



City Council Actions

In City Council

Monday, November 21, 2016

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

Absent: Councilor Sangiolo

The City Council discussed the following items on Second Call:

Referred to Programs and Services and Finance Committees

#31-15 **Proposing an ordinance to limit leaf blower use**

PROGRAMS & SERVICES COMMITTEE proposing an ordinance to limit the use of leafblowers. [01/26/15 @ 2:20 PM]

Programs & Services Approved as amended 7-0-1 (Kalis abstaining)

Finance Approved as Amended 5-0-3 (Blazar, Lappin, Norton abstaining)

Motion to Recommit to the Programs & Services Committee failed to carry by Voice Vote

Motion to postpone until January 17, 2017 was Approved by Voice Vote

Clerk's Note: The Chairs of the Programs & Services and Finance Committees briefly reported on their Committee's work on this item. Councilor Cote raised concern that the Commission on Disabilities did not have the chance to comment on the impact of this ordinance on the elderly or handicapped. The Councilor also felt that the Commission on Elder Services and the Mass Commission on Discrimination should be provided the opportunity to weigh in as it was felt that older workers could face layoffs because they would be unable to rake or sweep. A motion was made to recommit the item back to Programs and Services. The Chair of the Programs & Services Committee noted that the item had been discussed for over two years and he was opposed to sending it back to Committee. A vote on the motion to recommit did not carry. Interest was expressed in postponing the item to a date certain as well as an interest in taking the item up at this meeting. A motion was made and seconded to postpone the item to a date certain of January 17 which was approved by Voice Vote.

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]

Finance Approved 5-0-2 (Lappin, Norton abstaining) on 06/13/16)

**Public Safety Approved As Amended 4-0-1 (Norton abstaining, Blazar not voting)
Motion to postpone until December 19, 2016 was Approved by Voice Vote**

Clerk's Note: Councilor Auchincloss placed the item on second call as he did not understand what the problem was that was trying to be addressed with this ordinance. He felt that the ordinance was addressing a problem that was not well understood and felt that it was overreaching and not appropriate. He felt that a number of Councilors were still trying to digest the material and made a motion to postpone the item until December 19, 2016. Several of the sponsors of the item noted that privacy was a concern that was expressed by constituents and that the Law Department had spent a great deal of time on this and had addressed all concerns. The motion to postpone was approved by Voice Vote.

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

Referred to Land Use Committee

Tuesday, November 15, 2016

- #337-16** **Special Permit Petition to construct accessory apartment and garage at 41 Dorset Rd**
TIMOTHY LEARY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to CONSTRUCT AN ACCESSORY APARTMENT approximately 846 sq. ft. above a three car garage at 41 Dorset Road, Ward 5, Waban, on land known as SBL 55010 0045, containing approximately 24,936 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 6.7.1.D, 3.4.3.A.4.c, 3.4.4.E.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
Land Use Postponed to December 13, 2016
- #341-16** **Special Permit Petition to extend nonconforming use at 220-222 California Street**
AYENG FONG petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER EXTEND NONCOMING USE and ALLOW PARKING WITHIN A SETBACK AND WITHIN FIVE FEET OF A RESIDENTIAL STRUCTURE by adding a third unit to the rear of the existing two-family dwelling, maintaining driveways on either side of the house for parking,, further extending the nonconforming use at 220-222 California Street, Ward 1, Newton, on land known as SBL 11010 0016, containing approximately 9,510 sq. ft. of land in a district known as BUSINESS USE 1. Ref: 7.3.3, 7.4, 4.4.1, 5.1.8.A, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
Public Hearing Closed; Land Use Approved 7-0-1 (Auchincloss abstaining)
- #326-16** **Special Permit Petition to establish accessory apartment at 89 Hyde Avenue**
ORLY MISHAN AND TIM CRAWFORD petition for SPECIAL PERMIT/SITE PLAN APPROVAL to ESTABLISH ACCESSORY APARTMENT by converting approximately 945 sq. ft. of

existing basement space and allow parking within five feet of a street at 89 Hyde Avenue, Ward 7, Newton, on land known as SBL 72026 0008, containing approximately 13,889n sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 6.7.1.D, 6.7.1.F, 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 8-0

