



City Council Actions

In City Council

Tuesday, April 19, 2016

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

Absent: Councilors Brousal-Glaser, Lipof & Rice

The City Council discussed the following items on Second Call:

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:

Referred to Public Facilities Committee

Public hearing to be assigned for April 28, 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]

City Council Postponed Discussion to a Date Certain of April 19, 2016 by Voice Vote

City Council Postponed Discussion to a Date Certain of May 2, 2016 by Voice Vote

Clerk's Note: The Chair of the Public Facilities Committee requested that a decision on whether to accept this item to the docket be postponed to a date certain of May 2, 2016. She had requested and is waiting for some additional information from the Commissioner of Public Works which is necessary to making an informed decision.

Referred to Land Use and Finance Committees

#356-15 Request for CPA funding for two units of affordable housing at 10-12 Cambria Rd

COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of four hundred seventy-one thousand one hundred seventeen dollars (\$471,117) from the Community Preservation Fund to the Planning & Development Department for a grant to Citizens for Affordable Housing Development in Newton (CAN-DO), to create two units of permanently affordable rental housing at 10-12 Cambria Road, as described in the proposal submitted to the Community Preservation Committee in October 2015. [12/08/15 @ 12:08 PM]

Land Use Approved 6-0 on 02/02/16

Finance Approved 5-0-1 (Norton abstaining)

A motion to Amend the text of the Council Order to add the following text: "Be it Further Ordered that the Mayor and the Planning Department ensure that the petitioner comply with the State Department of Housing and Community

Development guidelines, including but not limited to the tenant selection process, to facilitate these units qualifying for the Subsidized Housing Inventory List.” was Approved by Voice Vote

The Council Order as amended was Approved 21 Yeas, 3 Absent (Councilors Brousal-Glaser, Lipof & Rice)

Clerk’s Note: Land Use Committee Chair Laredo and Finance Committee Vice-Chair Fuller presented the reports of their committees. It was noted that this project will cost approximately \$905,000, of which \$471,000 is coming from Community Preservation funds. This money will be used to purchase a Cambria Road home that will create two units of permanently affordable rental housing. One unit for a homeless family whose family income is up to 50% of the area wide median income and the second unit for a family either in transitional housing or survivors of domestic violence whose household income is up to 80% of the AMI. It was noted that three previous projects by CAN-DO, while they did create affordable rentals, were not included in the subsidized housing inventory because when the units were rented, CAN-DO did not follow the Department of Housing and Community Development guidelines which required a lottery process.

Councilor Gentile placed the item on second call to allow him to offer an amendment to the City Council Order. He read the amendment into the record: “Be it further ordered that the Mayor and the Planning Department insure that the petitioner complied with the State Department of Housing and Community Development guidelines including, but not limited to, the tenant selection process to facilitate these units qualifying for the subsidized housing inventory list.”

Councilor Gentile wanted to be sure that the Council is on record as having indicated its desire to make sure that the process is followed and that these units are to be added to the housing inventory list. There are seven units of affordable housing that Can-Do has created in the past and unfortunately the City, to this point, has not gotten credit for any of these units going on the housing list. Placement of these units on the list helps to get the City to the 10% rule for affordable housing in the City.

Councilor Hess-Mahan was in support of this amendment. He spoke to Executive Director Josephine MacNeil of CAN-DO and she did not have a problem with this and wanted to make sure that it is always up to the City to insure compliance, not the petitioner.

Councilor Sangiolo asked for clarification regarding the lottery system. Councilor Fuller said there was a two-step process. CAN-DO has to use the lottery process and once they have done that the City’s Planning Department has to put in the application to DHCD to include them on the list.

Councilor Gentile noted that CAN-DO is the only group in Newton that is providing affordable housing. He also noted that considering all projects, the developer’s fee taken by Can-Do is less than the going rate that other developers of affordable housing include in their projects. On average CAN-DO charges about 8% which is not a big developer fee. The allegation that loads of money is being taken by CAN-DO for developer’s fees is simply not the case. The finances of the organization and every issue raised has been looked into and he is now very comfortable with approving this item.

The City Council voted without discussion 20 Yeas, 4 Absent (Councilors Brousal-Glaser, Lipof, Rice and Sangiolo) to take the following actions:

Referred to Land Use Committee

Tuesday, April 5, 2016

#2-15(2)

Request for an extension of time for Special Permit at 300 Boylston Street

ATRIUM WELLNESS CENTER LLC. Request for an extension of time to EXERCISE SPECIAL PERMIT #2-15 granted on April 6, 2015 to repurpose an existing vacant building into a mixed-use facility including medical office, laboratory, general office, retail, and restaurant uses (to allow restaurants of more than 50 seats) at 300 BOYLSTON STREET, Ward 7, Chestnut Hill, on land known as SBL 82, 2, 1, containing approximately 125,771 sq. ft. of land in a district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-21, 30-11(b)(3), 30-11(d)(9), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

Land Use Approved 6-0

#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..

