



City Council Actions
In City Council
Monday, August 14, 2023

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

Absent: Councilor Bowman

Clerk's Note: The full Council meeting can be viewed on the following link:
<https://www.youtube.com/watch?v=SAyu6fhkp8M&list=PLqJiDbsvfNjWDZBeyh6bGp4ZmOCnq-pDR&index=6>

The City Council discussed the following items on Second Call:

#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)

Councilor Gentile made a Motion to Charter this item; item chartered.

Clerk's Note: Councilor Gentile put this on Second Call, noting that, in the past, homeowners usually extended the courtesy of involving City Councilors more, when it came to zoning matters, e.g., via a site visit, but that this practice is happening less and less. Councilor Gentile stated that he did not have enough information to vote on this item, and he put forth a Charter on this item.

The City Council voted without discussion 23 Yeas, 0 Nays, 1 Absent, to Accept the Committee Recommendations on the following:

#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 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
- #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
- #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
- #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)
- #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
- #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
- #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
- #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

The City Council voted without discussion 21 Yeas, 2 Nays (Councilors Gentile, Kelley), 1 Absent, to Accept the Committee Recommendations on the following:

#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)

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

Referred to Zoning & Planning Committee

#277-23 Appointment of Peter Leis to the Newton Historical Commission

HER HONOR THE MAYOR appointing Peter Leis, 350 Cabot Street, Newtonville as an alternate member of the Newton Historical Commission for a term of office set to expire on April 19, 2025. (60 Days: 10/13/2023)

Referred to Zoning & Planning Committee

#278-23 Reappointment of John Rice to the Newton Historical Commission

HER HONOR THE MAYOR appointing John Rice, 9 Selden Street, Waban as an at-large member of the Newton Historical Commission for a term of office set to expire on September 30, 2026. (60 Days: 10/13/2023)

Referred to Zoning & Planning Committee

#279-23 Reappointment of Doug Cornelius to the Newton Historical Commission

HER HONOR THE MAYOR appointing Doug Cornelius, 15 Lockwood Road, West Newton as an at-large member of the Newton Historical Commission for a term of office set to expire on July 31, 2026. (60 Days: 10/13/2023)

Referred to Programs & Services Committee

#280-23 Appointment of Paul Holt as a Newton Library Trustee

HER HONOR THE MAYOR appointing Paul Holt, 75 Andrew St, Newton as a Newton Library Trustee for a term of office set to expire on June 30, 2026. (60 Days: 10/13/2023)

Referred to Programs & Services Committee

#281-23 Appointment of Susan Harvey as a Newton Library Trustee

HER HONOR THE MAYOR appointing Susan Harvey, 146 Oliver Road, Newton as a Newton Library Trustee for a term of office set to expire on June 30, 2027. (60 Days: 10/13/2023)

Referred to Public Safety & Transportation Committee

#282-23 Discussion and ordinance change to Section 19-49 Temporary Parking Permits

COUNCILORS NORTON, LUCAS AND ALBRIGHT requesting discussion and ordinance change to **Section 19-49 Temporary Parking Permits**, to give police more discretion in distributing temporary permits and reduce hardships especially on tradespersons and contractors.

Referred to Public Facilities Committee

- #283-23** **Requesting a discussion with the Department of Public Works, the Department of Parks and Recreation, and the Conservation Commission regarding the condition of, and potential improvements to the stormwater infrastructure in Edmands Park**
COUNCILORS NORTON, LUCAS, MALAKIE, and LAREDO requesting a discussion with the Department of Public Works, the Department of Parks and Recreation, and the Conservation Commission regarding the condition of, and potential improvements to the stormwater infrastructure in Edmands Park. This discussion should also include (a) which city department(s) are responsible for the Park; (b) flooding issues from the Park to neighboring properties; (c) the condition of the Parks infrastructure, including the liner that was installed in the pond in the 1970s; and (d) how improvements to the Park could be part of the city's phosphorus reduction plan.

