



## City Council Actions

### In City Council

**Monday, July 11, 2016**

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

**Absent:** Councilor Baker

After First Call, a motion to go into a Committee of the Whole with Finance presiding was Approved by Voice Vote. The Chair of Finance requested that the Committee of the Whole go into Executive Session to hear from the Law Department on the status of Docket Item #175-16 – Authorization to enter into a Settlement with National Grid. This was requested as a discussion in public might be detrimental to the litigating position of the City. The Committee of the Whole Approved going into Executive Session 23 Yeas, 1 Absent (Councilor Baker). The Chair announced that the Council would return to the Chamber after the Executive Session.

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

**The following seven appointments/re-appointments to the Zoning Board of Appeals were considered together and voted separately by the Council:**

#### **Referred to Zoning & Planning Committee**

**#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 on June 13, 2016**

*City Council Postponed Item on June 20, 2016 to Date Certain of July 11, 2016*

**City Council Rejected Appointment 16 Nays, 7 Yeas (Councilors Albright, Crossley, Fuller, Hess-Mahan, Lipof, Rice & Lennon), 1 Absent (Councilor Baker)**

#### **Referred to Zoning & Planning Committee**

**#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 Approved 3-0-4 (Sangiolo, Kalis, Yates and Leary abstaining)**

**City Council Rejected Appointment 16 Nays, 7 Yeas (Councilors Albright, Crossley, Fuller, Hess-Mahan, Lipof, Rice & Lennon), 1 Absent (Councilor Baker)**

**Referred to Zoning & Planning Committee**

**#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 on June 13, 2016**

*City Council Postponed Item on June 20, 2016 to Date Certain of July 11, 2016*

**City Council Rejected Appointment 16 Nays, 7 Yeas (Councilors Albright, Crossley, Fuller, Hess-Mahan, Lipof, Rice & Lennon), 1 Absent (Councilor Baker)**

**Referred to Zoning & Planning Committee**

**#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) on June 13, 2016**

*City Council Postponed Item on June 20, 2016 to Date Certain of July 11, 2016*

**City Council Approved Appointment 15 Nays, 8 Yeas (Councilors Albright, Crossley, Fuller, Hess-Mahan, Lipof, Rice, Schwartz & Lennon), 1 Absent (Councilor Baker)**

**Motion to Reconsider the Item was made by Councilor Schwartz and Approved by the City Council by Voice Vote**

**City Council Rejected Appointment 16 Nays, 7 Yeas (Councilors Albright, Crossley, Fuller, Hess-Mahan, Lipof, Rice & Lennon), 1 Absent (Councilor Baker)**

**Referred to Zoning & Planning Committee**

**#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) on June 13, 2016**

*City Council Postponed Item on June 20, 2016 to Date Certain of July 11, 2016*

**City Council Rejected Appointment 16 Nays, 7 Yeas (Councilors Albright, Crossley, Fuller, Hess-Mahan, Lipof, Rice & Lennon), 1 Absent (Councilor Baker)**

**Referred to Zoning & Planning Committee**

**#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 on June 13, 2016**

***City Council Postponed Item on June 20, 2016 to Date Certain of July 11, 2016***

**City Council Rejected Appointment 16 Nays, 7 Yeas (Councilors Albright, Crossley, Fuller, Hess-Mahan, Lipof, Rice & Lennon), 1 Absent (Councilor Baker)**

**Referred to Zoning & Planning Committee**

**#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 on June 13, 2016**

***City Council Postponed Item on June 20, 2016 to Date Certain of July 11, 2016***

**City Council Rejected Appointment 16 Nays, 7 Yeas (Councilors Albright, Crossley, Fuller, Hess-Mahan, Lipof, Rice & Lennon), 1 Absent (Councilor Baker)**

**Clerk's Note:** The Chair of Zoning and Planning reported on the appointment of Michael Brangwynne, the only member of the group that had not been reported out previously.

Councilors were concerned that it had not been clear why a currently serving member was not appointed, and why new individuals were being appointed. There was disagreement with the Mayor's position although it was felt by some that the Mayor should be able to choose his staff. The Council however, has a responsibility to constituents.

