



City Council Reports Docket

July 11: Land Use
July 12: Programs and Services
July 19: Public Facilities
July 24: Zoning & Planning
July 25: Land Use
July 31: Zoning & Planning
August 8: Land Use
August 14: Finance and Public Facilities

Page 473
7:45 PM, Hybrid
To be reported on
Monday, August 14, 2023

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Monday, August 14, 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/81711898813>

One tap mobile

US: +13017158592, 817 1189 8813 #

Land line

US: +1 301 715 8592

Meeting ID: 817 1189 8813

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 July 11, 2023

Present: Councilors Lipof (Chair), Downs, Kelley, Laredo, Lucas, and Markiewicz; Absent: Councilors Bowman and Greenberg; Also Present: Councilor Wright

#228-23 Request to further extend a nonconforming 3.5 story single-family dwelling and to exceed FAR at 35 Oak Cliff Road

NELSON AND SALLY DUPERE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a dormer addition in the half story of the nonconforming 3.5-story structure, extending the nonconforming number of stories and exceeding the maximum FAR at 35

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.

Oak Cliff Road, Ward 2, Newtonville, on land known as Section 24 Block 26 Lot 11, containing approximately 6,859 sq. ft. of land in a district zoned Single Residence 2. 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.

Land Use Approved 6-0; Public Hearing Closed 6-0

#229-23

Request to waive seven parking stalls at 12 Austin Street

JP COMELLA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to combine two units currently occupied by retail and personal services uses to operate a 42-seat restaurant which requires a waiver of seven parking stalls at 12 Austin Street, Ward 2, Newtonville, on land known as Section 24 Block 09 Lot 16, containing approximately 5,695 sq. ft. of land in a district zoned Business1. Ref: 7.3.3, 5.1.4, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 6-0; Public Hearing Closed 6-0

#239-23

Request to allow parking in the front setback at 213 Jackson Street

THEODORE AND STEPHANIE SILVERSTEIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the existing attached garage into living space and construct two parking stalls within the front setback at 213 Jackson Street, Ward 6, Newton Centre, on land known as Section 62 Block 25 Lot 15, containing approximately 5,135 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 5.1.7.A, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 6-0; Public Hearing Closed 6-0

Referred to Land Use Committee

Tuesday July 25, 2023

Present: Councilors Lipof (Chair), Kelley, Bowman, Laredo, Downs, and Lucas; Absent: Councilors Markiewicz and Greenberg; Also Present: Councilor Wright

#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.

Land Use Approved 3-2-1 (Councilors Lipof and Kelley opposed and Councilor Bowman Abstaining), Public Hearing Closed 6-0 on 6/13/23

City Council Referred back to Land Use 13-8 (Councilors Baker, Grossman, Humphrey, Kalis, Kelley, Lipof, Noel, and Ryan Opposed and Councilors Bowman, Gentile, and Laredo Absent) on 6/20/23

Land Use Approved Withdrawal without Prejudice 6-0

#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.
Land Use Held 7-0; Public Hearing Opened on 6/6/23
Land Use Approved 6-0; Public Hearing Closed 6-0

#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: 7.3.3of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Held 7-0; Public Hearing Opened on 6/6/23
Land Use Approved 6-0; Public Hearing Closed 6-0

#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: 7.3.3of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Held 7-0; Public Hearing Opened on 6/6/23
Land Use Approved 6-0; Public Hearing Closed 6-0

Referred to Land Use Committee

Tuesday August 8, 2023

Present: Councilors Lipof (Chair), Kelley, Downs, Greenberg, and Laredo; absent: Councilors Bowman, Lucas, and Markiewicz; also present: Councilor Albright, Leary, Humphrey Malakie, and Wright

#242-23 **Request to allow parking in the front setback and within five feet of the front lot line at 97 Waban Hill Road North**
KEVIN BARRY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second driveway on the eastern lot line, resulting in two vehicles within the front setback at 97 Waban Hill Road North, Ward 7, Chestnut Hill, on land known as Section 63 Block 04 Lot 26, containing approximately 6,887 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 5.1.7.A, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Held 5-0; Public Hearing Opened

