



## City Council Reports Docket

June 21: Public Facilities and Programs &  
Services and Public Safety & Transportation  
June 26: Zoning & Planning and Finance  
June 27: Land Use Meeting  
June 28: Program & Services

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7:45 PM, Virtual  
To be reported on  
Monday, July 10, 2023

The City Council will hold this meeting as a **VIRTUAL** meeting on Monday, July 10, 2023, at 7:45 PM. To view this meeting on Zoom use this link at the above date and time:

<https://newtonma-gov.zoom.us/j/84144765544>

One tap mobile

US: +13017158592, 841 4476 5544 #

Land line

US: +1 301 715 8592

Meeting ID: 841 4476 5544

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 Vimeo channel at:

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

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

### Referred to Land Use Committee

Tuesday June 27, 2023

Present: Councilors Lipof (Chair), Downs, Kelley, Laredo, Lucas, and Markiewicz; absent: Councilors Greenberg and Bowman;

**#224-23**

#### **Class 2 Auto Dealers License**

YES AUTO SALES GROUP INC

454 Watertown Street

Newton, MA 02460

**Land Use Approved 4-0-1 (Councilor Kelley abstaining, and Councilor Downs not voting)**

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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.

- #225-23 Request to allow parking in the front setback and reduced stall depth at 437 Parker Street**  
EDISON ALMEIDA petition for SPECIAL PERMIT/SITE PLAN APPROVAL seeking to allow parking in the front setback by constructing a second parking stall off of Parker Street and to allow a parking stall with reduced stall depth off Howley Avenue at 437 Parker Street, Ward 8, Newton Centre, on land known as Section 81 Block 31 Lot 43, containing approximately 5,376 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 5.1.7.A, 5.1.13, 5.1.7.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Denied 6-0, Public Hearing Closed 6-0**
- #226-23 Request to allow two attached garages accommodating four vehicles with more than 700 square feet total and an oversized dormer at 70 Suffolk Road**  
FRANK VAN DEN BOSCH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct several additions to the dwelling which requires relief for a second attached garage, total garage area, and dimensions of the proposed dormers at 70 Suffolk Road, Ward 7, Chestnut Hill, on land known as Section 63 Block 16 Lot 07, containing approximately 151,183 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 3.4.4.E.1, 3.4.4.H.1, 1.5.4.G.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 6-0, Public Hearing Closed 6-0**
- #195-23 Request to allow ground floor residential use, to allow three stories and a 35.3-foot height, to alter and extend a nonconforming side setback, 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, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Held 7-0; Public Hearing Opened on 06/06/23**  
**Land Use Approved 6-0, Public Hearing Closed 6-0**
- #227-23 Request to allow a 4-unit multi-family dwelling, to extend a nonconforming front setback, dimensional waivers for parking and a retaining wall exceeding four feet in height at 107-109 Elliot Street**  
107-109 ELLIOT STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the dwelling and construct a four-unit three-story multi-family dwelling with garage parking for seven vehicles at 107-109 Elliot Street, Ward 5, Newton Highlands, on land known as Section 51 Block 20 Lot 21, containing approximately 12,189 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 3.4.1, 3.2.6, 7.8.2.C.2, 5.1.8.B.1, 5.1.13, 5.1.8.B.6, 5.4.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 6-0, Public Hearing Closed 6-0**

**#356-22**      **Request to construct elderly housing with services at 11 Florence and 318 Boylston St**  
SELTZERS GARDEN CITY, INC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow Elder Housing with services, to allow a development in excess of 20,000 sq. ft., to allow a five-story building, to allow a retaining wall greater than 4' in height within a setback, to allow free-standing signs, to allow parking within the front setback, and to waive lighting requirements at 11 Florence Street and 318 Boylston Street, Ward 8, Newton, on land known as Section 82 Block 04 Lots 47 and 49, containing approximately 82,946 sq. ft. of land in a district zoned BU2 (318 Boylston Street, to be rezoned to BU4) and MR1 (11 Florence Street, to be rezoned to BU4). Ref: Sec. 7.3.3, 4.4.1, 6.2.10, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 5.4.2.B, 5.1.8.A.1, 5.1.13, 5.1.10.A, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Held 6-0; Public Hearing Opened**

**Referred to Zoning & Planning Committee**

Monday, June 26, 2023

Present: Councilors Crossley (Chair), Albright, Danberg, Wright, Krintzman, Leary, Baker, and Ryan; also present: Councilors Oliver, Greenberg, Lucas, Norton, Kelley, Malakie, Gentile, Markiewicz, Downs, Humphrey, Danberg, Bowman, Noel, Laredo, Lipof, and Kalis

**#38-22**      **Request for discussion and amendments to the Zoning Ordinance and Zoning Map regarding village center districts**

ZONING & PLANNING COMMITTEE requesting review, discussion and amendments relative to Chapter 30 zoning ordinances by adding a new Village Center Overlay District, consisting of four (4) district tiers, by establishing requirements for such District, and requesting amendments to the Zoning Map to include the Village Center Overlay District.