It was requested that the Council vote down all of the appointments. It was noted that if all appointments were voted down, then the current membership of the ZBA remains in place. According to City Charter, the Mayor appoints volunteer members of Commissions and within 60 days they are approved or rejected. Resumes are looked at, they are interviewed and then there is a vote. This is not a rubber stamp. There has been much consternation over the fact that the Mayor did not approve Ms. Huggins reappointment. Ms. Huggins was first appointed in 2011; she holds a Bachelor's Degree from the University of Pennsylvania, a Master's Degree in Urban and Environmental Policy from Tufts University and a JD Degree from Boston University. She has worked with many cities and towns to craft both approvals of 40b projects, defend those approvals as well as oppose other permits. Fellow ZBA members often look to Barbara Huggins for advice.

It was reported that the Mayor has said that Ms. Huggins work in other communities has involved opposing 40b housing developments which could give an appearance of bias.

It was noted by a number of Councilors that if the vote was no, then all of the current ZBA appointments would stay in place. Individuals could be removed by a majority vote of the ZBA and the Mayor. Voting no on all of the appointments will send the message to the administration.

The Chair of the Zoning & Planning Committee noted that the Mayor does not have to explain why he does or does not appoint a member as it is his prerogative. He stated that he would be voting for the other appointments.

Clerk Olson was asked if once denied the individuals could be resubmitted. He noted that Council Rules state that an item cannot come back before the City Council unless one year has expired or unless there is a vote to suspend the rules to allow the item to be placed on the docket.

It was noted that by voting these appointments down it would be the only thing that could be done by Charter to continue to have a very highly qualified individual remain on the ZBA.

The President of the Council had a concern regarding voting down all of the appointments and pointed out that the Mayor has the ability to remove Ms. Huggins at any time. He would vote for these appointees because they have been put forward and vetted, and if Ms. Huggins comes back before the Council, he would probably vote for her as well.

### **Referred to Land Use Committee**

**#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 Opened on April 5, 2016, Continued to May 3, 2016 May 24 and June 28, 2016.***

**Public Hearing Closed; Land Use Approved 6-0-2(Harney, Schwartz abstaining)**

**City Council Approved 22 yeas, 1 Nay (Councilor Harney), 1 Absent (Councilor Baker)**

**Clerk's Note:** The Chair of the Land Use Committee reported that this item is for building a storage facility. The land is currently zoned as manufacturing which is something that the Council has no control over. The site is located on the edges of Ward 1 and Ward 2. The land is sloping and has an open culvert which has made development quite difficult. Extensive restrictions have been placed on this location by the Conservation Commission. The petitioner proposed a storage facility and it was

noted that this would be a less intensive use of the land. There has been a good deal of community input and public comment during the course of deliberations.

Concern was raised that the project is too big for the residential area. Others felt that it is a good site plan, and that it was a good proposal for this area and that the conditions included would be positive. It was noted that there is a look back position in the Special Permit if there are questions on traffic.

### **Referred to Zoning & Planning Committee**

**#184-16**

#### **Petition to rezone lots on Walnut Street**

TERENCE P. MORRIS, petitioning to rezone land known as Section 24, Block 11, Lots 03 and 04, located at 369 and 377 Walnut Street from SINGLE RESIDENCE 2 to MULTI RESIDENCE 1. [05/11/16 @ 3:23 PM]

**Public Hearing Closed; Zoning & Planning Approved 3-1-3 (Sangiolo opposed; Kalis, Yates and Danberg abstaining)**

**City Council Approved 20 yeas, 3 Nays (Councilors Brousal-Glaser, Harney & Sangiolo), 1 Absent (Councilor Baker)**

**Clerk's Note:** The Chair of the Zoning & Planning Committee reported that the Planning Board met earlier in the evening and voted 3 to 1 to recommend approval. The Board's report stated it was a natural place for MR1 zone consistent with city zoning plans. Arguments against included potential windfall for owners and opens the door for rezoning further down Walnut Street.

Some City Councilors felt that the rezoning made a great deal of sense, while others felt that there should be a comprehensive look at the area. Concern was also raised that it was not a good spot to rezone.

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

### **Referred to Land Use Committee**

Tuesday, 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 Closed; Land Use Approved 4-0-1(Lennon abstaining, Cote, Harney, Lipof 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.

