



City Council Actions

In City Council

Tuesday, September 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, Schwartz and Yates.

Absent: Councilors Ciccone, Norton & Sangiolo

The City Council voted without discussion 21 Yeas, 3 Absent (Councilors Ciccone, Norton & Sangiolo) to take the following actions:

Referred to Land Use Committee

Tuesday, August 9, 2016

- #260-16** **Special Permit Petition to exceed FAR at 11 Scarsdale Road**
PHOEBE AND ED OLHAVA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to EXCEED FAR by building a two story rear addition, single story rear addition and deck, creating an FAR of .43 where .40 is allowed at 11 Scarsdale Road, Ward 2, Newtonville, on land known as SBL 24029 0015, containing approximately 8,480 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9.A.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
Public Hearing Closed; Land Use Approved 6-0
- #259-16** **Special Permit Petition to increase nonconforming rear setback at 6 Glastonbury Oval**
LISA AND ANDREW SILVERMAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER EXTEND NONCONFORMING USE by adding a second story to a rear addition and constructing a two story rear addition increasing the already nonconforming rear setback at 6 Glastonbury Oval, Ward 5, Waban, on land known as SBL 44023 0006, containing approximately 7,017 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.4, 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
- #215-16(2)** **Special Permit Petition to construct parking stalls and retaining wall at Dunn Gaherin's**
SEANA GAHERIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct six parking stalls in a side setback, waive aisle width requirements, waive screening requirements, waive security lighting requirements and allow a retaining wall greater than 4', modifying special permit #501-94(2) at 342, 342A, 344-346 Elliot Street, Ward 5, Newton Upper Falls, on land known as SBL 51041 0010, 51041 0011, 51041 0012, containing approximately 9,676 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3,

7.4, 5.1.8.A.1, 5.1.13, 5.1.8.C.1, 5.1.9.A.1, 5.1.10.A, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Approved 6-0

Referred to Zoning & Planning Committee

Monday, August 22, 2016

- #237-16** **Mayor's appointment of Peter Sargent to the Community Preservation Committee**
HIS HONOR THE MAYOR appointing PETER SARGENT, 33 Avondale Road, Newton as a member of the Community Preservation Committee for a term to expire July 31, 2019. (60 days 09/09/16) [07/01/16 @ 2:26 PM]
Zoning & Planning Approved 5-0 (Kalis not voting)
- #239-16** **Mayor's appointment of Kathleen Eutsler to the Commission on Disability**
HIS HONOR THE MAYOR appointing KATHLEEN EUTSLER, 34 Beecher Place, Newton, as a member of the Commission on Disability for a term to expire July 31, 2017 (60 days 09/09/16) [06/29/16 @ 9:28 AM]
Zoning & Planning Approved 5-0 (Kalis not voting)
Motion to Suspend the Rules to allow the Chair of the Committee to poll his committee was approved by Voice Vote
Zoning & Planning No Action Necessary 7-0
- Clerk's Note:** Kathleen Eutsler notified the City that she will be moving out of Newton shortly. The Chair polled his committee to change its vote to No Action Necessary as Ms. Eutsler would no longer be a Newton resident.
- #240-16** **Mayor's re-appointment of Barbara Lischinsky to the Commission on Disability**
HIS HONOR THE MAYOR re appointing BARBARA LISCHINSKY, 1942 Washington Street, Newton, as a member of the Commission on Disability for a term to expire July 31, 2017 (60 days 09/09/16) [06/29/16 @ 9:28 AM]
Zoning & Planning Approved 5-0 (Kalis not voting)
- #241-16** **Mayor's re-appointment of Rosemary Larking to the Commission on Disability**
HIS HONOR THE MAYOR re-appointing ROSEMARY LARKING, 1600 Washington Street, Newton, as a member of the Commission on Disability for a term to expire July 31, 2018 (60 days 09/09/16) [06/29/16 @ 9:28 AM]
Zoning & Planning Approved 5-0 (Kalis not voting)
- #242-16** **Mayor's re-appointment of Girard A. Plante to the Commission on Disability**
HIS HONOR THE MAYOR re-appointing GIRARD A. PLANTE, 58A Ash Street, Newton, as a member of the Commission on Disability for a term to expire July 31, 2019 (60 days 09/09/16) [06/29/16 @ 9:28 AM]
Zoning & Planning Approved 5-0 (Kalis not voting)

