



City Council Actions
In City Council
Monday, March 4, 2024

Present: Councilors Albright, Baker, Bixby, Block, Downs, Farrell, Gentile, Getz, Greenberg, Grossman, Humphrey, Kalis, Kelley, Krintzman, Laredo, Leary, Lipof, Lobovits, Lucas, Malakie, Micley, Oliver and Wright

Absent: Councilor Danberg

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

<https://youtu.be/ILY7lfb-eGQ?list=PLqjIDbsvfNjWDZBeyh6bGp4ZmOCnq-pDR>

The City Council discussed the following items on Second Call:

#121-24 Request for Amendments to Council Rules and Ordinance Regarding Start Time of City Council Meetings

CITY CLERK requesting amendments to City Council Rules and Sec. 4-1 of the Newton Revised Ordinances to change "7:45 p.m." to "7:30 p.m."

Programs & Services Motion to Approve Failed 3-5 (Councilors Baker, Malakie, Micley, Lobovits, Farrell Opposed)

Council Approved Motion to Deny 16-7 (Councilors Albright, Greenberg, Kalis, Krintzman, Lipof, Lucas, Oliver) 1 Absent (Councilor Danberg)

#116-24 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 Approved 7-0; Public Hearing Closed 7-0

Council Approved 22-1 (Councilor Gentile) 1 Absent (Councilor Danberg)

The City Council voted without discussion 23 Yeas, 0 Nays, 1 Absent to Accept the Committee Recommendations on the following:

- #116-24 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 Approved 7-0; Public Hearing Closed 7-0
- #118-24 Request to further extend nonconforming FAR, to alter the nonconforming number of stories, and to alter the nonconforming front setback at 442-444 Lowell Avenue**
MSGM LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story rear addition and dormers which will further extend the nonconforming FAR, nonconforming number of stories, and nonconforming front setback at 442-444 Lowell Avenue, Ward 2, Newtonville, on land known as Section 24 Block 28 Lot 52, containing approximately 9,600 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 3.2.3, 3.2.11, 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
- #119-24 Request to allow a retaining wall exceeding four feet in height in a setback at 12 Clark Street**
GREGOIRE VERSMEE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a series of retaining walls which exceed four feet in height with the rear setback at 12 Clark Street, Ward 6, Newton Centre, on land known as Section 62 Block 19 Lot 08, containing approximately 13,600 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 7-0; Public Hearing Closed 7-0
- #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 on Monday, January 22, 2024
Zoning & Planning No Action Necessary 8-0

- #87-24 Discussion and possible amendments to update project review fees**
HER HONOR THE MAYOR requesting discussion and possible ordinance amendments to update fees related to special permit, zone change and site plan review fees requested by the Planning Department, City Clerk's Office, and Law Department.
Zoning & Planning Approved 7-0
- #88-24 Reappointment of Lei Reilley to the Zoning Board of Appeals**
HER HONOR THE MAYOR reappointing Lei Reilley, 130 Pine Street, Newton as an associate member of the Zoning Board of Appeals for a term of office set to expire on January 10, 2025. (60 Days: 04/05/2024)
Zoning & Planning Approved 8-0
- #89-24 Reappointment of Denise Chicoine to the Zoning Board of Appeals**
HER HONOR THE MAYOR reappointing Denise Chicoine, 275 Islington Road, Newton as an associate member of the Zoning Board of Appeals for a term of office set to expire on January 10, 2025. (60 Days: 04/05/2024)
Zoning & Planning Approved 8-0
- #106-24 Establish a NPS Educational Stabilization Fund**
HER HONOR THE MAYOR requesting authorization to establish a NPS Educational Stabilization Fund.
Programs & Services Approved 8-0
Finance Approved 8-0 on Monday, February 26, 2024
- #107-24 Appropriate funds to a NPS Educational Stabilization Fund**
HER HONOR THE MAYOR requesting authorization to appropriate from Overlay Surplus (\$18,200,000), interest income that has accumulated as part of the \$18.2 million Overlay Surplus (\$800,000) which can be allocated from Free Cash, and June 30, 2023 Certified Free Cash (\$3,000,000) to the NPS Educational Stabilization Fund, for a total of \$22 million.
Programs & Services Approved 8-0
Finance Approved 8-0 on Monday, February 26, 2024
- #121-24 Request for Amendments to Council Rules and Ordinance Regarding Start Time of City Council Meetings**
CITY CLERK requesting amendments to City Council Rules and Sec. 4-1 of the Newton Revised Ordinances to change "7:45 p.m." to "7:30 p.m."
Programs & Services Motion to Approve Failed 3-5 (Councilors Baker, Malakie, Micley, Lobovits, Farrell Opposed)

