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City Council Docket

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City Clerk

June 6: Land Use
June 7: Public Facilities and Programs & Services
and Public Safety & Transportation
June 8: Programs and Services
June 12: Zoning and Planning and Finance
June 13: Land Use
June 14: Zoning and Planning

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Monday, June 5, 2023

7:45 PM, Hybrid

To be reported on

Monday, June 20, 2023

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Monday, June 5, 2023, at 7:45PM. To view this meeting on Zoom use this link at the above date and time:

<https://newtonma-gov.zoom.us/j/85440629124>

One tap mobile

US: +13017158592, 854 4062 9124#

Land line

US: +1 301 715 8592

Meeting ID: 854 4062 9124

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

Referred to Land Use Committee

Public Hearing to be Assigned for June 6, 2023

#194-23

Request to further extend nonconforming FAR at 76 Drumlin Road

NA'AMA AND AMIR YACOBY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a sunroom addition at the rear of the dwelling which will further extend the nonconforming FAR at 76 Drumlin Road, Ward 8, Newton Centre, on land known as Section 82 Block 25 Lot 30, containing approximately 16,000 sq. ft. of land in a district zoned SINGLE FAMILY 1. Ref: 7.3.3, 3.1.3, 3.1.9., 7.8.2.C.2 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 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 June 6, 2023**#195-23 Request to allow ground floor residential use, to allow three stories and a 35.3-foot height and to exceed FAR at 20 Clinton Street**

CLINTON STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing dwelling and construct four residential units in two buildings with dimensional waivers at 20 Clinton Street, Ward 1, Newton, on land known as Section 14 Block 22 Lot 12, containing approximately 10,404 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 4.4.1, 4.1.2.B.2, 4.1.2.B.3, 4.1.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for June 6, 2023**#196-23 Request to expand a nonconforming detached garage at 231-233 Tremont Street**

ARTO AND VICTORIA DERMOVESIAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a half-story addition, vertically extending a nonconforming side setback on an existing detached accessory structure at 231-233 Tremont Street, Ward 1, Newton, on land known as Section 71 Block 38 Lot 15, containing approximately 6,400 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 3.4.3.A.1, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for June 6, 2023**#197-23 Request to amend conditions within Special Permit #395-22 at 136-144 Hancock Street**

TERRENCE P. MORRIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL amends Special Permit #395-22 relative to conditions around the vibration control condition and units which were designated to conform to MAAB requirements at 136-144 Hancock Street, Ward 4, Auburndale on land known as Section 43 Block 31 Lots 01 and 16, containing approximately 58,492 square feet of land in a district approved to be zoned MULTI RESIDENCE 2. Ref: 7.3.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for June 6, 2023**#198-23 Request to amend Special Permit #447-22 at 106 River Street**

NORTON POINT STREET LLC and 106 RIVER STREET LLC T/C DAVID OLIVERI petition for SPECIAL PERMIT/SITE PLAN APPROVAL amend the vibration control condition within Special Permit #447-22 at 106 River Street, Ward 3, West Newton, on land known as Section 33 Block 24 Lot 11A, containing approximately 15,802 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for June 6, 2023**#199-23 Request to amend Special Permit #504-22 at 71 Commonwealth Avenue**

71 COMMONWEALTH LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend the vibration control condition within Special Permit #504-22 at 71 Commonwealth Ave, Ward 7, Newton, on land known as Section 63 Block 01 Lots 13 and 13A, containing approximately 32,980.50 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for June 13, 2023**#200-23 Request to allow a second oversized principal sign on the same wall as a secondary sign at 714-724 Beacon Street**

CANTON CIRCLE LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to locate an oversized second principal sign for the medical office at 714 Beacon Street, Ward 6, Newton Centre, on land known as Section 61 Block 38 Lot 08, containing approximately 37,932 sq. ft. of land in a district zoned BUSINESS 2. Ref: 7.3.3, 5.2.8, 5.2.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for June 13, 2023**#201-23 Request for an Administrative Site Plan Review to allow a religious use and a Special Permit to allow a restaurant with more than 50 seats, and associated parking waivers at 1173-1177 Walnut Street**