**Public Hearing Closed; Land Use Approved 5-0-1(Schwartz abstaining; Cote, Lipof not voting)**

**Referred to Zoning & Planning Committee**

Monday, June 27, 2106

- #230-16 Mayor's appoint. of Frederick D'Annolfo to Chestnut Hill Historic District Comm.**  
HIS HONOR THE MAYOR appointing Frederick D 'Annolfo, 95 Suffolk Road, Chestnut Hill, as an member of the Chestnut Hill Historic District Commission for a term to expire July 15, 2019 (60 days 8/19/16) [06/20/16 @ 4:14 PM]  
**Zoning & Planning Approved 7-0**
- #231-16 Mayor's appointment of Kennett Burnes to Chestnut Hill Historic District Comm.**  
HIS HONOR THE MAYOR appointing Kennett Burnes, 30 Kingsbury Road, Chestnut Hill, as an member of the Chestnut Hill Historic District Commission for a term to expire July 15, 2019 (60 days 8/19/16) [06/20/16 @ 4:14 PM]  
**Zoning & Planning Approved 7-0**
- #232-16 Mayor's appointment of Susana Lannik to Chestnut Hill Historic District Comm.**  
HIS HONOR THE MAYOR appointing Susana Lannik, 25 Essex Road, Chestnut Hill, as an member of the Chestnut Hill Historic District Commission for a term to expire July 15, 2019 (60 days 8/19/16) [06/20/16 @ 4:14 PM]  
**Zoning & Planning Approved 7-0**
- #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]  
**Zoning & Planning No Action Necessary 7-0**
- #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)

**Public Hearing Closed; Zoning & Planning Approved 7-0**

- #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]  
**Public Hearing Closed; Zoning & Planning Approved 6-0-1 (Yates abstaining)**

**Referred to Programs & Services Committee**

Wednesday, June 22, 2016

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

- #357-15 Request for CPA funding for the Newton Highlands Playground**  
COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of two million five hundred thousand dollars (\$2,500,000) from the Community Preservation Fund's open space and general reserves or fund balance to the Parks & Recreation Department, for the rehabilitation of the Newton Highlands Playground at Winchester and Dedham Streets, as described in the proposal submitted to the Community Preservation Committee in November 2015. [12/15/15 @ 12:32 PM]  
**Finance Approved 6-0 on 06/27/16**  
**Public Facilities Approved 8-0 on 06/22/16**  
**Programs & Services Approved 8-0**

**Referred to Public Safety & Transportation Committee**

Wednesday, June 22, 2016

- #186-16(A)&(B) License renewals for Boston College Bus**  
BOSTON COACH TRANSPORTATION, request for annual renewal of the Boston College Bus Licenses. There are no changes proposed to last year's licenses. [04/28/16 @ 1:18 PM]  
**Public Safety Approved 5-0 (Lipof and Yates not voting)**
- #106-16 Appeal of Traffic Council Decision of new parking regulations on Chestnut Street**  
COUNCILOR HESS-MAHAN, appealing the Approval of TC56-15 Traffic Council Decision on February 25, 2016: 15-minute parking zone, 8:00 a.m. to 5:00 p.m. in front of 25 Chestnut Street. Requesting on behalf of business owners 1) Reduce or eliminate the five approved 15-minute parking spaces. 2) Reinstate the one-hour limit, west side, 7:00 a.m. to 6:00 p.m. (Ward 3) [Appeal filed 03/04/16]  
**Public Safety Denied the Appeal 7-0**

**Referred to Public Facilities Committee**

Wednesday June 22, 2016

**Referred to Public Facilities and Finance Committees**

#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 Facilities voted No Action Necessary 6-0 (Laredo, Lennon not Voting)**

#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]

**Approved 5-0 (Lennon, Laredo, Brousal-Glaser not voting)**

#109-16B2

**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

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

**Item was split into B1 (Grove Street) and B2 (Crafts Street) on 06/08/16****B1 was approved by the City Council on 06/20/2016****Public Facilities Approved B2 6-0 Subject to Second Call (Lennon, Laredo not voting)****Motion to suspend the rules to allow the Committee Chair to poll her committee was approved by Voice Vote.****Public Facilities Approved on First Call 8-0****Referred to Public Facilities and Finance Committees**

