



## City Council Actions

### In City Council

**Monday, April 4, 2016**

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

**Absent:** Councilor Harney

**The City Council discussed the following items on Second Call:**

#### **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) on 03/14/16**

**City Council Referred Back to Public Facilities on 03/21/16**

**Public Facilities Approved Subject to Second Call 3-0-4 (Albright, Danberg, Laredo, Lappin Abstaining)**

**Approved 23 yeas, 1 Absent (Councilor Harney)**

Clerk's Note:

*The following item was denied by the City Council on December 21, 2015 and requires a suspension of the Rules to be referred to Committee:*

Public hearing to be assigned for April 21, 2016

**#124-16**

**National Grid Grant of Location Petition for Old Farm Road**

NATIONAL GRID petitioning to install and maintain 200'± of 4" gas main in Old Farm Road from the existing 12" gas main in Brookline Street southerly to 12 Old Farm Road for a new gas service. (Ward 8) [03/22/16 @ 3:09 PM]

**A motion to delay the decision on accepting to the docket and referring to committee until the April 19, 2016 meeting was approved by Voice Vote**

Clerk's Note:

**Referred to Land Use Committee**

#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.

**Land Use Approved 4-0-2 (Lennon & Schwartz) on 03/15/16**

**City Council Postponed to a Date Certain of April 4, 2016 by Voice Vote**

**Approved 23 yeas, 1 Absent (Councilor Harney)**

**Referred to Zoning and Planning Committee**

#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 on 03/14/16**

**City Council Postponed to a Date Certain of April 4, 2016 by Voice Vote**

**Part A Approved 23 yeas, 1 Absent (Councilor Harney)**

Clerk's Note:

**Referred to Zoning and Planning Committee**

#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 on 03/14/16**

**City Council Postponed to a Date Certain of April 4, 2016 by Voice Vote**

**Approved 23 yeas, 1 Absent (Councilor Harney)**

Clerk's Note:

**Referred to Zoning and Planning Committee**

#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 on 03/14/16  
City Council Postponed to a Date Certain of April 4, 2016 by Voice Vote  
Approved 23 yeas, 1 Absent (Councilor Harney)**

Clerk's Note:

**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 on 03/14/16**  
**City Council Postponed to a Date Certain of April 4, 2016 by Voice Vote**  
**Approved 23 yeas, 1 Absent (Councilor Harney)**

Clerk's Note:

**Referred to Zoning and Planning Committee**

**#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 03/14/16**  
**City Council Postponed to a Date Certain of April 4, 2016 by Voice Vote**  
**Motion to Amend to Remove the words "legal and beneficial" from both clause (7) and (8) Approved by Voice Vote**  
**Motion to Amend to add the text "single, two or three family dwellings" in both clause (7) and (8) was Denied 16 Nays, 7 Yeas (Councilors Albright, Auchincloss, Crossley, Fuller, Lappin, Laredo, Lennon), 1 Absent (Councilor Harney)**

**Approved as Amended 14 yeas, 9 Nays (Councilors Albright, Auchincloss, Ciccone, Crossley, Fuller, Gentile, Lappin, Lipof, Lennon), 1 Absent (Councilor Harney)**

Clerk's Note:

**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.***

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

**Public Facilities Approved Part B1 6-0-1 (Gentile abstaining)**

**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) on 03/14/16**

**City Council Approved Part B1 23-1 (Schwartz opposed)**

**Part B2 Chartered by Councilor Cote March 21, 2016**

**Denied 15 Nays, 8 Yeas (Councilors Albright, Auchincloss, Crossley, Danberg, Fuller, Lappin, Leary, Norton), 1 Absent (Councilor Harney)**

Clerk's Note:

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

**Referred to Programs & Services Committee**

Wednesday, March 23, 2016

#76-16

**Mayor's appointment of Jessica Barton to Urban Tree Commission**

JESSICA BARTON, 9 Proctor Street, Newton, appointed as a member of the URBAN TREE COMMISSION for a term to expire February 5, 2018 (60 days 5/6/16) [02/10/16 @ 10:00 AM]

**Programs & Services Approved 6-0 (Baker, Sangiolo not voting)**

#104-16

**Mayor's appointment of Brooke Foucault Welles to Human Rights Commission**

BROOKE FOUCAULT WELLES, 9 William Street, Newton, appointed to the HUMAN RIGHTS COMMISSION for a term to expire February 25, 2019 (60 days 5/06/16) [03/07/16 @ 4:37 PM]

