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City Council Reports Docket

January 17: Programs & Services, Public Facilities

and Public Safety & Transportation

January 22: Zoning & Planning

January 23: Land Use

January 25: Real Property Reuse

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7:45 PM, Hybrid

To be reported on

Monday, February 05, 2024

REVISED

3:06 pm, Feb 05, 2024

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Monday, February 5, 2024, at 7:45 PM. To view this meeting on Zoom use this link at the above date and time:

<https://newtonma-gov.zoom.us/j/82235169288>

One tap mobile

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Webinar ID: 822 3516 9288

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

Referred to Land Use Committee

01/23/2024

Present: Councilors Kelley (Chair), Block, Downs, Farrell, Laredo, Leary, Lobovits and Lucas;
also present: Councilors Albright, Malakie, and Wright

#67-24

Request for Extension of Time to Exercise Special Permit #448-22 at 1 Jackson Street

345 BOYLSTON, LLC petition for Extension of Time to January 17, 2025 to allow a three-story structure with 36 feet in height; to allow an FAR of 1.48; to vertically extend a nonconforming front setback; to waive 4 parking stalls and to allow assigned parking at 1 Jackson Street, Ward 6, Newton, on land known as Section 65 Block 10 Lot 19, containing approximately 12,512 sq. ft. of land

in a district zoned BUSINESS 1. Ref: 7.3.3, 7.4, 4.1.2.B.3, 4.1.3, 7.8.2.C.2, 5.1.4, 5.1.13, 5.1.3.E of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 7-0 (Councilor Leary Not Voting)

#68-24 Request to amend Special Permit #40-97(2) and allow a free-standing sign at 269-287 Grove Street

GREATLAND REALTY PARTNERS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow both a free-standing sign and advertisement of the on-site cafe at 269-287 Grove Street, Ward 4, Auburndale, on land known as Section 43 Block 29 Lot 24, containing approximately 489,460 sq. ft. of land in a district zoned BUSINESS4. Ref: Sec. 7.3.3, 5.2.13.A of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 4-3 (Councilors Downs, Kelley, Lucas Opposed) (Councilor Leary Not Voting); Public Hearing Opened

#69-24 Request to allow a parking stall within five feet of the street and to waive parking stall depth at 113 Edinboro Street

WILLIAM SWARTZ petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow for the creation of a parking stall in front of the dwelling, within five feet of the street and lacking the required depth at 113 Edinboro Street, Ward 2, Newtonville, on land known as Section 21 Block 23 Lot 04, containing approximately 3,250 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 5.1.7.A, 5.1.8.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 8-0; Public Hearing Opened

#70-24 Request to amend an approved Comprehensive Sign Package and Special Permit #218-22 at 1-55 Boylston Street

CHESTNUT HILL SHOPPING CENTER LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #218-22 to allow an updated Comprehensive Sign package to include additional directory and wayfinding signs to provide more visibility for interior tenants, as well as an expansion of the existing sign band at 1-55 Boylston Street, Ward 7, Chestnut Hill, on land known as Section 63 Block 37 Lots 25 and 26, containing approximately 859,444 sq. ft. of land in a district zoned BUSINESS4. Ref: Sec. 7.3.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 8-0; Public Hearing Closed 8-0

Referred to Zoning & Planning Committee

01/22/2024

Present: Councilors Baker (Chair), Oliver, Albright, Wright, Krintzman, Getz, Danberg, and Kalis; also present: Councilors Farrell, Kelley, Malakie, Leary, and Lucas

