



City Council Reports Docket

October 17: Land Use
October 18: Programs & Services, and Public
Facilities
October 23: Zoning & Planning and Finance
October 24: Land Use

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7:45 PM, Hybrid
To be reported on
Monday, November 6, 2023

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Monday, November 6, 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/82805532060>

One tap mobile

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Webinar ID: 828 0553 2060

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

Referred to Land Use Committee

Tuesday, October 17, 2023

Present: Councilors Kelley (Vice Chair), Bowman, Downs, Greenberg, Laredo, Lucas, and Markiewicz;
absent: Councilor Lipof; also present: Councilor Gentile

#316-23

Request to further extend nonconforming FAR at 211 Dorset Road

SCOTT PRUSHIK AND KEREN LADIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a one-story addition in the footprint of a rear deck which will further extend the nonconforming FAR at 211 Dorset Road, Ward 5, Waban, on land known as Section 55 Block 10 Lot 24, containing approximately 12,070 sq. ft. of land in a district zoned

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.

SINGLE RESIDENCE 2. Ref: Sec. 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.

Land Use Approved 6-0 (Councilor Laredo Not Voting); Public Hearing closed 6-0 (Councilor Laredo Not Voting)

#263-23 Request to change from a nonconforming two-family dwelling use to two single-family dwellings on one lot at 373 Lexington Street

JON HOLLINGSWORTH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the existing nonconforming two-family dwelling into a single-family dwelling and to convert the accessory building into a second single-family dwelling where the City Council determines the dimensional controls at 373 Lexington Street, Ward 4, Auburndale, on land known as Section 41 Block 17 Lot 12, containing approximately 10,030 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 3.4.1, 7.8.2.C.2, 3.1.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 8-0; Public Hearing Opened on 08/22/23

Land Use Held 6-0 (Councilor Laredo Not Voting); Public Hearing Continued

#318-23 Request to allow three single-family attached dwellings at 0 Jewett Place and 15-17 Jewett Place

NAZZARENO AND LETIZIA DELICATA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing dwelling and construct three single-family attached dwellings at 0 Jewett Place and 15-17 Jewett Place, Ward 1, Newton, on land known as Section 11 Block 25 Lots 10 and 11, containing approximately 13,300 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3, 3.4.1, 3.2.4, 5.4.2.B, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved Subject to Second Call 6-0 (Councilor Laredo Abstaining); Public Hearing Closed 6-0 (Councilor Laredo Abstaining)

#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 on 08/08/23

Land Use Approved 7-0; Public Hearing Closed 7-0

#317-23 Request to allow six single-family attached dwellings in three buildings at 280 Nevada Street

280 Nevada LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing dwelling and construct six single-family attached dwellings in three separate structures at 280 Nevada Street, Ward 1, Newtonville, on land known as Section 14 Block 08 Lot 12, containing approximately 29,550 sq. ft. of land in a district zoned MULTI

RESIDENCE 1. Ref: Sec. 7.3.3, 3.4.1, 3.2.4, 5.1.8.A.1, 5.1.13, 5.1.8.C, 5.1.9, 5.1.10.A, 5.4.2.B, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 7-0; Public Hearing Closed 7-0

Referred to Land Use Committee

Tuesday, October 24, 2023

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

#327-23 Request for Extension of Time to Exercise Special Permit #414-22 at 35 Bracebridge Road

ANDREA ROMAN petition for Extension of Time to September 18, 2025 to Exercise Special Permit Council Order #414-22 to raze and construct a new detached garage as well as replace the rear deck further extending nonconforming FAR, further reducing and extending a nonconforming a side setback for an accessory structure and further reducing nonconforming separation between the accessory and principal buildings at 35 Bracebridge Road, Ward 6, Newton, on land known as Section 64 Block 16 Lot 16, containing approximately 11,425 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, 3.4.3.A.1, 3.4.3.A.2 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 7-0

#328-23 Request to amend Special Permit #67-20 to allow a Medical Marijuana Treatment Center at 1089 Washington Street

