



City Council Actions

In City Council

Monday, November 7, 2016

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

Absent: Councilors Hess-Mahan and Sangiolo

The City Council discussed the following item on Second Call:

Referred to Programs & Services and Finance Committees

#306-16

Request to review and possibly adjust the City Clerk's salary

COUNCILORS LENNON AND LAPPIN requesting a salary review and possible ordinance amendment to adjust the salary of the City Clerk/Clerk of the City Council pursuant to Article XI of the Rules and Orders of the City Council 2016-2017. [08/24/16 @ 2:41 PM]

Prog & Serv Approved 6-0-1 (Sangiolo abstaining) @ \$128,269 on 09/21/16

Finance Approved Subject to Second Call 6-0 @ \$127,778 (Brousal-Glaser, Norton not voting)

Approved at \$127,778 with a start date of January 1, 2016 22 Yeas, 2 Absent (Councilors Hess-Mahan and Sangiolo)

Clerk's Note: The City Council approved the City Clerk's salary at @127,778 to place it in line with the Commissioner of Parks & Recreation, and approved a start date of January 1, 2016 to coincide with the start of the current Council term.

The City Council voted without discussion 22 Yeas, 2 Absent (Councilors Hess-Mahan and Sangiolo) to take the following actions:

Referred to Land Use Committee

Tuesday, October 25, 2016

#263-16

Special Permit Petition for a rear lot subdivision at 100 Christina Street

IRENE OSTROVSKY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing dwelling and subdivide the land, creating a rear lot, to construct a new single family dwelling on each lot at 100 Christina Street, Ward 8, Newton Highlands, on land known as SBL 83030 0006, containing approximately 31,372 sq. ft. of land in a district

zoned SINGLE RESIDENCE 3. Ref. 7.3.3, 7.4, 3.1.10 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Approved 6-0-1 (Schwartz abstaining)

#311-16

Special Permit Petition to exceed FAR at 235 Woodcliff Road

CARY AND SUZANNE ROBINS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to EXCEED FAR by adding a basement level two-car attached garage with great room above, creating an FAR of .60 where .49 is allowed at 235 Woodcliff Road, Ward 8, Newton Highlands, on land known as SBL 81 21 04, containing approximately 7,500 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. 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 (Cote not voting)

#312-16

Special Permit Petition to establish accessory apartment at 74 Waban Street

JOE ROMAN/BROWN DOG PROPERTIES, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to ESTABLISH AN ACCESSORY APARTMENT in an existing third unit of a two-family dwelling, add dormers and raze the existing detached garage to build a 652 sq. ft. three car garage and construct two parking stalls within 5' of a street at 74 Waban Street, Ward 1, Newton, on land known as SBL 12 05 05A, containing approximately 12,155 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 6.7.1.D, 5.1.7.A, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Approved 7-0

#313-16

Special Permit to allow three-story single-family structure at 84 Roundwood Rd

RICHARD BLISS AND CHRISTINE MURPHY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to ALLOW THREE-STORY SINGLE-FAMILY STRUCTURE by adding a second floor over the existing floor print, creating a three story structure at 84 Roundwood Road, Ward 5, Newton Upper Falls, on land known as SBL 51 15 43, containing approximately 12,150 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 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Approved 7-0

#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 Closed; Land Use Approved Subject to Second Call 7-0

Motion to suspend the rules to allow the Chair of the Land Use Committee to poll his committee was approved by voice vote.

Land Use Approved 8-0 on First Call

Clerk's Note: The Chair of the Land Use Committee reported that they had received the material they were looking for and asked his Committee to Approve the item on First Call.

