



City Council Reports Docket

March 7: Programs & Services
March 9: Programs & Services; Public Facilities
March 14: Finance; Zoning & Planning
March 15: Land Use

Continued
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Monday, March 7, 2016
7:45 PM, Newton City Hall
To be reported on
Monday, March 21, 2016

City of Newton In City Council Items to be Acted Upon

Unfinished Council Business

Item Chartered by Councilor Gentile on March 7, 2016

Referred to Land Use Committee

#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, and continued to February 23, 2016.

Public Hearing Closed 7-1 (Harney opposed); Land Use APPROVED 5-0-3 (Harney, Lennon, Schwartz)

Item Chartered by Councilor Gentile March 7, 2016

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, *please contact Jini Fairley, at least two days in advance of the meeting: jfairley@newtonma.gov, or 617-796-1253. For Telecommunications Relay Service dial 711.*

Referred to Land Use Committee

Tuesday, March 15, 2016

Present: Councilors Schwartz (Acting Chair), Cote, Harney, Crossley, Lipof, Lennon; absent: Councilors Laredo and Auchincloss; also present: Councilor Albright

#360-14(2) Request for an Extension of Time for Special Permit at 112 Needham Street

112 NEEDHAM STREET, LLC request for an EXTENSION of TIME in which to EXERCISE special permit #360-14, granted on March 16, 2015, to demolish an existing single-story commercial building and construct a new two-story commercial building with a parking facility with 11 stalls, a with approximately 1,400 sf of storage on the first floor, and 5,810 sf of office space on the second floor at 112 NEEDHAM STREET, Ward 8, NEWTON UPPER FALLS, said EXTENSION will run from March 16, 2016 to March 16, 2017. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 3, 30-19(d)(11), (15), and (m), and 30-19 Table of off-street loading requirements of the City of Newton Rev Zoning Ord, 2012.

Land Use Approved 5-0

#31-16 Special permit petition for 147 Newtonville Avenue

BECKY SEARLES & SEAN McNALLY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NON-CONFORMING STRUCTURE to remove an existing sunroom and replace it with a larger room with finished space above and additional basement space in an existing 3½-story nonconforming single-family dwelling with a nonconforming front setback at 147 NEWTONVILLE AVENUE, Ward 2, NEWTONVILLE, on land known as SBL 12-17-19, containing approx. 16,748 sf of land in a district zoned MULTI-RESIDENCE 1. Ref: Sec. 7.3, 7.4, 7.8.2.C.2, 3.2.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Opened & Closed 6-0, Land Use Approved 6-0

#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 Opened & Closed 6-0, Land Use Approved 6-0

#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 Opened & Closed 6-0, Land Use Approved 4-0-2 (Lennon & Schwartz)

#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 Opened & Closed 6-0, Land Use Approved 6-0

Referred to Zoning & Planning Committee

Monday, March 14, 2016

Present: Councilors Hess-Mahan (Chair), Danberg, Kalis, Leary, Yates, Albright; absent: Councilors Sangiolo and Baker

#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]

ITEM SPLIT INTO PART A AND PART B: PART A – To allow Health Club use in BU1, BU2 and BU4; PART B – To clarify the definition of Personal Services as it relates to health and fitness issues.

Zoning & Planning Approved Part A 6-0; Held Part B 6-0

#54-16(2) Zoning ordinance amendment relative to Health Club Use; other districts
ACTING DIRECTOR OF PLANNING proposing to amend the Newton Zoning Ordinance, Chapter 30, which became effective November 1, 2015 to allow the “Health Club” use in Manufacturing, Limited Manufacturing, Mixed Use 1 and Mixed Use 1 districts.

