



## City Council Reports Docket

June 7: Land Use  
June 8: Public Safety & Transportation, Public Facilities  
June 13: Zoning & Planning, Finance  
June 14: Land Use

Monday, June 6, 2016  
Continued  
Page 139  
7:45 PM, Newton City Hall  
To be reported on  
**Monday, June 20, 2016**

### City of Newton In City Council Items to be Acted Upon

#### Unfinished Council Business

*Item Postponed on June 6, 2016 to Date Certain of June 20, 2016:*

#### 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) on May 17, 2016**  
**Motion to postpone to a date certain of June 20, 2016 was Approved by Voice Vote**

#### Referred to Land Use Committee

**Tuesday, June 7, 2016**

Present: Councilors Laredo, Schwartz, Lennon, Lipof, Crossley, Harney, Cote, Auchincloss

**#180-16 Special Permit Petition to rezone the Orr block to Mixed Use 4**  
MARK NEWTONVILLE, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL for a change of zone to MIXED USE 4 for a portion of land located at Walnut Street, Washington Street, Washington Terrace, also identified as Lots 10, 11, 12, 13, 14, 16, 19, 20, 21, 22, Block 29, Map 201 currently zoned Business 1 and Business 2.  
**Land Use Held 8-0; Public Hearing Continued to July 12, 2016**

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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.

#179-16

**Special Permit Petition for Orr Building at Walnut St. and Washington St.**

MARK NEWTONVILLE,LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use, transit oriented development in excess of 20,000 sq. ft. consisting of three interconnected buildings with building heights of 60 feet and five stories, total gross floor area of 238,075 sq. ft., incorporating 171 residential units, approximately 39,745 sq. ft. of commercial space to permit office use, medical use, retail and personal establishment of more than 5,000 sq. ft., eating and drinking establishments of more than 5,000 sq. ft. retail banking and financial services and health club establishments, and approximately 2,030 sq. ft., of office/community space; 346 on-site parking stalls within a below-grade garage and surface parking, and to allow an FAR of 1.92; waive the setback and façade transparency, waiver of 97 parking stalls and dimensional requirements for parking stalls, interior landscaping, lighting, curbing, wheel stops, guard rails and bollards, waive entrance and end stall maneuvering space requirements, waive number of signs and allow for free-standing signs and loading bay at 241-261 Walnut Street, 845-875 Washington Street, 0-22 Bailey Place, 6-22 Washington Terrace, Ward 2, Newtonville, on land known as SBL 21029 0010, 21029 0011, 21029 0012, 21029 0017, 21029 0016, 21029 0018, 21029 0019, 21029 0019A, 21029 0013, 21029 0014, 21029 0015, 21029 0020, 21029 0021, 21029 0022, 21029 0023, containing approximately 123,956 sq. ft. of land in a district zoned BUSINESS USE 1 and BUSINESS USE 2. Ref:7.3.3, 7.4, 4.2.3, 4.2.5.A.2, 4.2.5.A.4.c, 4.2.5.A.4, 4.2.5.A.6.a, 4.2.5.A.6, 4.2.5.A.6.b, 4.2.5.A.6, 4.4.1, 5.1.4.A, 5.1.4.C, 5.1.4, 5.1.13, 5.1.8.A.2, 5.1.8.B.1, 5.1.8.B.2, 5.1.10.B.3, 5.1.8.B.6, 5.1.9.B, 5.1.10.A.1, 5.1.10.B.5, 5.1.12, 5.2.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**Land Use Held 8-0; Public Hearing Continued to July 12, 2016**

**Referred to Land Use Committee**

**Tuesday, June 14, 2016**

Present: Councilors Laredo, Schwartz, Cote, Auchincloss, Crossley, Harney, Lipof; absent: Councilor Lennon; also present: Councilor Sangiolo

#145-16

**Special Permit Petition to increase the nonconforming use at 226-228 California St**

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.

