



**RECEIVED**

**By City Clerk at 4:02 pm, Apr 28, 2023**

## **City Council Docket**

**POSTED**  
City Clerk

May 3: Programs & Services  
May 4: Public Facilities  
May 8: Finance and Zoning & Planning  
May 9: Programs & Services and Finance  
May 11: Public Facilities

**REVISED**

**4:02 pm, Apr 28, 2023**

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Continued

**Monday, May 1, 2023**

7:45 p.m., Hybrid

To be reported on

**Monday, May 15, 2023**

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Monday, May 1, 2023, 7:45 pm. To view this meeting on Zoom use this link at the above date and time:

<https://newtonma-gov.zoom.us/j/84464968533>

One tap mobile

US: +13017158592, 844 6496 8533 #

Land line

US: +1 301 715 8592

Meeting ID: 844 6496 8533

You may also:

1. Watch a live broadcast of the meeting on NewTV's government channel (Comcast 9, RCN 13, 614(HD), Verizon 33).

2. View a live stream on NewTV's YouTube channel at:

<https://www.youtube.com/channel/UCQvNeCJkA3PftuLLvfAh3cQ>

### **City of Newton**

#### **In City Council to be Accepted and Referred to Committees**

*After the conclusion of first call the Mayor will present her FY24 Budget Address.*

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

##### ***Public Hearing to be assigned for May 16, 2023***

**#141-23 Request to amend Special Permit #470-04 to allow existing "shell space" to be used for 24 in-patient beds at 2014 Washington Street**

NEWTON-WELLESLEY HOSPITAL petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #470-04 to allow the hospital to finish 22,000 sq. ft of "shell space" in the Emergency Department for additional inpatient beds at 2000, 2012 and 2014 Washington Street, 1 and 2 Kenney Place and 1973 Beacon Street, Newton Lower Falls, Ward 5, on land known as Section 55 Block 01 Lots 28, 33, 15, 15A, 15B 1Z, 15BA, BB,BC, BD, BE, BF, BG, BH, BM, BN, BO, BP,BQ , containing approximately 1,127,289 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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.

***Public Hearing to be assigned for May 16, 2023***

**#142-23      Petition for a special permit to further extend nonconforming FAR**

AKINOBU AND NAOKO ITOH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing detached garage and construct an attached two-car garage with living space above which increases the nonconforming FAR at 46 Valley Spring Road, Ward 7, on land known as Section 72, Block 39, Lot 02, containing approximately 10,000 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 3.1.3, 3.1.9, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

***Public Hearing to be assigned for May 16, 2023***

**#143-23      Request to amend Special Permit #276-08 to change from a nonconforming personal training facility to a medical office at 552-564 Commonwealth Avenue**

KIMBERLY PAGGI, PAGGI PHYSICAL THERAPY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #276-08 to allow the conversion of an existing personal training facility to a physical therapy office in the space at 552-564 Commonwealth Avenue, Newton Lower Falls, Ward 6, on land known as Section 61 Block 03 Lot 22, containing approximately 13,000 sq. ft. of land in a district zoned Multi Residence 1. Ref: 7.3.3, 3.4.1, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

***Public Hearing to be assigned for May 16, 2023***

**#34-23      Request to exceed FAR and to allow parking within five feet of the street at 50 Elmore Street**

YANMEI LIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a detached garage structure exceeding FAR and to waive the maximum driveway entrance width, at 50 Elmore Street, Ward 2, Newton Centre, on land known as Section 13 Block 31 Lot 06, containing approximately 7,733 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.3, 3.1.9, 5.1.7.C, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Referred to Programs & Services Committee**

**#144-23      Citizens Group Petition to place a nonbinding advisory question on the ballot**

PETER HARRINGTON ET AL., petitioning pursuant to Article 10, Sec. 10-2 of the City of Newton Charter, for the City Council to cause the following non-binding question to be placed on the November 7, 2023 municipal ballot: "Shall the City of Newton adopt new zoning laws to: 1. Allow new buildings of three and one-half and four and one-half stories in our village center business districts; 2. Allow the expansion of the lot size on which new developments can be built, without obtaining a special permit, from the current 10,000 square foot threshold to 30,000 sq ft; 3. Allow the reduction or elimination of parking space requirements in Village Centers; 4. Change Newton Ordinances to allow developers to build fewer affordable housing units and allow the affordable units to be occupied by tenants with more income than provided by Newton's Ordinances, unless Newton shows its requirements are economically feasible."