GREEN RE WEST NEWTON LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #67-20 to allow a medical marijuana treatment center (formerly known as Registered Marijuana Dispensary or “RMD”) at 1089 Washington Street, Ward 3, West Newton, on land known as Section 31 Block 09 Lot 07, containing approximately 25,122 sq. ft. of land in a district zoned BUSINESS2. Ref: Sec. 7.3.3, 6.10.3.D, 4.4.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 7-0; Public Hearing Opened

#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

Land Use Approved 7-0; Public Hearing Closed 7-0

- #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 5-0; Public Hearing Continued on 7/19/22
Land Use Held 6-0; Public Hearing Opened on 6/27/23
Land Use Held 8-0; Public Hearing Continued on 09/19/23
Land Use Approved 7-0; Public Hearing Closed 7-0

Referred to Zoning & Planning Committee

Monday, October 23, 2023

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

Referred to Zoning & Planning and Finance Committees

- #276-23** **CPC Recommendation to appropriate \$1,967,119 in CPA funding**
COMMUNITY PRESERVATION COMMITTEE recommending appropriation of one million nine hundred sixty seven thousand, one hundred and nineteen dollars (\$1,967,119) in Community Preservation Act funding be appropriated, with \$562,034 to come from the FY24 Community Housing Reserve Account and \$1,405,085 to come from FY24 Unrestricted Funding Account, to the control of the Planning & Development Department to provide funding to the Newton Affordable Housing Trust for future projects that meet one or more of the CPA’s eligible funding categories for Community Housing projects.
Zoning & Planning Approved 7-0
- #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 Approved 5-1-1 (Councilor Wright Opposed) (Councilor Baker Abstained)
- #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)
- Action:** **Zoning & Planning Held 7-0**

Referred to Programs & Services Committee

Wednesday, October 18, 2023

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

#314-23 **Discussion and Possible Creation of Ordinance Regarding Vibration Control Measures**
HER HONOR THE MAYOR requesting the discussion and possible creation of an ordinance that would require control measures for construction activities that cause vibrations in both by-right and special permit projects.
Programs & Services Held 6-0

#88-22 **Request for a study on construction vibration standards**
COUNCILORS ALBRIGHT, BAKER, BOWMAN, DOWNS, GREENBERG, HUMPHREY, LAREDO, LEARY, MALAKIE, NORTON, RYAN based on the Washington Place Liaison Committee recommendations, requesting the study, analysis, review of vibration standards related to construction projects as they affect neighboring buildings. The outcome of this analysis could be an amendment to Chapter 20, Sec. 13-22 Noise, to include a vibration section in construction projects.
Programs & Services Held 6-0

Referred to Public Facilities Committee

Wednesday, October 18th

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

#320-23 **Request for a grant of location in Grove Street**
VERIZON NEW ENGLAND INC. requests permission to lay and maintain underground conduits, with the wires and cables to be placed therein, under the surface of the following public way or ways:

- Place one new four- inch (4”) conduit approximately 4’ westerly from existing pole, P.185/34 to private property. Said pole is located on the westerly side of Grove Street.
- Place two new four- inch (4”) conduits approximately 1132’ southwesterly from existing pole, P.185/34 to the City/DOT jurisdiction line. Said pole is located on the westerly side of Grove Street.
- This petition is necessary to relocate facilities for the MBTA.

Public Facilities Held 6-0 (Councilors Danberg and Laredo Not Voting); Public Hearing Opened on 10/04/23
Public Facilities Voted No Action Necessary 6-0 (Councilor Norton not voting)

#321-23 **Request for a grant of location in Chestnut Hill Road**
NATIONAL GRID petition for a grant of location to install and maintain gas main in Chestnut Hill Road as follows:

- 325'+ of 8" plastic in Chestnut Hill Road from the existing 12" Cast Iron in Beacon St to replace 325' of 6" cast iron.
- 420' + of 4" plastic main in Chestnut Hill Ter from Chestnut Hill Rd and Gate House Rd to replace 420' of 6" cast iron.
- 40' + of 8" plastic in the intersection of Chestnut Hill Rd and Gate House Rd to replace 40' of 6" cast iron.

