



**City Council Actions**  
**In City Council**  
**Monday, October 16, 2023**

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

**Absent:** None.

**Clerk's Note: The full Council meeting can be viewed on the following link:**

<https://www.youtube.com/watch?v=zeDV2P4bRfc&list=PLqJiDbsvfNjWDZBeyh6bGp4ZmOCnq-pDR>

**The City Council discussed the following items on Second Call:**

**#315-23 Request for Extension of Time to Exercise Special Permit #260-22 at 34, 36, 38, 48, 50 Crafts Street, 19-21 Court Street**

**CRAFTS DEVELOPMENT, LLC AND SRG HOLDCO INVESTMENTS, LLC** petition for **EXTENSION OF TIME** to November 6, 2025 to EXERCISE Special Permit Council Order #260-22 to allow an Elder Housing with Services facility, to allow a development in excess of 20,000 sq. ft., to allow a seven-story building, to allow a building 84 feet in height, to allow parking within the side setback, to reduce the required parking stall width, to reduce the required parking stall depth, to reduce the required parking stall depth for accessible stalls, to allow a reduced drive aisle width for two-way traffic and to waive the lighting requirements at 34, 36, 38, 48, 50 Crafts Street, 19 Court Street and 21 Court Street, Ward 2, Newton, on land known as Section 23 Block 16 Lots 7, 8, 9, 10, 11, 12 and 13, containing approximately 115,818 sq. ft. of land in districts zoned MAN and MR1 (to be rezoned to BU4). Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.2.10, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 5.1.8.A.1, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.C, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 5-0-1 (Councilor Laredo Abstaining and Councilor Markiewicz Not Voting)**

**City Council Approved a Motion to substitute a one year extension for a two year extension: 12 Yeas (Councilors Baker, Gentile, Grossman, Laredo, Leary, Lucas, Malakie, Markiewicz, Norton, Oliver, Ryan, Wright)**

**11 Nays (Councilors Bowman, Crossley, Danberg, Downs, Greenberg, Humphrey, Kalis, Kelley, Lipof, Noel, Albright)**

**1 Not Voting (Councilor Krantzman - stepping outside the rail)**

**City Council Approved a one year extension with 23 Yeas, 0 Nays, 1 Not Voting (Councilor Ryan stepping outside the rail)**

**Clerk's Note:**

- Councilor Lipof introduced this item, which is an elderly housing project, already approved, however, now, the developer, due to many things including rising costs, has stalled and needs extra time, The law states that developers can have a three year delay, and this developer has

already had one year. Councilor Laredo put this on Second Call, and wants to go on record expressing his concern about extensions. This same developer has multiple projects that are empty or are in the process of getting sold. Councilor Laredo does not want to give a blanket two year extension, and instead, suggests a one year extension, recognizing that this is a good project.

**#319-23 Petition request to repeal overnight winter parking ban**

JEREMY FREUDBERG, ET AL., Petition to amend Motor Vehicles and Traffic Ordinance Chapter 19 Sec-174 (b) of the City of Newton Ordinances. To be amended by deletion of “(b) Other vehicles: From December 1<sup>st</sup> through March 31<sup>st</sup>, it shall be unlawful for any vehicle, other than one acting in an emergency, to be parked on any street, way, highway, road parkway, or private way dedicated or open to the use of the public for a period of time longer than one hour between the hours of 2:00 am and 6:00 am” as appearing in Sec. 19-174 in the Revised Ordinances of 2017 as amended. (30 Days: 11/01/2023)

**Public Safety & Transportation Motion to Approve Failed 0-7 (Councilor Bowman not voting)**

**Councilor Kelley submitted a Motion in lieu of the initiative measure, a two year trial: The restriction on overnight parking set forth in 19-174(b) shall be suspended and ineffective for a trial period commencing December 1, 2023 and ending March 31, 2025. The suspension of the winter parking ban will expire on March 31, 2025.**

**Friendly amendment: with a requirement to gather data on the impact of the trial. Councilor Kelley’s Motion Failed with 17 Nays (Councilors Baker, Crossley, Gentile, Greenberg, Grossman, Kalis, Krintzman, Laredo, Leary, Lipof, Lucas, Malakie, Markiewicz, Noel, Norton, Oliver, Wright)**

**7 Yeas (Councilors Bowman, Danberg, Downs, Humphrey, Kelley, Ryan, Albright)**

**Councilor Krintzman submitted a Motion to recommit back to the Public Safety & Transportation committee**

**Councilor Krintzman’s Motion Failed with 22 Nays (Councilors Baker, Bowman, Crossley, Danberg, Downs, Gentile, Greenberg, Grossman, Humphrey, Kalis, Kelley, Laredo, Leary, Lipof, Lucas, Malakie, Markiewicz, Noel, Norton, Oliver, Ryan, Wright)**

**2 Yeas (Councilors Krintzman, Albright); 0 Absent**

**Motion to Deny Petition**

**City Council Approved the Motion to Deny Petition**

**21 Yeas (Councilors Baker, Bowman, Crossley, Danberg, Downs, Gentile, Greenberg, Grossman, Humphrey, Kalis, Krintzman, Laredo, Leary, Lipof, Lucas, Malakie, Markiewicz, Noel, Norton, Oliver, Wright)**

**3 Nays (Councilors Kelley, Ryan, Albright)**

**Clerk’s Note:**

- Councilor Downs introduced this item and Councilor Kelley put this Second Call. The City Council has received numerous emails both for and against retaining parking, and a two year trial was not approved by the committee. The city has to take action before November 1st, otherwise the petition fails, and would be binding on the 2025 ballot. There are three options: 1.) approve the committee’s decision, which was to reject the petition; 2.) approve the petition; 3.) in lieu of the

petition, propose some other motion, with a trial period. The City Clerk clarified that within 30 days after the petition is presented to the City Council presentation, if something is passed in lieu of the petition, then the petition shall be deemed to have been rejected.