**Programs & Services Approved 6-0 (Baker, Sangiolo not voting)**

#10-16

**Polling location change from Memorial Spaulding School to Temple Beth Avodah NEWTON ELECTION COMMISSION** requesting the Newton City Council approve a change of polling location for Ward 8, Precinct 2 from the Memorial Spaulding School to Temple Beth Avodah at 45 Puddingstone Lane, Newton beginning with the September 2016 State Primary Election. [12/17/15 @ 5:21 PM]

**Programs & Services Approved 3-1-3 (Auchincloss opposed; Baker, Schwartz, Kalis abstaining; Sangiolo not voting)**

**Referred to Public Safety & Transportation Committee**

Wednesday, March 23, 2016

#197-15

**Discussion on policy or ordinance to deal with the use of drones**

ALD. ALBRIGHT, on behalf of a constituent requesting a discussion with the Chief of Police and the Commissioner of Parks and Recreation on the use of drones in the City of Newton to discuss what means and methods could become policy or ordinances to deal with an increase of privacy complaints as well as uses of more serious consequences. [08/14/15 @ 11:51 AM]

**Public Safety Approved 4-0-1, (Yates abstaining, Lipof not voting)**

**A motion to suspend the rules to allow the Chair of the Public Safety Committee to poll his committee to seek to return the item to the Public Safety Committee was approved by Voice Vote**

**Public Safety Committee approved returning the item to Committee 7-0**

#326-14

**Discussion and plan to replace parking meters**

ALD. ALBRIGHT, requesting a discussion and a plan to replace all Newton parking meters within two years. [08/19/14 @ 9:16 AM]

**Public Safety No Action Necessary 5-0, (Lipof not voting)**

#105-16

**Extension of time for police to inspect taxicabs and public autos**

POLICE DEPARTMENT, requesting an extension of time of **Sec. 19-309. Requirements as to vehicles generally** (b) Annual inspection of vehicles, of the Revised Ordinances of the City of Newton. [03/11/16 @ 10:35 AM]

**Public Safety Approved 5-0 (Lipof not voting)**

**Referred to Public Facilities Committee**

Wednesday, March 23, 2016

**Referred to Public Facilities and Finance Committees**

#117-16

**\$2,700,000 for water main improvements**

HIS HONOR THE MAYOR requesting authorization to appropriate two million seven hundred thousand dollars (\$2,700,000) from bonded indebtedness for the purpose of funding water main improvements as part of the 10 year - \$40 million Capital Improvement Plan. [03/15/16 @ 4:51 PM]

**Finance Approved on 03/28/16**

**Public Facilities Approved 6-0 (Albright not voting)**

**Referred to Public Facilities and Finance Committees**

#116-16

**Additional funding for Aquinas Window Project**

HIS HONOR THE MAYOR requesting authorization to appropriate three hundred eighteen thousand two hundred sixty dollars (\$318,260) from a transfer from the Capital Stabilization fund to provide additional funding for the Aquinas Window Project. [03/15/16 @ 4:52 PM]

**Finance Approved as Amended @ \$397,800 on 03/28/16**

**Public Facilities Approved as Amended @ \$397,800 Subject to Second Call 5-0 (Albright, Lappin not voting)**

**Motion to suspend the rules to allow the chair of the Public Facilities Committee to poll her committee to seek to allow the item to be voted on first call was approved by voice vote**

**Public Facilities Approved as Amended @ \$397,000 on first call 8-0**

**Referred to the Finance Committee**

Monday, March 28, 2016

#111-16

**Appropriation for Worker's Compensation Order from Dept of Industrial Accidents**

HIS HONOR THE MAYOR requesting authorization to appropriate and expend twenty thousand six hundred thirty-one dollars and ninety-seven cents (\$20,631.97) from the Worker's Compensation as ordered by the Department of Industrial Accidents. [03/15/16 @ 4:51PM]

**Finance Approved 8-0**

**Referred to Public Facilities and Finance Committees**

#116-16

**Additional funding for Aquinas Window Project**

HIS HONOR THE MAYOR requesting authorization to appropriate three hundred eighteen thousand two hundred sixty dollars (\$318,260) from a transfer from the Capital Stabilization fund to provide additional funding for the Aquinas Window Project. [03/15/16 @ 4:52 PM]

**Public Facilities Approved as Amended Subject to Second Call 5-0 on 03/23/16**

**Finance Approved as Amended 7-0-1 @ \$397,800 (Fuller abstaining)**

**#113-16 Grant of \$450,000 from MassDOT for Complete Streets**

HIS HONOR THE MAYOR requesting authorization to appropriate and expend four hundred fifty thousand dollars (\$450,000) in grant funds from the Mass Department of Transportation (Mass DOT) as part of their Complete Streets Program to develop a Complete Streets Prioritization Plan and the construction of projects in the plan and approved by Mass DOT. [03/15/16 @ 4:52 PM]