#339-16

Special Permit Petition to further extend nonconforming structure at 44 Oakmont Rd
ANA AND MATTHEW VOPI petition for **SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER EXTEND NONCONFORMING THREE-STORY SINGLE-FAMILY STRUCTURE** by constructing a rear addition to the basement, first floor and second floor at 44 Oakmont Road, Ward 6, Newton Centre, on land known as SBL 65019 0077, containing approximately 7,840 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 1.5.4.D, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Approved 8-0

Referred to Zoning & Planning Committee

Monday, November 14, 2016

#362-16

Mayor's appointment of Sonia Parisca to the Planning & Development Board

HIS HONOR THE MAYOR appointing Sonia Parisca, 185 Franklin Street, Newton as an alternate member of the Planning & Development Board for a term to expire December 1, 2021. (60 days 01/06/17) [10/28/16 @ 10:34 AM]

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

A Motion to Suspend the Rules to allow the Chair of Zoning & Planning to poll his committee was Approved by Voice Vote

Zoning & Planning Committee Approved 7-0 as amended to make Ms. Parisca a full member of the Planning & Development Board

Clerk's Note: A request from the Mayor's Office was submitted after the Zoning & Planning Committee had met to change the appointment of Ms Parisca from an alternate member of the Planning & Development Board to a full member. The Chair requested to Suspend the Rules to amend the Committee's Report.

Referred to Programs & Services Committee

Wednesday, November 9, 2016

#364-16

Ordinance Amendment relative to the Youth Commission

HIS HONOR THE MAYOR proposing to amend the City of Newton Ordinances, Article VI, Youth Commission. [10/24/16 @ 3:22 PM]

Programs & Services Approved 4-0 (Leary not voting)

Referred To Public Safety & Transportation Committee

Wednesday, November 9, 2016

Referred to Public Safety & Transportation and Finance Committees

- #383-16** **Appropriate \$1,100,000 for Emergency Communications Infrastructure Improvement**
HIS HONOR THE MAYOR, requesting authorization to appropriate one million one hundred thousand dollars from Free Cash to the Emergency Communications Infrastructure Improvement Fund. [10/31/16 @ 2:07 PM]
Finance Approved 8-0 on 11/14/16
Public Safety & Transportation Approved 5-0-1 (Blazar abstaining)

Referred to Public Safety & Transportation and Finance Committees

- #382-16** **Appropriate \$80,000 to purchase a police cruiser and police mechanic's truck**
HIS HONOR THE MAYOR, requesting authorization to appropriate and expend eighty thousand dollars (\$80,000) from Free Cash for the purpose of purchasing an additional police cruiser and a police mechanic's truck. [10/31/16 @ 2:07 PM]
Finance Approved 8-0 on 11/14/16
Public Safety & Transportation Approved 6-0

Referred to Public Safety & Transportation and Finance Committees

- #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 Approved 8-0 on 11/14/16
Public Safety & Transportation Approved 6-0

- #367-16** **Requesting renewals of public auto licenses, taxi licenses and taxi stands**
MICHAEL ANTONELIS, 224 Calvary Street, Waltham, MA 02453, requesting renewal of **four (4) public auto licenses, forty-nine (49) taxi licenses, and five (5) designated taxi stands**. Requesting **three (3) new taxi licenses** for Veterans Taxi of Newton, LLC. [09/30/16 @ 2:50 PM]
Public Safety & Transportation Approved 6-0

- #368-16** **Requesting renewals of taxi licenses and taxi stands**
RICHARD E. JOHNSTON, 25 Border Street, West Newton, MA 02465 requesting renewal of **fourteen (14) taxi licenses and two (2) designated taxi stands** for Newton Yellow Cab, Inc. [10/04/16 @ 2:17 PM]
Public Safety & Transportation Approved 6-0

