



City Council Actions
In City Council
Monday, September 18, 2023

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

Absent: Councilors Markiewicz, Norton

City Staff: Maureen Lemieux, Chief Financial Officer, City of Newton

Clerk's Note: The full Council meeting can be viewed on the following link:
<https://www.youtube.com/watch?v=qAQgg03xuH0&list=PLqJiDbsvfNjWDZBeyh6bGp4ZmOCnq-pDR>

The City Council discussed the following items on Second Call:

#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
Motion to amend item in order to reinstate the parking requirements which were in the original proposal
Motion Failed 7 Yeas, 15 Nays (Councilors Bowman, Crossley, Danberg, Downs, Greenberg, Grossman, Humphrey, Kalis, Kelley, Krintzman, Leary, Lipof, Noel, Ryan, Albright) 2 Absent (Councilors Markiewicz, Norton)
Item Chartered by Councilor Lipof

Clerk's Note: Councilor Gentile put this on Second Call. Councilor Crossley asked for a postponement to a date certain, however, this was not voted upon, and the item was ultimately chartered by Councilor Lipof.

#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 Approved 7-0
Motion to amend by re-instating ban on helium balloons, and change the wording from "strongly discouraged" to "prohibited"

City Council Approved: 14 Yeas, 8 Nays, (Councilors Crossley, Danberg, Downs, Greenberg, Kelley, Laredo, Leary, Lipof), 2 Absent (Councilors Markiewicz, Norton)
City Council Approved Amendment 22 Yeas, 0 Nays, 2 Absent (Councilors Markiewicz, Norton)

Clerk's Note: Councilor Humphrey put this on Second Call with the intention to make a Motion to amend to re-insert the language that the intentional release of helium balloons is prohibited. Councilor Krintzman explained that when this ordinance was under discussion, the language used the word "prohibiting" and that Commissioner Walsh had raised concerns about the enforceability of this, as well as the equitable nature of enforcement, so requested that language be changed from prohibited to a "strong discouragement".

#303-23 Request for a grant of location in 925 Chestnut Street

CAMBRIDGE NETWORK SOLUTIONS petition for a grant of location to install underground conduit for fiber installation, which includes picking up proposed fiber running along Chestnut St. from a newly installed pole riser at pole #116 on the north side of Boylston Street and then beneath both the east and west bound lanes of Boylston Street. This run will then terminate at a newly placed pole riser, just south of Boylston Street. This fiber conduit will be run approximately +/- 252 feet and will then be run north and south of the utility poles in an aerial fashion.

Public Facilities Approved 6-0 (Councilor Danberg Not Voting)

Motion to require use of infra-red treatment in street restoration

City Council Approved 22 Yeas, 0 Nays, 2 Absent (Councilors Markiewicz, Norton)

City Council Approved main item, 20 Yeas, 2 Nays (Councilors Humphrey, Ryan)
2 Absent (Councilors Markiewicz, Norton)

#304-23 Request for a grant of location in 743 Chestnut Street

CAMBRIDGE NETWORK SOLUTIONS petition for a grant of location to install approximately 190 feet of underground conduit from utility pole # 85/92 and extend southerly 190-feet to utility pole 85/94. The proposed alignment is near the westerly gutter line of Chestnut Street that received Hot-in Place overlay last construction season.

Public Facilities Approved 6-0 (Councilor Danberg Not Voting)

Motion to require use of infra-red treatment in street restoration

City Council Approved 22 Yeas, 0 Nays, 2 Absent (Councilors Markiewicz, Norton)

City Council Approved the main item, 20 Yeas, 2 Nays (Councilors Humphrey, Ryan)
2 Absent (Councilors Markiewicz, Norton)

Clerk's Note: Items #303 and #304 were taken up together given that they are very similar, with same company and same street. Councilor Humphrey put this on Second Call. Councilors noted that this would be ripping up a major street that just had this work last year. Councilors referenced a city rule that streets once opened up, could not be re-opened for 5 years, unless there were extraordinary circumstances. A Councilor further clarified this policy and stated that in instances where a street was dug up again within 5 years, then the street must be re-paved, and made like new. Councilor Gentile made a Motion that approval for this item should only be given if the city requires the infra-red treatment (which will make it look like a new street).

