



City Council Actions
In City Council
Monday, May 1, 2023

Present: Councilors Baker, Bowman, Crossley, Danberg, Downs, Gentile, Greenberg, Humphrey, Kalis, Kelley, Krintzman, Laredo, Leary, Lipof, Lucas, Malakie, Noel, Ryan, Wright & Albright.

Absent: Councilors Markiewicz, Norton

Clerk's Note: The full Council meeting can be viewed on the following link:
[Newton City Council May 1, 2023 \(newtv.org\)](http://newtv.org)

The City Council discussed the following items on Second Call:

- 121-23 Approval on roadway infrastructure improvements for the Albemarle Traffic Calming Project**
HER HONOR THE MAYOR requesting the approval to make improvements to the roadway infrastructure as part of the Albemarle Traffic Calming Project, which includes vertical elements placed on or in the roadway such as speed humps and speed cushions
Public Facilities Approved 4-3 (Councilors Gentile, Laredo and Kelley abstaining)
City Council Approved 21 Yeas, 1 Nay (Councilor Kelley), 2 Absent
Councilor Downs made a Motion for Reconsideration
Motion for Reconsideration Failed with 0 Yeas, 21 Nays
3 Absent (Councilors Gentile, Markiewicz, Norton)

Clerk's Note: Numerous councilors had real concerns about the back-in parking, however, they felt worth going forward, primarily because this is only a trial project. It was generally acknowledged that the public did not respond well to the back-in parking project on Homer Street. Several councilors requested a traffic safety report from the Transportation Department, so that a baseline could be established, and the success/failure of this trial could be accurately measured.

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.
City Council Approved 22 Yeas, 0 Nays, 2 Absent

The City Council voted without discussion 22 Yeas, 0 Nays, 2 Absent (Councilors Markiewicz, Norton) to Accept the Committee Recommendations on the following:

- #130-23 Request to allow a free-standing sign at 1010 Chestnut Street**
ROSTRUM N. NAZAR, BEST PRICE SIGNS & PRINTING petition for SPECIAL PERMIT/SITE PLAN APPROVAL to replace an unpermitted free-standing sign with a 24 square foot free-standing sign in the same approximate location at 1010 Chestnut Street, Newton Upper Falls, Ward 5, on land known as Section 51 Block 04 Lot 03, containing approximately 6,754 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 7.4, 5.2.13.A, 5.2.13.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 7-0 (Councilor Markiewicz not voting); Public Hearing Closed
- #113-23 Request to add 40 patio seats and to remove six parking stalls, and to amend Special Permit #501-94(2) at 344-346 Elliot Street**
SEANA GAHERIN AND ROBERT DUNN, TRUSTEES OF D&G REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend the prior Special Permit with site plan modifications to remove six parking stalls to be used for outdoor dining seats and to waive 20 parking stalls at 344-346 Elliot Street, Ward 5, Newton Upper Falls, on land known as Section 51 Block 41 Lot 10, containing approximately 9,676 sq. ft. of land in a district zoned BUSINESS 1. Ref: Sec. 7.3.3, 7.4, 5.1.4, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 8-0; Public Hearing Closed
- #112-23 Request to further increase nonconforming FAR, to allow an accessory building with a footprint exceeding 700 square feet, and for a dormer within three feet of the intersecting wall at 20 Norwood Avenue**
PAUL WONG petition for SPECIAL PERMIT/SITE PLAN APPROVAL requesting to further extend nonconforming FAR; to allow an oversized detached accessory apartment and to allow a dormer within three feet of the intersection of the roof and main building wall at 20 Norwood Avenue, Ward 6, Newton Centre, on land known as Section 62 Block 10 Lot 06, containing approximately 11,689 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2, 6.7.1.E.2, 1.5.4.G.2.c of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 8-0; Public Hearing Closed
- #111-23 Request to allow four single-family attached dwellings in two buildings, to waive certain dimensional requirements and one parking stall at 77 Hartford Street**
ADELINE ELMEUS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow an additional unit within the existing dwelling, to allow attached single-family dwellings; to reduce the required lot area per unit; to reduce the minimum front setback; to reduce the minimum side setback; to reduce the minimum rear setback; to exceed 36 feet in height; to allow three stories; to waive one parking stall and to allow a driveway within 10 feet of the side lot line and parking within 20 feet of the side lot line at 77 Hartford Street, Ward 6, Newton Highlands, on land known as Section 52 Block 43 Lot 5A, containing approximately 15,950

sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 3.4.2, 5.1.4, 5.1.13, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 8-0; Public Hearing Closed

#73-23

Appointment of Joel Shames to the Auburndale Historic District Commission

HER HONOR THE MAYOR appointing Joel Shames, 348 Central Street, Auburndale as a full member of the Auburndale Historic District Commission for a term of office to expire on March 20, 2026. (60 Days: 05/05/2023)

Zoning & Planning Approved 6-0 (Councilors Baker and Ryan Not Voting)

#227-22

Request for ordinance to regulate embodied carbon in new construction

COUNCILOR CROSSLEY, on behalf of the Climate & Sustainability Team, requesting a discussion with the Sustainability Team and Planning Department, and to amend the zoning ordinance (Section 5.13, notable 5.13.4.D Reserved) to regulate embodied carbon in large new construction, to further the objectives of the city's Climate Action Plan.