**Finance Approved 8-0**

**#114-16 Assessment of sidewalk/driveway apron and/or curb betterments**

HIS HONOR THE MAYOR requesting approval of the following mentioned sidewalk/driveway apron and/or curb betterments; said betterments to be levied under the provisions of MGL Chapter 83, Sec. 26, authorizing the assessment of betterments for construction: [03/15/16 @ 4:52 PM]

Address	Owner Name	Book/Page	Sec/Block/Lot	Total Cost
1790 Commonwealth Ave	Ward Holan & Christine	05690/0426	4300080001	\$3,237.50
76 Annawan Road	Steven D. Weatherhead	059840/0001	550410004	\$3,237.50
88 Annawan Road	William & Stacie Baker	035754/0494	550410003	\$2,705.00
98 Annawan Road	Terrance McGouan	049883/0151	550410002	\$2,932.50
16 Balcarres Road	David Palmer	018594/0151	320500011	\$2,745.00
19 Balcarres Road	John & Mary Rugie	032712/0228	320500007	\$2,445.00
28 Balcarres Road	Robert Bransfield	036599/0119	320500010	\$2,900.00
28 Lenox Street	Jane Obaggy	023803/0516	320500010	\$2,055.00
98 Baldpate Hill Road	William Hahn	01454/0056	82026011	\$5,272.50
105 Baldpate Hill Road	Janice & Richard Lipof	01330/0136	820250058	\$3,745.00
30 Berwick Road	Philip & Heather Palmer	050134/0279	520170001	\$2,522.50
290 Central Street	Terence Farmer	036493/0409	430230015	\$2,055.00
295 Central Street	Leslie Whitham	026726/0513	430290011	\$2,055.00
315 Central Street	Neritan Mustafa	062468/00824	430290013	\$2,477.50

321 Central Street	Jeffrey & Elyssa Kotzen	059890/0436	430290013A	\$3,400.00
330 Central Street	James & Louise Corrigan	031392/0573	430240002	\$2,172.50
347 Central Street	Wendy Woodruff	035169/0526	430290015	\$3,615.00
348 Central Street	Joel Shames	022103/0426	430250004	\$2,587.50
29 Fern Street	Dennis Howard	053946/01964	430250008	\$2,867.50
51 Lake Ave	Marc Fogel	031370/0019	620080009	\$2,587.50
7 Leewood Road	Robert Jed	001074/0024	830220001	\$3,120.00
12 Leewood Road	Green Richard	001430/0079	830230009	\$5,467.50
15 Leewood Road	Pogany Eugene	01449/0086	8300220002	\$2,900.00
24 Leewood Road	Arthur Noonan III	000857/0075	830230007	\$2,770.00
274 Otis Street	Mary & Adam Kirsch	022239/0298	320500006	\$5,817.50
70 Varick Road	Susan R Hayman	049962/0362	550250018	\$2,347.50
362 Waban Ave	Steven & Peter Smith	049962/0362	420080002	\$3,505.00
				<b>\$83,542.50</b>

**Finance Approved 8-0**

**Referred to Public Facilities and Finance Committees**

#117-16

**\$2,700,000 for water main improvements**

HIS HONOR THE MAYOR requesting authorization to appropriate two million seven hundred thousand dollars (\$2,700,000) from bonded indebtedness for the purpose of funding water main improvements as part of the 10 year - \$40 million Capital Improvement Plan. [03/15/16 @ 4:51 PM]

**Public Facilities Approved 6-0 on 03/23/16**

**Finance Approved 8-0**

**Committee of the Whole Meeting**

Wednesday, March 23, 2016

**Referred to Programs & Services, Public Facilities and Finance Committees**

#90-16

**Statement of Interest for Lincoln Eliot Elementary School**



SUPERINTENDENT FLEISHMAN is requesting a vote of the City Council to complement the vote of the School Committee to authorize the Superintendent of Schools to submit to the Massachusetts School Building Authority (MSBA) they FY 16 Statement of Interest no later than April 8, 2016 for the consideration of Lincoln-Eliot Elementary School as a major school Building project after Cabot Elementary School. [02/29/16 @ 4:45 PM]

**Committee of the Whole Approved by Voice Vote (Albright not voting)**

**Referred to Programs & Serv., Public Facil., Land Use and Finance Committees**

**#119-16** **\$100,000 in CPA funding for technical assessments of 70 Crescent Street**  
COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of one hundred thousand (\$100,000) from the Community Preservation Fund to the Public Buildings Department for technical assessments of 70 Crescent Street as a site for the CPA eligible affordable housing and park uses described in Board Order #384-11(4) and in the department's February 2016 proposal to the CPC. [03/10/16 @ 11:33 AM]