Zoning & Planning Approved 6-0

#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]
Zoning & Planning Approved 6-0

#266-14 Request to restart demolition delay time period with transfer of ownership
ALD. BLAZAR, YATES AND DANBERG requesting:
1. to amend Section 22-50 to require that in the event there is a transfer of legal or beneficial ownership of a preferably preserved property during the demolition delay period, the full demolition delay period will restart from the date of the transfer of ownership;
2. and further requesting to amend Section 22-50 to require that in the event a transfer of legal or beneficial ownership of a preferably preserved property occurs after the expiration of a demolition delay period but prior to the issuance of a demolition permit, no demolition permit shall issue until the new owner complies with the procedures of Section 22-50(c)(5). [7/07/14 @ 12:35 PM]
Zoning & Planning Approved as Amended to add effective date 6-0

Referred to Programs & Services Committee

Monday, March 7, 2016

Present: Councilors Rice (Chair), Leary, Hess-Mahan, Kalis, Schwartz, Auchincloss and Baker; Absent: Councilor Sangiolo; Also Present: Councilors Norton, Lapping, Danberg, Yates, Lennon, Ciccone, Gentile, Fuller, Crossley, Harney, Cote, Blazar, Brousal-Glaser and Albright

#31-15 Proposing an ordinance to limit leaf blower use
PROGRAMS & SERVICES COMMITTEE proposing an ordinance to limit the use of leafblowers. [01/26/15 @ 2:20 PM]
Programs & Services Held 7-0

#31-15(2) Amend Noise Ordinance restrictions for yard maintenance equipment
THE PROGRAMS & SERVICES COMMITTEE requesting to amend *Chapter 20-13, Noise Control*, relative to time restrictions on the use of yard, garden or grounds maintenance equipment. [03/19/15 @ 12:14 PM]
Programs & Services Held 7-0

Referred to Programs & Services Committee

Wednesday, March 9, 2016

Present: Councilors Rice (Chair), Leary, Schwartz, Auchincloss, Kalis, Hess-Mahan and Baker; absent: Councilor Sangiolo; also Present: Councilor Norton

Referred to Programs & Services and Finance Committees

- #88-16** **Request to transfer \$223,865 from Snow and Ice Budget Reserve for tree services**
HIS HONOR THE MAYOR requesting authorization to transfer two hundred twenty-three thousand eight hundred sixty five dollars (\$223,865) from the Budget Reserve – Snow and Ice Removal Account to the following accounts:
 Parks and Recreation Personnel Costs – Overtime
 (0160201-513001).....\$28,280
 Forestry/Tree Services
 (0160201-5243).....\$195,585
 [02/29/16 @ 4:03 PM]
Finance Approved 6-0 (Rice not voting)
Programs & Services Approved 7-0
- #77-16** **Mayor’s re-appointment of Julia Malakie to Urban Tree Commission**
JULIA MALAKIE, 50 Murray Road, Newton, re-appointed as a member of the URBAN TREE COMMISSION for a term to expire February 5, 2019 (60 days 5/6/16) [02/10/16 @ 10:00 AM]
Programs & Services Approved 7-0
- #78-16** **Mayor’s re-appointment of Pete Johnson to Parks & Recreation Commission**
PETE JOHNSON, 121 Fairway Drive, Newton, re-appointed as member of the PARKS & RECREATION COMMISSION for a term to expire February 25, 2019 (60 days 5/6/16) [02/10/16 @ 10:00 AM]
Programs & Services Approved 7-0
- #79-16** **Mayor’s re-appointment of Donald Fishman to Parks & Recreation Commission**
DONALD FISHMAN, 68 Littlefield Road, Newton, re-appointed as a member of the PARKS & RECREATION COMMISSION for a term to expire February 25, 2019 (60 days 5/6/16) [02/10/16 @ 10:00 AM]
Programs & Services Approved 7-0
- #31-15** **Proposing an ordinance to limit leaf blower use**
PROGRAMS & SERVICES COMMITTEE proposing an ordinance to limit the use of leafblowers. [01/26/15 @ 2:20 PM]
Programs & Services Held 7-0