Public Facilities Held 7-0 (Councilor Danberg Not Voting); Public Hearing Opened on 10/04/23

Public Facilities Held 7-0; Public Hearing Closed

#332-23

Discussion on the Sustainable Materials Management Division

COUNCILOR LEARY requesting the Sustainable Materials Management Director provide an update to the Public Facilities Committee on her report titled, Recommendations to Rethink Curbside Collection Services.

Public Facilities Held 7-0

#323-23

Request for discussion on Countryside Elementary, Lincoln Eliot, Franklin, and Horace Mann Elementary School Projects

HER HONOR THE MAYOR on behalf of the Commissioner of Public Buildings requests a discussion to provide an update on the Countryside Elementary School Building Project. Commissioner of Public Buildings will also provide a brief status update on the Lincoln-Eliot, Franklin, and Horace Mann Elementary School Projects.

Public Facilities Held 7-0

Referred to Public Facilities and Finance Committees

#326-23

Appropriate funds for Phase III of the Gath Memorial Renovation Project

COMMUNITY PRESERVATION COMMITTEE requesting authorization to appropriate and expend the sum of one million, two hundred thousand dollars (\$1,200,000) for a total of seven million, thirty four thousand and three hundred and sixty two dollars (\$7,034,362), issuing any bonds or notes that may be necessary for that purpose, as authorized by General Laws Chapter 44B, Sect. 11, or any other general or special law, for a period of 30 years, with all proceeds to be the deposited in the Community Preservation Act fund established under the control of the Planning & Development Department to complete Phase III of the Gath Memorial Renovation Project, which includes all remaining design and construction work necessary to renovate and replace the existing facility according to the approved plans.

Finance Approved 6-0 on 10/23/23

Public Facilities Approved 7-0

Referred to Public Facilities and Finance Committees

#334-23

Request to transfer \$300,000 from Reserve Funds-Budget Reserve – Phase III Gath Memorial Pool Renovation Project

HER HONOR THE MAYOR requesting authorization to transfer and expend the sum of three-hundred thousand dollars (\$300,000) from Acct # 0110498-579400 – Reserve Funds-Budget Reserve, to complete the Phase III Gath Memorial Pool Renovation,

including the FF&E and contingency.

Finance Approved as Amended to Account #0110498-579000 6-0 on 10/23/23

Public Facilities Approved 7-0

Referred to Finance Committee

Monday October 23, 2023

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

Referred to Public Facilities and Finance Committees

#326-23

Appropriate funds for Phase III of the Gath Memorial Renovation Project

COMMUNITY PRESERVATION COMMITTEE requesting authorization to appropriate and expend the sum of one million, two hundred thousand dollars (\$1,200,000) for a total of seven million, thirty four thousand and three hundred and sixty two dollars (\$7,034,362), issuing any bonds or notes that may be necessary for that purpose, as authorized by General Laws Chapter 44B, Sect. 11, or any other general or special law, for a period of 30 years, with all proceeds to be deposited in the Community Preservation Act fund established under the control of the Planning & Development Department to complete Phase III of the Gath Memorial Renovation Project, which includes all remaining design and construction work necessary to renovate and replace the existing facility according to the approved plans.

Public Facilities Approved 7-0 on 10/18/23

Finance Approved 6-0

Referred to Public Facilities and Finance Committees

#334-23

Request to transfer \$300,000 from Reserve Funds-Budget Reserve – Phase III Gath Memorial Pool Renovation Project

HER HONOR THE MAYOR requesting authorization to transfer and expend the sum of three-hundred thousand dollars (\$300,000) from Acct # 0110498-579400 – Reserve Funds-Budget Reserve, to complete the Phase III Gath Memorial Pool Renovation, including the FF&E and contingency.

Public Facilities Approved 7-0 on 10/18/23

Finance Approved as Amended to Account #0110498-579000 6-0