING DIRECTOR OF PLANNING requesting technical amendments to the recently adopted reformatted Newton Zoning Ordinance to address edits related to missing or incorrectly transcribed ordinance provisions. [02/09/16 @ 4:24 PM]

***Public hearing assigned for March 14, 2016:***

**#54-16 Zoning ordinance amendment relative to Health Club use**  
ACTING DIRECTOR OF PLANNING proposing amendments to the Newton Zoning Ordinance to allow the "Health Club" use in Business 1, Business 2 and Business 4 districts; and to clarify the definition of "Personal Service" as it relates to health and fitness uses. [02/09/16 @ 4:24 PM]

***Public Hearing assigned for March 15, 2016:***

**#32-16(2) Special permit petition for 150 Newtonville Avenue**  
MARIANNE GERARD & CHRISTINE L. KANE ROBERTSON petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to locate parking within 5' of the street as the petitioners are constructing a detached garage located .25' from the street for which they have received a variance at 150 NEWTONVILLE AVENUE, Ward 1, Newton, on land known as SBL 12, 22, 20, containing approximately 10,404 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 5.1.7, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

***Public Hearing assigned for March 15, 2016:***

**#49-16 Special permit petition for 103 Court Street**  
ALAN W AND BARBARA J QUEBEC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a rear lot subdivision to construct a two-family dwelling on a 12,084

sf lot, while maintaining the existing two-family dwelling on a 10,699 sf lot at 103 COURT STREET, Ward 2, Newtonville, on land known as SBL 23, 16, 36 containing approximately 22,738 sf of land in a district zoned MULTI RESIDENCE 1. Ref: 3.2.12, 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

***Public Hearing assigned for March 15, 2016:***

**#92-15(2) Petition to amend special permit #92-15 for 131 Charlesbank Road**  
ANDREW CONSIGLI, 131 CHARLESBANK ROAD LLC petition to amend Special Permit 92-15, which allowed the construction of a four-unit multi-family townhouse style dwelling, in order to construct a retaining wall of more than four feet and to reflect the dwelling as built , which is one square foot larger than what was approved as part of the site plan at 131 CHARLESBANK ROAD, Ward 1, Newton, on land known as SBL 71, 7, 25 containing 14,080 sf of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 7.4, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord. 2015.

***Public Hearing assigned for April 5, 2016:***

**#48-16 Special permit petition for 255-257 Newtonville Avenue**  
STORAGE DEVELOPMENT PARTNERS, LLC/NORCROSS TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a three-story, 113,187 square foot self-storage facility with a building height of 36 feet which will increase the Floor Area Ratio to 1.5, where 1.0 is the maximum allowed by right as well as a waiver of 36 parking stalls and waivers of other parking requirements at 255-257 NEWTONVILLE AVENUE, Ward 2, Newtonville, on land known as SBL 12, 16, 8, containing approximately 75,634 sf of land in a district zoned MANUFACTURING. Ref: 7.3.3, 7.4, 4.3.1.B.1, 4.3.2.B.3, 4.3.3, 5.1.4, 5.1.8.A.1, 5.1.8.B.3, 5.1.9.A.1, 5.1.10.A, 5.1.13, of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**The City Council voted 18 Yeas, 1 Excused (Councilor Hess-Mahan), 5 Absent (Councilors Baker, Gentile, Kalis, Sangiolo and Schwartz) to go into Executive Session to hear from the Law Department regarding strategy for litigation and a possible settlement offer from 135 Wells Avenue.**

**The President announced that since all of the Council's open session business was concluded, the Council would be adjourning its meeting at the close of the Executive Session and would not be returning to open session.**