**Public Hearing Closed; Land Use Approved 5-0 (Harney, Lipof not voting)**

- #176-16**      **Special Permit to extend a nonconforming three-story structure at 47 Lewis St.**  
KATHERINE GRENZEBACK AND RONAN WOLFSDORF petition for SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE by adding dormers to the attic at 47 Lewis Street, Ward 1, Newton, on land known as SBL 13002 0020, containing approximately 10, 315 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 1.5.4.D-F, 3.2.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.  
**Public Hearing Closed; Land Use Approved 6-0 (Harney not voting)**
- #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.  
**Land Use Held 6-0**
- #177-16**      **Special Permit Petition to waive 13 parking stalls at 1375-1379 Washington Street**  
RON STOLOFF/KENMORE REALTY CORPORATION petition for SPECIAL PERMIT/SITE PLAN APPROVAL to take over the adjacent 996 sq. ft. space at 1379 Washington Street to add 37 seats at Blue Ribbon BBQ 1375-1379 Washington Street, Ward 3, West Newton, on land known as SBL 33015 0032, containing approximately 1,957 sq. ft. of land in a district zoned BUSINESS 1. Ref: 5.4.1, 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.  
**Public Hearing Closed; Land Use Held 7-0**
- #178-16**      **Special Permit Petition further increase nonconforming FAR at 39 Hawthorne Ave**  
JOHN B ARONE AND DANIEL A ARONE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND THE NONCONFORMING FAR to add a 227 sq. ft. addition over existing living space and construct a 672 sq. ft. detached garage at 39 Hawthorne Avenue, Ward 4, Auburndale, on land known as SBL 43034 0012, containing approximately 9,602 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref 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.  
**Public Hearing Closed; Land Use Approved 7-0**

**Referred to Zoning & Planning Committee**  
**Monday, June 13, 2016**

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

- #197-16 Mayor's appointment of Michael Rossi to the Zoning Board of Appeals**  
HIS HONOR THE MAYOR appointing Michael Rossi, 20 Rose Drive, West Newton, as a member of the Zoning Board of Appeals for a term to expire June 30, 2019 (60 days 8/5/16) [05/31/16 @ 4:36 PM]  
**Zoning & Planning Approved 6-0**
- #198-16 Mayor's appointment of Michael Brangwynne to the Zoning Board of Appeals**  
HIS HONOR THE MAYOR appointing Michael Brangwynne, 28 Ash Street, Auburndale, as an associate member of the Zoning Board of Appeals for a term to expire June 30, 2017 (60 days 8/5/16) [05/31/16 @ 4:36 PM]  
**Zoning & Planning Held 6-0**
- #199-16 Mayor's appointment of Joshua Lewin to the Zoning Board of Appeals**  
HIS HONOR THE MAYOR appointing Joshua Lewin, 89 Lowell Avenue, Newtonville, as an associate member of the Zoning Board of Appeals for a term to expire June 30, 2017 (60 days 8/5/16) [05/31/16 @ 4:36 PM]  
**Zoning & Planning Approved 6-0**
- #200-16 Mayor's re-appointment of Michael Quinn to the Zoning Board of Appeals**  
HIS HONOR THE MAYOR re-appointing Michael Quinn, 115 Staniford Street, Auburndale, as an associate member of the Zoning Board of Appeals for a term to expire June 30, 2017 (60 days 8/5/16) [05/31/16 @ 4:36 PM]  
**Zoning & Planning Approved 5-0-1 (Yates abstaining)**
- #201-16 Mayor's re-appointment of Treffle LaFleche to the Zoning Board of Appeals**  
HIS HONOR THE MAYOR re-appointing Treffle LaFleche, 1603 Commonwealth Avenue, West Newton, as an associate member of the Zoning Board of Appeals for a term to expire June 30, 2017 (60 days 8/5/16) [05/31/16 @ 4:36 PM]  
**Zoning & Planning Approved 5-0-1 (Kalis abstaining)**
- #202-16 Mayor's re-appointment of Harvey Creem to the Zoning Board of Appeals**  
HIS HONOR THE MAYOR re-appointing Harvey Creem, 110 Huntington Road, Newton, as a member of the Zoning Board of Appeals for a term to expire June 30, 2019 (60 days 8/5/16) [05/31/16 @ 4:36 PM]  
**Zoning & Planning Approved 6-0**
- #203-16 Mayor's re-appointment of William McLaughlin to the Zoning Board of Appeals**  
HIS HONOR THE MAYOR, re-appointing William McLaughlin, 117 Hammond Street, Chestnut Hill, as a member of the Zoning Board of Appeals for a term to expire June 30, 2019 (60 days 8/5/16) [05/31/16 @ 4:36 PM]  
**Zoning & Planning Approved 6-0**

- #222-13(2) Zoning amendment to regulate front-facing garages in residential zones**  
THE ZONING AND PLANNING COMMITTEE proposing to amend **Chapter 30**, City of Newton Zoning Ordinances, to regulate the dimensions and setbacks of front facing garages in residential zoning districts. [08/03/15 @ 10:15 AM]  
**Zoning & Planning Approved as Amended 6-0**