- #31-15(2) Amend Noise Ordinance restrictions for yard maintenance equipment**
THE PROGRAMS & SERVICES COMMITTEE requesting to amend *Chapter 20-13, Noise Control*, relative to time restrictions on the use of yard, garden or grounds maintenance equipment. [03/19/15 @ 12:14 PM]
Programs & Services Held 7-0

Referred to Public Facilities Committee

Wednesday, March 9, 2016

Present: Councilors Crossley (Chair), Albright, Brousal-Glaser, Gentile, Danberg, Laredo, and Lappin;
absent: Councilor Lennon; also present: Councilor Fuller and Leary

- #81-16 Eversource petition for a Grant of Location for Parkview Avenue**
EVERSOURCE ENERGY petitioning for a grant of location to install a new pole and anchor on the easterly side of PARKVIEW AVENUE 35' east of Norwood Avenue. (Ward 2) [02/10/16 @ 3:17 PM]
Public Facilities Approved 6-0 (Laredo not voting)

- #82-16 Eversource petition for a Grant of Location for Crescent Street**
EVERSOURCE ENERGY petitioning for a grant of location to install a new pole and anchor on the southeasterly side of Crescent Street 8' east of Rowe Street. (Ward 4) [02/10/16 @ 3:17 PM]
Public Facilities Approved 6-0 (Laredo not voting)

Referred to Public Facilities and Finance Committees

- #455-14 Ordinance Amendment to create a storm water rate fee structure**
HIS HONOR THE MAYOR recommending amendment to Chapter 29, Section 80 **Sewer/Stormwater use charge.** of the City of Newton Ordinances to create a storm water rate fee structure based upon square footage of impervious surface area.
Finance Approved 6-1 (Lappin opposed) on 03/14/16
Public Facilities Approved 5-1-1 (Lappin opposed; Albright abstaining)

Referred to Public Facilities and Finance Committees

- #89-16 Request for \$3,400,000 for the Fire Station 3/Headquarters Project**
HIS HONOR THE MAYOR requesting authorization to appropriate three million four hundred thousand dollars (\$3,400,000) from bonded indebtedness for the purpose of funding the completion of the next phase of construction of the Fire Station 3/Headquarters Project. [02/29/16 @ 4:03PM]
Finance Approved 5-0-2 (Blazar, Fuller abstaining) on 03/14/16
Public Facilities Approved 6-0 (Brousal-Glaser not voting)

Referred to Public Facilities and Finance Committees

- #133-15** **Authorization to negotiate leases for install of solar panels on city properties**
HIS HONOR THE MAYOR requesting authorization to enter into negotiations for the potential lease on city properties for purposes of third-party construction, ownership, and operation of on-site renewable solar energy generation from which the City will purchase electric output and/or net metering credits. [05/11/15 @ 5:00 PM]
ITEM SPLIT INTO PART A AND PART B; PART A – APPROVED on 11/16/15
PART B – *Solar panels mounted on new carport structures at Newton South High School and solar panels mounted on new carport structures at the Library.*
Public Facilities split Part B into Part B1 (Newton South High School) and Part B2 (Library); Finance Approved Part B1 7-0 on 03/14/16 ; Finance Approved Part B2 5-1-1 (Gentile opposed; Blazar abstaining) on 03/14/16
Public Facilities Approved Part B1 6-0-1 (Gentile abstaining)
Public Facilities Approved Part B2 5-1-1 (Gentile opposed, Laredo abstaining)

Referred to Finance and Appropriate Committees

- #288-15** **Submittal by the Mayor of the FY17 Capital Improvement Plan**
HIS HONOR THE MAYOR submitting the FY 2017-FY 2021 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter. [10/01/15 @ 1:53 PM]
Public Facilities Held 7-0