**#145-23 Requesting a Home Rule Petition**

HER HONOR THE MAYOR requesting a home rule petition so that the City can extend its current ground lease with the Newton Community Development Foundation for Warren House for an additional 34 years.

**#146-23 Appointment of Alexandra Fuchs as a Newton Library Trustee**

HER HONOR THE MAYOR appointing Alexandra Fuchs, 99 Lincoln Street, Newton Highlands as a Newton Library Trustee for a term of office set to expire on June 30, 2028. (60 days: 06/30/2023)

**Referred to Public Safety & Transportation Committee****#147-23 Appeal of Traffic Council Decision TC5-23**

JEREMY FREUDBERG, 102 Clark Street, appealing the approval of Traffic Council petition TC5-23 on April 12, 2023, for a stop sign on the traffic island at the northwest corner of the Clark Street and Rowena Road intersection (Clark Street southbound). (Ward 6)

**#148-23 Discussion regarding the security measures and any incidents during the 2023 Boston Marathon**

COUNCILORS LUCAS, NORTON, LIPOF, MALAKIE, NOEL, WRIGHT, BOWMAN AND OLIVER requesting a discussion with the Chief of Police on security measures taken for the Boston Marathon, not limited to but including personnel hours and equipment used by the Police Department. Also requesting updates on any incidents, disturbances, interrogations, calls to dispatch, and/or arrests along the marathon route on April 17th.

**#149-23 Discussion regarding the residential parking program**

COUNCILOR DOWNS, LEARY, BOWMAN, MARKIEWICZ, TARIK AND DANBERG requesting a discussion of the residential parking permit program costs, convenience and pricing.

**#150-23 Semi-annual public auto inspections**

POLICE DEPARTMENT submitting reports of semi-annual public auto inspections for review.

**Referred to Finance Committee****#151-23 Appropriate \$55,000 for the full and final settlement of Alison Larkin v City of Newton**

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of fifty-five thousand dollars from June 30, 2022 Certified Free Cash for the full and final settlement of Alison Larkin v. City of Newton et al (C.A. No 2085-CV-00283).

**#152-23 Appropriate \$525,000 for the full and final settlement of John Doe, Jane Doe and David Doe v Newton Public Schools**

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of five hundred twenty-five thousand dollars (\$525,000) from June 20, 2022 Certified Free Cash, for full and final settlement of John Doe, Jane Doe, and David Doe v Newton Public Schools et al (C.A. No. 19-CV-12293-PBS)

**#153-23**      **Transfer \$200,000 for the Newton Free Library HVAC system**  
HER HONOR THE MAYOR requesting authorization to transfer the sum of two hundred thousand dollars (\$200,000) from Main Library- Full Time Salaries Acct # 0160110-511001 to Library Building Maintenance – Electricity Acct # 0160112-521000 to supplement the FY23 and FY24 Library Electricity budget to cover overruns due to the failing HVAC system

**#154-23**      **Transfer \$1,750,000 to the Rainy-Day Stabilization**  
HER HONOR THE MAYOR requesting authorization to transfer the sum of one million five hundred thousand dollars (\$1,500,000) from Acct #0110498-579400 Reserve for Snow & Ice Removal and the sum of two hundred fifty thousand dollars (\$250,000) from June 30, 2022 Certified Free Cash to Acct# 5900-1040 Rainy Day Stabilization Fund.

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

**#155-23**      **Appropriate \$140,000 to a Parks, Recreation & Culture account**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one hundred forty thousand dollars (\$140,000) from acct # 5503R602-590001 B.A.A Marathon to a Parks, Recreation & Culture Account to fund a “Heartbreak Hill” banner and playground improvements.

**Referred to Public Facilities and Finance Committees**

**#156-23**      **Transfer \$1,500,000 to improve the City’s roadways, sidewalks and ramps**  
HER HONOR THE MAYOR requesting authorization to transfer the sum of one million five hundred thousand dollars (\$1,500,000) from DPW Admin-Full Time Salaries (0140121-511001 to DPW Admin-Paving Supplies (0140121-553300) to allow DPW to reach the target spending of \$9.5 million for FY23, with the goal of continuing to improve the city’s roadways, sidewalks, and ramps.