Public Hearing Continued to April 26, 2016; Land Use Held 6-0

Referred to Land Use Committee

Tuesday, April 12, 2016

#93-16

Special permit petition for 413 Hammond Street

DIANA M. BAILEY/ELISABETH M. BATTINELLI petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to build additions to the rear and side of the existing structure on the basement and first floor levels, and enclose a porch to create living space, which will further increase the non-conforming floor area ratio from .47 to .50, where .31 is the maximum allowed by right, and to regrade the property, which will further increase the nonconforming height of the existing structure from 37.4' to 37.7', where 36' is the maximum allowed by right at 413 Hammond Street, Ward 7, Chestnut Hill, on land known as SBL 63, 26, 14 containing approximately 15,307 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 7.8.2.C.2, 3.1.9, 3.1.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Land Use Approved 7-0 (Lennon not voting)

- #94-16** **Special Permit Petition for 2171 Commonwealth Avenue**
PHILIP HRESKO/THEODOROS VENTOURIS petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to build a two story garage/barn style addition to the rear of an existing structure to allow a private garage with a footprint of 1,169 square feet with provisions for four cars where 700 sq. ft. and three cars is allowed by right at 2171 Commonwealth Avenue, Ward 4, Auburndale on land known as SBL 41, 18, 32A containing approximately 20,952 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 7.3.3, 7.4, 3.4.2.C.1 of Chapter 30 of the City of Newton Rev Zoning Ord., 2015.
Public Hearing Continued to April 26, 2016; Land Use Held 8-0
- #95-16** **Special Permit Petition for 37 Westbourne Road**
JOYCE ZAKIM & PETER GREENSPAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing detached garage and construct a new wider garage connected to the principle structure which exceeds nonconforming FAR, and variances from side and front setback and lot coverage requirements to make the home accessible for wheelchair use at 37 Westbourne Road, Ward 7, Chestnut Hill on land known as SBL 73 45 09 containing approximately 8,090 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 3.1.9, 7.8.2.C.2, 7.3.3, 7.4 3.1.3 of Chapter 30 of the City of Newton Rev Zoning Ord., 2015.
Land Use Approved Withdrawal Without Prejudice 6-0 (Lipof, Lennon not voting)
- #96-16** **Special Permit Petition for 1573 Beacon Street**
RICHARD LEVY/RBL ARCHITECTS petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to further increase nonconforming FAR by expanding the front of a garage at 1573 Beacon Street, Ward 5, Waban on land known as SBL 53 32 04 containing approximately 13,555 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 3.1.9, 7.8.2.c.2, 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord., 2015.
Land Use Approved 7-0 (Schwartz not voting)
- #97-16** **Special Permit Petition for 27 Waverley Avenue**
ALICE SCHAEFER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow an association of persons in a common dwelling where inhabitants will share common living spaces at 27 Waverley Avenue, Ward 1, Newton Corner on land known as SBL 71 36 09 containing approximately 10,480 sq. ft. of land in a district zoned MULTI-RESIDENCE 1. Ref: Sec. 3.4.1, 5.1.4, 5.1.13, 5.1.7.A, 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord., 2015.
Public Hearing Continued to April 26, 2016; Land Use Held 8-0
- #98-16** **Special Permit Petition for 99 Oxford Road**
CHRISTINE CORONA AND JOSEPH MALARNEY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to further increase the nonconforming FAR by adding a second story rear addition over an existing room at 99 Oxford Road, Ward 6, Newton Centre on land known as 62 13 30 containing approximately 5,930 sq. ft. of land in a district zoned

SINGLE RESIDENCE 3. Ref: Sec. 3.1.9, 7.8.2.C.2, 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord., 2015.

Land Use Approved 7-0 (Schwartz not voting)

#99-16

Special Permit Petition for 360 Ward Street

BENYAMIN BER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a non-conforming structure with respect to the front setback, FAR, lot coverage and open space at 360 Ward Street, Ward 7, Chestnut Hill on land known as SBL 73 45 01A containing approximately 3,220 sq. ft. of land in a district zoned Single Residence 2. Ref: Sec. 3.1.3, 7.8.C.2, 3.1.9.A.2, 5.4.2.B, 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord., 2015.

