



City Council Docket

November 21: Land Use
November 27: Zoning & Planning and Finance
November 28: Joint Programs & Services and
Finance, and Joint Public Facilities and Finance

Page 549
Continued

Monday, November 20, 2023

After the conclusion of the Tax Classification
Hearing, Hybrid
To be reported on
Monday, December 4, 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 to be Accepted and Referred to Committees

Referred to Land Use Committee

#364-23

Request for Extension of Time to Exercise Special Permit #358-22 at 1314 Washington Street, and 31, 33 Davis Street

MADISON QUEENS-GUY BREWER LLC petition for Extension of Time to January 3, 2026 to allow a building in excess of 20,000 sq. ft., to allow a mixed-use residential building with five stories and 60 feet in height, to allow reduced lot area per unit, to exceed the maximum front setback, to allow a FAR of 2.45 in a five-story building, to waive the setback requirement for the portions of the building exceeding 40 ft. in height, to waive entrance and façade transparency requirements, to allow a restaurant with more than 50 seats with extended hours of operation, to allow ground floor residential use, to waive the

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.

requirement of using the A+B+C parking formula, to waive 115 parking stalls, to allow assigned parking, to allow reduced parking stall width and depth, to allow reduced accessible stall depth, to waive end stall maneuvering space requirements, to allow reduced aisle width at 1314 Washington Street and 31, 33 Davis Street, Ward 3, Newton, on land known as Section 33 Block 10 Lots 01, 11, 12 containing approximately 30,031 sq. ft. of land in a district zoned BUSINESS USE 1 (rezone to MIXED USE 4 proposed). Ref: Sec. 7.3.3, 7.4, 4.2.2.A.2, 4.2.5.A.3, 4.2.2.B.1, 4.2.3, 4.2.5.A.4, 4.2.2.B.3, 4.2.5.A.2, 4.2.5.A.4.c, 4.2.5.A.6.a, 4.2.5.A.6.b, 4.4.1, 6.4.29.B.1, 6.4.29.C.6, 6.2.4, 5.1.3.B, 5.1.13, 5.1.4, 5.1.3.E, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.B.6, 5.1.8.C.1, 5.1.8.C.2 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Assigned for December 5, 2023

#365-23 Request to further extend nonconforming FAR at 286 Highland Avenue
SETH AND JULIA BURR petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct two shed dormers on the second story which will further extend the nonconforming FAR at 286 Highland Avenue, Ward 2, West Newton, on land known as Section 32 Block 02 Lot 08, containing approximately 15,890 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. 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.

Public Hearing Assigned for December 5, 2023

#366-23 Request to further extend a nonconforming 3.5 story single-family dwelling at 255 Jackson Street
Mary Beth Johnson petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a rear addition consisting of an attached garage with two stories of living space above, further extending the nonconforming 3.5-story structure at 255 Jackson Street, Ward 6, Newton Centre, on land known as Section 62 Block 24 Lot 24, containing approximately 14,368 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Assigned for December 5, 2023

#367-23 Request to further extend a nonconforming 3-story single-family dwelling at 146 Oliver Road
Susan Harvey petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an addition over existing second-story living space within the footprint, extending the nonconforming third story at 146 Oliver Road, Ward 5, Waban, on land known as Section 54 Block 01 Lot 16, containing approximately 8,878 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Referred to Programs & Services Committee

#368-23 Discussion regarding leash and off leash ordinance
HARRY SANDERS, DAN GAYNOR, AND DAVID MICLEY requesting a discussion of the codification of the leash ordinance (1973) and the off leash ordinance (2003).

#369-23 Discussion and possible creation of a wilderness protocol
HARRY SANDERS requesting discussion of a “wilderness protocol” for certain larger public tracts. Within larger open spaces within the city, a permissive dog repellent can be noted at the entrance points.

#370-23 Discussion regarding Recreation Use Statute
HARRY SANDERS requesting a discussion of the non-compliant nature of the Recreational Use Statute in regards to the off leash program.

#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.

#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.

Referred to Public Safety & Transportation Committee

#371-23 Requesting a discussion with the Administration about overnight on-street parking during the winter parking ban for people with disability placards.
COUNCILORS DOWNS, LUCAS, HUMPHREY, KELLEY, GREENBERG, OLIVER, ALBRIGHT, WRIGHT, KRINTZMAN, MALAKIE, GROSSMAN AND RYAN requesting a discussion with the Administration about overnight on-street parking during the winter parking ban for people with disability placards.

Referred to Public Facilities Committee

#372-23 Appointment of Philip Hanser to the Citizens Commission on Energy
HER HONOR THE MAYOR appointing Philip Hanser, 40 Cedar Street, Newton Centre to the Citizens Commission on Energy for a term of office to expire April 15, 2026. (60 days: 01/19/24)

Referred to Finance Committee

#373-23

Acceptance of \$190,000 from MassDOT's Community Transit Grant Program FY24

HER HONOR THE MAYOR requesting authorization to accept and expend the sum of one hundred ninety thousand dollars (\$190,000) from MassDOT's Community Transit Grant Program FY24 for Newton transportation for older adults and individuals with disabilities during the fiscal year.

Referred to Public Facilities and Finance Committees

#374-23

Appropriate \$3,000,000 for dredging of the City Hall Ponds

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of three million dollars (\$3,000,000) from Acct # 6200-3599 Stormwater Fund Balance to Acct # 7211D401-584200 City Hall Pond Dredging to fund the dredging of the City Hall ponds in 2024.

Referred to Public Facilities and Finance Committees

#375-23

Requesting authorization to appropriate and expend for the Newton Center for Active Living Project

HER HONOR THE MAYOR requesting authorization to appropriate and expend an amount to be determined for the Newton Center for Active Living Project. (Bids will be opened on December 7th, at which time the item will be amended to include an amount and accounts)

The following item was filed after the close of the docket and requires a suspension of the Rules to be referred to Committee:

Referred to Zoning & Planning Committee

#376-23

Petition to rezone lot on Dedham Street

KATHERINE ADAMS petitioning to amend the City of Newton's Zoning Map by changing the current zoning of the property known and numbered 0 Dedham St Off, Newton, MA, and shown on the City of Newton Assessor's database as Section 83, Block 36, Lot 3A, currently zoned PUBLIC to SINGLE RESIDENCE 1.

Referred to Finance Committee

#377-23

Establish and Appropriate funds to a Debt Service Stabilization Fund

HER HONOR THE MAYOR requesting authorization to Establish a "Debt Service Stabilization Fund" to provide funding to pay certain debt obligations, both current and future, such as the debt service for engineering and design, renovation, reconstruction or construction of City or School facilities or take any other action relative thereto; appropriate the sum of \$20,500,000 Overlay Surplus as declared by the City's Board of Assessors to the Debt Service Stabilization Fund; and transfer the sum of \$5,513,000 from Acct 01C10701-576300 Appellate Tax Board Interest and Penalties Fund to the Debt Service Stabilization Fund

Referred to Finance Committee

#378-23

Appropriate \$15,000 for Elections Postage in City Clerk's Office

HER HONOR THE MAYOR requesting authorization to appropriate fifteen thousand dollars (\$15,000) from June 30, 2023 Certified Free Cash to account #0110162-534100 Elections Postage in the City Clerk's Office to fund elections-related postage charges.