**Committee of the Whole Approved by Voice Vote (Cote, Lappin abstaining)**

**A motion to suspend the rules to allow the Chair of the Land Use Committee to Report out the following four items that were discussed and voted by the Land Use Committee without a written report was approved by voice vote.**

**Referred to Land Use Committee**

**#18-15(2)** **Request for an Extension of Time for Special Permit at 17 Cushing Road**  
LAURA KAY HUGHES request for an EXTENSION of TIME in which to EXERCISE special permit #18-15, granted on April 21, 2015 to construct a two-story addition to the rear of an existing 2½-story single-family dwelling, to demolish an existing detached garage and build a new two-stall detached garage with storage above, which will increase the Floor Area Ratio from .31 to .57, where .40 is the maximum allowed by right, and for a front porch addition, which will encroach into the existing nonconforming setback, at 17 CUSHING STREET, Ward 6, Newton Highlands, said EXTENSION will run from April 21, 2016 to April 21, 2017. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table A, 30-15(u)(2), 30-15 Table 1 of the City of Newton Rev Zoning Ord, 2012.

**Land Use Approved 7-0**

**Referred to Land Use Committee**

**#57-15(2)** **Request for an Extension of Time for Special Permit at 109 Essex Street**  
BROOKE H. & CONAN LAUGHLIN request for an EXTENSION of TIME in which to EXERCISE special permit #57-15, granted on April 21, 2015 to demolish an existing one-story 6'x6' mudroom addition and construct a 8'x10' one-story mudroom adjoining a 10'x12' pantry, for a total floor area of 200 square-feet, on to an existing single-family dwelling at 109 ESSEX ROAD, Ward 7, Chestnut Hill, said EXTENSION

will run from April 21, 2016 to April 21, 2017. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

**Land Use Approved 7-0**

**Referred to Land Use Committee**

- #272-09(6)** **Request for an Extension of Time for Special Permit at 39 Herrick Road**  
**HERRICK ROAD REALTY TRUST** request for an EXTENSION of TIME in which to EXERCISE special permit #272-09(4), granted on March 16, 2015 to allow a three-story mixed use building containing an office use on the ground floor, four dwelling units above, and underground parking, also the waiver of 18 parking stalls, and to allow retaining walls greater than four feet in the setback at 39 HERRICK ROAD, Ward 6, Newton Centre, said EXTENSION will run from March 16, 2016 to March 16, 2017. Ref: Sec 30-24, 30-23, 30-19(d)(2), (8), (9), 30-19(f)(1), (2), 30-19(k), 30-19(m), 30-15(b)(2), 30-15 Table 3, 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012.

**Land Use Approved 7-0**

**Referred to Land Use Committee**

- #17-15(2)** **Request for an Extension of Time for Special Permit at 1446 Beacon Street**  
**KRISTIAN & BARBARA TALVITIE** request an EXTENSION of TIME in which to EXERCISE special permit #17-15, granted on March 16, 2015 to legalize a previous three-story addition and construct two new additions to the second and third floors, and demolish the existing detached garage and construct a new two-car detached garage, the sum of which will exceed the maximum allowable floor area ratio, and to allow two garages at 1446 BEACON STREET, Ward 5, Waban, said EXTENSION will run from March 16, 2016 to March 16, 2017. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 1, 30-15 Table A, 30-15(u)(2), 30-15(m)(5) of the City of Newton Rev Zoning Ord, 2012.

**Land Use Approved 7-0**

**A motion to suspend the rules to accept to the Docket and refer to committee the following late filed item 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 Zoning & Planning Committee**

- #278-14(2)** **Zoning amendment to clarify definition of two-family detached dwelling**  
**COUNCILOR HESS-MAHAN** requesting an amendment to clarify the intent of **Chapter 30 Section 1.5.1.B** definition of Two-Family Detached Dwelling. [03/31/16 @ 11:00 AM]

The City Council voted without discussion 22 Yeas, 1 Nay (Councilor Norton), 1 Absent (Councilor Harney) to take the following action:

**Referred to Finance Committee**

Monday, March 28, 2016

**#110-16 Funding for the Charter Commission**

HIS HONOR THE MAYOR requesting authorization to appropriate forty-five thousand five hundred dollars (\$45,500) from Free Cash to the below accounts for the purpose of enabling the Charter Commission to hire a consultant, a clerk and have access to funds for expenses:

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]

**Finance Approved 5-1-1 (Norton opposed, Brousal-Glaser abstaining; Ciccone not voting)**