- #243-16 Mayor's re-appointment of Jane Brown to the Commission on Disability**
HIS HONOR THE MAYOR re-appointing JANE BROWN, 104 Atwood Avenue, Newton to expire July 31, 2019 (60 days 09/09/16) [06/29/16 @ 9:28 AM]
Zoning & Planning Approved 5-0 (Kalis not voting)
- #244-16 Mayor's re-appointment of Lucille Chansky to the Commission on Disability**
HIS HONOR THE MAYOR re-appointing LUCILLE CHANSKY, 259 Jackson Street, Newton Centre, as a member of the Commission on Disability for a term to expire July 31, 2018 (60 days 09/09/16) [06/29/16 @ 9:28 AM]
Zoning & Planning Approved 5-0 (Kalis not voting)
- #245-16 Mayor's re-appointment of Robert Caruso to the Commission on Disability**
HIS HONOR THE MAYOR re-appointing ROBERT CARUSO, 237C Watertown Street, Newton, as a member of the Commission on Disability for a term to expire July 31, 2019 (60 days 09/09/16) [06/29/16 @ 9:28 AM]
Zoning & Planning Approved 5-0 (Kalis not voting)

Motions to suspend the rules to allow the Chairs of the Programs & Services and Finance Committees to report out the following item without a written report were Approved by Voice Vote

Referred to Programs & Services and Finance Committees

- #271-16 \$100,000 to fund implementation of early voting procedures**
HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thousand dollars (\$100,000) from Budget Reserve to fund the City's compliance with new early voting procedures, which includes the purchase of 15 electronic poll books and associated printers, software licensing, set-up, annual maintenance fee, and funding for poll workers to run the early voting locations, police details, custodial staff and Public Works staff for the early voting days. [08/01/16 @ 12:49 PM]
Programs & Services Approved 7-0
Finance Approved 6-0

Motions to suspend the rules to allow the Chairs of the Public Facilities and Finance Committees to report out the following items without a written report were Approved by Voice Vote

Referred to Public Facilities and Finance Committees

- #276-16 \$100,000 transfer for cleanup of 70 Crescent Street site**
HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thousand dollars (\$100,000) from Fiscal Year 2017 Budget Reserve to fund the cleanup of the 70 Crescent Street housing project site. [08/01/16 @ 12:50]
Public Facilities Approved 6-0-1 (Lappin abstaining, Lennon not voting)
Finance Approved 4-0-2

Referred to Public Facilities and Finance Committees

#279-16

\$125,000 for additional funding for Aquinas Window Project

HIS HONOR THE MAYOR requesting authorization to appropriate one hundred twenty-five thousand dollars (\$125,000) from bonded indebtedness for the purpose of providing additional funding for the Aquinas Window/PCB Abatement Project. .
[08/01/16 @ 12:50 PM]

Public Facilities Approved as amended to \$300,000 8-0**Finance Approved as amended to \$300,000 6-0****Referred to Public Facilities and Finance Committees**

#274-16

\$250,000 to purchase a new Gradall truck

HIS HONOR THE MAYOR requesting authorization to appropriate two hundred fifty thousand dollars (\$250,000) from bonded indebtedness to fund the purchase of a new 2016 Gradall truck. [08/01/16 @ 12:50 PM]

Public Facilities Approved 8-0**Finance Approved 6-0****Referred to Public Facilities and Finance Committees**

#277-16

\$530,000 for traffic signal upgrades at Washington and Harvard Streets

HIS HONOR THE MAYOR requesting authorization to appropriate the sum of five hundred thirty thousand dollars (\$530,000) from bonded indebtedness to fund the construction and installation of traffic signal upgrades at the intersection of Washington Street and Harvard Street. [08/01/16 @ 12:50 PM]