**Referred to Public Facilities and Finance Committees**

**#157-23**      **Appropriate \$1,000,000 to DPW’s Vehicle Equipment Account**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one million dollars (\$1,000,000) from June 30, 2022 Certified Free Cash to the Department of Public Works Vehicle Equipment Account to fund the vehicle replacements per the City’s Vehicle Replacement Schedule as detailed in the FY24-FY28 C.I.P

**Referred to Public Facilities and Finance Committees**

**#159-23**      **Appropriate funds for the Athletic Fields CIP Construction Phase III project**  
COMMUNITY PRESERVATION COMMITTEE requesting authorization to appropriate and expend the sum of nine million ninety-nine thousand seven hundred and eighty-seven dollars (\$9,099,787) to the control of the Planning & Development Department from the Community Preservation Act Funds with four million ninety-nine thousand seven hundred and eighty-seven dollars (\$4,099,787) from the CPA’s Unrestricted Prior Year Fund and five million dollars (\$5,000,000) authorize a general obligation borrowing of an equal amount for the Athletic Fields CIP Construction Phase III project and authorization to apply any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing, and marketing them, and any accrued interest received upon the delivery of the bonds or notes to the costs of the project and to reduce the amount authorized to be borrowed for the project by like amount.

**Referred to Finance & Appropriate Committees**

- #1-23(3) Submittal of the FY24 Municipal/School Operating Budget**  
HER HONOR THE MAYOR submitting in accordance with Section 5-1 of the City of Newton Charter the FY24 Municipal/School Operating Budget, passage of which shall be concurrent with the FY24-FY28 Capital Improvement Program (#1-23).  
**EFFECTIVE DATE OF SUBMISSION 05/01/23; LAST DATE TO PASS THE BUDGET 06/15/23**
- #1-23(4) Submittal of the FY24 – FY28 Supplemental Capital Improvement Plan**  
HER HONOR THE MAYOR submitting the FY24 – FY28 Supplemental Capital Improvement Plan.

*Pursuant to the Rules of the Council, items which are within the jurisdiction of the six standing committees which are referred to a Committee of the Whole, must be placed on second call and the decision of the referral shall be subject to a majority vote of the Council.*

**Referred to a Committee of the Whole**

- #158-23 Discussion regarding use of non-recurring revenue in Newton**  
COUNCILORS ALBRIGHT, GROSSMAN, LIPOF, MARKIEWICZ requesting a comprehensive discussion with the Mayor regarding all one-time funds, regardless of source, and possible upcoming requests to the Council in order to have an appropriate context in which to discuss the two existing docket items (125-23 and 127-23). The one-time money discussion should include free cash, overlay surplus as well as any other possible one-time funding source.

*The following items were filed after the close of the docket and requires a suspension of the Rules to be referred to Committee:*

**Referred to Finance Committee**

- #160-23 Transfer \$21,950 for an Online Code Management Program**  
HER HONOR THE MAYOR requesting authorization to transfer the sum of twenty-one thousand nine hundred and fifty dollars (\$21,950) from Acct # 0110111-511001 City Council-Full Time Salaries to Acct # 0110111-524100 City Council-Software Maintenance to fund the purchase of an Online Code Management program.

**Referred to Finance Committee**

- #161-23 Acceptance of \$2,500 grant from the Mass Cultural Council**  
HER HONOR THE MAYOR requesting authorization to accept and expend the sum of two thousand five hundred dollars (\$2,500) from the Mass Cultural Council for the purpose of supporting the Family FunFEST event scheduled for May 13 and 14, 2023.

**Referred to Finance Committee**

- #162-23 Acceptance of \$15,830 grant from the Mass Cultural Council**  
HER HONOR THE MAYOR requesting authorization to accept and expend the sum of fifteen thousand eight hundred thirty dollars (\$15,830) from Mass Cultural Council for the purpose of supporting Cultural Development's recovery efforts due to negative impact from the COVID-19 pandemic.

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

**#163-23**

**Appropriate \$250,000 for Election Equipment**

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of two hundred and fifty thousand dollars (\$250,000) from June 30, 2022 Certified free Cash, to Acct # 0110162-585170 Clerk of the Council-Election Equipment to replace 32 current machines as well as one high-speed tabulator to address the increase in vote by mail processing.

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

**#164-23**

**Appropriate \$1,500,000 for Fire Rescue Overtime**

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one million five hundred thousand dollars (\$1,500,000) from June 30, 2022 Certified Free Cash to Acct # 0121022-513010 Fire Rescue Overtime.

**Referred to Public Facilities and Finance Committees**

**#165-23**

**Appropriate \$750,000 for the Newton Free Library's HVAC system**

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of seven hundred fifty thousand dollars (\$750,000) from June 30, 2022 Certified Free Cash to a Public Buildings Department Capital Account to fund the replacement of the Newton Free Library's HVAC system as detained in the FY-24-FY28 CIP.