



## City Council Reports Docket

September 20: Land Use	Monday, September 19, 2016
September 21: Programs & Services, Public Safety & Transportation, Public Facilities	Continued
September 26: Finance, Zoning & Planning	Page 208
September 27: Land Use	7:45 PM, Newton City Hall
	To be reported on
	<b><u>Tuesday, October 4, 2016</u></b>

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

#### Referred to Land Use Committee

Tuesday, September 20, 2016

Present: Councilors Laredo (Chair), Lennon, Auchincloss, Cote, Crossley, Schwartz, and Lipof; absent: Councilor Harney; also present: Councilors Albright, Baker, Brousal Glaser, and Fuller

- #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 Continued; Land Use Held 6-0**

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The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton’s ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city’s TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

## **Referred to Land Use Committee**

Tuesday, September 27, 2016

Present: Councilors Laredo (Chair), Cote, Crossley, Auchincloss, Schwartz, Lennon, Harney and Lipof;  
also present: Councilor Sangiolo

- #216-16      Special Permit Petition to continue non-conforming use & FAR at 17-19 Pulsifer St**  
NANCY BOLANIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to add rear sunrooms to first and second floor, exterior stair from third floor to grade, a one car garage at the rear, replace the front porch and add two parking stalls at 17-19 Pulsifer Street, Ward 2, Newtonville on land known as SBL 22018 0003, containing approximately 7,964 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.1.9.A.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.  
**Public Hearing Closed; Land Use Approved 7-0-1, Harney abstaining**
- #217-16      Special Permit Petition to extend nonconforming two-family use at 50-52 Rowe St**  
NEW NEWTON, LLC./DANIEL SZETO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND NON NONCONFORMING USE by building a rear addition to existing building and construct a second two-family dwelling at 50-52 Rowe Street, Ward 4, Auburndale, on land known as SBL 44023 0006, containing approximately 19,321 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.4, 7.8.2.C.2, 3.1.3, of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.  
**Public Hearing Closed; Land Use Approved 6-0-2, Subject to Second Call, Laredo and Schwartz abstaining**
- #263-16      Special Permit Petition for a rear lot subdivision at 100 Christina St**  
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 Continued; Land Use Held 8-0**
- #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 Closed; Land Use Approved 8-0**

**#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 Closed; Land Use Approved 8-0**

**#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 Closed; Land Use Approved 8-0**

### **Zoning & Planning Committee Agenda**

Monday, September 26, 2016

Present: Councilors Hess-Mahan (Chair), Danberg, Kalis, Leary, Sangiolo, Yates and Albright; absent: Councilor Baker; also present: Councilors Crossley and Lennon  
 Planning & Development Board present: Scott Wolf (Chair), Megan Risen, Peter Doeringer and Jonathan Yeo

**#222-13(3) Review of Garage Ordinance**  
COUNCILOR LENNON, LIPOF, ALBRIGHT, CROSSLEY, LAPPIN, LAREDO, GENTILE AND CICCONE requesting a review of Ordinance A-78, which amends Chapter 30, Section 3.4.4 of the Revised Ordinances, for the purpose of amending, clarifying, and/or interpreting the Ordinance. [08/01/16 @ 4:53 PM]

**Public Hearing closed; Zoning & Planning Held 5-2-0 (Sangiolo and Kalis opposed)**

**#222-13(4) Zoning amendment to defer effective date of Garage Ordinance**  
COUNCILOR LENNON, LIPOF, ALBRIGHT, CROSSLEY, LAPPIN, LAREDO, GENTILE AND CICCONE 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 February 1, 2017. [08/01/16 @ 4:53 PM]

**Public Hearing closed; Zoning & Planning Held 5-2-0 (Sangiolo and Kalis opposed)**

**#222-13(5) Zoning amendment to Garage Ordinance**

COUNCILOR HESS-MAHAN proposing to amend Chapter 30, Section 3.4.4. of Revised Ordinances as amended by Ordinance A-78, as follows: (1) allow front facing garages that are no closer to the front lot line than the longest front facing wall, or a front porch at least 6 feet wide, to be the greater of up to 12 feet wide or 50% of the total length of the building parallel to the street; (2) allow front-facing garages that are closer to the front setback than the rest of the building and at least 24 feet from the front lot line to be up to 40% of the total length of the building parallel to the street; (3) delete Sec. 3.4.4.F "Exemptions"; and (4) add a provision grandfathering permits requested or construction begun on or after the date of the notice of public hearing on Ordinance A-78 [08/01/16 @ 4:58 PM]

