



City Council Reports Docket

September 19: Land Use
September 20: Programs & Services and Public
Safety & Transportation
September 26: Zoning & Planning
September 28: Finance

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7:45 PM, Hybrid
To be reported on
Monday, October 2, 2023

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Monday, October 2, 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/82123849872>

One tap mobile

US: +13092053325, 821 2384 9872#

Land line

+1 309 205 3325 US

Webinar ID: 821 2384 9872

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 Items to be Acted Upon

Unfinished Council Business

Referred to Zoning & Planning Committee

#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 Approved 7-1 (Councilor Baker Opposed); Public Hearing Closed Item Chartered by Councilor Lipof on September 18, 2023

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.

Referred to Land Use Committee

Tuesday, September 19, 2023

Present: Councilors Lipof (Chair), Kelley, Bowman, Downs, Greenberg, Laredo, Lucas, and Markiewicz;
also Present: Councilors Albright, Malakie, Norton, Oliver, and Wright

- #264-23 Request to amend the site plan associated with Special Permit #179-15 and parking waivers at 1349 Centre Street**
MYRTHA CHANG petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend the site plan associated with the special permit and to allow dimensional relief for the additional paved parking area at 1349 Centre Street, Ward 6, Newton Centre, on land known as Section 51 Block 04 Lot 03, containing approximately 10,579 sq. ft. of land in a district zoned BUSINESS 2. Ref: Sec. 7.3.3, 5.1.8.A.1, 5.1.13, 5.1.9.A, 5.1.10.A of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Held 7-0 (Councilor Downs Not Voting); Public Hearing Opened on 8/22/23
Land Use Approved 5-0-3 (Councilor Downs, Kelley, and Laredo Abstaining); Public Hearing Closed 8-0
- #284-23 Request to further extend two nonconforming front setbacks at 147 Cherry Street**
KATE SHAUGHNESSY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a deck connecting porches on each street front, further extending the nonconforming front setbacks at 147 Cherry Street, Ward 3, West Newton, on land known as Section 34 Block 37 Lot 12, containing approximately 7,706 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 8-0; Public Hearing Closed 8-0
- #285-23 Request to extend a nonconforming side setback for a detached garage at 75 Royce Road**
DAN HAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to expand a detached garage toward the rear property line, further extending a nonconforming side setback at 75 Royce Road, Ward 2, Newton Centre, on land known as Section 24 Block 41 Lot 19, containing approximately 22,995 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. 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.
Land Use Held 7-0 (Councilor Laredo Recused); Public Hearing was Opened
- #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 10,268 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 on 08/08/2023
Land Use Approved 6-1-1 (Councilor Lucas Opposed and Councilor Markiewicz Abstained); Public Hearing Closed 8-0

- #286-23 Request to allow a for-profit educational use and to waive 19 parking stalls at 60 Highland Street**
THE SECOND CHURCH IN NEWTON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow for-profit and non-profit educational tenants in a section of the Church building known as the “Annex,” and waive 19 parking stalls at 60 Highland Street, Ward 3, West Newton, on land known as Section 32 Block 04 Lot 01, containing approximately 108,768 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 4.4.1, 6.3.14.B.1.b, 6.3.14.B.2, 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 8-0
- #287-23(A) Request to amend Special Permit #96-17 by increasing the parking waiver from 97 stalls to 172 stalls at 839-853 Washington Street**
WASHINGTON PLACE OWNER LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend the special permit to allow non-accessory parking, to allow assigned parking, and to increase the parking waiver at 839-853 Washington Street, Ward 2, Newtonville, on land known as Section 21 Block 29 Lot 10, containing approximately 123,628 sq. ft. of land in a district zoned MIXED USE 4. Ref: 7.3.3, 4.4.1, 5.1.4, 5.1.13, 5.1.3.E of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 7-0 (Councilor Downs Not Voting); Public Hearing Closed 7-0 (Councilor Downs Not Voting)
- #287-23(B) Request to amend Condition #3 of Special Permit #179-19 at 839-853 Washington Street**
WASHINGTON PLACE OWNER LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to modify the definition of “formula business” as it relates to Condition #3 at 839-853 Washington Street, Ward 2, Newtonville, on land known as Section 21 Block 29 Lot 10, containing approximately 123,628 sq. ft. of land in a district zoned MIXED USE 4. Ref: 7.3.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Held 8-0; Public Hearing Opened 8-0
- #355-22 Request to Rezone 2 parcels to BU4**
SELTZERS GARDEN CITY, INC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone 2 parcels as follows: 11 Florence Street (Section 82 Block 04 Lot 49) from MULTI RESIDENCE 1 to BUSINESS USE 4; and 318 Boylston Street (Section 82 Block 04 Lot 47) from BUSINESS USE 2 to BUSINESS USE 4.
Land Use Held 5-0; Public Hearing Continued on 7/19/22
Land Use Held 8-0; Public Hearing Continued on 09/19/23
- #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 5-0; Public Hearing Continued on 07/19/22

Land Use Held 6-0; Public Hearing Continued on 06/27/23

Land Use Held 8-0; Public Hearing Continued on 09/19/23

Referred to Zoning & Planning Committee

Tuesday, September 26, 2023

Present: Councilors Crossley (Chair), Albright, Danberg, Wright, Krintzman, Leary, Baker, and Ryan; also present: Councilors Oliver, Greenberg, Lucas, Norton, Malakie, Gentile, Markiewicz, Downs, Humphrey, 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, and requesting amendments to the Zoning Map to include the Village Center Overlay District.

