



## City Council Reports Docket

Page 541

November 8: Programs & Services, Public Safety  
& Transportation and Public Facilities  
November 13: Zoning & Planning and Finance  
November 14: Land Use

After the conclusion of the Tax Classification  
Hearing, Hybrid  
To be reported on  
Monday, November 20, 2023

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Monday, November 20, 2023, after the conclusion of the Tax Classification Hearing. To view this meeting on Zoom use this link at the above date and time:

<https://newtonma.gov.zoom.us/j/88259055774>

One tap mobile

US: +13092053325, 882 5905 5774#

Land line

+1 309 205 3325 US

Webinar ID: 882 5905 5774

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

**#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)**

**Item Charted by Councilor Noel on November 6, 2023**

**City Council Voted to Postpone to a Date Certain of November 20<sup>th</sup>; 24-0**

---

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](mailto: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, November 14, 2023

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

- #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 on 10/24/23**  
**Land Use Approved Withdrawal Without Prejudice 7-0**
- #333-23 Request to extend a nonconforming two-family dwelling use at 27-29 Kilburn Road**  
LINDA FINGUERRA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to enclose two open porches, further extending the nonconforming use at 27-29 Kilburn Road, Ward 3, West Newton, on land known as Section 33 Block 32 Lot 24, containing approximately 8,551 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 3.4.1, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 7-0; Public Hearing Closed 7-0**
- #336-23 Request to further extend a nonconforming front setback and nonconforming lot coverage at 62 Maple Street (Newton Corner)**  
JOHN LEDOYT petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a covered farmer’s porch at the front entry, further extending the nonconforming front setback and lot coverage at 62 Maple Street, Ward 1, Newton, on land known as Section 71 Block 10 Lot 02, containing approximately 4,765 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3, 3.2.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 7-0; Public Hearing Closed 7-0**
- #337-23 Request to decrease nonconforming open space at 35-37 William Street**  
TRAOLACH CAHILLANE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to legalize paving at the rear of the property, resulting in a reduction in the site’s open space at 35-37 William Street, Ward 1, Newton, on land known as Section 71 Block 08 Lot 13, containing approximately 3,906 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec. 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 Approved 7-0; Public Hearing Closed 7-0**
- #335-23 Request to allow for-profit educational use, non-profit educational uses requiring a parking waiver, agricultural use and to waive 12 parking stalls at 297 Lowell Avenue**  
SAINT JOHN’S EPISCOPAL CHURCH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to legitimize the current uses on site, to allow for proposed for-profit and non-profit

educational tenants, to allow for farm-share distribution use, and to waive required parking stalls at 297 Lowell Avenue, Ward 2, Newtonville, on land known as Section 24 Block 14 Lot 01, containing approximately 44,854 sq. ft. of land in a district zoned SINGLE RESIDENCE 32. Ref: Sec. 7.3.3, 4.4.1, 6.3.14.B.1.b, 6.3.14.B.2, 3.4.1, 5.1.4, 5.1.13, 7.8.2.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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

**#240-23 Request to allow ground floor residential use, to exceed by right height and stories, and a parking waiver at 290 Watertown Street**

290 WATERTOWN ST LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing dwelling and detached garage and construct five residential dwelling units in three buildings with dimensional waivers and allow for a waiver from the required number of parking stalls at 290 Watertown Street, Ward 1, Newton, on land known as Section 11 Block 14 Lot 03, containing approximately 11,473 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 4.4.1, 4.1.2.B.3, 4.1.3, 5.1.4, 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**

**Referred to Zoning & Planning Committee**

Monday, November 13, 2023

Present: Councilors Crossley (Chair), Albright, Danberg, Krintzman, Wright, Leary, Baker, and Ryan; also present: Councilors Gentile, Norton, Greenberg, Markiewicz, Malakie, Humphrey, and Oliver

**#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 Motion to Approve Failed 3-3-1 (Councilors Krintzman, Baker, and Wright Opposed) (Councilor Leary Abstaining) (Councilor Albright Not Voting)**

**#94-23 Discussion and possible ordinance requiring electrification of all new construction and substantial renovations**

COUNCILORS CROSSLEY, LIPOF, DOWNS, HUMPHREY, LAREDO, NORTON, MALAKIE, BOWMAN, DANBERG, WRIGHT, RYAN, LEARY, ALBRIGHT, GREENBERG, KELLEY, OLIVER, AND MARKIEWICZ requesting an update and discussion with the Sustainability Director on the requirements under the Ten Communities program, that would allow Newton to require electrification of all new construction and substantial renovations, and to consider adopting such an ordinance.