Referred to Zoning and Planning & Finance Committees

- #22-24** **CPC Recommendation to appropriate \$125,000 in CPA funding**
 COMMUNITY PRESERVATION COMMITTEE recommending appropriation of \$125,500 in Community Preservation Act funding from the FY24 Historic Resource Reserve Funds to the control of the Planning & Development Department for a grant to the Second Church in Newton for the restoration.
Zoning & Planning Approved 6-0-1 (Councilor Oliver Abstained) (Councilor Albright Not Voting)
- #23-24** **Update on Short-term rental ordinance compliance and enforcement**
 COUNCILORS MALAKIE, WRIGHT, KELLEY, LAREDO, LIPOF, HUMPHREY, LUCAS, ALBRIGHT, DANBERG, AND OLIVER requesting an update on Short-term Rental ordinance compliance and enforcement, including data on registrations, complaints, investigations and fines issued; types of violations being found (e.g. non-owner occupied, room limits, annual time limits, other code violations like noise, health & safety, trash); ability to compare STRs registered with the city vs registered with the state vs listings on public platforms; ability to obtain listing information from STR companies; adequacy of resources or other obstacles to enforcement.
Zoning & Planning Held 8-0
- #24-24** **Request for discussion and possible ordinance amendments relative to aiding small businesses impacted by development**
 COUNCILORS ALBRIGHT AND KELLEY request the Planning Department with the assistance of the Economic Development Commission, research and develop mechanisms including ordinance changes or other means to assist local businesses impacted by development similar to the Somerville work. The goal of this docket item will be to help small commercial/retail/independent and locally-owned businesses remain in Newton as development occurs.
Zoning & Planning Held 8-0
- #49-24** **Discussion and possible adoption of an ordinance requiring electrification of all new construction and substantial renovations**
 HER HONOR THE MAYOR AND COUNCILORS ALBRIGHT, DANBERG, LEARY, HUMPHREY, KALIS, DOWNS, LIPOF, WRIGHT, MICLEY, BIXBY, AND GETZ requesting discussion and possible adoption of an Electrification Ordinance

that would require all new construction and substantial renovations in Newton to be all-electric. This is in conjunction with the City's recent conditional approval by the State Department of Energy Resources (DOER) for participation in the Ten Communities Program.

Zoning & Planning Held 8-0; Public Hearing Set for 02/26/24

#71-24 Appointment of Councilor Albright to the Newton Affordable Housing Trust Fund

PRESIDENT LAREDO appointing Councilor Susan Albright, 1075 Commonwealth Ave, Newton as a member of the Newton Affordable Housing Trust for a term of office to expire on December 31, 2025.

Zoning & Planning Approved 8-0

#74-24 Discussion Regarding 40B Process Post 'Safe Harbor' Designation

COUNCILORS OLIVER, BAKER, AND WRIGHT requesting a discussion with the Law and Planning departments regarding the process going forward for 40B projects since meeting the 10% 'Safe Harbor' designation. The discussion should address the different parameters that can or will be used to accept, deny and modify projects and the criteria allowed to be used by ZBA or any other approving authority.

Zoning & Planning Held 8-0

Referred to Programs & Services Committee

01/17/2024

Present: Councilors Krintzman (Chair), Humphrey, Oliver, Micley, Malakie, Lobovits, Baker, and Farrell; also present: Councilor Downs

Referred to Programs & Services Committee and Finance Committee

#27-24 Appropriate \$925,000 Newton Public Schools Curriculum Investments

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of nine hundred twenty five thousand (\$925,000) of June 30, 2023 Certified Free Cash for the purpose of funding curriculum materials for Newton Public Schools.

Finance Held 8-0 on Monday, January 8, 2024

Programs & Services Approved 8-0

#48-24 Resolution on avoiding PFAS in Newton purchasing

COUNCILORS DOWNS, LEARY, MALAKIE, LOBOVITS, FARRELL, KALIS, HUMPHREY, MICLEY, DANBERG, BIXBY, AND WRIGHT requesting a resolution urging the City to avoid the purchase or use of products containing PFAS.