- #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)
Motion to send this back to the Finance Committee City Council Approved 20 Yeas, 2 Nays (Councilors Grossman, Kalis), 2 Absent (Councilors Markiewicz, Norton)

Clerk’s Note: Councilor Grossman made a Motion to invite CFO Ms. Maureen Lemieux to come inside the rail. Councilor Humphrey had put this on Second Call, and made a Motion to return this to Finance Committee. He felt the plan had been changed from what was voted on in committee, i.e., initial plan was about a direct spending plan towards pensions, but that had been revised, and is now a direct spending plan for NPS and other city departments-- not what was discussed in committee, per Councilor Humphreys. Moreover, this would require a 2/3rd vote to pass, and as it stands now, not likely to pass. Therefore sending it back to committee would be in fact, giving it a life line.

The City Council voted without discussion 22 Yeas, 0 Nays, 2 Absent (Councilors Markiewicz, Norton) to Accept the Committee Recommendations on the following:

- #289-23** **Appointment of David Boronkay to the Auburndale Historic District Commission**
HER HONOR THE MAYOR appointing David Boronkay, 187 Melrose Street, Auburndale as an alternate member of the Auburndale Historic District Commission for a term of office set to expire on September 18, 2026. (60 Days: 11/04/2023)
Zoning & Planning Approved 4-0 (Councilors Baker, Krintzman, Ryan, and Wright Not Voting)
- #278-23** **Reappointment of John Rice to the Newton Historical Commission**
HER HONOR THE MAYOR reappointing 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)
Zoning & Planning Approved 6-0 (Councilors Baker and Ryan Not Voting)
- #279-23** **Reappointment of Doug Cornelius to the Newton Historical Commission**
HER HONOR THE MAYOR reappointing 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)
Zoning & Planning Approved 4-0 (Councilors Baker, Krintzman, Ryan, and Wright Not Voting)

- #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)
Zoning & Planning Approved 7-0-1 (Councilor Ryan Abstaining)
- #290-23 Appointment of Richard Alfred to the Auburndale Historic District Commission**
HER HONOR THE MAYOR appointing Richard Alfred, 73 Grove Street, Auburndale as a full member of the Auburndale Historic District Commission for a term of office set to expire on September 18, 2026. (60 Days: 11/04/2023)
Zoning & Planning Approved 8-0
- #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)
Programs & Services Approved 5-0 (Councilors Baker and Noel Not Voting)
- #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)
Programs & Services Approved 5-0 (Councilors Baker and Noel Not Voting)
- #298-23 Appointment of Sheila Butts to the Parks and Recreation Commission**
HER HONOR THE MAYOR reappointing Sheila Butts, 112 Spiers Road, Newton Centre as the Ward 8 member of the Parks and Recreation Commission for a term of office set to expire on September 18, 2025. (60 Days: 11/04/2023)
Programs & Services Approved 6-0 (Councilors Baker Not Voting)
- #299-23 Appointment of John Lovett III to the Commission on Disability**
HER HONOR THE MAYOR reappointing John Lovett III, 497 Boylston Street, Newton as a member of the Commission on Disability for a term of office set to expire on September 18, 2026. (60 Days: 11/04/2023)
Programs & Services Approved 6-0 (Councilors Baker Not Voting)
- #291-23 Reappointment of John Neville to the Parks and Recreation Commission**
HER HONOR THE MAYOR reappointing John Neville, 68 High Street, Newton Upper Falls as an alternate member of the Parks and Recreation Commission for a term of office set to expire on September 30, 2024. (60 Days: 11/04/2023)
Programs & Services Approved 7-0
- #292-23 Reappointment of Elizabeth Wilkinson to the Parks and Recreation Commission**
HER HONOR THE MAYOR reappointing Elizabeth Wilkinson, 14 Trowbridge Street, Newton Centre as the Ward 6 member of the Parks and Recreation Commission for a term of office set to expire on September 30, 2026. (60 Days: 11/04/2023)
Programs & Services Approved 7-0

