



## City Council Docket

May 3: Land Use  
May 4: Public Facilities, Programs & Services  
May 5: Public Safety  
May 9: Finance; Zoning & Planning  
May 10: Land Use

Continued  
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**Monday, May 2, 2016**  
7:45 PM, Newton City Hall  
To be reported on  
Monday, May 16, 2016

### City of Newton In City Council to be Accepted and Referred to Committees

#### Referred to Land Use Committee

*Public hearing to be assigned for June 14, 2016:*

**#145-16** **Special Permit Petition to increase the nonconforming use at 226-228 California Street**  
KTM PROPERTIES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NON CONFORMING STRUCTURE to construct a 45 sq. ft. bathroom addition to the first floor, further increasing the nonconforming residential structure at 226-228 California Street, Ward 1, Newton, on land known as SBL 11010 0015, containing approximately 6,863 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 7.4, 4.4, 6.2.2, 7.8.2.C.2.

**#146-16** **WABAN NEIGHBORHOOD AREA COUNCIL/THERESA FITZPATRICK** requesting a temporary one-day license pursuant to Sec. 30-2.3.3 of the City of Newton Ordinances to hold the 12<sup>TH</sup> ANNUAL WABAN VILLAGE DAY on Sunday, May 22, 2016.

#### Other Communications

##### **ZBA Variance #4-16 for 28 Putnam Street**

ZBA #4-16 Andrea Kelley, 28 Putnam Street, West Newton, petition for a variance of 15' from the front setback requirement of 25' (for a pre-1953 lot) in order to build a detached 2-stall garage at 28 Putnam Street.

##### **ZBA Variance 3-16 for 64 Paulson Road**

ZBA #3-16 Karen Stotsky, 64 Paulson Road, Waban, petition for a variance of .6' or 8" from the side yard setback requirement 7.5' (for a pre-1953 lot) to validate the existing left side setback and enclose an existing porch to create living space at 64 Paulson Road.

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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](mailto:jfairley@newtonma.gov), or 617-796-1253. For Telecommunications Relay Service dial 711.*

**Appeal to the ZBA for denial of enforcement by the Commissioner of ISD**

TIMOTHY A. SPRINGER AND CHAFEN LU appealing the denial of enforcement (#19-16) action of the Commissioner of Inspectional Services with regard to the construction of an addition to include a garage with a game room, a breezeway to the pool patio, a television room and an office at 46 Woodman Road, Ward 7, Chestnut Hill.

**#147-16**

**Submittal of Taxation Aid Committee Annual Report**

NEWTON TAXATION AID COMMITTEE submitting its annual report pursuant to Sec. 27-30 of the City of Newton Revised Ordinances, 2012.

**Referred to Zoning & Planning Committee**

**#148-16**

**Mayor's appointment of Gregory Groot to the Economic Development Commission**

GREGORY GROOT, 296 Lake Avenue, Newton Highlands, appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire May 1, 2018 (60 days 6/30/16) [04/13/16 @ 3:55 PM]

**#149-16**

**Mayor's appointment of Jeremy Freid to the Economic Development Commission**

JEREMY FREID, 35 Cotton Street, Newton, appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire May 1, 2018 (60 days 6/30/16) [04/13/16 @ 3:55 PM]

**#150-16**

**Mayor's appointment of Charles Tanowitz to the Economic Development Commission**

CHARLES TANOWITZ, 51 Harding Street, West Newton, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire May 1, 2018 (60 days 6/30/16) [04/13/16 @ 3:55 PM]

**#151-16**

**Mayor's re- appointment of Jack Leader to the Economic Development Commission**

JACK LEADER, 613 California Street, Newtonville, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire May 1, 2019 (60 days 6/30/16) [04/13/16 @ 3:55 PM]

**#152-16**

**Mayor's re- appointment of Robert Finkel to the Economic Development Commission**

ROBERT FINKEL, 6 Stearns Street, Newton Centre, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire May 1, 2019 (60 days 6/30/16) [04/13/16 @ 3:55 PM]

- #153-16**      **Petition to rezone 1294 Centre Street from Public Use to Business 1**  
COUNCILORS BLAZAR, DANBERG AND SCHWARTZ petitioning to rezone land known as Section 61, Block 35, Lot 03 located at 1294 Centre Street from PUBLIC USE to BUSINESS 1 in order to better match the zoning of other commercial parcels in the area. [04/19/26 @ 9:11 PM] (65 days 7/5/15)

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

- #159-16**      **Discussion with HRC and Fair Housing Committee relative to discriminatory practices**  
COUNCILOR SANGIOLO requesting a discussion with the Human Rights Commission and Fair Housing Committee regarding Fair Housing complaints and efforts to combat discriminatory practices in the City. [04/27/16 @ 1:39 PM]