**Zoning & Planning Held 8-0; Public Hearing Continued**

**#39-22**      **Requesting discussion on state guidance for implementing the Housing Choice Bill**

COUNCILOR CROSSLEY on behalf of the Zoning & Planning Committee requesting discussion on state guidance for implementing the Housing Choice element of the MA Economic Development legislation. (formerly #131-21)

**Zoning & Planning Held 8-0**

**Referred to Program & Services Committee**

Wednesday, June 21, 2023

Present: Councilors Krintzman (Chair), Noel, Humphrey, Wright, Baker, Albright, Ryan, and Greenberg; also present: Councilors Norton, Oliver, Kelley, Malakie

**#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)

**Programs & Services Approved 6-0 (Councilors Noel and Baker Not Voting)**

- #145-23 Requesting a Home Rule Petition**  
HER HONOR THE MAYOR requesting a home rule petition and approval for extension of the lease term so that the City can extend its current ground lease with the Newton Community Development Foundation for Warren House for an additional 34 years.  
**Programs & Services Approved 6-0 (Councilors Noel and Baker Not Voting)**
- #231-23 Request to set Early Voting Hours for the September 12 Preliminary Election (if needed.)**  
THE CITY CLERK requesting to set early voting hours for the September 12, 2023 Preliminary Election, if needed, on the following dates, location, and times recommended by the Election Commission: A total of two days; Tuesday September 5, 2023 8:30a-5p and Wednesday September 6, 2023 9a-8p at Newton City Hall, 1000 Commonwealth Avenue, Newton, MA 02459.  
**Programs & Services Approved 6-0 (Councilors Noel and Baker Not Voting)**
- #232-23 Request to set Early Voting Hours for the November 7 Municipal Election**  
THE CITY CLERK requesting to set early voting hours for the November 7, 2023 Municipal Election on the following dates, location, and times recommended by the Election Commission: A total of Five days; Saturday October 28, 2023 11a-5p, Sunday October 29, 2023 11a-5p, Monday October 30, 2023 9a-8p, Tuesday October 31, 2023 8:30a-5p, and Wednesday November 1, 2023 8:30a-5p at Newton City Hall, 1000 Commonwealth Avenue, Newton, MA 02459.  
**Programs & Services Approved as amended 6-0 (Councilors Noel and Baker Not Voting)**
- #233-23 Request to move Ward 1, Precinct 4 Polling Location**  
THE CITY CLERK requesting that the Ward 1, Precinct 4 polling location, currently located at the Pellegrini Playground at 11 Hawthorn St be relocated to a new location.  
**Programs & Services Voted No Action Necessary 6-0 (Councilors Noel and Baker Not Voting)**
- #234-23 Request to move Ward 2, Precinct 1 Polling Location**  
THE CITY CLERK requesting that the Ward 2, Precinct 1 polling location, currently located at the Albemarle Field House at 250 Albemarle Rd be relocated to Scandinavian Living Center on 206 Waltham St.  
**Programs & Services Approved 6-0 (Councilors Noel and Baker Not Voting)**
- #74-23 Requesting a Home Rule Petition**  
COUNCILORS NORTON, HUMPHREY, MALAKIE, LEARY, BOWMAN, DOWNS, LUCAS, KELLEY, ALBRIGHT, RYAN, LAREDO, WRIGHT, LIPOF, AND MARKIEWICZ requesting a home rule petition so that the City can create an ordinance to prohibit the purchase or application of anti-coagulant rodenticides in Newton.  
**Programs & Services Approved 6-0 (Councilors Noel and Baker Not Voting)**

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

#155-23

**Appropriate \$90,000 to a Parks, Recreation & Culture Account**

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of ninety thousand dollars (\$90,000) from acct # 5503R602-590001 B.A.A. Marathon to a Parks, Recreation & Culture Account to fund playground improvements.