- #294-23 Reappointment of Arthur Magni to the Parks and Recreation Commission**
HER HONOR THE MAYOR reappointing Arthur Magni, 107 Mount Vernon Street, West Newton as the Ward 2 member of the Parks and Recreation Commission for a term of office set to expire on September 30, 2026. (60 Days: 11/04/2023)
Programs & Services Approved 7-0
- #295-23 Reappointment of John Schwartz to the Biosafety Committee**
HER HONOR THE MAYOR reappointing John Schwartz, 200 Upland Road, Newton as a member of the Biosafety Committee for a term of office set to expire on September 30, 2026. (60 Days: 11/04/2023)
Programs & Services Approved 7-0
- #296-23 Reappointment of Dina Conlin to the Licensing Board**
HER HONOR THE MAYOR reappointing Dina Conlin, 46 Shornecliffe Road, Newton as a Democrat member of the Licensing Board for a term of office set to expire on June 4, 2029. (60 Days: 11/04/2023)
Programs & Services Approved 7-0
- #297-23 Reappointment of Michael Goldman to the Farm Commission**
HER HONOR THE MAYOR reappointing Michael Goldman, 14 Saxon Terrace, Newton Highlands as a member of the Farm Commission for a term of office set to expire on July 31, 2026. (60 Days: 11/04/2023)
Programs & Services Approved 7-0
- #307-23 Increase temporarily the number of sworn firefighters from 193 FTEs to 197 FTEs**
HER HONOR THE MAYOR requesting authorization to increase temporarily the number of sworn firefighters beginning October 1, 2023 through August 1, 2024 from the FY2024 authorized amount of 193 FTEs (Full-Time Equivalents) to 197 FTEs.
Public Safety & Transportation Approved 5-0 (Councilors Oliver and Malakie not voting)
- #72-22 Discussion with Police, DPW and Inspectional Services on sidewalk obstructions**
COUNCILORS DOWNS, BOWMAN, MALAKIE, HUMPHREY, WRIGHT, RYAN, GREENBERG, DANBERG, GROSSMAN, AND LUCAS requesting a discussion with Police, Public Works and Inspectional Services regarding sidewalk obstruction, enforcement, regulation, and operating procedures during construction used to ensure safety for nonmotorized road users.
Public Facilities Voted No Action Necessary 7-0 on 06/08/22
Public Safety & Transportation Held 7-0 on 06/08/22
Public Safety & Transportation Voted No Action Necessary 5-0 (Councilors Oliver and Malakie not voting)
- #78-22 Discussion on transportation priorities and public works**
PUBLIC FACILITIES COMMITTEE, PUBLIC SAFETY & TRANSPORTATION COMMITTEE, AND COUNCILORS LEARY AND BOWMAN requesting a discussion with the administration and school officials on transportation priorities and public works/streets/sidewalks etc.

Public Facilities Voted No Action Necessary 5-0 on 10/19/22
Public Safety & Transportation Held 5-0 on 02/22/23 (Councilor Lipof not voting)
Public Safety & Transportation Voted No Action Necessary 6-0 (Councilor Malakie not voting)

#69-22 **Requesting a discussion regarding snow clearing, operations and enforcement**
COUNCILORS DOWNS, BOWMAN, MARKIEWICZ, GROSSMAN, MALAKIE, WRIGHT, KELLEY AND NOEL requesting a discussion with the Department of Public Works and the Police Department regarding residential and commercial sidewalk snow clearing, operations and enforcement.
Public Facilities Held 7-0 on 06/08/22
Public Safety & Transportation Held 7-0 on 06/08/22
Public Facilities Voted No Action Necessary 5-0 (Councilors Norton and Danberg Not Voting)
Public Safety & Transportation Voted No Action Necessary 7-0

#302-23 **Request for a grant of location in 201 Needham Street**
COMCAST, ASTOUND, CROWN CASTLE, TTC SYSTEMS, and VERIZON on behalf of **NORTHLAND DEVELOPMENT LLC** petition for a grant of location for installing underground telecommunications conduit and infrastructure crossing Needham Street to serve Newton Northland Development and neighboring community.
Public Facilities Approved 6-0 (Councilor Danberg Not Voting)

#69-22 **Requesting a discussion regarding snow clearing, operations and enforcement**
COUNCILORS DOWNS, BOWMAN, MARKIEWICZ, GROSSMAN, MALAKIE, WRIGHT, KELLEY AND NOEL requesting a discussion with the Department of Public Works and the Police Department regarding residential and commercial sidewalk snow clearing, operations and enforcement.
Public Facilities Held 7-0 on 06/08/22
Public Safety & Transportation Held 7-0 on 06/08/22
Public Safety & Transportation Voted No Action Necessary 7-0
Public Facilities Voted No Action Necessary 5-0 (Councilors Norton and Danberg Not Voting)

#305-23 **Acceptance of a donation from the Garden City Preservation Society**
HER HONOR THE MAYOR requesting authorization to accept and expend the sum of nine hundred forty-eight dollars and fifty-five cents (\$948.55) from the Garden City Preservation Society. The City will use these funds to support the Parks, Recreation and Culture Department's ongoing beautification work in Newton Centre.
Finance Approved 8-0