Programs & Services Approved 8-0

- #57-24 Reappointment of Jane Brown to the Human Rights Commission**
HER HONOR THE MAYOR reappointing Jane Brown, 104 Atwood Avenue, Newtonville as a member of the Human Rights Commission for a term of office set to expire on January 1, 2027. (60 Days: 03/17/24)
Programs & Services Approved 8-0
- #58-24 Discussion concerning Programs & Services Committee workplan for the new term**
COUNCILORS KRINTZMAN AND HUMPHREY requesting a discussion with the Programs & Services Committee concerning the work plan of the Programs & Services Committee for the new 2024-2025 term.
Programs & Services No Action Necessary 8-0
- #75-24 Request to set Early Voting Hours for the March 5th Primary Election**
THE CITY CLERK requesting to set early voting hours for the March 5, 2024 Presidential Primary on the following dates, location, and times recommended by the Election Commission: A total of seven days; Saturday February 24th: 11am-5pm, Sunday February 25th: 11am-5pm, Monday February 26th: 8:30am-5pm, Tuesday February 27th: 8:30am-5pm, Wednesday February 28th: 8:30am-8pm, Thursday February 29th: 8:30am-5pm, Friday March 1st: 8:30am-5pm at Newton City Hall, 1000 Commonwealth Avenue, Newton, MA 02459.
Programs & Services Approved 8-0

Referred to Public Safety & Transportation Committee

01/17/2024

Present: Councilors Grossman (Chair), Greenberg, Lucas, Wright, Block, Downs, Bixby and Lipof

- #53-24 Discussion concerning PS&T Committee workplan for the new term**
COUNCILOR GROSSMAN requesting a discussion with the Public Safety & Transportation Committee concerning the work plan of the PS&T Committee for the new 2024-2025 term.
Public Safety & Transportation Held 8-0
- #54-24 Request to change the number of Deputy Chiefs in the Fire Department**
HER HONOR THE MAYOR requesting to amend Chapter 10-28 of Newton Ordinances to change the number of Deputy Chiefs in the Fire Department from five to six.
Public Safety & Transportation Approved 8-0

Referred to Public Facilities Committee

01/17/2024

Present: Councilors Albright (Chair), Leary, Laredo, Getz, Danberg, Kelley, Kalis and Gentile;
also present: Councilors Wright, Lucas, Malakie and Greenberg

#31-24 Request for water main extension and main drain extension, and granting of water easement and main drain easement in Chapin Road

EVERETT M. BROOKS CO. on behalf of the property owners, is petitioning for the extension of the City's water main and main drain on Chapin Road, and associated easements, which is required as part of the approved subdivision Certificate of Action.

Public Facilities Approved Withdrawal Without Prejudice 8-0

Referred to Public Facilities Committee and Finance Committee

#33-24 Appropriate \$11,475,000 for Newton Public Schools and Municipal Infrastructure

HER HONOR THE MAYOR requesting authorization to appropriate and expend eleven million, four hundred seventy five thousand dollars (\$11,475,000) of June 30, 2023 Certified Free Cash to fund the following: A. Newton North Pool- Air Handling Unit (\$425,000) B. Replace Entire Roof System - Peirce Elementary (\$1,200,000) C. Replace Entire Roof System - Mason Rice Elementary (\$1,100,000) D. Repave Parking Area - Brown Middle School (\$300,000) E. Replace Chiller - Newton South, Building H (\$350,000) F. Repair Auditorium Ceiling, Playground Improvement and Toilet Room Installation - Williams Elementary (\$325,000) G. Install PA Systems - Bigelow & Brown Middle Schools (\$300,000) H. Toilet Room Upgrades - Day Middle, Mason Rice, Bowen, Memorial Spaulding, and Peirce Elementary Schools (\$1,275,000) I. Paving, Road Improvements & Traffic Calming (\$5,250,000) J. Police Headquarters - Repave Parking Lot & Fencing (\$600,000) K. Fire Station 2- Heat Pumps for staff area HVAC (\$350,000).

Finance Held 8-0 on Monday, January 8, 2024

Finance Approved 6-0-2 (Councilors Grossman and Micley Abstained)

Public Facilities Approved 8-0

#59-24 Requesting approval for a Conceptual Design for the Washington Street Pilot project

HER HONOR THE MAYOR requesting approval for a Conceptual Design for the Washington Street Pilot project, which will allow the City to advance the preferred concept in close coordination with the project working group, and with City Departments, including Fire, Public Works, Planning, and Parks, Recreation and Culture, and to develop cost estimates within the project construction budget.