Land Use Approved 7-0 (Lennon not voting)

Referred to Public Facilities Committee

Wednesday, April 6, 2016

#109-16(A)

Verizon Grant of Location petition for wireless communication equipment

CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS petitioning for a grant of location to attach wireless communication equipment to existing utility poles at the following locations:

Locations

Cabot Street (near corner of Cabot and Centre Streets) at Pole # 60

Wheeler Road (near Shuman Circle) at Pole # VZ3

Dedham Street (near Carlson Avenue) at Pole # 177/87

Parker Street (near 270 Parker Street) at Pole #340/29

Derby Street (near 114 Derby Street) at pole # 120/14

Crafts Street (near 542 Crafts Street) at Pole # 108/65A

Highland Street (near 200 Highland Street) at Pole # 208/22

Needham Street (near Charlemont Street) at Pole #113/26

[03/09/16 @ 10:00 AM]

Public Facilities Approved 6-0

Referred to Public Facilities and Finance Committees

#118-16

Funding for traffic signalization, traffic signal knockdowns, streetlight work

HIS HONOR THE MAYOR requesting authorization to transfer the sum of four hundred twenty-five thousand dollars (\$425,000) from the Public Works' Street Maintenance Full-time Salaries Account to the following accounts:

Electrical Equipment R&M – Streetlighting (0140109-52404)	\$85,000
Electrical Equipment R&M – Transportation (0140115-52404)	\$215,000
Public Property R&M – Transportation	

(0140115-52409) \$125,000
 [03/15/16 @ 4:51 PM]

Finance Approved 6-0 on 04/11/16

Public Facilities Approved 6-0

#83-16

Request for a website and e-mail list to provide updates for Elliot St Bridge project

COUNCILOR YATES requesting the City of Newton create a website and an e-mail list to inform area merchants, residents, and workers on the status of the closing and rehabilitation of Cook's Bridge. [02/22/16 @ 4:45 PM]

Public Facilities No Action Necessary 6-0

Referred to Finance Committee

Monday, April 11, 2016

Referred to Public Facilities and Finance Committees

#118-16

Funding for traffic signalization, traffic signal knockdowns, streetlight work

HIS HONOR THE MAYOR requesting authorization to transfer the sum of four hundred twenty-five thousand dollars (\$425,000) from the Public Works' Street Maintenance Full-time Salaries Account to the following accounts:

Electrical Equipment R&M – Streetlighting
 (0140109-52404) \$85,000

Electrical Equipment R&M – Transportation
 (0140115-52404) \$215,000

Public Property R&M – Transportation
 (0140115-52409) \$125,000

[03/15/16 @ 4:51 PM]

Public Facilities Approved 6-0 on 04/06/16

Finance Approved 6-0

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:

#133-16

Submission of the FY17 Annual Action Plan To HUD

HIS HONOR THE MAYOR requesting City Council authorization, pursuant to the 2013 Revised Citizen Participation Plan, to submit to the US Department of Housing and Urban Development (HUD) the FY2017 Annual Action Plan for the City of Newton Community Development Block Grant (CDBG) and Emergency Solution Grant (ESG) funds and the WestMetro HOME Consortium. These Plans must be submitted to HUD by May 15, 2016. [04/14/16 @ 2:14 pm]

Public Hearings were assigned for the following Docket Items:**Public Hearing assigned for May 2, 2016:****Referred to Public Facilities and Finance Committees****#288-15(3) Recommended Water, Sewer and Stormwater Rates**

HIS HONOR THE MAYOR submitting recommended FY2017 Water/Sewer/Storm Water Rates for implementation on July 1, 2016, as follows:

FY 2017 Tiers & Rates for Water and Sewer

<u>HCF Per Quarter</u>	<u>Water Rate Per HCF</u>	<u>Sewer Rate Per HCF</u>
0-10	\$6.45	\$9.45
11-25	\$7.40	\$10.95
26-60	\$8.50	\$11.75
>60	\$10.60	\$13.50
Irrigation	\$11.65	

FY 2017 Storm Water Fees

1-4 family dwellings	\$75.00
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All other properties:

<u>Square feet of impervious surface area</u>	<u>Annual rate</u>
0 – 4,999	\$250.00
5, 000 – 7,499	\$500.00
7,500 – 9,999	\$750.00
10, 000 – 14,999	\$1,000.00
15, 000 – 24,999	\$1,250.00
25, 000 – 49,999	\$1,500.00
50, 000 – 74,999	\$1,750.00
75,000 – 99,999	\$2,000.00
100,000 – 199,999	\$2,500.00
200,000 – 299,999	\$3,000.00
300,000 – 399,999	\$3,500.00
400,000 – 499,999	\$4,000.00
500,000 and greater	\$5,000.00

Public Hearing assigned for May 2, 2016:**Referred To Finance and Appropriate Committees****#288-15 Submittal 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 Hearing assigned for May 3, 2016**#127-16 Special Permit Petition to locate a daycare at 288 Walnut Street**

THE BEANTOWN COMPANIES, INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to locate a day care center at 288 Walnut Street, Ward 2, Newtonville, on land known as SBL 22 04 15, containing approximately 21,988 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.4.5, 7.3.3, 5.1.4, 5.1.3.D, 5.1.13, 6.3.4.B.3.a, 6.3.4.B.3.c.