**Programs & Services Approved 7-1 (Councilor Noel Opposed)**

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

#155-23(2)

**Appropriate \$50,000 to a Parks, Recreation & Culture Account**

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of fifty thousand dollars (\$50,000) from acct # 5503R602-590001 B.A.A. Marathon to a Parks, Recreation & Culture Account to fund a “Heartbreak Hill” banner.

**Programs & Services Held 6-1-1 (Councilor Ryan Opposed) (Councilor Noel Abstained)**

#370-22

**Discussion on Field Maintenance Plan**

COUNCILORS KRINTZMAN, BOWMAN, KELLEY, LIPOF, KALIS, LAREDO, CROSSLEY, ALBRIGHT, HUMPHREY, LUCAS, MALAKIE, WRIGHT, MARKIEWIZ, NOEL, DOWNS, LEARY, NORTON, OLIVER AND DANBERG requesting a discussion with the Commissioner of Parks, Recreation and Culture about the maintenance plan for our parks, recreation and culture resources, including recreational fields. This discussion should include an articulation of how additional funds based upon a budget increase and newly collected user group field fees in the upcoming fiscal year will be utilized. Time permitting, the discussion should also include a description of the capital projects on recreational fields that the department intends to complete in the upcoming fiscal year.

**Programs & Services Held 8-0**

#63-23

**Request for a discussion with City Staff regarding a cost-benefit analysis on grass fields**

COUNCILORS ALBRIGHT, BAKER, WRIGHT, HUMPHREY AND KELLEY requesting a discussion with the Parks, Recreation, and Culture Department regarding a cost-benefit analysis of grass fields in sufficient quantity to meet Newton’s demand for playing time (by user group; Newton school athletic programs, Newton Youth groups, others) vs additional artificial turf fields. This analysis should include the following; quantification of the current demand for playing fields (hours used by field), description of the scheduling system referencing the availability and cost of alternative systems if needed, quantification of field usage as a percentage of field availability, current land acreage and fields now unusable for play as a result of lack of maintenance funds and the additional annual funds needed to use these fields, the resultant playing time available if all grass fields in Newton are usable vs playing time with the addition of artificial turf at specific planned locations, the location of additional potential grass fields, whether existing or new and the impact of these locations on high school sports including added acquisition and/or transportation costs to access fields not located on high school grounds. In addition, such information should take into account the environmental impact of either artificial turf or grass field choices taking into account such things as disposal of turf, chemical contaminants within turf, and pesticides used on grass. This

discussion should provide information to guide the Council in its decision for future requests for artificial turf fields.

**Programs & Services Held 8-0**

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

#453-22

**Discussion and Creation of Strategic and Operational Plan for Capital Improvements**

COUNCILORS LAREDO, OLIVER, NORTON, LUCAS, WRIGHT, MALAKIE, GENTILE, AND ALBRIGHT requesting a discussion with the Parks, Recreation and Culture Department regarding the creation of a strategic and operational plan for capital improvements to our athletic fields, athletic facilities, and playgrounds. In order to facilitate a productive discussion, ask that we be provided with a single document that lists all of the currently planned capital work (both as set forth in the city's capital improvement plan (CIP) and in the department's annual budgets) prior to the item being discussed. The document should include the following categories: (a) project; (b) anticipated start date; (c) anticipated date of completion; (d) estimated cost; (e) funding source and the anticipated amount from each source; and (f) status of applying for funding.

**Programs & Services Held 8-0**

**Referred to Program & Services Committee**

Wednesday, June 28, 2023

Present: Councilors Krintzman (Chair), Noel, Humphrey, Wright, Baker, Albright, and Ryan; absent: Councilor Greenberg; also present: Councilors Malakie and Gentile

#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.

**Programs & Services Voted No Action Necessary 5-1 (Councilor Wright Opposed) (Councilor Noel Not Voting)**

**Referred to Public Safety & Transportation Committee**

Wednesday, June 21, 2023

Present: Councilors Downs (Chair), Markiewicz, Lipof, Oliver, Lucas, Malakie, Bowman and Grossman; also present: Councilors Norton, Noel and Kelley

**#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.  
**Public Safety & Transportation Held 8-0**

**#149-23 Discussion regarding the residential parking program**  
COUNCILOR DOWNS, LEARY, BOWMAN, MARKIEWICZ, LUCAS AND DANBERG requesting a discussion of the residential parking permit program costs, convenience and pricing.  
**Public Safety & Transportation No Action Necessary 5-0 (Councilors Lipof, Oliver and Lucas not voting)**