**Zoning & Planning Voted No Action Necessary 7-0 (Councilor Albright Not Voting)**

- #50-22** **Request for Discussion and Ordinance to require energy use reporting**  
COUNCILORS CROSSLEY, LEARY, NORTON AND BOWMAN on behalf of the Newton Citizens Commission on Energy (NCCE), requesting discussion and an ordinance that would require large property owners (campuses and large commercial buildings) to report energy use and associated greenhouse gas emissions annually to the city of Newton, to be used to encourage reductions in said energy use and greenhouse gas emissions in accordance and support of the goals set forth in the Newton Climate Action Plan. (formerly #181-21)  
**Zoning & Planning Held 6-0 (Councilors Albright and Ryan Not Voting)**

**Referred to Zoning & Planning and Public Facilities Committees**

- #48-22** **Requesting an update on the status of implementing the Climate Action Plan**  
PUBLIC FACILITIES and ZONING & PLANNING COMMITTEES requesting an update from the Sustainability Team and appropriate staff on the status of implementing Climate Action Plan measures, expanding municipal energy efficiency and renewable energy programs as follows:  
 Newton Power Choice participation rates, municipal power purchasing contracts for gas and electricity; Solar Power Purchase Agreement including operational and PV installations under construction, municipal energy consumption (DOER report) Green Communities grant funded efficiency projects to date, Energy Coach/ "4 our Future" program and zoning ordinances both to increase building energy efficiency/renewables in the private sector and foster sustainable development patterns. (formerly #324-21)  
**Zoning & Planning Held 6-0 (Councilors Albright and Ryan Not Voting)**

**Referred to Programs & Services Committee**

Wednesday, November 8, 2023

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

- #344-23** **Appointment of Andria Tieman Michney as a Newton Library Trustee**  
HER HONOR THE MAYOR appointing Andria Tieman Michney, 9 Elmwood Park, Newton as a Newton Library Trustee for a term of office set to expire on June 30, 2025. (60 Days: 01/05/23)  
**Programs & Services Approved 4-0 (Councilors Albright, Greenberg, and Ryan Not Voting)**

**Referred to Programs and Services and Finance Committees**

- #357-23** **Transfer \$446,104.67 to Health & Human Services Department**  
HER HONOR THE MAYOR requesting authorization to transfer the sum of four hundred forty-six thousand, one hundred four dollars and sixty-seven cents (\$446,104.67) from June 30, 2023 Certified Free Cash (001-3240) into Health & Human Services Department for purposes of opioid mitigation.  
**Finance Approved 5-0**  
**Programs & Services Approved 5-0 (Councilors Albright, and Ryan Not Voting)**

**Referred to Programs and Services and Finance Committees**

#358-23

**Transfer \$130,000 to Clinical Health-Temp Staffing**

HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thirty thousand dollars (\$130,000) into Clinical Health-Temp Staffing to address a few school nurse vacancies with agency nurses.

**Finance Approved As Amended By Replacing “Clinical Health-Temp Staffing” with “Acct # 0150103-531300 Clinical Health-Temp Staffing; with \$20,000 to come from Acct # 0150101-511001, \$40,000 to come from Acct # 0150102-511001, and the remaining \$70,000 to come from Acct # 0150103-511001” 5-0**

**Programs & Services Approved As Amended By Replacing “Clinical Health-Temp Staffing” with “Acct # 0150103-531300 Clinical Health-Temp Staffing; with \$20,000 to come from Acct # 0150101-511001, \$40,000 to come from Acct # 0150102-511001, and the remaining \$70,000 to come from Acct # 0150103-511001” 5-0 (Councilors Albright and Ryan Not Voting)**

#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 Approved 6-0 (Councilor Albright Not Voting)**

#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 (Councilor Albright Not Voting)**

**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 4-2-1 (Councilors Humphrey and Ryan Opposed) (Councilor Krintzman Abstaining)**

**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 4-2-1 (Councilors Humphrey and Ryan Opposed) (Councilor Kritzman Abstaining)**

#343-23

**Reappointment of Nancy Kritzman to the Commission on Disability**

HER HONOR THE MAYOR reappointing Nancy Kritzman, 677 Winchester Street, Newton as a member of the Commission on Disability for a term of office set to expire on September 20, 2026. (60 Days: 01/05/23)

**Programs & Services Approved 6-0 (Councilor Albright Not Voting)**

**Referred to Public Safety & Transportation Committee**

Wednesday, November 8, 2023

Present: Councilors Downs (Chair), Markiewicz, Oliver, Lucas, Malakie, Bowman and Grossman; absent: Councilor Lipof; also present: Councilors Baker, Kelley and Leary

#362-23

**Shorten the duration of the winter parking ban**

COUNCILORS KELLEY AND ALBRIGHT, requesting a discussion and amendment to Chapter 19 Sec-174 (b) of the City of Newton Ordinances to shorten the duration of the winter parking ban to begin on January 1st and end on March 1st.