**Referred To Public Safety & Transportation Committee**

**Wednesday, June 8, 2016**

Present: Councilors Ciccone (Chair), Fuller, Yates, Lipof, Norton and Harney; absent: Councilors Cote and Blazar

**Referred to Public Safety & Transportation and Finance Committees**

- #212-16 Appropriation request for \$250,000 to fund police overtime costs**  
HIS HONOR THE MAYOR requesting authorization to appropriate two hundred fifty thousand dollars (\$250,000) from Free Cash to the Police Department Overtime Account to fund additional FY 2016 overtime costs. [05/31/2016 @ 4:36 PM]  
**Finance Approved 7-0 on 06/13/16**  
**Public Safety & Transportation Approved 5-0-1 (Fuller abstaining)**

- #123-16 Request for Presentation of the “Complete Streets Policy and Prioritization Plan”**  
PUBLIC SAFETY & TRANSPORTATION COMMITTEE, requesting a presentation and discussion of the “Complete Streets Policy” and “Complete Streets Prioritization Plan” with the Department of Public Works and Planning Department. [03/25/16 @ 10:49 AM]  
**Public Safety & Transportation No Action Necessary 4-0 (Lipof and Fuller not voting)**

**Referred to Public Safety & Transportation and Finance Committees**

- #64-16 Increase the number of Chief of Operation positions in the Fire Department**  
HIS HONOR THE MAYOR, requesting a temporary increase in the number of Chief of Operations in the Fire Department from one to two Chief, as the current Assistant Chief of Operations is on extended sick leave, does not intend to return to his position, and his accrued time does not run out until August 2016. An Assistant Chief has been working as the acting Chief of Operations and the Fire Chief would like to permanently appoint him as the Chief of Operations before August 2016, as the acting Chief of Operations cannot attend bargaining sessions due to a possible conflict of interest should he return to a union position as Deputy Chief. [02/09/16 @ 2:47 PM]  
**Finance Voted No Action Necessary 7-0 on 06/13/16**  
**Public Safety & Transportation No Action Necessary 4-0 (Lipof and Fuller not voting)**

- #185-16 License renewal for Needham Shuttle Bus**  
128 BUSINESS COUNCIL, request for triennial renewal of the Needham Shuttle Bus License. There are no changes proposed to last year's license. [04/26/16 @ 4:14 PM]  
**Public Safety & Transportation Approved 6-0**

**Referred to Public Facilities Committee**

Wednesday, June 8, 2016

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

- #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]  
**Public Facilities Held 7-0**

**Referred to Public Facilities Committee**

- #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 Facilities Approved 7-0**

- #162-16 Verizon Petition for a Grant of Location for Upland Ave**  
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]  
**Public Facilities Approved 7-0**

- #190-16 National Grid Petition for a Grant of Location in Wendell Road**  
NATIONAL GRID petitioning for a grant of location to install approximately 210' ± of 4" conduit on Wendell Road from existing 12" gas main in Dedham Street northerly to house #126 for new gas service. (Ward 8) [04/27/16 @ 1:33 PM]  
**Public Facilities Approved 7-0**

- #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]  
**Public Facilities Approved 7-0**

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

Grove Street (near corner of Grove and Washington Streets) at Pole #185/79

Crafts Street (near 224 Crafts Street) at Pole # 108/30

**Item was split into B1 (Grove Street) and B2 (Crafts Street)**

**Public Facilities Held B2 7-0.**

**Public Facilities Approved B1 7-0**

**#163-16**

**Request for discussion with DPW to amend Ordinance for street reconstruction**

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.

**Public Facilities Held 6-0 (Gentile not voting)**

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

**#141-15**

**Discussion on tracking and improving the condition of the gas utility infrastructure**

ALD. BROUSAL-GLASER, SANGIOLO, HESS-MAHAN, COTE, NORTON AND ALBRIGHT requesting a discussion with the Director of Urban Forestry, a representative of the Department of Public Works and a representative of the Law Department about tracking and improving the condition of the gas utility infrastructure in Newton, new state statutes governing infrastructure repairs, coordination of increased repair work with city operations, the status of negotiations with National Grid to compensate for tree deaths resulting from gas leaks, and the possibility of creating a utilities working group to monitor progress on these and related issues. [05/26/15 @ 2:52 PM]

**Public Facilities Held 6-0 (Gentile not voting)**

**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]

**Finance Approved 7-0**

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

**Referred to Finance Committee**

**Monday, June 13, 2016**

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

**#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. (60 days 6/30/16) [04/22/16 @ 12:53 PM]  
**Finance Held 7-0**

**#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. (60 days 6/30/16) [04/13/16 @ 3:55 PM]  
**Finance Approved 7-0**