Referred to Public Facilities and Finance Committees

- #224-15(2)** **Inter-municipal agreement with Needham for repair of Elliot St Bridge**
HIS HONOR THE MAYOR requesting authorization to enter into an Inter-Municipal Agreement with the Town of Needham detailing Needham’s obligation to fund half of the construction contract costs associated with repairs to the jointly owned Elliot Street/Central Avenue Bridge and to potentially authorize additional funds for an additional scope of work required by the Newton Upper Falls Historic Commission, which is excluded from the agreement. [03/03/16 @ 1:48 PM]
Finance approved 7-0 on 03/14/16
Public Facilities Approved Subject to Second Call 4-0-2 (Gentile, Lappin abstaining; Danberg not voting)

Referred to Finance Committee

Monday, March 14, 2016

Present: Councilors Gentile (Chair), Norton, Brousal-Glaser, Rice, Blazar, Fuller, and Lappin
 Absent: Councilor Ciccone

- #62-16** **Acceptance of a National Grid Grant of up to \$55,000**
HIS HONOR THE MAYOR requesting authorization to accept and expend a grant of up to fifty-five thousand dollars (\$55,000) awarded by National Grid for the purpose of strengthening energy management programs in municipal and public school buildings, as well as funding a climate change vulnerability assessment. [02/09/16 @ 2:47 PM]
Finance Approved 6-0 (Rice not voting)

#84-16 Request for funding to settle a claim for damage to a fence
HIS HONOR THE MAYOR requesting authorization to appropriate and expend eight thousand two hundred four dollars (\$8,204) from Free Cash for the purpose of settling a claim against the City for damage to a fence. [02/29/16 @ 4:02 PM]
Finance Approved 6-0 (Rice not voting)

#85-16 Request for funding to satisfy a reinstatement order
HIS HONOR THE MAYOR requesting authorization *to settle a claim and* to appropriate and expend ~~fifty three thousand eight hundred thirty nine dollars (\$53,839) from the Judgements and Settlements Account and seventy six thousand seven hundred sixty eight dollars (\$76,768)~~ *one hundred thirty thousand six hundred eight dollars and seventy five cents (\$130,608.75)* from Free Cash to satisfy a reinstatement order for a Municipal Employees Association employee. [02/29/16 @ 4:02 PM]
Finance Approved as Amended 3-1-2 (Gentile opposed; Blazar, Brousal-Glaser abstaining; Rice not voting)

#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]
 : **No Action Necessary 6-0 (Rice not voting)**

#385-08(3) Expend mitigation funds for Commonwealth Ave landscape maintenance
HIS HONOR THE MAYOR requesting authorization to appropriate and expend twenty thousand nine hundred dollars (\$20,900) from development mitigation funds for planting and beautification purposes on Commonwealth Avenue near the Marriott Hotel per Condition #24 of Special Permit #385-08, approved on February 17, 2009. [02-29-16 @ 4:02 PM]
Finance Approved 6-0 (Rice not voting)

Referred to Programs & Services and Finance Committees

#88-16

Request to transfer \$223,865 from Snow and Ice Budget Reserve for tree services

HIS HONOR THE MAYOR requesting authorization to transfer two hundred twenty-three thousand eight hundred sixty five dollars (\$223,865) from the Budget Reserve – Snow and Ice Removal Account to the following accounts:

Parks and Recreation Personnel Costs – Overtime
(0160201-513001).....\$28,280
Forestry/Tree Services
(0160201-5243).....\$195,585

Programs & Services Approved 7-0 on 03/09/16

Finance Approved 6-0 (Rice not voting)

Referred to Public Facilities and Finance Committees

#89-16

Request for \$3,400,000 for the Fire Station 3/Headquarters Project

HIS HONOR THE MAYOR requesting authorization to appropriate three million four hundred thousand dollars (\$3,400,000) from bonded indebtedness for the purpose of funding the completion of the next phase of construction of the Fire Station 3/Headquarters Project. [02/29/16 @ 4:03PM]

Public Facilities Approved 6-0 on 03/09/16

Finance Approved Subject to Second Call 5-0-2 (Blazar, Fuller abstaining)