**Public Safety & Transportation Denied 5-1-1 (Councilor Bowman Opposed) (Councilor Downs Abstaining)**

**Referred to Public Facilities Committee**

Wednesday, November 8, 2023

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

#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) on 09/06/23**

**City Council voted to recommit to the Public Facilities Committee 22-0-2 (Councilors Norton and Markiewicz Absent) on 09/18/2023**

**Public Facilities Approved as Amended by including the granting of a water easement 5-0**

**#352-23**

**Request for a grant of location in Commonwealth Avenue, Grafton Street, Centre Street, Ward Street and Waverly Avenue**

THE MASSACHUSETTS WATER RESOURCES AUTHORITY petition for a grant of location to install and maintain water main as follows:

- Installation of approximately 3,800 feet of new 24-inch diameter water main and appurtenances which will serve as an extension of MWRA pipeline Section 75.
- The new pipe will extend the existing MWRA 30-inch, Section 75, pipeline on Commonwealth Avenue to connect with the existing MWRA 24-inch, Section 24, at the intersection of Ward Street and Waverly Avenue.
- The work will include all required fittings, valves, air valves, and blow-offs for the pipeline as well as a new revenue meter (Meter 87).
- Also included is a connection to the City of Newton 20-inch water main on Ward Street including a gate valve and all related appurtenances.

**Public Facilities Approved 5-0**

**Referred to Finance Committee**

Monday, November 13, 2023

Present: Councilors Grossman (Chair), Oliver, Kalis, Malakie and Humphrey; absent: Councilors Gentile, Norton and Noel; also present: Councilor Bowman

**#354-23**

**Appropriate and expend \$3,000 from Handicapped Parking Fines-Disability Commission Receipts Reserved for Appropriations Account**

HER HONOR THE MAYOR requesting authorization to appropriate and expend three thousand dollars (\$3,000) from Handicapped Parking Fines-Disability Commission Receipts Reserved for Appropriations Account 5500-335518 to conduct the 2023 Holiday Targeted Enforcement of the accessible parking violations, "Operation Access", to cover overtime pay for the Newton Police Department from November

**Finance Approved 5-0**

**#356-23**

**Acceptance of \$68,000 grant from MassDEP**

HER HONOR THE MAYOR requesting authorization to accept and expend the sum of sixty-eight thousand dollars (\$68,000) from the MassDEP Recycling Grant for the purpose of aiding waste diversion efforts, grant-eligible recycling services at the Resource Recovery Center, equipment to improve the City's recycling and organics collection infrastructure, educational materials and outreach activities.

**Finance Approved 5-0**

**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 and Planning Approved 7-0 on 10/23/23**

**Finance Approved 5-0**

**Referred to Programs and Services and Finance Committees**

#357-23

**Transfer \$446,104.67 to Health & Human Services Department**

HER HONOR THE MAYOR requesting authorization to transfer the sum of four hundred forty-six thousand, one hundred four dollars and sixty-seven cents (\$446,104.67) from June 30, 2023 Certified Free Cash (0001-3240) into Health & Human Services Department for purposes of opioid mitigation.

**Programs & Services Approved 5-0 (Councilors Albright and Ryan Not Voting) on 11/8/23**

**Finance Approved 5-0**

**Referred to Programs and Services and Finance Committees**

#358-23

**Transfer \$130,000 to Clinical Health-Temp Staffing**

HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thirty thousand dollars (\$130,000) into Clinical Health-Temp Staffing to address a few school nurse vacancies with agency nurses.

**Programs & Services Approved As Amended By Replacing "Clinical Health-Temp Staffing" with "Acct # 0150103-531300 Clinical Health-Temp Staffing; with \$20,000 to come from Acct # 0150101-511001, \$40,000 to come from Acct # 0150102-511001, and the remaining \$70,000 to come from Acct # 0150103-511001" 5-0 (Councilors Albright and Ryan Not Voting) on 11/8/23**

**Finance Approved As Amended By Replacing "Clinical Health-Temp Staffing" with "Acct # 0150103-531300 Clinical Health-Temp Staffing; with \$20,000 to come from Acct # 0150101-511001, \$40,000 to come from Acct # 0150102-511001, and the remaining \$70,000 to come from Acct # 0150103-511001" 5-0**

#355-23

**Appropriate \$612,134.74 for the full and final settlement of Anastasia et al. v. City of Newton**

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of six hundred twelve thousand, one hundred thirty-four dollars and seventy-four cents. (\$612,134.74) from Acct # 0001-3240 June 30, 2023 Certified Free Cash, to Acct# 0110841-572500, Legal Claims/Settlements. This payment for full and final settlement of the case of Anastasia et al. v. City of Newton (Middlesex Superior Court Civil Action No. 2082-CV-01172).

**Finance Approved 5-0**