



City Council Actions

In City Council

Monday, June 6, 2016

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

Absent: Councilors Ciccone and Norton

The City Council discussed the following item on Second Call:

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]

Real Property Reuse Approved 5-0-1 (Kalis abstaining)

Motion to postpone to date certain of June 20, 2016 was Approved by Voice Vote

Clerk's Note: The Chair of the Real Property Reuse Committee reported that this item had first come before the Committee a few years ago when there was a discussion about the possibility of a building a parking garage over the train tracks in Newton Centre. At that time a land swap between the petitioner and the city was discussed. The garage discussions have fallen apart and it is possible that no additional parking is needed in Newton Centre. The petitioner has refiled his original request to grant and sell a lease for subsurface easement to allow access into his projects underground parking garage. The request was discussed in committee. There was concern by some members that if this subsurface easement was granted and given, it could forestall any future discussion of a parking garage in Newton Centre. It was felt by the Committee that the petitioner had waited long enough to move forward with his project and it was decided that the project could not be held up any further and authorized the Mayor to grant and sell this easement and that the price be determined by a consultant who would set the price. The item was approved by the Real Property Committee 5 in favor, 0 opposed and one abstention.

Councilor Sangiolo put this item on second call. She questioned why the committee felt that it had to be voted out and why the petitioner could not move forward with his project in its original form as a lease of the easement. She also questioned why it was critical that it now be a purchase and not a lease? She was also concerned that there was no set price for the sale and asked why the committee did not wait until the consultant had come back with price? Councilor Sangiolo made a motion to postpone the item until the date certain of Monday, June 20th so that these questions could be addressed. The council voted to postpone to June 20th.

The City Council voted without discussion 22 Yeas, 2 Absent (Councilors Ciccone and Norton) to take the following actions:

Referred to Land Use Committee

Tuesday, May 24, 2016

#193-16 **NEWTON HIGHLANDS NEIGHBORHOOD AREA COUNCIL** requesting a temporary one-day license pursuant to Sec. 30-2.3.3 of the City of Newton Ordinances to hold its 41st Annual Newton Highlands Village Day on Sunday, June 12, 2016.

Land Use Committee Approved 4-0 (Lennon, Lipof, Harney not voting)

#129-16 **Special Permit Petition to exceed FAR at 23 Howe Road**

RICHARD SEVERINI petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to exceed the Floor Area Ratio to .64 at 23 Howe Road 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.

Hearing Closed May 10, 2016; Land Use Committee Approved 5-0 (Lennon, Harney 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 Closed; Land Use Committee Approved 7-0.

Referred to Zoning & Planning Committee

Monday, May 23, 2016

#181-16 **Mayor's appointment of Barney Heath and Director of Planning & Development**

HIS HONOR THE MAYOR, pursuant to section 3-3 of the City Charter, appointing BARNEY HEATH as DIRECTOR OF THE PLANNING AND DEVELOPMENT DEPARTMENT effective June 7, 2016 [05/09/16 @ 4:31 PM]

Zoning & Planning Approved 6-0 (Leary and Kalis not voting)

#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]

Zoning & Planning Approved Withdrawal without Prejudice 8-0

A Motion to accept the following late filed item to the docket and refer it to Committees was approved by voice vote:

Referred to Public Facilities and Finance Committees

- #213-16 Funding for design and site plan approval for the Cabot School Project**
HIS HONOR THE MAYOR, requesting authorization to appropriate four hundred thousand dollars (\$400,000) from bonded indebtedness for the purpose of funding the completion of the schematic design and site plan approval for the Cabot School Project. [06/06/16 @ 1:54 PM]

Public Hearings were assigned for the following Docket Items:

Public hearing assigned for June 22, 2016:

- #204-16 Eversource Energy petition for grant of location on Willow Street**
EVERSOURCE ENERGY petitioning for a grant of location to install approximately 48' ± of conduit across Willow Street approximately 90 ft. Northwest of Sumner Street to provide underground service to the fire station at 31 Willow Street. (Ward 6) [05/20/16 @ 12:03 PM]

Public hearing assigned for June 22, 2016:

- #205-16 WARREN SUCKERMAN** petitioning for a grant of location to install a 12" main drain extension from a proposed manhole in front of 30 Drumlin Road trenching in a Southerly direction 115' ± to a second proposed manhole. (Ward 8) [05/26/16 @ 9:17 AM]

Public hearing assigned for June 27, 2016:

- #196-16 Petition to rezone lot on Central Street**
ROBERT KUTNER, petitioning to rezone land known as Section 43, Block 21, Lot 09 located at Central Street from PUBLIC USE to SINGLE RESIDENCE 3. [05/18/16 @ 9:25 AM]

Public hearing assigned for June 28, 2016:

- #194-16 Special Permit Petition to extend nonconformance & increase FAR at 110 Upland Ave**
MICHAEL KIM petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER INCREASE NON-CONFORMING FAR and EXTEND NONCONFORMING USE to a three-story single-family structure by adding a 410 sq. ft. second floor addition on the existing footprint

and an existing screen porch, increasing the FAR to .61 at 110 Upland Avenue, Ward 8, Newton Highlands, on land known as SBL 83009 0010, containing approximately 6, 304 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref 7.3.3, 7.4, 1.5.4.D-F, 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 June 28, 2016:

#195-16 **Special Permit Petition to extend nonconformance and increase FAR at 41 Chesley Rd**
MICHAEL MCKAY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a rear addition to the existing dwelling, maintaining two units at 41 Chesley Road, Ward 6, Newton Centre, on land known as SBL 61027 0016, containing approximately 10,817 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.4, 7.8.2.C.2, 3.1.9.A.2

The City Council voted without discussion 21 Yeas, 2 Absent (Councilors Ciccone and Norton), 1 Recused (Councilor Laredo) to take the following action:

Referred to Land Use Committee

#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.
Hearing Closed May 10, 2016; Land Use Approved 3-0-2 (Schwartz, Cote abstaining, Laredo not voting)

A Motion to go into Executive Session to hear from the Law Department on the status of the AUSTIN STREET PARTNERS, LLC/CITY OF NEWTON special permit litigation was made and seconded. The President announced that having this discussion in public may be detrimental to the litigating position of the City.

The City Council voted 22 Yeas, 2 Absent (Councilors Ciccone and Norton) to go into Executive Session.

The City Council voted 22 Yeas, 2 Absent (Councilors Ciccone and Norton) to go out of Executive Session.