Public Hearing assigned for May 3, 2016**#130-16 Special Permit Petition for 260, 270 & 280 Elliot Street**

THE ROMAN CATHOLIC ARCHBISHOP OF BOSTON petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive 23 parking stalls by increasing the already nonconforming shortfall by 8 where there are currently 126 while 140 is required for combined uses at 260 Elliot Street, Ward 5, Newton Upper Falls, on land known as SBL 51 37 02, 51 37 01A, 51 37 01, containing approximately 106,657 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3, 7.4, 5.4.1, 5.1.13, 5.1.8.A.1, 5.1.8.A.2, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.C.1, 5.1.8.C.2, 5.1.9.A, 5.1.9.B, 5.1.10, 5.1.11 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for May 10, 2016**#126-16 Special Permit Petition for 17 Malvern Terrace**

CHARLES B. COSSABOOM petition for SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE to modify an existing nonconforming two-family use and amend Special Permit #88702 to raze the existing buildings and rebuild the dwelling away from the floodplain and closer to the street at 17 Malvern Terrace, Ward 4, Auburndale, on land known as SBL 41 26 17, containing approximately 13,970 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 3.4.1, 7.8.2.C.2, 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for May 10, 2016**#128-16 Special Permit Petition to create an accessory apartment at 9-11 Bridge Street**

IULIA PIRVU petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to create a 970 sq. ft. accessory apartment in the basement level of the unit at 11 Bridge Street, Ward 1, Newton, on land known as SBL 14 02 29, containing approximately 10,633 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 6.7.1.D of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for May 10, 2016**#129-16 Special Permit Petition to exceed FAR at 23 Howe Street**

RICHARD SEVERINI petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to exceed the Floor Area Ratio to .64 at 23 Howe Street where .46 is the maximum allowable at 23 Howe Street, Ward 8, Newton Centre, on land known as SBL 81 11A 37, containing approximately 6,591 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3., 7.4, 3.1.9.

Public Hearing assigned for May 10, 2016**#131-16 Special Permit Petition for 37 Westbourne Road**

JOYCE ZAKIM & PETER GREENSPAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing detached garage and construct a new wider garage connected to the principle structure which exceeds nonconforming FAR, and variances from side and front setback and lot coverage requirements to make the home accessible for wheelchair use at 37 Westbourne Road, Ward 7, Chestnut Hill on land known as SBL 73 45 09 containing approximately 8,090 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 3.1.9, 7.8.2.C.2, 7.3.3, 7.4 3.1.3 of Chapter 30 of the City of Newton Rev Zoning Ord., 2015.

Public Hearing assigned for May 10, 2016**#132-16 Special permit petition to increase the number of stories at 45 Perkins Street**

RICH & JAN TORMEY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to construct an addition by adding a two-car garage on the first level, a kitchen above the garage and to expand the existing third floor to add a master suite which will increase the Floor Area Ratio from .33 to .48 where .40 is the maximum allowed by right at 45 Perkins Street, Ward 3, West Newton, on land known as SBL 32012 0035, containing approximately 9,988 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 1.5.4.D, 3.1.3, 7.8.2.C.2, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for May 23, 2016:**#103-16 Petition to rezone lots on Glen Avenue from MR1 to SR2**

COUNCILORS DANBERG, BLAZAR, SCHWARTZ , SANGIOLO AND YATES petitioning to rezone land known as Section 61, Block 39, Lots 01, 02, 03 and 04 located at 41, 45, 47 and 51 Glen Avenue from MULTI RESIDENCE 1 to SINGLE RESIDENCE 2 [03/17/16 @ 1:50 PM]

The City Council voted without discussion 22 Yeas, 1 Recused (Councilor Danberg), 4 Absent (Councilors Brousal-Glaser, Lipof, Rice and Sangiolo) to take the following action:

Referred to Zoning & Planning and Finance Committees**#125-16 Community Preservation Committee funding for Allen House**

COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of two million dollars (\$2,000,000) from the Community Preservation Fund to the Planning & Development Department, for a grant to the Newton Cultural Alliance, for the historic rehabilitation of the Nathaniel Allen House (35 Webster Street, West Newton) as a community cultural center, as described in the proposal submitted to the Community Preservation Committee in February 2016. [03/16/16 @ 12:46 PM]

Zoning & Planning Approved 8-0 on 04/11/16

Finance Approved 6-0