#261-23 Request to amend Special Permit #113-23 to allow expanded hours of operation for the patio 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 condition 8 of Special Permit 113-23 to allow expanded hours of operation for the patio until 10 PM 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 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 5-0; Public Hearing Closed

#241-23 Request to allow three single-family attached dwellings at 236 Chapel Street
OMAR YOUSSEF petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing dwelling and construct three single-family attached dwellings with dimensional waivers and parking dimensional waivers at 236 Chapel Street, Ward 1, Newton, on land known as Section 12 Block 01 Lot 18, containing approximately 24,897 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 3.4.1, 3.2.4, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Held 5-0; Public Hearing Opened

240-23 Request to allow ground floor residential use, to exceed by right height and stories, and a parking waiver at 290 Watertown Street
290 WATERTOWN ST LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing dwelling and detached garage and construct five residential dwelling units in three buildings with dimensional waivers and allow for a waiver from the required number of parking stalls at 290 Watertown Street, Ward 1, Newton, on land known as Section 11 Block 14 Lot 03, containing approximately 11,473 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 4.4.1, 4.1.2.B.3, 4.1.3, 5.1.4, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Held 5-0; Public Hearing Opened

Referred to Zoning & Planning Committee

Monday, July 24, 2023

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

#205-23 Petition to rezone lots on Charles Street
TERRENCE P. MORRIS, ESQ. petitioning to amend the City of Newton’s Zoning Map by changing the current zoning of the property known as and numbered 132 Charles Street, Newton, Ma, and shown on the City of Newton Assessor’s database as Section 41, Block 06, Lots 14, currently zoned MULTI-RESIDENCE 1 and MANUFACTURING, and Section 41, Block 06, Lot 26, currently zoned MANUFACTURING, to MIXED USE 1.
Zoning & Planning Held 7-0 (Councilor Baker Not Voting); Public Hearing Closed

#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 possible ordinance amendments relative to Chapter 30 zoning ordinances pertaining to Mixed Use, business districts and village districts relative to the draft Zoning Ordinance. (formerly #88-20)
Zoning & Planning Held 8-0; Public Hearing Continued

#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.
Zoning & Planning Held 8-0; Public Hearing Set for 09/11/23

#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 Zoning & Planning Committee

Monday, July 31, 2023

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

#245-23 Appointment of Jane Obbagy to the Economic Development Commission
HER HONOR THE MAYOR appointing Jane Obbagy, 28 Lenox Street, Newton as a member of the Economic Development Commission for a term of office to expire on September 11, 2026. (60 Days: 09/08/23)
Zoning & Planning Approved 7-0 (Councilor Danberg Not Voting)

#205-23 Petition to rezone lots on Charles Street
TERRENCE P. MORRIS, ESQ. petitioning to amend the City of Newton's Zoning Map by changing the current zoning of the property known as and numbered 132 Charles Street, Newton, Ma, and shown on the City of Newton Assessor's database as Section 41, Block 06, Lots 14, currently zoned MULTI-RESIDENCE 1 and MANUFACTURING, and Section 41, Block 06, Lot 26, currently zoned MANUFACTURING, to MIXED USE 1.
Zoning & Planning Approved 6-0-2 (Councilors Krintzman and Ryan Abstaining)

- #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 possible ordinance amendments relative to Chapter 30 zoning ordinances pertaining to Mixed Use, business districts and village districts relative to the draft Zoning Ordinance. (formerly #88-20)
Zoning & Planning Held 8-0
- #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
- #246-23 Appointment of Anthony Ciccariello as Commissioner of Inspectional Services**
HER HONOR THE MAYOR appointing ANTHONY CICCARIELLO as COMMISSIONER OF INSPECTIONAL SERVICES pursuant to Sec 3-3 of the City Charter. (30 Days: 08/09/23)
Zoning & Planning Approved 8-0
- #243-23 Reappointment of Kathryn Cade to the Conservation Commission**
HER HONOR THE MAYOR reappointing Kathryn Cade, 195 Islington Road, Auburndale as a full member of the Conservation Commission for a term of office to expire on July 31, 2026. (60 Days: 09/08/23)
Zoning & Planning Approved 8-0
- #244-23 Reappointment of Jeffrey Riklin to the Newton Upper Falls Historic District Commission**
HER HONOR THE MAYOR reappointing Jeffrey Riklin, 37 High Street, Newton Upper Falls as a full member of the Newton Upper Falls Historic District Commission for a term of office to expire on July 31, 2026. (60 Days: 09/08/23)
Zoning & Planning Approved 8-0