**Public Hearing closed; Zoning & Planning Held 5-2-0 (Sangiolo and Kalis opposed)**

**Referred to Programs & Services Committee**

Wednesday, September 21, 2016

Present: Councilors Rice (Chair), Leary, Baker, Auchincloss, Sangiolo, Kalis, Hess-Mahan and Schwartz  
Also Present: Councilors Lennon, Lappin, Cote, Harney and Ciccone

**#292-16 Mayor's appointment of Elizabeth Dugan to the Newton Council on Aging**

HIS HONOR THE MAYOR appointing ELIZABETH DUGAN, 62 Woodcliff Road, Newton as a Commissioner of the COUNCIL ON AGING for a term to expire September 15, 2019. (60  
**Programs & Services Approved 6-0 (Councilors Schwartz and Hess-Mahan not voting)**

**Referred to Programs & Services and Finance Committees**

**#306-16 Request to review and possibly adjust the City Clerk/Clerk of the Council'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]

**Finance Held 6-0(Brousal-Glaser not voting) on 09/26/16**

**Programs & Services Approved \$128,269 (Councilor Sangiolo abstaining; Councilor Schwartz not voting)**

**Referred to Programs & Services and Finance Committees**

**#322-16 Request for \$500,000 for removal of 2,500 tree stumps**

HIS HONOR THE MAYOR requesting authorization to appropriate five hundred thousand dollars (\$500,000) from Free Cash for the purpose of funding the removal of approximately 2,500 tree stumps located throughout the City, as a result of the city's aggressive tree removal program to remove the most dangerous trees throughout the City. [09/12/16 @ 3:48 PM]

**Finance Approved 7-0 on 09/26/16**

**Programs & Services Approved 6-1 (Councilor Auchincloss opposed; Councilor Schwartz not voting)**

**#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 (Councilor Kalis abstaining); and Referred to Finance Committee**

**#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 Held 8-0**

**Referred to Programs & Services and Finance Committees**

**#31-15(4)**      **Amend Chapter 20 Section 51 Civil Fine for Littering to Include Yard Waste**  
PROGRAMS & SERVICES COMMITTEE requesting that the City of Newton Ordinances Chapter 20, Section 51, Depositing of Litter, be amended to include leaves, yard waste, and other similar material, and that civil fines be associated with violations of the section and added to Chapter 20, Section 21. [03/24/16 @1:41 PM]  
**Programs & Services Held 8-0**

**Referred To Public Safety & Transportation Committee**

Wednesday, September 21, 2016

Present: Councilors Ciccone (Chair), Blazar, Fuller, Yates, Lipof and Cote; absent: Councilors Harney and Norton; also present: Councilors Crossley (Chair), Lennon, Danberg, Lappin, Laredo, Albright, Gentile, Brousal-Glaser, Baker, Leary, Auchincloss and Sangiolo

**Referred to Public Safety, Public Facilities and Finance Committees**

**#324-16**      **Request for \$75,000 for design services for two intersection improvement projects**  
HIS HONOR THE MAYOR requesting authorization to appropriate seventy-five thousand dollars (\$75,000) from Free Cash for the purpose of funding design engineering services for the Dedham at Nahanton and Dedham at Brookline Streets Intersection Improvement Project. [09/12/16 @ 3:48 PM]  
**Finance Approved 6-0 (Brousal-Glaser not voting) on 09/26/16**  
**Public Facilities Approved 7-0 (Laredo not voting) on 09/21/16**  
**Public Safety & Transportation Approved 6-0**

**Referred to Public Safety, Public Facilities and Finance Committees**

- #325-16**      **Request for \$250,000 for design services for the West Newton Square rehab project**  
HIS HONOR THE MAYOR requesting authorization to appropriate two hundred fifty thousand dollars (\$250,000) from Free Cash for the purpose of funding design engineering services for the West Newton Square Rehabilitation Project. [09/12/16 @ 3:48 PM]  
**Finance Approved 5-0 (Ciccone recused; Brousal-Glaser not voting) on 09/26/16**  
**Public Facilities Approved 6-0 (Laredo, Lappin not voting) on 09/21/16**  
**Public Safety & Transportation Approved 4-0-1 (Ciccone abstaining, Lipof not voting)**

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

- #208-16**      **Update on fire prevention at the compost operation at Rumford Avenue Landfill**  
COUNCILOR LEARY, requesting the Executive Office, the Fire Department, and the Department of Public Works provide an update on fire safety issues at the compost operation at the Rumford Avenue Landfill including details about who is currently managing the site for fires. [05/31/16 @ 4:52 PM]  
**Public Facilities to Meet**  
**Public Safety & Transportation No Action Necessary 5-0 (Lipof not voting)**