Referred to Land Use Committee

Tuesday, November 1, 2016

- #180-16** **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 Approved Withdrawal Without Prejudice 5-0 (Schwartz, Auchincloss not voting)

Referred to Zoning & Planning Committee

Monday, October 24, 2016

- #122-16** **Discussion with ISD re procedures to protect abutters during demo projects**
COUNCILORS NORTON AND AUCHINCLOSS requesting discussion with the Inspectional Services Department relative to the City's procedures to protect abutters during demolition projects and whether Newton is requiring developers to take sufficient steps. [03/25/16 @ 12:07 PM]
Zoning & Planning No Action Necessary 7-0

Referred to Zoning & Planning, Programs & Services and Finance Committees

- #256-16** **Request to extend notification area of notice for special permit petitions**
COUNCILORS COTE, NORTON, HARNEY, BLAZER, BROUSAL-GLASER, AND LEARY requesting an amendment to the City Council Rules, Article X; Section 6 – Additional Notification Requirements, to include that the area of notice for special permit petitions be expanded beyond the abutters to abutters within 300' required by Massachusetts General Law Chapter 40A to also include property owners within 600' of the subject property. This notification will apply to all classes of building except for residential 1 and 2-family units that will remain 1 or 2-family units after receiving a special permit. Only abutters to abutters within 300' will be entitled to the rights conferred by Massachusetts General Law Chapter 40A. [07/01/16 @2:09 PM]
Zoning & Planning Discharged Item to Land Use Committee 7-0

Referred to Programs & Services Committee

Wednesday, October 19, 2016

- #328-16 Mayor's appointment of Jean Manasian as a Library Trustee**
HIS HONOR THE MAYOR appointing JEAN MANASIAN, 149 Temple Street, Newton, as a LIBRARY TRUSTEE for a term to expire June 30, 2019 (60 days 12/03/16) [09/22/16 @ 4:12 PM]

Programs & Services Approved 5-0 (Schwartz not voting)

- #31-15(2) Amend Noise Ordinance restrictions for yard maintenance equipment**
THE PROGRAMS & SERVICES COMMITTEE requesting to amend *Chapter 20-13, Noise Control*, relative to time restrictions on the use of yard, garden or grounds maintenance equipment. [03/19/15 @ 12:14 PM]

Programs & Services No Action Necessary 5-0 (Schwartz not voting)

Referred to Public Facilities and Programs & Services Committees

- #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]

Public Facilities No Action Necessary 7-0 on 9/21/16

Programs & Services No Action Necessary 5-0 (Schwartz not voting)

Referred To Public Safety & Transportation Committee

Wednesday, October 19, 2016

Referred to Public Safety & Transportation and Finance Committees

- #356-16 Appropriate \$135,000 for upgrades to the Police Department's firing range**
HIS HONOR THE MAYOR requesting authorization to appropriate one hundred thirty-five thousand dollars (\$135,000) from Free Cash for the purpose of providing funding for upgrading and improving the Newton Police Department's three-lane indoor firearms range. [10/11/16 @ 11:29 PM]

Finance Approved 7-0 (Norton not voting) on 10/24/16

Public Safety & Transportation Approved 7-0 (Fuller not voting)

- #72-14 Discussion of installing a possible bike lane on Walnut Street**
ALD. CICCONE & JOHNSON, requesting a discussion of the installation of a possible bike lane on Walnut Street between Otis Street and Commonwealth Avenue. [03/03/14 @ 8:17 AM]

Public Safety & Transportation No Action Necessary 8-0

Referred to Public Safety & Transportation and Public Facilities Committees

- #338-16** **Extend the trial program for snow and ice removal from sidewalks**
COUNCILOR DANBERG , requesting an amendment to City of Newton Ordinances Chapter 26, Section 8D Trial program for removal of snow and ice from sidewalks. by extending the expiration date of the trial from November 1, 2016 to November 1, 2017.
Public Facilities Approved 6-0 on 10/19/16
Public Safety & Transportation Approved 7-0 (Fuller not voting)
- #314-16** **Discussion with MassDOT regarding the Needham Street and Elliot Street Bridges**
COUNCILOR YATES, requesting a report from MassDOT on efforts to coordinate the reconstruction of the Needham Street Bridge and to complete the construction of the Elliot Street Bridge to avoid a double detour affecting Newton Upper Falls and sections of Newton. [09/07/16 @ 9:08 PM]
Public Safety & Transportation No Action Necessary 7-0 (Fuller not voting)