- #369-16 Requesting renewals of taxi licenses and taxi stands**
GEORGE MARRY, 50 Union Street, Newton Centre, MA 02459 requesting renewal of **three (3) taxi licenses and two (2) designated taxi stands** for Holden's Taxi Inc. [10/04/16 @ 2:24 PM]
Public Safety & Transportation Approved 6-0
- #370-16 Requesting renewals of taxi licenses**
GEORGE MARRY, 50 Union Street, Newton Centre, MA 02459 requesting renewal of **two (2) taxi licenses** for Newtonville Cab Co. Inc. [10/04/16 @ 2:24 PM]
Public Safety & Transportation Approved 6-0
- #371-16 Requesting renewals of taxi licenses**
GEORGE MARRY, 50 Union Street, Newton Centre, MA 02459 requesting renewal of **three (3) taxi licenses** for Newton Taxi Co. [10/04/16 @ 2:24 PM]
Public Safety & Transportation Approved 6-0
- #372-16 Requesting renewal of taxi license**
MOHAMED SAIDI, 77 Cedar Street, Boston, MA 02119, requesting renewal of **one (1) taxi license** for Newton Luxury Cab. [10/04/16 @ 11:18 AM]
Public Safety & Transportation Approved 6-0
- #373-16 Requesting renewal of taxi license**
ANIS LAHIANI, 34 Winter Street, Apt. A6, Waltham, MA 02451-0900, requesting renewal of **one (1) taxi license** for Newton Town Taxi. [10/19/16 @ 6:42 PM]
Public Safety & Transportation Approved 6-0
- #374-16 Requesting renewal of public auto licenses**
JERALD ROBBINS, 253 Riverview Avenue, Newton, MA 02466, requesting renewal of **four (4) public auto licenses** for Weldon Group Inc. [10/31/16 @ 2:53 PM]
Public Safety & Transportation Approved 6-0
- #375-16 Requesting renewal of public auto license**
DONALD LaPLANTE, 395 Lexington Street, Auburndale, MA 02466, requesting renewal of **one (1) public auto license** for Don's Car Service. [10/17/16 @ 9:13 AM]
Public Safety & Transportation Approved 6-0
- #346-16 Requesting a yearly review or amendment to the Taxi Gasoline Surcharge**
MICHAEL ANTONELLIS, on behalf of VETERANS TAXI, LLC., requesting to review the gas surcharge once a year on March 1, in the City of Newton Revised Ordinances 2012, **VEHICLES FOR HIRE, Sec. 19-313. Rates of fare of taxis – d) Gasoline surcharge.** [10/06/16 @ 9:10 AM]
Public Safety & Transportation Approved 6-0

- #348-16** **Requesting an amendment to change the license expiration date on Vehicles for Hire**
OFFICER MARINI, requesting an amendment to change the license expiration date to January 31 in each year in the City of Newton Revised Ordinances 2012, **VEHICLES FOR HIRE, Sec. 19-330. Requirement of a license. c) and Sec. 19-339 Van license. c)** [10/11/16 @ 10:14 AM]
Public Safety & Transportation Approved 6-0
- #347-16** **Requesting the elimination of one yearly inspection requirements for Vehicles for Hire**
MICHAEL ANTONELLIS, on behalf of VETERANS TAXI, LLC., requesting an amendment to eliminate the March and October inspection requirement and have only one yearly inspection in April, in the City of Newton Revised Ordinances 2012, **VEHICLES FOR HIRE, Sec. 19-309. Requirements as to vehicles generally – b) and Sec. 19-332. Procedure for obtaining licenses. d) and Sec. 19-336. License plates or medallions; fee for same; transfer to new vehicle – b).** [10/06/16 @ 9:10 AM]
Public Safety & Transportation Approved As Amended 6-0
- 349-16** **Requesting changes to Committee and recommendation dates for Vehicles for Hire**
OFFICER MARINI, requesting an amendment to change the Committee meeting schedule from November to December and to amend its recommendations to the City Council from December to January of each year in the City of Newton Revised Ordinances 2012, **VEHICLES FOR HIRE, Sec. 19-332. Procedure for obtaining licenses. e) and Sec. 19-339. Van license.** [10/11/16 @ 10:14 AM]
Public Safety & Transportation Approved 6-0
- #365-16** **Amendment to change the application requirements for Vehicles for Hire**
COUNCILOR CICCONE, requesting an amendment to change the renewal application date requirements from September to October of each year and to change the application deadline date from September 30 to October 30 in the City of Newton Revised Ordinances 2012, **VEHICLES FOR HIRE, Sec. 19-332. Procedure for obtaining licenses. a) and Sec. 19-339. Van license. g)** [10/17/16 @ 12:22 PM]
Public Safety & Transportation Approved As Amended 6-0