Public Facilities Approved 8-0

Referred to Finance Committee

01/22/2024

Present: Councilors Gentile (Chair), Micley, Bixby, Malakie, Grossman, Greenberg, Lipof and Humphrey

Referred to Programs & Services Committee and Finance Committee

- #27-24 Appropriate \$925,000 Newton Public Schools Curriculum Investments**
 HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of nine hundred twenty five thousand (\$925,000) of June 30, 2023 Certified Free Cash for the purpose of funding curriculum materials for Newton Public Schools.
Finance Held 8-0 on Monday, January 8, 2024
Programs & Services Approved 8-0 on Wednesday, January 17, 2024
Finance Approved 8-0

Referred to Public Facilities Committee and Finance Committee

- #33-24 Appropriate \$11,475,000 for Newton Public Schools and Municipal Infrastructure**
 HER HONOR THE MAYOR requesting authorization to appropriate and expend eleven million, four hundred seventy five thousand dollars (\$11,475,000) of June 30, 2023 Certified Free Cash to fund the following: A. Newton North Pool- Air Handling Unit (\$425,000) B. Replace Entire Roof System - Peirce Elementary (\$1,200,000) C. Replace Entire Roof System - Mason Rice Elementary (\$1,100,000) D. Repave Parking Area - Brown Middle School (\$300,000) E. Replace Chiller - Newton South, Building H (\$350,000) F. Repair Auditorium Ceiling, Playground Improvement and Toilet Room Installation - Williams Elementary (\$325,000) G. Install PA Systems - Bigelow & Brown Middle Schools (\$300,000) H. Toilet Room Upgrades - Day Middle, Mason Rice, Bowen, Memorial Spaulding, and Peirce Elementary Schools (\$1,275,000) I. Paving, Road Improvements & Traffic Calming (\$5,250,000) J. Police Headquarters - Repave Parking Lot & Fencing (\$600,000) K. Fire Station 2- Heat Pumps for staff area HVAC (\$350,000).
Finance Held 8-0 on Monday, January 8, 2024
Public Facilities Approved 8-0 on Wednesday, January 17, 2024
Finance Approved 6-0-2 (Councilors Grossman and Micley Abstained)

- #60-24 Reappointment of Allan S. Cohen to the Board of Assessors**
 HER HONOR THE MAYOR reappointing Allan S. Cohen, 12 Philmore Road, Newton as a member of the Board of Assessors for a term of office set to expire on February 1, 2027. (60 Days: March 16, 2024)
Finance Approved 7-0 (Councilor Micley Not Voting)

#61-24 Requesting approval to accept and expend \$500 in a donation from the Newton Highlands Congregational Church
HER HONOR THE MAYOR requesting approval to accept and expend \$500 in a donation from the Newton Highlands Congregational Church for LGBTQ+ celebrations. The city expects to use the funds to support Pride programs, especially in the month of June.
Finance Approved 7-0 (Councilor Micley Not Voting)

#62-24 Requesting authorization to accept and expend \$18,720 in a grant from the State 911 Department for the Emergency Medical Dispatch Grant Program
HER HONOR THE MAYOR requesting authorization to accept and expend \$18,720 in a grant from the State 911 Department for the Emergency Medical Dispatch Grant Program to cover the cost of quality assurance for EMD services.
Finance Approved 7-0 (Councilor Micley Not Voting)

Referred to Real Property Reuse Committee

01/25/2024

Present: Councilors Danberg (Chair), Lucas, Getz, Gentile, Malakie, Laredo and Lipof; Absent: Councilor Oliver; Also Present: Councilors Block and Krintzman

#36-24 Reuse of parcel of land on Grove and Hancock Street
DIRECTOR OF PLANNING & DEVELOPMENT submitting on November 3, 2023 a letter stating that the 36,356 sq. ft. City owned parcel of land known as 169 Grove Street and 136 Hancock Street, should be made available for sale or lease, pursuant to the City of Newton Ordinances Section 2-7.
Real Property Reuse Held 7-0; Public Hearing set for 03/28/2024