**Referred to Programs & Services Committee**

- #154-16**                      **Mayor's appointment of Treffle LaFleche as Trustee of Jackson Homestead**  
TREFFLE LAFLECHE, 86 Prince Street, West Newton, appointed as a Trustee of the JACKSON HOMESTEAD for a term to expire May 31, 2019 (60 days 6/30/16) [04/15/16 @2:47 PM]
- #155-16**                      **Mayor's appointment of Jay C. Walter as Trustee of Jackson Homestead**  
JAY C. WALTER, 83 Pembroke Street, Newton, appointed as a Trustee of the JACKSON HOMESTEAD for a term to expire May 31, 2019 (60 days 6/30/16) [04/15/16 @2:47 PM]
- #156-16**                      **Mayor's re-appointment of Karen Haywood as Trustee of Jackson Homestead**  
KAREN HAYWOOD, 69 Walker Street, Newtonville, re-appointed as a Trustee of the JACKSON HOMESTEAD for a term to expire May 31, 2019 (60 days 6/30/16) [04/15/16 @2:47 PM]
- #157-16**                      **Mayor's re-appointment of Harry Lohr as Trustee of Jackson Homestead**  
HARRY LOHR, 157 Cherry Street, West Newton, re-appointed as a Trustee of the JACKSON HOMESTEAD for a term to expire May 31, 2019 (60 days 6/30/16) [04/15/16 @2:47 PM]
- #158-16**                      **Ordinance to require notice on gas pumps relative to climate change**  
COUNCILORS NORTON AND SANGIOLO requesting an ordinance that requires a notice posted on retail gas station pumps within the City of Newton that informs consumers that burning gasoline contributes to climate change; and a link to a City website page offering information regarding alternatives to gasoline powered transportation, including walking, biking, public transit and electric vehicles. [04/25/16 @ 9:02 AM]

### Referred to Public Facilities Committee

*Public hearing to be assigned for May 4, 2016:*

- #160-16**      **Petition for a grant of location to install conduit and two manholes in Elliot St**  
EVERSOURCE petitioning for a grant of location to install a total of 433'± of conduit and two manholes in ELLIOT STREET, as follows:
- 220' ± of conduit in an easterly direction from the Newton/Needham boundary line and install Manhole #30145 in front of 394-396 Elliot Street.
  - 178' ± of conduit in an easterly direction from the Newton/Needham boundary line and install Manhole #30144 in front of 391 Elliot Street.
  - Install 35' ± of conduit in a westerly direction from Manhole #30144 thence turning and running northwesterly to pole 136/49. [04/21/16 @10:48AM].

*Public hearing to be assigned for June 8, 2016:*

- #161-16**      **Comcast petition for a Grant of Location for Washington Street**  
COMCAST OF MASS petitioning for a grant of location to install 264' ± of 3" pipe from Pole #864/2 on Lenglen Road, southeasterly 199' ± across Washington Street thence turning easterly 65' ± to 580 Washington St. (Ward 2) [04/21/16 @ 9:00 AM]

*Public hearing to be assigned for June 8, 2016:*

- #162-16**      **Verizon Petition for a Grant of Location for Upland Street**  
VERIZON NEW ENGLAND, INC. petitioning for a grant of location to install approximately 160'± of 1¼" conduit in Upland Avenue from an existing manhole (in front of #123) running 125' northerly to a new 2' x 3' handhole in the grass strip in front of #128 Upland Avenue. (Ward 8) [04/20/16 @ 4:37 PM]
- #163-16**      **Request for discussion with DPW to consider Ordinance modifications for street repair**  
COUNCILORS CROSSLEY, LAREDO & LAPPIN requesting a discussion with the Commissioner of Public Works, to review city policy and/or ordinances governing repairs to city streets within a period of years after full reclamation and/or milling and repaving of said streets, and to consider strengthening the requirements for repairs so as to protect the public investment in said streets.

### Referred to Finance Committee

- #164-16**      **Mayor's re-appointment of Edward Gourdeau as a Constable**  
EDWARD W. GOURDEAU, JR., 94 Clearwater Road, Newton Lower Falls, re-appointed as a Constable for the City of Newton for a term of office to expire April 30, 2019. [04/13/16 @ 3:55 PM]