Referred to Public Facilities Committee

Wednesday, November 9, 2016

Referred to Public Facilities and Finance Committees

- #334-16** **Request to connect Walsingham Street to City sewer system**
COUNCILORS GENTILE, SANGIOLO, AND HARNEY, on behalf of the residents of Walsingham Street, requesting the necessary approvals to connect Walsingham Street to the City sewer system. [09/22/16 @ 11:15 AM]
Finance Voted No Action Necessary 8-0 on 11/14/16
Public Facilities Voted No Action Necessary 7-0

Referred to Finance Committee

Monday, November 14, 2016

#379-16 **Appropriate \$9,000 for police enforcement of accessible parking regulations**
HIS HONOR THE MAYOR requesting authorization to appropriate nine thousand dollars from the Handicapped Parking Fine Fund to be used to pay for a special police detail enforcement of the accessible (HP) parking regulations. [10/31/16 @ 2:06 PM]
Finance Approved 8-0

#376-16 **Transfer \$110,000 from Budget Reserve for acquisition costs for 15 Walnut Pk**
HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred ten thousand dollars (\$110,000) from FY 17 Budget Reserve to fund a final payment to the Sisters of St. Joseph of Boston as part of the agreed upon acquisition costs for 15 Walnut Park. [10/31/16 @ 2:05 PM]
Finance Approved 8-0

Referred to Public Safety & Transportation and Finance Committees

#383-16 **Appropriate \$1,100,000 for Emergency Communications Infrastructure**
HIS HONOR THE MAYOR requesting authorization to appropriate one million one hundred thousand dollars from Free Cash to the Emergency Communications Infrastructure Improvement Fund. [10/31/16 @ 2:07 PM]
Public Safety & Transportation Approved 5-0-1 (Blazar abstaining)
Finance Approved 8-0

Referred to Public Safety & Transportation and Finance Committees

#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]
Public Safety Approved 6-0 on 11/09/16
Finance Approved 8-0

Referred to Public Safety & Transportation and Finance Committees

#382-16 **Appropriate \$80,000 to purchase a police cruiser and police mechanic's truck**
HIS HONOR THE MAYOR requesting authorization to appropriate and expend eighty thousand dollars (\$80,000) from Free Cash for the purpose of purchasing an additional police cruiser and a police mechanic's truck. [10/31/16 @ 2:07 PM]
Public Safety Approved 6-0 on 11/09/16
Finance Approved 8-0

- #31-15(3) Discussion of Financial Impact of Leaf Blower Ban on Newton's Budget**
PROGRAMS & SERVICES COMMITTEE requesting a discussion of the financial impact of a seasonal leaf blower ban on the City's operating budget. [03/24/16 @1:41 PM]
Finance No Action Necessary 7-0-1 (Cicccone abstaining)

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 8-0

- #380-16 Transfer \$1,405,192 to Contribution to Capital Stabilization Fund**
HIS HONOR THE MAYOR requesting authorization to transfer the sum of one million four hundred five thousand one hundred ninety-two dollars from Treasury debt service to Contribution to the Capital Stabilization Fund. [10/31/16 @ 2:02 PM]
Finance Approved 8-0

- #279-16(2) Rescind Council Order #279-16 to bond for the Aquinas Window Project**
HIS HONOR THE MAYOR requesting rescission of Council Order #279-16 authorizing the City to borrow three hundred thousand dollars (\$300,000) for the Aquinas Window Project and authorization to appropriate three hundred thousand dollars (\$300,000) from the ~~Override Projects~~ Capital Stabilization Account for the purpose of funding the Aquinas Window Project. [10/31/16 @ 2:03 PM]
Finance Approved as Amended 8-0