Referred to Program & Services Committee

Wednesday, July 12, 2023

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

- #235-23 Appointment of Maruta Vitols as a Jackson Homestead Trustee**
HER HONOR THE MAYOR appointing Maruta Vitols, 161 Homer Street, Newton Centre as a Trustee of the Jackson Homestead for a term of office to expire on July 10, 2026. (60 Days: 08/19/23)
Programs & Services Approved 6-0

- #66-23** **Discussion and possible amendment to Sec. 12-72**
COUNCILORS DANBERG, LEARY, GREENBERG, ALBRIGHT, NORTON, KELLEY, MALAKIE, WRIGHT, MARKIEWICZ, CROSSLEY, DOWNS, NOEL, BOWMAN, RYAN, KALIS, LIPOF, OLIVER, HUMPHREY, AND LUCAS requesting discussion and possible amendment to Section 12-72 “Sustainable Containers, Packaging and Single Use Ordinance” to further reduce the amount of single use plastic in Newton.
Programs & Services Held 6-0
- #248-23** **Reappointment of Michael Flaherty to the Health and Human Services Advisory Council**
HER HONOR THE MAYOR reappointing Michael Flaherty, 17 Glastonbury Oval, Waban as a member of the Health and Human Services Advisory Council for a term of office to expire on January 1, 2026. (60 Days: 09/08/23)
Programs & Services Approved 6-0
- #249-23** **Reappointment of Matthew Stafford to the Health and Human Services Advisory Council**
HER HONOR THE MAYOR reappointing Matthew Stafford, 40 Belmore Park, Newton as a member of the Health and Human Services Advisory Council for a term of office to expire on January 1, 2025. (60 Days: 09/08/23)
Programs & Services Approved 6-0
- #250-23** **Reappointment of Asa Fanelli to the Health and Human Services Advisory Council**
HER HONOR THE MAYOR reappointing Asa Fanelli, 8 Kerry Court, Newton as a member of the Health and Human Services Advisory Council for a term of office to expire on January 1, 2025. (60 Days: 09/08/23)
Programs & Services Approved 6-0
- #251-23** **Reappointment of Joanna Josephson as a Newton Library Trustee**
HER HONOR THE MAYOR reappointing Joanna Josephson, 141 Blake Street, Newton as a Newton Library Trustee for a term of office to expire on January 1, 2025. (60 Days: 09/08/23)
Programs & Services Approved 6-0

Referred to Public Facilities Committee

Wednesday, July 19, 2023

Present: Councilors Leary (Chair), Kalis, Crossley, Kelley, Laredo and Danberg; absent: Councilors Norton and Gentile; Also Present: Councilors Humphrey, Downs and Bowman

- #255-23** **Eversource petition for Grant of Location in Boylston Street**
EVERSOURCE ENERGY petitioning for a grant of location to install 1350'+ of conduit east of Hammond Pond Parkway and relocate pole 418/8-S approximately 3 feet west of current location to support road construction in the area. (Ward 7)
Public Facilities Held 6-0

#134-23 Approval on roadway infrastructure improvements for Elliot Street Traffic Calming Project

HER HONOR THE MAYOR requesting the approval to make changes to roadway infrastructure as part of the Elliot Street Traffic Calming Project in Newton Upper Falls. The installation of a new crosswalk with a flashing beacon, intersection realignment, changes to roadway width, and creation of sidewalk-level bike lane requires the approval of the Public Facilities Committee.

Public Facilities Held 8-0 on 5/17/23

Public Facilities Approved 4-0-2 (Councilors Kelley and Kalis Abstaining)

#254-23 Reappointment of Jonathan Kantar to the Citizens Commission on Energy

HER HONOR THE MAYOR reappointing Jonathan Kantar, 672 Chestnut Street, Waban to the Citizens Commission on Energy for a term of office to expire June 15, 2026. (60 days: 09/08/23)

Public Facilities Approved 6-0