Zoning & Planning Approved 6-0 (Councilor Baker and Ryan Not Voting)

#117-23

Recommendation to approve 2023 Preliminary Election date

THE NEWTON ELECTION COMMISSIONERS recommending the City Council approve the date of Tuesday, September 12, 2023 as the date for the 2023 Preliminary Election, if needed.

Programs & Services Approved 6-0 (Councilor Baker Not Voting)

#110-23

Request to transfer \$150,000 from Law Department Full Time Salaries

HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred fifty thousand (\$150,000) from Account #0110851-511001 Law Department Full Time Salaries to Account #0110851-530900 Law Department Legal Services to retain outside counsel to continue the work of Deputy City Solicitor Jeffrey Honig.

Programs & Services Approved 8-0 on 04/12/23

Finance Approved 7-0

#133-23

Request for a grant of location in Parker Avenue

NATIONAL GRID petition for a grant of location to install and maintain gas main in Parker Street as follows:

- 1165' ± of 8" plastic main in Oakdale Road from Woodcliff Road to Walnut Hill Road to replace 85' ± of 6" plastic and 1080' ± of 6" cast iron
- 1600' ± of 8" plastic main Parker Ave from Woodcliff Rd to Parker St to replace 790' ± of 6" cast iron, 330' ± of 4" cast iron, 250' ± of 4" coated steel, 210' ± of 6" bare steel, 20' ± of 6" plastic
- 715' ± of 6" plastic main in Kendall Rd to replace 715' ± of 4" bare steel
- 550' ± 8" plastic main in Walnut Hill Rd from #16 Walnut Hill Rd to #67 Walnut Hill Rd to replace 165' ± 8" cast iron and 385' ± 6" cast iron

Public Facilities Approved 6-0 (Councilor Danberg not voting)

#118-23

Discussion on the Transportation Network Improvement Plan

DEPARTMENT OF PUBLIC WORKS requesting to provide an update on the Transportation

Network Improvement Plan

Public Facilities Approved 6-0 (Councilor Danberg not voting)

- #135-23 Reappointment of Robert Hnasko to the Design Review Committee**
PRESIDENT ALBRIGHT reappointing Robert Hnasko, 49 Miller Road, Newton as a member of the Design Review Committee for a term set to expire on December 31, 2023 (60 days: 06/12/23)
Public Facilities Approved 7-0
- #126-23 Appropriate \$1.15 million for Franklin Elementary School**
HER HONOR THE MAYOR requesting authorization to appropriate and expend one million one hundred and fifteen thousand dollars (\$1,150,000) and authorize a general obligation borrowing of an equal amount for the feasibility study at the Franklin Elementary School 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.
Public Facilities Approved 5-0 (Councilor Norton not voting) on 04/12/23
Finance Approved 7-0
- #139-23 Acceptance of equipment through the MassDOT Safe Routes to School program**
HER HONOR THE MAYOR requesting authorization to accept two Combination Dynamic Speed Feedback and School Zone Speed Limit Sign Assemblies, awarded through the MassDOT Safe Routes to School (SRTS) program
Finance Approved 7-0
- #140-23 Authorization to enter into a 5-year contract**
HER HONOR THE MAYOR requesting approval to enter into a five-year (5) contract with a Parking Enforcement Services Vendor
Finance Approved 7-0
- #138-23 Authorization to enter into a 5-year contract**
HER HONOR THE MAYOR requesting the authorization to execute a contract for investment management services for the John C. Chaffin fund with an initial contract term of five (5) years and option to renew for additional three year term.
Finance Approved 7-0
- #110-23 Request to transfer \$150,000 from Law Department Full Time Salaries**
HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred fifty thousand (\$150,000) from Account #0110851-511001 Law Department Full Time Salaries to Account #0110851-530900 Law Department Legal Services to retain outside counsel to continue the work of Deputy City Solicitor Jeffrey Honig.
Programs & Services Approved 8-0 on 04/12/23
Finance Approved 7-0
- #137-23 Submittal of the ACFR, and external audit reports**

COMPTROLLER transmitting the Annual Comprehensive Financial Report and external audit reports for fiscal year ending June 30, 2022 for City Council review/acceptance.

Finance Approved 7-0

Motion to suspend the Rules to accept late filed items to be referred to Committee:

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.

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.

Public Hearings were assigned for the following Items:

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.

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.2of 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.