Zoning & Planning Held 8-0; Public Hearing Closed

#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 Programs & Services Committee

Wednesday, September 20, 2023

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

Referred to Programs & Services and Finance Committees

#411-22 Request for Amendment to Chapter 21, Art III Trees to extend tree protection and update permits

COUNCILORS MALAKIE, NORTON, LEARY, RYAN, WRIGHT, LUCAS, HUMPHREY, BOWMAN, MARKIEWICZ, OLIVER, DOWNS, LAREDO, AND GROSSMAN requesting revisions and amendments to Chapter 21, Art. III Trees (sec. 21-60 through 21-89) to extend tree protection to all trees 6 inches DBH (diameter at breast height) and greater within the City (with no exempt lots); to update tree removal permits, fees, and compensation; and to strengthen protection for existing and replacement trees.

Programs & Services Held 7-0

Referred to Programs & Services and Finance Committees

#412-22

Request for Review and Amendments to Chapter 21, Art. III, Division 3

HER HONOR THE MAYOR requesting review and amendments to Chapter 21, Art. III, Division 3, Tree Preservation to increase replacement requirements for larger trees, add protections for smaller trees, limit removal of trees without replacement, enhance procedures for protecting trees, increasing payment required for trees cut without replacement, protect trees on lots adjacent to construction, provide Tree Warden with additional professional input on trees on private properties.

Programs & Services Held 7-0

#300-23

Request for Confirmatory Order of Taking for Webster Woods

HER HONOR THE MAYOR requesting a Confirmatory Order of Taking for Webster Woods and a litigation update from the Law Department.

Programs & Services Approved 7-0

Referred to Public Safety & Transportation Committee

Wednesday, September 20, 2023

Present: Councilors Downs (Chair), Markiewicz, Oliver, Lucas, Lipof, Malakie, Bowman and Grossman

#271-23

Appeal of Traffic Council Decision TC30-23

COUNCILOR MALAKIE on behalf of Matthew Chao, 95 Columbia Avenue, appealing the approval of Traffic Council petition TC30-23 on July 13, 2023 for changes to the parking regulations on Columbia Avenue, in order to install bicycle accommodations. (Ward 8)

Public Safety & Transportation Denied 7-0-1, Councilor Malakie abstaining

#270-23

Appeal of Traffic Council Decision TC35-23

ILIJA JOVANOVIĆ, 131 Farwell Street, appealing the approval of Traffic Council petition TC35-23 on July 13, 2023 for prohibiting parking at all times along the following areas of Farwell Street: south and west side from a point 170 feet west of Farwell Circle to North Street (southerly intersection). (Ward 3)

Public Safety & Transportation voted to Remand to Traffic Council for Further Review 8-0

Referred to Finance Committee

Thursday, September 28, 2023

Present: Councilors Grossman (Chair), Malakie, Humphrey, Norton, Gentile, Oliver, and Kalis; absent: Councilor Noel; also present: Councilors Albright, Lucas, Laredo, Greenberg, Ryan and Crossley

#273-23

Authorization to accept and expend the sum of five thousand dollars (\$5,000) and to accept two pieces of artwork for the Department of Senior Services

HER HONOR THE MAYOR requesting authorization to accept and expend the sum of five thousand dollars (\$5,000) and to accept two pieces of real property (artwork) for the Department of Senior Services.

Finance Approved 6-0 (Councilor Gentile Not Voting)**#274-23 Authorization to appropriate and expend \$10,831.12 from Handicapped Parking (H-P.)****Fines-Disability Commission Receipts Reserved for Appropriations Account to supplement funds being used at Williams Elementary School**

HER HONOR THE MAYOR requesting authorization to appropriate and expend ten thousand, eight hundred, thirty-one dollars and twelve cents (\$10,831.12) from Handicapped Parking (H-P.) Fines-Disability Commission Receipts Reserved for Appropriations Account 5500-335518, to supplement funds being used at Williams Elementary School to purchase and install accessible play equipment and accessible picnic tables in the school playground.

Finance Approved 7-0**#275-23 Requesting authorization to accept and expend the sum of \$427,454.54 from an Assistance to Firefighter Grant**

HER HONOR THE MAYOR requesting authorization to accept and expend the sum of four hundred twenty-seven thousand, four hundred fifty-four dollars and fifty-four cents (\$427,454.54) from an Assistance to Firefighter Grant (AFG) through the Department of Homeland Security/FEMA. The grant funding awarded is going to be used by the Newton Fire Department to conduct Officer Training courses, Health and Wellness, RIT Training, to purchase new RIT Packs and a new cascade breathing air system.

Finance Approved 7-0**#306-23 Establish and Appropriate funds to an Operations Booster Stabilization Fund**

HER HONOR THE MAYOR requesting authorization to Establish an "Operations Booster Stabilization Fund" to pay for a portion of the annual general fund appropriations for the City's pension system; appropriate the sum of \$20,500,000 Overlay Surplus as declared by the City's Board of Assessors to the Operations Booster Stabilization Fund; and transfer the sum of \$5,513,000 from Acct 01C10701-576300 Appellate tax Board Interest and Penalties Fund to the Operations Booster Stabilization Fund.

Finance Denied Motion to Approve Subject to Second Call 3-4-1 (Councilors Humphrey, Malakie, Oliver and Noel Opposed, Councilor Gentile Abstaining) on 9/11/2023

City Council voted to recommit to the Finance Committee 22-2-2 (Councilors Grossman and Kalis opposed and Councilors Markiewicz and Norton Absent) on 09/18/2023

Finance Held 5-2 (Councilors Grossman and Norton Opposed)