DEVLIN SCOTT AND NEW CITY CHURCH HAEMEE INC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the basement space for use as a church with classroom space, as well as a 72-seat café which will be open to the public, and a waiver of 64 parking stalls at 1173 Walnut Street, Ward 6, Newton Highlands, on land known as Section 52 Block 39 Lot 01, containing approximately 10,799 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 6.3.12.B.1, 4.4.1, 6.4.29.C.1, 5.1.4, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for June 13, 2023**#202-23 Request to further increase nonconforming FAR and height at 25 Breamore Road**

LINDA BLACKSMITH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a one-story rear addition to provide an accessible living space which requires relief to increase the nonconforming FAR and height at 25 Breamore Road, Ward 1, Newton, on land known as Section 71 Block 19 Lot 2, containing approximately 5,239 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 3.1.3, 7.8.2.C.2, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for June 13, 2023**#203-23 Request to amend the site plan associated with Special Permit #32-21 to allow a curb cut exceeding 20 feet in width at 63-65 Broadway**

BURTON HO petition for SPECIAL PERMIT/SITE PLAN APPROVAL amends Special Permit #32-21 allowing for a larger driveway entrance width that exceeds the maximum allowed at 63-65 Broadway, Ward 1, Newtonville, on land known as Section 13 Block 31 Lot 06, containing approximately 18,000 square feet of land in a district approved to be zoned MULTI RESIDENCE 1. Ref: 7.3.3, 5.1.7.C, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for June 13, 2023**#204-23 Request to allow a drive-in business and associated parking waivers, to allow a free-standing sign and to allow oversized directional signs at 940 Boylston Street**

MILDRED MCMULLIN, TRUSTEE-MIL MAC TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to remove a portion of the building and reconfigure the existing parking area to allow for construction of a drive through window with associated waivers for parking,

lighting and signs at 940 Boylston Street, Ward 5, Newton Highlands, on land known as Section 51 Block 26 Lot 03, containing approximately 12,060 sq. ft. of land in a district zoned BUSINESS 2. Ref: 7.3.3, 4.4.1, 6.4.11, 5.1.9.A, 5.1.13, 5.10.A, 5.2.3, 5.2.13.A, 5.2.8, 5.2.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Referred to Zoning & Planning Committee

#205-23 Petition to rezone lots on Charles Street

TERRENCE P. MORRIS, ESQ. petitioning to rezone corresponding pieces of abutting lands, MIXED USE 1, on land known as Section 41, Block 06, Lots 14 and 26 located at 132 Charles Street: Section 41, Block 06, Lots 14 and 26 are being rezoned from MAN to MU1.

#206-23 Discussion and possible ordinance to allow for breweries, brew pubs, and other craft beverage production

COUNCILOR LIPOF requesting review, discussion, and possible ordinance amendments relative to Chapter 30 zoning ordinances pertaining to craft beverage production. Possible amendments would remove prohibition on bottling alcoholic beverages and propose opportunities for other craft beverage production and accessory retail.

#187-23 Reappointment of Peter Sargent to Newton Affordable Housing Trust

HER HONOR THE MAYOR reappointing Peter Sargent, 33 Avondale Road, Newton as a member of the Newton Affordable Housing Trust for a term of office to expire on May 2, 2025. (60 Days: 08/04/2023)

#192-23 Expansion of Noticing for Zoning Changes

COUNCILORS LAREDO, MALAKIE, LUCAS, WRIGHT, NORTON, MARKIEWICZ, OLIVER, BAKER, KALIS AND GENTILE requesting (a) a discussion with the Planning Department regarding providing written, individual notice to each property owner and tenant (and their immediate abutters and abutters of abutters), whose property (whether owned or occupied) is being considered for inclusion in the new Village Center and/or MBTA Communities zoning districts and (b) the adoption of an ordinance requiring such written, individual notice to all affected property owners and tenants (and their immediate abutters and abutters of abutters) of potential changes to the zoning code that may result in the creation of a new zone (including an overlay district), substantial revisions to the rules for the currently existing zone, and/or a change of zone for the property.