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

**#71-22 Requesting an update on the Weston Newton Square Enhancement project**  
COUNCILORS MALAKIE, NORTON, DOWNS, GROSSMAN, WRIGHT, KELLEY, AND NOEL requesting an update on the West Newton Square Enhancement project and discussion with Public Works, Planning, Police and Fire, with opportunity for public input, regarding traffic conditions in and around West Newton Square, status of signal timing and other adjustments, and measurement and mitigation of traffic impacts on neighborhood streets.  
**Public Safety & Transportation Held 6-0 (Councilors Lipof and Bowman not voting)**

**Referred to Public Facilities Committee**

Wednesday, June 21, 2023

Present: Councilors Leary (Chair), Gentile, Crossley, Kelley, Norton, Kalis and Danberg; absent: Councilor Laredo

**#237-23 Eversource petition for Grant of Location in Nevada Street**  
EVERSOURCE ENERGY petitioning for a grant of location to install 154'± of conduit in a westerly direction from new pole #308/30 to the property at #323 Nevada Street. (Ward 1)  
**Public Facilities Approved 6-0 (Councilor Norton not voting)**

**#211-23 Appointment of Jon K Slote to the Citizens Commission on Energy**  
PRESIDENT ALBRIGHT 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)  
**Public Facilities Approved 6-0 (Councilor Norton not voting)**

**#181-23 Appointment of Vincent McKay to the Sustainable Materials Management Commission**  
HER HONOR THE MAYOR appointing Vincent McKay, 67 Canterbury Road, Newton 02461 to the Sustainable Materials Management Commission for a term of office to expire June 12, 2026. (60 days: 07/14/23)  
**Public Facilities Approved 6-0 (Councilor Norton not voting)**

**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.  
**Public Facilities Approved 5-0 (Councilor Norton and Kelley not voting)**

**#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.  
**Public Facilities Approved Subject to Second Call 4-0-1 (Councilor Norton and Kelley not voting and Councilor Gentile abstaining)**

**#180-23** **Discussion regarding the Stormwater Ordinance**  
COUNCILORS NORTON, LEARY, AND LAREDO requesting a discussion regarding the new stormwater ordinance and how the provisions are being enforced which were not finalized when the City Council approved the law, rather the Public Facilities Committee requested that the City Engineer come back to the Committee in a year and provide details on how the new ordinance would be enforced.  
**Public Facilities Held 6-0 (Councilor Kelley not voting)**

**Referred to Zoning & Planning and Public Facilities Committees**

**#48-22** **Requesting an update on the status of implementing the Climate Action Plan**  
PUBLIC FACILITIES and ZONING & PLANNING COMMITTEES requesting an update from the Sustainability Team and appropriate staff on the status of implementing Climate Action Plan measures, expanding municipal energy efficiency and renewable energy programs as follows:  
 Newton Power Choice participation rates, municipal power purchasing contracts for gas and electricity; Solar Power Purchase Agreement including operational and PV installations under construction, municipal energy consumption (DOER report) Green Communities grant funded efficiency projects to date, Energy Coach/ "4 our Future" program and zoning ordinances both to increase building energy efficiency/renewables in the private sector and foster sustainable development patterns. (formerly #324-21)  
**Zoning & Planning Held 6-0 (Councilor Albright not voting) on 10/11/22**  
**Public Facilities Held 6-0 (Councilor Kelley not voting)**

**Referred to Finance Committee**

Monday, June 26<sup>th</sup>, 2023

Present: Councilors Grossman (Chair), Malakie, Humphrey, Norton, Gentile, Oliver, Kalis and Noel



- #238-23**      **Appointment to the Financial Audit Advisory Committee**  
PRESIDENT ALBRIGHT appointing Alexander B. Jablon, 114 Pearl St, Newton, as a member of the FINANCIAL AUDIT ADVISORY COMMITTEE for a term to expire on June 20, 2026. (60 days: 08/19/23)  
**Finance Approved 8-0**
- 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.  
**Public Facilities Approved 5-0 (Councilors Kelley and Norton not voting) on 06/21/23**  
**Finance Approved 8-0**
- #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.  
**Finance Approved 8-0**
- Referred to Programs & Services and Finance Committees**
- #155-23**      **Appropriate \$90,000 to a Parks, Recreation & Culture Account**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of ninety thousand dollars (\$90,000) from acct # 5503R602-590001 B.A.A. Marathon to a Parks, Recreation & Culture Account to fund playground improvements.  
**Programs & Services Approved 7-1 (Councilor Noel Opposed) on 06/21/23**  
**Finance Approved 7-0-1 (Councilor Kalis abstaining)**