**#112-16 Appropriation of mitigation funds for pedestrian and traffic improvements**  
HIS HONOR THE MAYOR requesting authorization to appropriate and expend the following Mitigation Funds:

- |  |          |
|--|----------|
| a. Village Café at 719 Washington Street       | \$2,500  |
| b. 258 Nevada Street at Linwood Street         | \$1,500  |
| c. Cherry Street at Washington Street          | \$2,000  |
| d. O’Hara’s Restaurant, Newton Highlands       | \$2,500  |
| e. Rox Diner Parking & Pedestrian Improvements | \$2,500  |
| f. Riverside, Old Jordan Marsh                 | \$16,045 |
| g. Canton Circle LLC, 714-724 Beacon Street    | \$10,000 |

**Finance Approved as Amended 7-0 Line Item F for \$16,045 and amended the request to include \$34,463 designated for traffic improvements in Lower Falls from the Riverside, Old Jordan Marsh Mitigation Fund for a Total Request of \$50,508**

**#211-16 Transfer request for \$600,000 to fund retroactive pay for the firefighters’ contract**  
HIS HONOR THE MAYOR requesting authorization to transfer the sum of six hundred thousand dollars (\$600,000) from Current year Wage Reserve to Fire Department Full-time Salaries to fund the FY 2015 and FY 2016 retroactive payments for the recently settled agreement between the City of Newton and Newton Firefighters Association, IAFF Local 863. [05/31/16 @ 4:35 PM]  
**Finance Approved as Amended 7-0 @ \$700,000**



**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 Facilities Approved 6-0 on 06/08/16**  
**Finance Approved 7-0**

**Public Safety & Transportation and Finance Committee**

- #212-16 Appropriation request for \$250,000 to fund police overtime costs**  
HIS HONOR THE MAYOR requesting authorization to appropriate two hundred fifty thousand dollars (\$250,000) from Free Cash to the Police Department Overtime Account to fund additional FY 2016 overtime costs.  
**Public Safety & Transportation Approved 5-0-1 (Fuller abstaining) on 06/08/16**  
**Finance Approved 7-0**

- #189-16 Transfer from Wage Reserve for retroactive payments to AFSCME Local 2913 Members**  
HIS HONOR THE MAYOR requesting authorization to transfer the sum of fifty thousand dollars (\$50,000) from 2016 Wage Reserve to Traffic Safety Full-Time Salaries for the purpose of funding the Fiscal Years 2015 and 2016 retroactive payments to the employees of AFSCME Local 2913 – Parking Control/Traffic Enforcement. [05/09/16 @ 4:59 PM]  
**Finance Approved 7-0**

- #210-16 Appropriation request for \$21,898 to pay telephone bills from prior fiscal years**  
HIS HONOR THE MAYOR requesting authorization to appropriate twenty-one thousand eight hundred ninety-eight dollars (\$21,898) from Free Cash to the Fire Station Maintenance, Telephone Account to fund additional telephone costs. [05/31/16 @ 4:35 PM]  
**Note:** *This request includes an authorization to pay an unpaid bill of a prior year from Verizon Communications, which requires a 2/3 majority vote by the City Council to be approved.*  
**Finance Approved 7-0**

**Referred to Public Safety & Transportation and Finance Committees**

- #197-15(2) Pilotless Aircraft Operation**  
COUNCILORS ALBRIGHT, BAKER, AND NORTON proposing an ordinance regulating the operation and registration of pilotless aircraft in the City of Newton. [04/07/16 @ 4:25 PM]  
**Public Safety & Transportation approved 5-0 on 05/04/16**  
**Finance Approved 5-0-2 (Lappin, Norton abstaining)**

**Referred to Public Safety & Transportation and Finance Committees**

#64-16

**Increase the number of Chief of Operation positions in the Fire Department**

HIS HONOR THE MAYOR requesting a temporary increase in the number of Chief of Operations in the Fire Department from one to two Chief, as the current Assistant Chief of Operations is on extended sick leave, does not intend to return to his position, and his accrued time does not run out until August 2016. An Assistant Chief has been working as the acting Chief of Operations and the Fire Chief would like to permanently appoint him as the Chief of Operations before August 2016, as the acting Chief of Operations cannot attend bargaining sessions due to a possible conflict of interest should he return to a union position as Deputy Chief. [02/09/16 @ 2:47 PM]

**Public Safety & Transportation voted No Action Necessary 4-0 on 06/08/16**

**Finance Voted No Action Necessary 7-0**