Referred to Programs & Services Committee

Public Hearing to be assigned for June 28, 2023

#207-23 Citizens Group Petition on Chapter 21, Art. III, Division 3

PAT IRWIN ET AL., petitioning pursuant to Article 10, Sec. 10-2 of the City of Newton Charter, that the Newton City Council amend the City's Tree Preservation Ordinance (Chapter 21, Article 3, Division 3) to apply the following protection regulations to all healthy, not dangerous trees 6 inches DBH (diameter at breast height) and larger on all

properties in the City not owned by the State or Federal Government: require planting replacement or cash payment to mitigate the environmental and health damages to abutters from tree removal; waiver of the payment or replacement requirement only if the application process provides acceptable certification that the protected tree is dead, diseased, dangerous, or that removal of the tree will improve the overall health of the tree canopy; protection of trees on lots adjacent to construction sites; and owners of abutting properties shall be notified of each tree-removal application.

#208-23

Appointment of Stephen Logowitz to the Community Education Commission

PRESIDENT ALBRIGHT appointing Stephen Logowitz, 391 Walnut Street, Newtonville as a member of the Community Education Commission for a term of office to expire on June 5, 2025. (60 Days: 08/04/2023)

#209-23

Appointment of James Thompson to the Biosafety Committee

PRESIDENT ALBRIGHT appointing James Thompson, 11 Byrd Ave, Newton as a member of the Biosafety Committee for a term of office to expire on June 5, 2026. (60 Days: 08/04/2023)

#210-23

Appointment of Harold W. Adams to the Community Education Commission

PRESIDENT ALBRIGHT appointing Harold W. Adams, 47 Grafton Street, Newtonville as a member of the Community Education Commission for a term of office to expire on June 5, 2025. (60 Days: 08/04/2023)

Referred to Public Facilities Committee

#211-23

Appointment of Jon K Slote to the Citizens Commission on Energy

HER HONOR THE MAYOR appointing Jon K Slote, 117 Garland Road, Newton Centre to the Citizens Commission on Energy for a term of office to expire June 5, 2026. (60 days: 08/04/23)

Referred to Finance Committee

#212-23

Appropriate \$11,847.54 for the full and final settlement of Eastern Bus Company Inc. v. City of Newton

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of eleven thousand eight hundred forty-seven dollars and fifty-four cents (\$11,847.54) from the Stormwater Operating Fund for the full and final settlement Eastern Bus Company Inc. v. City of Newton.

#213-23

Appropriate \$136,020 from the Water Fund Undesignated Fund Balance

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one hundred thirty-six thousand and twenty dollars (\$136,020) from the Water Fund Undesignated Fund Balance to cover an outstanding debt service.

#214-23 Transfer any unexpended General Fund Municipal health insurance funds to the Health Insurance Trust Fund

HER HONOR THE MAYOR requesting authorization to transfer any unexpected General Fund municipal health insurance funds (57HLTH), remaining as of June 30, 2023 into the Health Insurance Trust Fund (fund 6600).

#215-23 Request for temporary construction easements

HER HONOR THE MAYOR requesting the approval of the taking of temporary construction easements for the Commonwealth Avenue Carriageway construction project in Auburndale.

Referred to Programs & Services and Finance Committees

#216-23 Request for salary increase for City Clerk/Clerk of the City Council

COUNCILORS ALBRIGHT AND LIPOF requesting an increase in the salary of the City Clerk/Clerk of the City Council to \$134,734 effective July 1, 2023 to match the percentage increase included in the FY24 budget for H-grade employees.

Referred to Public Facilities and Finance Committees

#217-23 Appropriate \$1,000,000 for Wash Bay Project at the Crafts Street yard

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one million dollars (\$1,000,000) from both the Sewer and Water funds to complete the Wash Bay Project at the Crafts Street yard. The total project cost will be \$1,500,000 which includes the \$500,000 that the City Council approved in 2018.

The following item was filed after the close of the docket and requires a suspension of the Rules to be referred to Committee:

Referred to Public Facilities Committee

#218-23 Request for temporary construction easements

HER HONOR THE MAYOR requesting the approval of the taking of temporary construction easements for the Commonwealth Avenue Carriageway construction project in Auburndale.