Councilor Kelley made a Motion that, in lieu of this petition, there be a two year trial, so that the rule against on-street parking would be suspended from December 2023 – March 2025. This petition will likely be on the ballot in 2025, and so a trial will give the city the chance to evaluate impacts on safety and plowing, before then.

Several Councilors thanked the petitioners for putting together the petition, and bringing this important issue to their attention, and forcing much long overdue action on this matter.

- #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) on 09/28/23**  
**Finance Denied 5-3 (Councilors Grossman, Norton and Kalis Opposed)**  
**Councilor Kalis put forth a Motion to substitute Approval for Denial; this Motion Failed**  
**13 Nays (Councilors Bowman, Danberg, Gentile, Humphrey, Kelley, Laredo, Lucas, Malakie, Markiewicz, Noel, Oliver, Ryan, Wright)**  
**10 Yeas (Baker, Crossley, Greenberg, Grossman, Kalis, Krintzman, Leary, Lipof, Norton, Albright)**  
**1 Absent (Councilor Downs)**  
**City Council Approved Motion to Deny 13 Yeas (Councilors Bowman, Danberg, Gentile, Humphrey, Kelley, Laredo, Lucas, Malakie, Markiewicz, Noel, Oliver, Ryan, Wright)**  
**10 Nays (Councilor Baker, Crossley, Greenberg, Grossman, Kalis, Krintzman, Leary, Lipof, Norton, Albright) 1 Absent (Councilor Downs)**

**Clerk’s Note:**

Councilor Grossman introduced and gave background history. Councilor Kalis put this on Second Call because he would like to put forth a Motion to substitute Approval for Denial.

**The City Council voted without discussion 23 Yeas, 0 Nay, 1 Absent (Councilor Krintzman) to Accept the Committee Recommendations on the following:**

- #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.  
**Land Use Held 8-0; Public Hearing Opened on 8/22/23**  
**Land Use Approved 7-0; Public Hearing Closed 7-0**
- #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.  
**Land Use Approved 6-0 (Councilor Markiewicz Not Voting): Public Hearing Closed 6-0 (Councilor Markiewicz Not Voting)**
- #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.  
**Land Use Approved 6-0 (Councilor Markiewicz Not Voting): Public Hearing Closed 6-0 (Councilor Markiewicz Not Voting)**
- #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.  
**Land Use Approved 6-0 (Councilor Markiewicz Not Voting): Public Hearing Closed 6-0 (Councilor Markiewicz Not Voting)**
- #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.

**Land Use Approved 4-0-1 (Councilor Kelley Abstaining and Councilors Bowman and Markiewicz Not Voting); Public Hearing Closed 5-0 (Councilors Bowman and Markiewicz Not Voting)**

**#148-23**

**Discussion regarding the security measures and any incidents during the 2023 Boston Marathon**

COUNCILORS LUCAS, NORTON, LIPOF, MALAKIE, NOEL, WRIGHT, BOWMAN AND OLIVER requesting a discussion with the Chief of Police on security measures taken for the Boston Marathon, not limited to but including personnel hours and equipment used by the Police Department. Also requesting updates on any incidents, disturbances, interrogations, calls to dispatch, and/or arrests along the marathon route on April 17th.

**Public Safety & Transportation Held 8-0 on 06/21/23**

**Public Safety & Transportation voted No Action Necessary 7-0 (Councilor Oliver not voting)**

**#322-23**

**Request for a grant of location in Ward Street**

NATIONAL GRID petition for a grant of location to install and maintain gas main in Ward Street as follows:

- 1470' + of 8" plastic main in Ward St from Centre St to West Bourne Rd to replace 1470' + of 8" plastic
- 30' + of 6" plastic main in the intersection of Loring St/Ward St to replace 30' of 8"/6"/4" plastic.
- 24' + of 6" plastic main in the intersection of Sumner St/Ward St to replace 24' of 8"/6"/4" plastic.
- 35' + of 6" plastic main in the intersection of Ballard St/Ward St to replace 35' of 8"/6"/4" plastic.
- 23' + of 6" plastic main in the intersection of Wessex Rd/Ward St to replace 23' of 8"/6"/4" plastic.
- 45' + of 6" plastic main in the intersection of Ashford Rd/Ward St to replace 28' of 8"/6" plastic and 17' of 6" cast iron.
- 15' + 6" plastic main in the intersection of Irving St/Ward St to replace 15' of 8"/6"/4" plastic.
- 20' + of 6" plastic main in the intersection of Francis St/Ward St to replace 20' of 8"/6"/4" plastic.
- 60' + of 6" plastic main in the intersection of W. Boulevard Rd/Ward St to replace 60' of 8"/6"/4" plastic.

**Public Facilities Approved 7-0 (Councilor Danberg Not Voting); Public Hearing Closed 7-0 (Councilor Danberg not voting)**

**#325-23**

**Request to transfer \$50,000 from Water Services Connections – Full Time Wages**

HER HONOR THE MAYOR requesting authorization to transfer and expend the sum of fifty thousand dollars (\$50,000) from Acct # 60A40105-511002, Water Services Connections – Full-Time Wages, to Acct #67A109D2-572500, Workers Compensation Water – Claims and Settlements, in order to settle Worker’s Compensation claim # WC003360.

**Finance Approved 8-0**

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

### **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 Hearings were assigned for the following Items:**

### **Referred to Land Use Committee**

#### ***Public Hearing Assigned October 24, 2023***

**#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.

### **Referred to Zoning & Planning Committee**

#### ***Public Hearing Re-Assigned to November 13, 2023***

**#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 8-0; Public Hearing Set for 11/13/23**