#229-16

**Taking of a temporary construction easement for the Elliot St Bridge Project**

HIS HONOR THE MAYOR recommending that the City Council acquire temporary construction easement through an eminent domain taking in the private lands of 393-396 and 404-406 Elliot Street, a distance of 135' ±, and award damages to be determined to Chatham Properties. [06-20-16 @11.26 AM]

**Finance Approved as Amended 6-0 on 06/27/16****Public Facilities Approved 7-0 (Laredo not Voting)****Motion to Suspend the Rules to Allow the Chair of Public Facilities to Poll Her Committee was approved by Voice Vote**



**Public Facilities Voted No Action Necessary 8-0**

**Clerk's Note:** The owner of the property subject to the temporary taking agreed after the Committees had voted to allow the City to use the property during construction. With this agreement there is no need to take the easement. The Chair of the Public Facilities Committee polled her committee to change its vote to No Action Necessary.

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

**#357-15 Request for CPA funding for the Newton Highlands Playground**  
COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of two million five hundred thousand dollars (\$2,500,000) from the Community Preservation Fund's open space and general reserves or fund balance to the Parks & Recreation Department, for the rehabilitation of the Newton Highlands Playground at Winchester and Dedham Streets, as described in the proposal submitted to the Community Preservation Committee in November 2015. [12/15/15 @ 12:32 PM]  
**Finance Approved 6-0 on 06/27/16**  
**Programs & Services Approved 8-0 on 06/22/16**  
**Public Facilities Approved 8-0**

**#222-16 Waiver of site plan approval for a support building at the Highlands Playground**  
COMMISSIONER OF PARKS AND RECREATION requesting a waiver of City of Newton Ordinance Sec. 5-58. Site plan approval for construction or modification of municipal buildings and facilities. for a support building to be constructed as part of the rehabilitation of the Newton Highlands Playground in Newton Highlands. [06/13/16 @ 12:56 PM]  
**Public Facilities Approved 8-0**

**Referred to Public Facilities and Finance Committees**

**#226-16 Transfer \$233,013.67 within the DPW snow removal line items**  
HIS HONOR THE MAYOR requesting authorization to transfer the sum of two hundred thirty-three thousand thirteen dollars and sixty-seven cents (\$233,013.67) from the Public Works Regular Overtime Snow Operations Account to the Public Works Snow Removal Rental Vehicles/Buildings/Schools. [06/13/16 @ 3:49 PM]  
**Finance Approved 5-0 (Fuller not voting) on 06/22/16**  
**Public Facilities Approved 8-0**

**Referred to Public Facilities and Finance Committees**

#227-16

**Request to appropriate \$13,129,065 for Fire Station 3/HQ Project**

HIS HONOR THE MAYOR requesting authorization to appropriate the sum of thirteen million one hundred twenty-nine thousand sixty-five dollars (\$13,129,065) from bonded indebtedness for the purpose of funding the Fire Station 3/Headquarters Construction Project. [06/13/16 @ 3:49 PM]

**Finance Approved 6-0 on 06/27/16**

**Public Facilities Approved 8-0**

**Referred to Finance Committee**

Monday, June 27, 2016

#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 06/30/16) [04/22/16 @ 12:53 PM]

**Finance Voted No Action Necessary 6-0**

#223-16

**Mayor’s re-appointment of James A. Pellegrine as a Constable**

JAMES A. PELLEGRINE, 60 Clinton Street, Newton, re-appointed as a Constable for the City of Newton for a term of office to expire June 30, 2019. [06/15/16 @ 3:55 PM]

**Finance Approved 6-0**

#225-16

**Transfer \$44,823 within the Library budget to fund utility and other expenditures**

HIS HONOR THE MAYOR requesting authorization to transfer the sum of forty-four thousand eight hundred twenty-three dollars (\$44,823) from the Library’s Salaries Accounts to supplement the below Library accounts as follows:

Electricity.....	\$22,600
Natural Gas .....	\$13,700
Water & Sewer.....	\$3,250
Tuition Assistance .....	\$2,750
Equipment R&M .....	\$2,523