Referred to Public Facilities and Finance Committees

#133-15

Authorization to negotiate leases for install of solar panels on city properties

HIS HONOR THE MAYOR requesting authorization to enter into negotiations for the potential lease on city properties for purposes of third-party construction, ownership, and operation of on-site renewable solar energy generation from which the City will purchase electric output and/or net metering credits. [05/11/15 @ 5:00 PM]

ITEM SPLIT INTO PART A AND PART B

PART A –BOA APPROVED on 11/16/15

PART B – *Solar panels mounted on new carport structures at Newton South High School and solar panels mounted on new carport structures at the Library.*

Public Facilities split Part B into Part B1 (Newton South High School) and Part B2 (Library)

Public Facilities Approved Part B1 6-0-1 (Gentile abstaining) on 03/09/16

Public Facilities Approved Part B2 5-1-1 (Gentile opposed, Laredo abstaining) on 03/09/16

Finance Approved Part B1 7-0

Finance Approved Part B2 5-1-1 (Gentile opposed; Blazar abstaining)

Referred to Public Facilities and Finance Committees

#224-15(2)

Inter-municipal agreement with Needham for repair of Elliot St Bridge

HIS HONOR THE MAYOR requesting authorization to enter into an Inter-Municipal Agreement with the Town of Needham detailing Needham’s obligation to fund half of the construction contract costs associated with repairs to the jointly owned Elliot Street/Central Avenue Bridge and to potentially authorize additional funds for an additional scope of work required by the Newton Upper Falls Historic Commission, which is excluded from the agreement. [03/03/16 @ 1:48 PM]

Public Facilities Approved Subject to Second Call 4-0-2 (Gentile, Lappin abstaining; Danberg not voting) on 03/09/16

Finance Approved Subject to Second Call 7-0

Referred to Public Facilities and Finance Committees

#455-14

Ordinance amendment request to create a storm water rate fee structure

HIS HONOR THE MAYOR recommending amendment to Chapter 29, Section 80 **Sewer/Stormwater use charge.** to create a storm water rate fee structure based upon square footage of impervious surface area.

Public Facilities Approved 5-1-1 (Lappin opposed; Albright abstaining)

Finance Approved 6-1 (Lappin opposed)

#91-16

Request for consulting services for the Human Resources Department

HIS HONOR THE MAYOR requesting authorization to appropriate and expend eighty-three thousand one hundred thirty-three dollars (\$83,133) from Free Cash to the Human Resources Department for consulting services to audit the Retiree Drug Receipts Account. [02/29/16 @ 4:03PM]

Finance Approved 7-0

#86-16

Request to rescind MWRA sewer borrowing authorization balances

HIS HONOR THE MAYOR requesting rescission of the following Massachusetts Water Resource Authority (MWRA) sewer borrowing authorization balances that have not and will not be spent, as well as the fractional borrowing authorizations and appropriations:

Board Orders

#149-07 Sewer Improvements	\$338,655
#361-09 Sewer Improvements	\$198,000
#52-14 Station 10/Wires Building	\$12,296
#32-15(2) Station 10/Wires Building	\$823
#215-15 Library Automation System.....	\$850
#217-15 Fire SCBA Equipment.....	\$750
#216-15 Fire Bucket Truck.....	\$700

Finance Approved 7-0

#87-16

Request to appropriate and expend \$253,808.90 to cover bond issuance costs

HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred fifty-three thousand eight hundred eight dollars and ninety cents (\$253,808.90) from the following accounts to fund bond issuance costs associated with the City’s January 2016 bond sale:

From:

Free Cash	\$154,637.43
Override Capital Stabilization Fund.....	\$78,886.78 \$95,418.14
Debt Exclusion-Angier Elementary School	\$16,531.36
Stormwater Current Year Reserve	\$2,418.82
Sewer Fund.....	\$1,334.52

To:

Bond Sale Costs	\$253,808.90
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[02-29-16 @ 4:02 PM]

Finance Approved as Amended 7-0