- #165-16 Mayor's appointment of Michael Engel as a trustee of the Chaffin Fund**  
MICHAEL S. ENGEL, 83 Staniford Street, Unit #7, Auburndale, appointed as a lifetime trustee of the Chaffin Fund/Fig Newton Scholarship replacing Charlotte Kaitz. [04/22/16 @ 12:53 PM]
- #166-16 Funding for training expenses in the Inspectional Services Department**  
HIS HONOR THE MAYOR requesting authorization to appropriate twelve thousand sixty-one dollars and twenty cents (\$12,061.20) from the Special Appropriation Fund created for receipt of funds for tickets issued under MGL 148A for the purpose of funding building inspector training expenses. [04/25/16 @ 6:54 PM]
- #167-16 Acceptance and Appropriation of a bequest to the Parks and Recreation Department**  
HIS HONOR THE MAYOR requesting authorization to accept and appropriate a gift of two hundred thousand dollars (\$200,000) from the Estate of Helen Curtis Abel to be used for the purchase of a van or transportation for senior citizens and/or for the benefit of programs for Senior Citizens. [04/25/16 @ 6:53]
- #168-16 Interagency payment for admin of Homelessness Consortium Continuum of Care**  
HIS HONOR THE MAYOR requesting authorization to accept and appropriate the sum of thirty-nine thousand eighty dollars (\$39,080) from the inter-agency agreements executed between the City of Newton and agencies of the Brookline-Newton-Waltham-Watertown Homelessness Consortium Continuum of Care for administrative services provided by the City of Newton in Fiscal Years 2014/2015 as the lead agency for this program. [04/25/16 @ 6:53 PM]
- #169-16 Interagency payment for admin of Homelessness Consortium Continuum of Care**  
HIS HONOR THE MAYOR requesting authorization to accept and appropriate the sum of ninety-nine thousand one hundred twenty-six eighty dollars (\$99,126) from the inter-agency agreements executed between the City of Newton and agencies of the Brookline-Newton-Waltham-Watertown Homelessness Consortium Continuum of Care for administrative services provided by the City of Newton in Fiscal Year 2015/2016 as the lead agency for this program. [04/25/16 @ 6:53 PM]
- #170-16 Authorization of appropriation and expenditure of E-rate Funds**  
HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred sixteen thousand nine hundred twelve dollars and eighty-seven cents (\$116,912.87) from E-Rate Receipts – Schools to the Newton Public Schools. [04/25/16 @ 6:53 PM]

**Referred to Public Facilities and Finance Committees**

- #133-15(A2) Amend lease agreement to replace 60 Elliot St with 70 Elliot St as solar panel site**  
HIS HONOR THE MAYOR requesting an amendment to Board Order #133-15(A) on November 16, 2015 by replacing 60 Elliot Street with 70 Elliot Street as an approved site for solar car canopies. [04/25/16 @ 6:52 PM]

**Referred to Public Facilities and Finance Committees**

- #171-16 Transfer within Public Buildings to fund CO2 Detectors, elevator, electrical repairs**  
HIS HONOR THE MAYOR requesting authorization to transfer the sum of seventy-five six hundred forty-two dollars (\$75,642) from the Public Buildings Full-time Salaries Account to the Public Buildings Repairs and Maintenance Account for the purpose of funding CO2 Detectors, major elevator and electrical repairs, as well as other repair requests. [04/25/16 @ 6:53]

**Referred to Public Facilities and Finance Committees**

- #172-16 Free Cash appropriation to fund security cameras at City Hall and the Police Dept**  
HIS HONOR THE MAYOR requesting authorization to appropriate nine-nine thousand four hundred seventy-five dollars from Free Cash to the Public Buildings Department for costs associated with the installation of security cameras at City Hall and the Police Department. [04/25/16 @ 6:53 PM]

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

- #173-16 Interest charges on late payment of utility bills**  
COUNCILOR SANGIOLO requesting creation of a policy or ordinance related to interest charges on late payments of utility bills to the City and proportional return of interest charges if or when the utility bill is abated. [04/27/16 @ 1:39 PM]

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

- #174-16 Acceptance of MGL Chapter 60 Section 1 of MGL**  
COUNCILOR SANGIOLO AND HARNEY requesting adoption of local option provision in Chapter 60A, Section 1 of Massachusetts General Law that exempts military personnel from paying excise tax if they are deployed outside the state for at least 45 days. [4/27/16 @ 1:39 PM]

**Referred to Real Property Reuse Committee**

- #71-09(4)**      **Amend Board Order 71-09(2) to allow the purchase of a subsurface easement**  
TERENCE P. MORRIS on behalf of HERRICK ROAD REALTY TRUST seeking to amend Board Order #71-09(2) for a renewable lease for a subsurface easement beneath city-owned land 1294 Centre Street, Newton Centre, for vehicular access to 17-31 Herrick Road; the petitioner is seeking to purchase the easement. [04/20/16 @ 8:44 AM]

**Referred to Committee of the Whole**

- #175-16**      **Authorization to enter into a settlement agreement with National Grid.**  
HIS HONOR THE MAYOR requesting authorization for the City to enter into a settlement agreement with Boston Gas Company d/b/a National Grid. [04/25/16 @ 6:52 PM]