**Referred to Public Facilities Committee**

Wednesday, September 21, 2016

Present: Councilors Crossley (Chair), Lennon, Albright, Brousal-Glaser, Gentile, Danberg, Laredo, and Lappin; also present: Councilors Auchincloss, Baker, Blazar, Ciccone, Cote, Fuller, Leary, Lipof, Sangiolo, and Yates

**Referred to Public Safety, Public Facilities and Finance Committees**

- #324-16**      **Request for \$75,000 for design services for two intersection improvement projects**  
HIS HONOR THE MAYOR requesting authorization to appropriate seventy-five thousand dollars (\$75,000) from Free Cash for the purpose of funding design engineering services for the Dedham at Nahanton and Dedham at Brookline Streets Intersection Improvement Project. [09/12/16 @ 3:48 PM]  
**Finance Approved 6-0 (Brousal-Glaser not voting) on 09/26/16**  
**Public Safety Approved 6-0 on 09/21/16**  
**Public Facilities Approved 7-0 (Laredo not voting)**

**Referred to Public Safety, Public Facilities and Finance Committees**

**#325-16**

**Request for \$250,000 for design services for the West Newton Square rehab project**  
HIS HONOR THE MAYOR requesting authorization to appropriate two hundred fifty thousand dollars (\$250,000) from Free Cash for the purpose of funding design engineering services for the West Newton Square Rehabilitation Project. [09/12/16 @ 3:48 PM]

**Finance Approved 5-0 (Ciccone recused; Brousal-Glaser not voting) on 09/26/16**

**Public Safety Approved 4-0-1 (Ciccone abstaining; Lipof not voting) on 09/21/16**

**Public Facilities Approved 6-0 (Laredo, Lappin not voting)**

**Referred to Public Facilities and Finance Committees**

**#323-16**

**Request for \$300,000 for funding to purchase sand and salt spreaders**

HIS HONOR THE MAYOR requesting authorization to appropriate three hundred thousand dollars (\$300,000) from Free Cash for the purpose of providing funding for sand and salt spreaders for the Public Works Department's snow operations. [09/14/16 @ 1:10 PM]

**Finance Approved 7-0 on 09/26/16**

**Public Facilities Approved 6-0 (Laredo, Lappin not voting)**

**Referred to Public Facilities and Finance Committees**

**#191-16**

**Funding to relocate the Zervas modulars to NSHS and Brown Middle School**

HIS HONOR THE MAYOR requesting authorization to transfer the sum of five hundred thousand dollars (\$500,000) to the Public Buildings Department for the purpose of funding the relocation modular classrooms from the Zervas Elementary School to Newton South High School and Brown Middle School from the following accounts:

<u>Department</u>	<u>Account</u>	<u>Amount</u>
Executive Office	Full-time Salaries	\$40,000
Treasury	Debt Service (010772-582A48)	\$403,784
Treasury	Debt Service (010772-582A49)	\$21,216
Financial Info Systems	Full-time Salaries	\$35,000

[05/09/16 @ 4:59 PM]

**Finance Approved 6-0 as amended @ \$600K from Free Cash (Brousal-Glaser not voting) on 09/26/16**

**Public Facilities Approved 7-0 as amended @ \$600K from Free Cash (Laredo not voting)**

**Referred to and Programs & Services and Public Facilities 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]  
**Programs & Services to Meet**  
**Public Facilities voted No Action Necessary 7-0 (Laredo not voting)**

**Referred to Public Facilities Committee**

Wednesday, September 7, 2016

Present: Councilors Crossley (Chair), Albright, Laredo, Gentile, Lappin, Danberg, Lennon, Brousal-Glaser; also present: Councilors Lipof, Schwartz.

- #304-16      Verizon petition for grant of location at Greenwood Street**  
VERIZON NEW ENGLAND petitioning for a grant of location to relocate Pole #6 on Greenwood Street approximately 19'± southeast to accommodate a new driveway at house #56. (Ward 8) [08/25/16 @ 8:45 AM]  
**Public Facilities Approved 7-0 (Gentile not voting)**

**Referred to Finance Committee**

Monday, September 26, 2016

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

- #320-16      Request to appropriate \$50,000 to settle a claim**  
HIS HONOR THE MAYOR requesting authorization to appropriate fifty thousand dollars (\$50,000) from the Judgments and Settlements Account as full and final settlement of a claim against the Newton Public Schools. 09/14/16 @ 1:10 PM]  
**Finance Committee Held 7-0**
- #321-16      Request to appropriate \$10,488.03 to settle a claim**  
HIS HONOR THE MAYOR requesting authorization to appropriate settle a claim of ten thousand four hundred eighty-eight dollars and three cents (\$10,488.03) from the Judgments and Settlements Account as full and final settlement of Commerce Insurance Company's claim against the City of Newton. 09/14/16 @ 1:10 PM]  
**Finance Approved 7-0**