Public Facilities Approved 8-0**Finance Approved 6-0****Referred to Public Facilities and Finance Committees**

#278-16

\$200,000 for design of a section of Laundry Brook culvert by the Cabot School

HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred thousand dollars (\$200,000) from the Stormwater Management Fund reserve for the purpose of funding the design of a section of the Laundry Brook culvert adjacent to the Cabot Elementary School. [08/01/16 @ 12:49 PM]

Public Facilities Approved as amended to \$220,000 8-0**Finance Approved as amended to \$220,000 6-0****Referred to Public Facilities and Finance Committees**

#280-16

\$165,000 for additional funding for the Elliot Street Bridge Project

HIS HONOR THE MAYOR requesting authorization to appropriate one hundred sixty-five thousand (\$165,000) from bonded indebtedness for the purpose of providing additional funding for the Elliot Street Bridge Project. [08/01/16 @ 12:50 PM]

Public Facilities Approved 8-0**Finance Approved 6-0**

Motion to suspend the rules to allow the Chair of the Finance Committee to report out the following items without a written report was Approved by Voice Vote

Referred to Finance Committee

#265-16 Request for \$240,850 to fund bond sale costs

HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred eight thousand eight dollars (\$208,000) from Fiscal Year 2017 Revenue and transfer the sum of thirty-two thousand eight hundred fifty dollars (\$32,850) from the following account to fund bond issuance costs associated with the City’s July 2016 bond sale:

From:

Interest Payments NNHS
0110772-582A51 \$32,850

To:

Bond Sale Costs \$32,850
0110701-5316

[08/01/16 @ 12:50]

Finance Approved as amended to appropriate all from 2017 Revenue 6-0

A motion to accept to the Docket and Refer to Committee the following was Approved by Voice Voice

Referred to Public Safety & Transportation Committee

#302-16 Discussion with MassDOT regarding new toll structure on the Mass Pike in Newton

COUNCILOR CICCONE, on behalf of the Public Safety & Transportation Committee requesting a discussion with MassDOT regarding the new toll structure on the Massachusetts Turnpike in Newton. [08/31/16 @ 10:13 AM]

The Following Public Hearings were Assigned:

Public hearing assigned for September 7, 2016:

#282-16 5-58 Site plan approval for the relocation of modular classrooms

DESIGN REVIEW COMMITTEE petitioning, pursuant to Sec. 5-58, for site plan approval to relocate four (4) modular classrooms from the Zervas Elementary School as follows: two (2) modular classrooms to be located at Newton South High School and two (2) modular classrooms at Brown Middle School to provide additional classroom space. [08/18/16 @ 12:09 PM]

Public Hearing assigned for September 20, 2016

#261-16 Special Permit Petition to allow site and building improvements at “The Street”

CHESTNUT HILL SHOPPING CENTER LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to ALTER A NONCONFORMING STRUCTURE to construct new buildings for

existing and new commercial uses including banking, office, medical office, theatre, health club, retail, restaurant and parking, to allow buildings in excess of 20,000 sq. ft., allow a building up to 60' in height, site plan review for buildings within 300' of a great pond, allow parking within a setback, extend Farmers Market special permit 230-14, update signage special permit 417-12, allow parking stalls in garage to be reduced stall depth, allow reduced parking facility lighting and waive interior landscaping requirements at 1-55 Boylston Street, Ward 7, Chestnut Hill, on land known as SBL 63037 0025, 63037 0026, containing approximately 859,444 sq. ft. in a district zoned BUSINESS USE 4. Ref. 7.3.3, 7.4, 4.1.2.B.1, 4.1.2.B.2, 4.1.2.B.3, 5.6, 5.1.8, 6.4.22, 5.8.2.C, 5.1.8.B, 5.1.10.A, 5.1.9.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for September 27, 2016