Referred to Public Facilities Committee

Wednesday, October 19, 2016

- #66-16(2)** **Site Plan Approval for the Cabot Elementary School Project**
DESIGN REVIEW COMMITTEE petitioning, pursuant to Sec 5-58, for schematic design and site plan approval to construct an addition and renovate the Cabot Elementary School located at 229 Cabot Street, Newtonville, the city's newly acquired property at 23 Parkview Avenue, Newtonville and a portion of Parkview Avenue abutting the school site in the east. [09/29/16 @ 12:30 PM]
Public Hearing Closed; Public Facilities Approved 6-0
- #350-16** **Eversource petition for grant of location at Crafts Street**
EVERSOURCE ENERGY AND VERIZON NEW ENGLAND, INC. petitioning for a grant of location to relocate Pole #108/54-1X approximately 40'± southwesterly to allow for widening of the campus entrance at the Fessenden School.(Ward 3) [09/27/2016 @ 3:14 PM]
Public Facilities Approved 6-0
- #351-16** **National Grid petition for grant of location in Austin Street**
NATIONAL GRID petitioning for a grant of location to install and maintain 2000'± of 8" gas main in Austin Street from existing main at Mt. Vernon Street easterly to the 8" main at Walnut Street.(Ward 2) [10/03/2016 @11:17 AM]
Public Facilities Approved 6-0

Referred to Public Safety & Transportation and Public Facilities Committees

- #338-16** **Extend the trial program for snow and ice removal from sidewalks**
COUNCILOR DANBERG , requesting an amendment to City of Newton Ordinances Chapter 26, Section 8D Trial program for removal of snow and ice from sidewalks. by extending the expiration date of the trial from November 1, 2016 to November 1, 2017.
Public Safety & Transportation Approved 7-0 on 10/24/16
Public Facilities Approved 6-0

Referred to Finance Committee

Monday, October 24, 2016

- #320-16** **Request to appropriate \$50,000 to settle a claim**
HIS HONOR THE MAYOR requesting authorization to appropriate settle a claim of fifty thousand dollars (\$50,000) from the ~~Judgments and Settlements Account~~ Public Schools Budget as full and final settlement of a claim against the Newton Public Schools.
 09/14/16 @ 1:10 PM]
Finance Approved 8-0 as amended

Referred to Public Safety & Transportation and Finance Committees

- #356-16** **Appropriate \$135,000 for upgrades to the Police Department's firing range**
HIS HONOR THE MAYOR requesting authorization to appropriate one hundred thirty-five thousand dollars (\$135,000) from Free Cash for the purpose of providing funding for upgrading and improving the Newton Police Department's three-lane indoor firearms range. [10/11/16 @ 11:29 PM]
Public Safety Approved 7-0 (Fuller not voting) on 10/19/16
Finance Approved 7-0 (Norton not voting)
- #354-16** **Authorization to settle a \$12,955.88 claim by Fraser Engineering Services**
HIS HONOR THE MAYOR requesting authorization to expend the sum of twelve thousand nine hundred fifty-five dollars and eighty-eight dollars (\$12,955.88) from the Law Department's Judgement and Settlements Account as settlement of a claim by Fraser Engineering Services, Inc. [10/11/16 @ 11:28 AM]
Finance Approved 8-0
- #352-16** **Expend a \$33,500 grant from the Recycling Dividends Program**
HIS HONOR THE MAYOR requesting authorization to accept and expend a grant of thirty-three thousand five hundred dollars (\$33,500) from the Recycling Dividends Program Grant through the Sustainable Materials Recovery Program for waste and recycling education and outreach. [10/11/16 @ 11:28 AM]
Finance Approved 8-0