**Referred to Programs & Services and Finance Committees**

**#322-16**

**Request for \$500,000 for removal of 2,500 tree stumps**

HIS HONOR THE MAYOR requesting authorization to appropriate five hundred thousand dollars (\$500,000) from Free Cash for the purpose of funding the removal of approximately 2,500 tree stumps located throughout the City, as a result of the city's aggressive tree removal program to remove the most dangerous trees throughout the City. [09/12/16 @ 3:48 PM]

**Programs & Services Approved 6-1 (Auchincloss opposed)**

**Finance Approved 7-0**

**Referred to Public Facilities and Finance Committees**

**#323-16**

**Request for \$300,000 for funding to purchase sand and salt spreaders**

HIS HONOR THE MAYOR requesting authorization to appropriate three hundred thousand dollars (\$300,000) from Free Cash for the purpose of providing funding for sand and salt spreaders for the Public Works Department's snow operations. [09/14/16 @ 1:10 PM]

**Public Facilities Approved 6-0 (Lappin, Laredo not voting) on 09/21/16**

**Finance Approved 7-0**

**Referred to Public Safety, Public Facilities and Finance Committees**

**#324-16**

**Request for \$75,000 for design of two intersection improvement projects**

HIS HONOR THE MAYOR requesting authorization to appropriate seventy-five thousand dollars (\$75,000) from Free Cash for the purpose of funding design engineering services for the Dedham at Nahanton and Dedham at Brookline Streets Intersection Improvement Project. [09/12/16 @ 3:48 PM]

**Public Safety Approved 6-0 on 09/21/16**

**Public Facilities Approved 7-0 (Laredo not voting) on 09/21/16**

**Finance Approved 6-0 (Brousal Glaser not voting)**

**Referred to Public Safety, Public Facilities and Finance Committees**

**#325-16**

**Request for \$250,000 for design services for the West Newton Square rehab**

HIS HONOR THE MAYOR requesting authorization to appropriate two hundred fifty thousand dollars (\$250,000) from Free Cash for the purpose of funding design engineering services for the West Newton Square Rehabilitation Project. [09/12/16 @ 3:48 PM]

**Public Safety Approved 4-0-1 (Cicccone abstaining, Lipof not voting)**

**Public Facilities Approved 6-0 (Laredo, Lappin not voting) on 09/21/16**

**Finance Approved 5-0 (Cicccone recused; Brousal Glaser not voting)**

**Referred to Public Facilities and Finance Committees**

#191-16

**Funding to relocate the Zervas modulars to NSHS and Brown Middle School**

HIS HONOR THE MAYOR requesting authorization to transfer the sum of five hundred thousand dollars (\$500,000) to the Public Buildings Department for the purpose of funding the relocation modular classrooms from the Zervas Elementary School to Newton South High School and Brown Middle School from the following accounts:

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Treasury	Debt Service (010772-582A49)	\$21,216
Financial Info Systems	Full-time Salaries	\$35,000

**Public Facilities Approved 7-0 as amended @ \$600k from Free Cash (Laredo not voting) on 09/21/16**

**Finance Approved 6-0 as amended @ \$600k from Free Cash (Brousal-Glaser not voting)**

**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 Held 6-0 (Brousal Glaser not voting)**

#319-16

**Acceptance of \$3,497 from the Middlesex Attorney's Office for overtime costs**

HIS HONOR THE MAYOR requesting authorization to accept and expend three thousand four hundred ninety-seven dollars (\$3,497) which was allocated on February 23, 2016 from the Middlesex District Attorney's Office to fund overtime costs for conducting an inventory of evidence under the NIJ Post-conviction Testing of DNA Evidence to Exonerate the Innocent Program. 09/12/16 @ 3:48 PM]

**Finance Approved 6-0 (Brousal-Glaser not voting)**

#318-16

**Mayor's reappointment of Shawn Murphy as a Constable**

SHAWN T. MURPHY, 11 Morrill Street, West Newton reappointed as a Constable for the City of Newton for a term of office to expire September 15, 2019. (60 days 11/17/16) [09/12/16 @ 4:27 PM]

**Finance Approved 6-0 (Brousal-Glaser not voting)**