The City Council voted without discussion 21 Yeas, 1 Nay (Councilor Oliver) 2 Absent (Councilors Markiewicz, Norton) to Accept the Committee Recommendations on the following:

- #293-23 Reappointment of Byron Dunker to the Parks and Recreation Commission**
HER HONOR THE MAYOR reappointing Byron Dunker, 10 Southwick Road, Waban as the Ward 5 member of the Parks and Recreation Commission for a term of office set to expire on September 30, 2026. (60 Days: 11/04/2023)
Programs & Services Approved 7-0

Motion to suspend the Rules to send this item back to the Public Facilities committee:

- #301-23 Request for water main extensions in Washington Street**
KATHERINE B. ADAMS, ATTORNEY FOR MARK KEMPTON LLC 275 GROVE STREET NEWTON, MA 02466 petitioning for the extension of the City's water main from Washington Street approximately +/- 620-feet in a north -northwesterly direction connecting to the existing main in Dustan Street.
PETITIONER TO PAY ENTIRE COST
Public Facilities Approved 3-1-2 (Councilor Laredo Opposed, Councilors Kalis and Norton Abstaining, Councilor Danberg Not Voting)

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

Referred to Programs & Services Committee

- #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.

Public Hearings were assigned for the following Items:

Referred to Land Use Committee

Public Hearing Assigned for October 3, 2023

- #309-23 Request to exceed FAR at 93 Ruane Road**
RYAN MCALLISTER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a one-story addition to the right side and rear of the dwelling exceeding the maximum FAR at 93 Ruane Road, Ward 3, West Newton, on land known as Section 32 Block 21 Lot 30, containing approximately 17,860 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Assigned for October 3, 2023

- #310-23 Request to allow parking in the front setback at 70 Kingswood Road**
LARRY SMITH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing attached garage and construct first and second story additions, and to construct a second

parking stall within the front setback at 70 Kingswood Road, Ward 4, Auburndale, on land known as Section 41 Block 27 Lot 19, containing approximately 10,528 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.

Public Hearing Assigned for October 3, 2023

#311-23 Request to allow four single-family attached dwellings, to waive lot area and lot area per unit requirements and to allow a driveway and parking within setback distances at 2202 Commonwealth Avenue

2202 COMMONWEALTH AVENUE LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing dwelling and construct four single-family attached dwellings with dimensional waivers, and to allow a driveway and parking within setback distances at 2202 Commonwealth Avenue, Ward 4, Auburndale, on land known as Section 41 Block 13 Lot 06, containing approximately 13,696 sq. ft. of land in a district zoned MULTI RESIDENCE 1. 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.

Public Hearing Assigned for October 3, 2023

#312-23 Request to allow a two-story building on an undersized MAN lot at 0 Rumford Avenue

LANCASTER MANAGEMENT LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a storage warehouse for their tree removal business on the undersized lot which extends the nonconforming use and requires dimensional waivers at 0 Rumford, Ward 4, Auburndale, on land known as Section 41 Block 35 Lot 12, containing approximately 8,302 sq. ft. of land in a district zoned MANUFACTURING. Ref: 7.3.3, 4.4.1, 7.8.2.C.2, 7.8.3.F.6, 7.8.3.B, 7.8.3.C, 5.1.8.D.1, 5.1.13, 5.1.8.D.2, 5.1.8.E.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Assigned for October 3, 2023

#313-23 Request to add 48 patio seats and remove eight parking stalls, and to amend Special Permit #172-98(2) at 9-13 Kenneth Street, 29 Kenneth Street, 118 Needham Street, and 122 Needham Street

WOLCOTT CORPORATION petition for SPECIAL PERMIT/SITE PLAN APPROVAL to remove eight parking stalls to be used for 48 outdoor dining seats in front of 9-13 Kenneth Street, requiring an amendment to the most recent special permit, a waiver of additional parking stalls and an amendment to the approved site plan at 9-13 Kenneth Street, 29 Kenneth Street, 118 Needham Street, and 122 Needham Street, Ward 8, Newton Highlands and Newton Upper Falls, on land known as Section 83 Block 12 Lots 03, 04, 05, and 06 containing approximately 35,000 sq. ft. of land in a district zoned MIXED USE 2. Ref: 7.3.3, 5.1.4, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.