Referred to Public Facilities and Finance Committees

#357-16

Reallocate \$250,467.24 for decommissioning two elevated storage tanks

HIS HONOR THE MAYOR requesting authorization to reallocate the sum of two hundred fifty thousand four hundred sixty-seven dollars and twenty-four cents (\$250,467.24) from the Waban Hill Reservoir Improvements Account to be used for the decommissioning of the Stanton Avenue and Winchester Street elevated storage tanks. [10/11/16 @ 11:29 AM]

Public Facilities Approved 6-0 on 10/19/16

Finance Approved 8-0

Motion to Suspend the Rules to allow the Chair of the Finance Committee to poll his committee Approved by Voice Vote

Finance Held in Committee 8-0

Clerk's Note: The Chair of the Finance Committee asked his Committee to hold this item in Committee until the work of the Real Property Reuse Committee was concluded.

Referred to Public Facilities and Finance Committees

#358-16

Appropriate \$46,590,000 for the renovation of the Cabot School

HIS HONOR THE MAYOR requesting authorization to appropriate forty-six million five hundred ninety thousand dollars (\$46,590,000) from bonded indebtedness for the purpose of funding the renovation and construction of an addition at the Cabot Elementary School. [10/11/16 @ 11:29 AM]

Public Facilities Approved 6-0 on 10/19/16

Finance Approved Subject to Second Call 8-0

Motion to Suspend the Rules to allow the Chair of the Finance Committee to poll his committee Approved by Voice Vote

Finance Held in Committee 8-0

Clerk's Note: The Chair of the Finance Committee asked his Committee to hold this item in Committee until after the Massachusetts School Building Authority (MSBA) had met.

#355-16

Appropriate \$261,366.07 from bond sale premiums to reduce Angier debt

HIS HONOR THE MAYOR requesting authorization to appropriate two hundred sixty-one thousand three hundred sixty-six dollars and seven cents (\$261,366.07) from the premiums earned on the Fiscal Year 2016 bond sales for debt excluded capital projects for the purpose of reducing the future debt to be issued on the Angier Elementary School Project by reducing the amount of financing from bonded debt by \$261,366.07 and increasing the financing from premium earned on the sale of bonds by \$261,366.07. [10/11/16 @ 11:28 AM]

Finance Approved 6-0 (Brousal-Glaser, Norton not voting)

Referred to Public Facilities and Finance Committees

#257-16 Delegate quinquennial perambulation to City Engineer and GIS Administrator
CITY CLERK requesting that the City Council officially delegate the responsibility of Quinquennial Boundary Line Perambulation to the City Engineer and the City GIS Administrator as required by Massachusetts General Law Chapter 42, Section 2, which states that “the boundary markers of every town shall be located, the marks thereon renewed, and the year located marked upon the face thereof which bears the letter of the town locating its boundary, once every five years, by at least two of the selectmen of the town or by two substitutes designated by them in writing.” [06/22/16 @ 11:35 AM]

Public Facilities Approved 7-0 on 09/05/16

Finance Approved 6-0 (Brousal-Glaser, Norton not voting)

#333-16 Request to temporarily increase the number of Police by one position
HIS HONOR THE MAYOR requesting authorization to temporarily increase the authorized full-time complement of police officers by 1 FTE through April 2017. [09/29/16 @ 9:41 AM]

Finance Held and Referred to Public Safety 6-0 (Brousal-Glaser, Norton not voting)

A motion made to suspend the rules to allow the Chair of the Finance Committee to Report on Docket Item #332-16, which was taken up in a Committee of the Whole earlier in the evening, without a written report - Approved by Voice Vote

#332-16 Request for approval of FY 17 Property tax levy distribution percentages
DIRECTOR OF ASSESSMENT ADMINISTRATION submitting for City Council review and approval the FY 17 Municipal Property Tax Levy Distribution Percentages among residential, open space, commercial and industrial classes of Real Property. [09/26/16 @ 3:06 PM]

Committee of the Whole Approved a Residential Shift of 91.4115 22 Yeas, 2 Absent (Councilors Hess-Mahan and Sangiolo)