Referred to Public Facilities and Finance Committees

- #334-16 Request to connect Walsingham Street to City sewer system**
COUNCILORS GENTILE, SANGIOLO, AND HARNEY, on behalf of the residents of Walsingham Street, requesting the necessary approvals to connect Walsingham Street to the City sewer system. [09/22/16 @ 11:15 AM]
Public Facilities No Action Necessary 7-0
Finance No Action Necessary 8-0

A motion to accept to the Docket and refer to Committee the following two late-filed items was approved by Voice Vote

Referred to Finance Committee

- #397-16 Discussion w School Administration re \$1.2 million budget deficit**
COUNCILOR GENTILE requesting a discussion with the School Department and members of the School Committee regarding the \$1.2 million deficit in the School Department

budget as outlined in the 2017 Fiscal and Operational Update Memo dated October 24, 2016. [11/16/16 @ 10:48 AM]

Referred to Finance Committee

- #398-16** **Authorization to expend Byrne Memorial Justice Assistance Grant of \$94,863**
HIS HONOR THE MAYOR requesting authorization to accept and expend the Edward J. Byrne Memorial Justice Assistance Grant in the amount of ninety-four thousand eight hundred sixty-three dollars and sixty cents (\$99,633.60) for the purpose of continuing to fund a Jail Diversion Clinician. [11/17/16 @12:56 PM]

Public Hearings were assigned for the following Docket Items:

Public hearing assigned for December 7, 2016

- #395-16** **Comcast petition for a Grant of Location on Huntington Road**
COMCAST petitioning for a grant of location to install 340'± of 1-3" conduit from pole 673/7 on Huntington Road to existing vault in front of 75 Huntington Road. (Ward 7) [11/07/2016 @ 4:33 PM]

Public hearing assigned for December 7, 2016

- #396-16** **Comcast petition for a Grant of Location on Winthrop Street**
COMCAST petitioning for a grant of location to install 1-3" pipe from existing vault on Putnam Street heading 175'± northwesterly thence turning southwesterly to existing pole on Winthrop Street.(Ward 3) [11/07/2016 @ 12:00 PM]

Public hearing assigned for December 13, 2016

- #389-16** **Special Permit to establish accessory apartment at 20 Metacomet Road**
REBECCA MILLER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an approximately 900 sq. ft. accessory apartment in the basement of a single family dwelling on a lot with less than 15,000 sq. ft. at 20 Metacomet Road, Ward 5, Waban, on land known as SBL 55005 0002, containing approximately 12,271 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. 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 December 13, 2016

- #337-16** **Special Permit Petition to construct accessory apartment and garage at 41 Dorset Rd**
TIMOTHY LEARY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to CONSTRUCT AN ACCESSORY APARTMENT approximately 846 sq. ft. with dormer wider than 50% of the exterior wall below, above a three car garage at 41 Dorset Road, Ward 5, Waban, on land known as SBL 55010 0045, containing approximately 24,936 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 6.7.1.D, 3.4.3.A.4.c, 3.4.4.E.3, 1.5.4.G.2, 1.5.4.G.2.b of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public hearing assigned for December 13, 2016

#390-16 Special Permit to extend nonconforming 3-story structure and FAR at 7 Manet Circle
DAVID MORTON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow three-story single-family structure and exceed FAR by adding side and rear additions at 7 Manet Circle, Ward 7, Chestnut Hill, on land known as SBL 63004 0031, containing approximately 12,706 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 1.5.4.D-F, 3.1.3, 7.8.2.C.2, 3.1.9.A.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public hearing assigned for December 13, 2016

#391-16 Special Permit to further extend nonconforming 2-family use at 37-39 North Gate Park
JOHN & MARGARET SPENCE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a first floor addition and enclose an existing deck, further extending the nonconforming two-family use and FAR at 37-39 North Gate Park, Ward 3, West Newton, on land known as SBL 34028 0008, containing approximately 8,020 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public hearing assigned for December 13, 2016

#392-16 Special Permit to amend Special Permit #416-12(3) at Modern Barre
JULIA WILLIAMSON/WALLY ZAINOUN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend special permit #416-12(3) to allow for more than 3 customers at one time, expanded hours of operation and amend the previously approved site plan at 242-244 Commonwealth Avenue, Ward 7, Chestnut Hill, on land known as SBL 61, 13, 11, containing approximately 7,452 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.