#262-16 **Special Permit Petition to increase nonconforming setback at 112-114 Carlisle Street**
MICHAEL VAHEY & MOK JIANG PANG/CARLISLE STREET DEVELOPMENT, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER INCREASE EXISTING NONCONFORMING FRONT SETBACK, by razing the existing two family dwelling, and construct a new, enlarged two family, further increasing the front setback, allowing a parking stall within 5' of a street, allowing a driveway entrance greater than 20' and reducing the required parking stall depth at 112-114 Carlisle St, Ward 6, Newton Centre, on land known as SBL 65008 0006, containing approximately 9,196 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref 7.3.3, 7.4, 3.2.3, 7.8.2.C.2, 5.1.7.B.2, 5.1.13, 5.1.7.A, 5.1.7.C of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for September 27, 2016

#284-16 **Special Permit Petition to maintain increased nonconforming FAR at 7-9 Arundel Ter**
CARMEN FUGAZZOTTO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to MAINTAIN FURTHER EXTENDED NON NONCONFORMING USE and INCREASED FAR by maintaining the existing enclosed garage that encroaches on the rear and side setbacks, exceeding the maximum lot coverage, continuing to be below minimum open space and maintain the increased nonconforming FAR at 7-9 Arundel Terrace, Ward 1, Newton, on land known as SBL 71001 0025, containing approximately 5,100 sq. ft. of land in a district zoned MULTI-RESIDENCE 2. Ref: 7.3.3, 7.4, 3.2.3, 3.2.11, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for September 27, 2016

#285-16 **Special Permit Petition to create an accessory apartment at 133 Harwich Road**
SHEHZAD S. BASARIA/MILENA BRAGA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to CREATE AN ACCESSORY APARTMENT in an existing single-family dwelling less than 2,500 sq. ft. by building a rear addition including a kitchen and living space to the ground floor and office space to the first floor at 133 Harwich Road, Ward 8, Chestnut Hill, on land known as SBL 82037 0076, containing approximately 11,170 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 6.7.1.D, 6.7.1.F of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for September 27, 2016

#286-16 Special Permit Petition to further increase nonconforming setback at 115 Waban St
JOHN MULLIGAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER INCREASE NONCONFORMING SETBACK by building a 308 sq. ft. one story addition including a mudroom, study and half bath at 115 Waban Street, Ward 1, Newton, on land known as SBL 12004 0032, containing approximately 7,072 sq. ft. in a district zoned MULTI-RESIDENCE 1. Ref: 7.3, 7.4, 3.2.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for October 13, 2016

#287-16 Special Permit Petition to allow rear lot subdivision at 57 Adams Avenue
GENNARO AND GIUSEPPINA NICOLAZZO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to ALLOW A REAR LOT SUBDIVISION AND REDUCED FRONT SETBACK, dividing the lot and constructing a new single family on the rear lot while maintain the existing single family on the front lot at 57 Adams Avenue, Ward 4, West Newton, on land known as 44014 0012, containing approximately 22,122 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3, 7.4, 3.1.10, 3.1.5, 3.1.10.B.3.a of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for October 13, 2016

#288-16 Special Permit Petition to exceed FAR at 25 Stiles Terrace
ALEXANDER P. SHEYNER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to INCREASE FAR by constructing a detached garage at 25 Stiles Terrace, Ward 7, Newton Centre, on land known as SBL 65004 0010, containing approximately 8,563 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9.A.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for October 13, 2016

#289-16 Special Permit Petition to extend nonconforming FAR at 35 Lenox Street
JAMES BENINATI/35 LENOX STREET LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER EXTEND NONCONFORMING FAR by regrading the property to construct a two car garage in the existing basement space at 35 Lenox Street, Ward 3, West Newton, on land known as SBL 32047 0006, containing approximately 9,969 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 7.4, 3.1.9.A.2, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for October 13, 2016

#290-16 Special Permit Petition modify existing Special Permit at Finagle a Bagel
NEWTON-FAB, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER EXTEND NONCONFORMING USE and amend Special Permit #191-81(B) to allow an increase in bakery seating to 49 seats and a principal wall sign in excess of 100 sq. ft. at 47 Crescent St/77 Rowe St/0Crescent St, Ward 4, Auburndale, on land known as SBL

44023 0016A, 44023 0016B, containing approximately 137,922 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 7.8.2.C.2, 5.2.8, 5.2.13.A of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.