Referred to Real Property Reuse Committee

Thursday, November 3, 2016

#258-16 Discussion of the proper use of city owned land at 38 Elliot Street
COUNCILOR YATES requesting a discussion of the proper use of city-owned property at 38 Elliot Street. [07/01/2016 @ 2:57 PM]

Real Property Reuse No Action Necessary 7-0 (Kalis not voting)

Public Hearings were assigned for the following Docket Items:

Public hearing to be assigned for December 13, 2016

#361-16 Special Permit Petition to exceed FAR at 642 Centre Street

LISA AND JOSH SCHWARZBERG petition for SPECIAL PERMIT/SITE PLAN APPROVAL to CONSTRUCT a 1,087 sq. ft. two-story addition to the front of house, resulting in an FAR of .49 where .38 exists and .39 is allowed at 642 Centre Street, Ward 1, Newton, on land known as SBL 72035 0002, containing approximately 9,600 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public hearing assigned for December 6, 2016

261-16(2) 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 to allow 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 some parking stalls on portions of the site to be reduced size and in garage to be reduced stall depth, allow reduced parking facility lighting and grant exceptions for parking stall size and 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, 5.1.13, 6.4.22, 5.8.2.C, 5.1.8.B, 5.1.10.A of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public hearing assigned for November 29, 2016

#180-16 (2) MARK NEWTONVILLE, LLC petition for a change of zone to Mixed Use 4 for land located at 22 Washington Terrace, 16-18 Washington Terrace, 10-12 Washington Terrace, 6-8 Washington Terrace, 875 Washington Street, 869 Washington Street, 867 Washington Street, 861-865 Washington Street, 857-859 Washington Street, 845-855 Washington Street, 245-261 Walnut Street (a/k/a 835-843 Washington Street), 241 Walnut Street, 22 Bailey Place, 14-18 Bailey Place, and an unnumbered lot on Bailey Place, also identified as Section 21, Block 29, Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 19A, 20, 21, 22, and 23, Ward 2, currently zoned Business 1, Business 2, and Public Use, further described as follows:

Beginning at a point on the northerly line of Washington Street, running thence;

Along the northerly line of Washington Street, south 89 degrees - 04 minutes - 40 seconds west, a distance of 433.14 feet to a point; thence

Along the easterly line of Washington Terrace north 02 degrees - 03 minutes - 34

seconds west, a distance of 278.34 feet to a point, thence, the following four (4) courses along the existing zone lines of MR-1 and MR-3:

North 86 degrees - 11 minutes - 41 seconds west, a distance of 15.07 feet to a point;
thence
North 01 degrees - 52 minutes - 35 seconds west, a distance of 3.01 feet to a point;
thence
South 86 degrees - 11 minutes - 41 seconds east, a distance of 85.43 feet to a point;
thence
North 88 degrees - 31 minutes - 34 seconds east, a distance of 370.56 feet to a point
on the westerly line of Walnut Street; thence
Along the westerly line of Walnut Street, south 04 degrees - 12 minutes - 48 seconds
east, a distance of 261.82 feet to a point of curvature; thence
Along a curve to the right having a radius of 17.00 feet, a central angle of 93 degrees -
17 minutes - 28 seconds, an arc length of 27.68 feet, a chord bearing of south 42
degrees - 25 minutes - 56 seconds west, a chord length of 24.72 feet to the point and
place of beginning.
Containing 123,765 square feet, or 2.84 acres, more or less.

Public hearing assigned for November 28, 2016

#222-13(6) Zoning amendment to further delay effective date of Garage Ordinance
COUNCILORS ALBRIGHT, LENNON, CROSSLEY, DANBERG ,LIPOF , FULLER AND COTE
proposing an amendment to Ordinance No. A-78, which amends Chapter 30, Section
3.4.4 of the Revised Ordinances, to implement a deferred effective date for the
Ordinance of April 1, 2017. [10-31-16 @ 3:51 PM]