Motion to suspend the Rules to accept an item for which there is no written report

Referred to Public Facilities Committee

Public Hearing to be Assigned for July 19th, 2023

- #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)

Referred to Finance Committee

- #256-23** **Acceptance of \$150,000 from the Massachusetts State Budget**
HER HONOR THE MAYOR requesting authorization to accept and expend the sum of one hundred and fifty thousand dollars (\$150,000) earmarked in the 2022 State Economic Development Bill for Newton's Bluebikes system.
- #257-23** **Acceptance of grant funding for the Marty Sender Greenway Phase 2 Restoration Project**
HER HONOR THE MAYOR requesting authorization to accept and expend the sum of fifty thousand dollars (\$50,000) from the National Recreation and Park Association's 2023 Danaher Biodiversity Grant Program to the Department of Parks, Recreation and Culture for the Marty Sender Greenway Phase 2 Restoration project.
- #258-23** **Transfer \$200,000 to the Newton Communications Access Center, Inc. (NewTV)**
HER HONOR THE MAYOR requesting authorization to transfer and expend a sum of two hundred thousand dollars (\$200,000) from the PEG Access and Cable Related Fund to the Newton Communications Access Center, Inc (NewTV) to support public, educational, and governmental access cable television services and this financial strategy.

- #260-23** **Acceptance of \$1,250,000 from the Massachusetts State Budget**
HER HONOR THE MAYOR requesting authorization to accept and expend the sum of one million two hundred and fifty thousand dollars (\$1,250,000) earmarked in the 2022 State Economic Development Bill for the Christina Street Bridge and Path Project.

Public Hearings were assigned for the following Items:

Referred to Land Use Committee

Public Hearing Assigned for August 22, 2023

- #259-23** **Request for a special permit to reduce required lot area by 5% at 52 Sharpe Road**
EDWARD AND LANA LUKATSKY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow for a 5% reduction in the lot area requirement at 52 Sharpe Road, Ward 8, Newton Centre, on land known as Section 81 Block 11 Lot 15, containing approximately 14,351 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 3.1.3, 7.8.4.E of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Assigned for August 22, 2023

- #262-23** **Request to waive the separation requirement for a historic detached accessory apartment, to further extend nonconforming height and footprint and to exceed FAR at 193 Lake Avenue**
ROBERT AND LAURA KAY HUGHES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to renovate and expand the detached accessory building for use as an accessory apartment with dimensional waivers at 193 Lake Avenue, Ward 6, Newton Highlands, on land known as Section 52 Block 17 Lot 05, containing approximately 26,818 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 6.7.1.E.7.B, 3.4.3.A.3, 3.4.3.A.4, 7.8.2.C.2, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearings were assigned for the following Items:

Referred to Land Use Committee

Public Hearing Assigned August 22, 2023

- #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.

Public Hearing Assigned August 22, 2023

- #264-23 Request to amend the site plan associated with Special Permit #179-15 at 1349 Centre Street**
MYRTHA CHANG petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend the site plan associated with the special permit to reflect additional paving on site 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 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Assigned August 22, 2023

- #265-23 Request to extend a nonconforming residential use to allow a 3-unit multi-family dwelling, to extend nonconforming front, side and rear setbacks, to allow up to 36 feet in height, and waivers for parking at 43 Crafts Street**
KOSHER K LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing dwelling and construct a three-story, three-unit multi-family dwelling with surface parking for three vehicles at 43 Crafts Street, Ward 1, Newton, on land known as Section 14 Block 23 Lot 11, containing approximately 1,789 sq. ft. of land in a district zoned MANUFACTURING. Ref: Sec. 7.3.3, 4.4.1, 7.8.2.C.2, 4.3.3, 5.1.4, 5.1.13, 5.1.8.B.1, 5.1.8.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Assigned August 22, 2023

- #266-23 Request to allow parking in the front setback at 89-91 Crafts Street**
MAYA SERHAL petition for SPECIAL PERMIT/SITE PLAN APPROVAL to expand the existing parking area on the southeastern lot line, resulting in three vehicles within the front setback at 89-91 Crafts Street, Ward 1, Newton, on land known as Section 14 Block 17 Lot 22, containing approximately 8,346 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3, 5.1.7.A, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearings were assigned for the following Items:**Referred to Zoning & Planning Committee*****Public Hearing Assigned for September 11, 2023***

- #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