[06/13/16 @ 3:49 PM]

**Finance Approved 6-0**

#224-16

**Authorization to appropriate a \$19,800 grant for drunk driving prevention**

HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of nineteen thousand eight hundred dollars (\$19,800) from the Drunk Driving Trust Fund Prevention, Education, and Training Grant for Fiscal Year 2017 from the Massachusetts Office for Victim Assistance awarded to the Police Department. [06/13/16 @ 3:49 PM]

**Finance Approved 5-0 (Fuller not voting)**

**Referred to Public Facilities and Finance Committees**

#226-16

**Transfer \$233,013.67 within the DPW snow removal line items**

HIS HONOR THE MAYOR requesting authorization to transfer the sum of two hundred thirty-three thousand thirteen dollars and sixty-seven cents (\$233,013.67) from the Public Works Regular Overtime Snow Operations Account to the Public Works Snow Removal Rental Vehicles/Buildings/Schools. [06/13/16 @ 3:49 PM]

**Public Facilities Approved 8-0 on 06/22/16****Finance Approved 5-0 (Fuller not voting)**

#228-16

**Transfer of funds within DPW Budget to fund safety bollards in West Newton Square**

HIS HONOR THE MAYOR requesting authorization to transfer the sum of thirty thousand dollars (\$30,000) from the Public Works Salaries Account to the Public Works Property Repairs and Maintenance Account for the purpose of funding the installation of safety bollards in West Newton Square. [06/13/16 @ 3:49 PM]

**Finance Approved 5-0 (Fuller not voting)****Referred to Public Facilities and Finance Committees**

#229-16

**Taking of a temporary construction easement for the Elliot St Bridge Project**

HIS HONOR THE MAYOR recommending that the City Council acquire temporary construction easement through an eminent domain taking in the private lands of 393-396 and 404-406 Elliot Street, a distance of 135' ±, and award damages to be determined to Chatham Properties. [06-20-16 @11.26 AM]

**Public Facilities Approved 8-0 on 06/22/16****Finance Approved as Amended to Remove 393-396 Elliot St from Taking 6-0****Motion to Suspend the Rules to Allow the Chair of Finance to Poll His Committee was approved by Voice Vote****Finance Voted No Action Necessary 8-0**

**Clerk's Note:** The owner of the property subject to the temporary taking agreed after the Committees had voted to allow the City to use the property during construction. With this agreement there is no need to take the easement. The Chair of the Finance Committee polled his committee to change its vote to No Action Necessary.

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

#357-15

**Request for CPA funding for the Newton Highlands Playground**

COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of two million five hundred thousand dollars (\$2,500,000) from the Community Preservation Fund's open space and general reserves or fund balance to the Parks & Recreation Department, for the rehabilitation of the Newton Highlands Playground at Winchester and Dedham Streets, as described in the proposal submitted to the Community Preservation Committee in November 2015. [12/15/15 @ 12:32 PM]

**Programs & Services Approved 8-0 on 06/22/16**

**Public Facilities Approved 8-0 on 06/22/16**

**Finance Approved 6-0**

**Referred to Public Facilities and Finance Committees**

**#227-16**

**Request to appropriate \$13,129,065 for Fire Station 3/HQ Project**

HIS HONOR THE MAYOR requesting authorization to appropriate the sum of thirteen million one hundred twenty-nine thousand sixty-five dollars (\$13,129,065) from bonded indebtedness for the purpose of funding the Fire Station 3/Headquarters Construction Project. [06/13/16 @ 3:49 PM]

**Public Facilities Approved 8-0 on 06/22/16**

**Finance Approved 6-0**

**#174-16**

**Acceptance of MGL Chapter 60 Section 1 of MGL**

COUNCILORS SANGIOLO, HARNEY and COTE 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]

**Finance Approved 6-0**

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

**#255-16**

**5-58 waiver for relocation of modular classrooms**

COMMISSIONER OF PUBLIC BUILDINGS requesting a waiver of the City of Newton Ordinance Sec. 5-58. Site plan approval for construction or modification of municipal buildings and facilities. For the relocation of the existing modular classrooms from the Zervas Elementary School to the Brown Middle School and Newton South High School. [07/06/2016 @ 11:51 AM]

**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**

**A Motion to also Refer this item to the Programs & Services Committee was Approved by Voice Vote**

**Public Hearings were assigned for the following Docket Items:**

***Public hearing assigned for July 12, 2016:***

**#219-16**

**Special Permit Petition to increase FAR at 21 Orient Avenue**

LOUISA SYLVIA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to further EXTEND NONCONFORMING FAR by removing an existing porch and constructing a 575 sq. ft. single story garage and mudroom and portico over existing front porch at 21 Orient Avenue, Ward 6, Newton Centre, on land known as SBL 64022 0001, containing

approximately 10, 018 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 3.1.9, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

***Public hearing assigned for July 13, 2016:***

**#249-16 Cellco petition for Grant of Location 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 [(Ward 8) 07/01/2016 @11:17 AM]:

Locations

Dudley Road (near 530 Dudley Road) at Pole #10-7

Hay Road (near 16 Hay Road) at Pole #1368-1

***Public hearing assigned for July 13, 2016:***

**#250-16 Comcast petition for a Grant of Location on Washington Street**  
COMCAST petitioning for a grant of location to install 250'+/- of conduit in Washington Street in existing vault trench heading Westerly to the property line at 612 Washington Street. [(Ward 2) 06/27/2016 @ 3:03 PM]

***Public hearing assigned for July 13, 2016:***

**#251-16 National Grid petition for grant of location in Deforest Road**  
NATIONAL GRID petitioning for a grant of location to install 50'+/- of 4" main in DEFOREST ROAD from existing gas main at #36 Deforest trenching in a southerly direction to house #45 for new gas service. (Ward 4) [06/16/2016 @ 12:26 PM]

***Public hearing assigned for July 13, 2016:***

**#252-16 Verizon petition for grant of location on Franklin Street**  
VERIZON petitioning for a grant of location to install 402'+/- of conduit starting at Pole #1100/15 in front of 133 Franklin Street, trenching across Franklin Street in an easterly direction to a new proposed hand hole in front of #100 Franklin Street. (Ward 7) [07/05/2016 @ 8:37 AM]

***Public hearing assigned for July 13, 2016:***

**#253-16 Lightower Fiber Networks petition for grant of location in Wells Ave**  
Lightower Fiber Networks petitioning for a grant of location to install 540' +/- of 4" conduit from Verizon Manhole 47/237 in front of 160 Wells Ave westerly to 180 Wells Ave. (Ward 8) [06/21/2016 @ 1:39 PM]

***Public hearing assigned for July 13, 2016:***

**#254-16 Verizon petition for grant of location on Elliot Street Bridge**  
VERIZON petition for a grant of location to relocate pole #136/50 approximately 28' easterly and pole #49 3' southerly as part of the Elliot Street Bridge reconstruction. [(Ward 5) 07/05/2016 @ 4:33 PM]

**Public hearing assigned for July 26, 2016:**

**#233-16 Special Permit Petition to increase FAR & nonconforming use at 45-47 Noble Street**  
ANNA RUMSHISKY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to add a rear dormer to the attic level to finish the attic for livable space, expanding the nonconforming two-family use and FAR to .57 at 45-47 Noble Street, Ward 3, West Newton, on land known as SBL 44004 0013, containing approximately 6,278 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref. 7.3.3, 7.4, 3.1.9, 3.4.1, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**The City Council voted without discussion 22 Yeas, 1 Nay (Councilor Sangiolo), 1 Absent (Councilor Baker) to take the following actions:**

**#183-16 Petition to rezone lots on Mechanic Street**  
TERENCE P. MORRIS petitioning to rezone corresponding pieces of abutting lands in different districts, MULTI RESIDENCE 2 and BUSINESS 2, on land known as Section 51, Block 29, Lots 01 and 04 located at 38 and 44 Mechanic Street in conjunction with a land transfer. [05/05/16 @ 10:36 AM]  
**Public Hearing Closed; Zoning & Planning Approved 6-0 (Sangiolo not voting)**

**#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 Closed; Zoning & Planning Approved 6-0-1 (Sangiolo abstaining)**