- #95-24 Appointment of Daniel Green to the Newton Commonwealth Foundation**
HER HONOR THE MAYOR appointing Daniel Green, 46 Glen Avenue, Newton as a member of the Newton Commonwealth Foundation for a term of office set to expire on June 30, 2025. (60 Days: 04/05/2024)
Programs & Services Approved 8-0
- #98-24 Transfer \$446,104.67 to Opioid Mitigation Special Revenue Fund**
HER HONOR THE MAYOR requesting authorization to transfer the Opioid Mitigation funds totaling \$446,104.67 for use by the Health and Human Services Department into a Special Revenue Fund, as allowed by State Law in December 2023.
Finance Approved 8-0
- #108-24 Requesting Authorization to issue refunding bonds**
HER HONOR THE MAYOR requesting authorization to issue refunding bonds to refund all or any portion of the City's general obligation bonds.
Finance Approved 8-0
- #110-24 Requesting authorization to accept and expend the sum of \$35,000 from the Firefighter Safety Equipment Grant**
HER HONOR THE MAYOR requesting authorization to accept and expend thirty-five thousand dollars (\$35,000.00) from the Executive Office of Public Safety and the State Department of Fire Services for a reimbursement grant that was awarded to Newton Fire for Firefighter Safety Equipment.
Finance Approved 8-0
- #112-24 Appropriate \$1,191,000 for the replacement of Newton's Free Library HVAC System**
HER HONOR THE MAYOR requesting authorization to appropriate and expend \$1,191,000 from June 30, 2023 Certified Free Cash to complete the funding for the Newton Free Library's chiller and related cooling equipment replacement project.
Public Facilities Approved 8-0 on Wednesday, February 21, 2024
Finance Approved 6-1 (Councilor Humphrey Opposed) (Councilor Gentile Not Voting)
- #113-24 Requesting authorization to accept \$30,785 grant from Massachusetts Office on Disability for Williams Elementary School Playground Accessibility Improvements**

HER HONOR THE MAYOR requesting authorization to accept and expend \$30,785 in grant funds from the Massachusetts Office on Disability for Williams Elementary School playground accessibility improvements.

Finance Approved 8-0

#99-24 Acceptance of \$27,500 from National Environmental Health Association (NEHA) Grant

HER HONOR THE MAYOR requesting authorization to accept and expend funds in the amount of twenty-seven thousand five-hundred dollars (\$27,500) to the City of Newton from the National Environmental Health Association (NEHA) for the purpose of improving the City's conformance with the US Food and Drug Administration's Retail Program Standards by the Health and Human Services Department.

Finance Approved 8-0

The City Council voted without discussion 22 Yeas, 0 Nays, 1 Absent, 1 Recusal (Councilor Humphrey) to Accept the Committee Recommendations on the following:

#115-24 Request to amend Special Permit #178-13 to allow a non-profit educational use and to waive 3 parking stalls at 14 Collins Road

UNION CHURCH IN WABAN TRUSTEES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend the special permit to allow the Winchester School of Chinese Culture (WSCC), a non-profit educational use, to operate an after-school program, and a waiver of required number of parking stalls at 14 Collins Road, Ward 5, Waban, on land known as Section 55 Block 48 Lots 36 and 37, containing approximately 41,302 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 4.4.1, 6.3.14.B.1.b, 5.1.4, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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

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

#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 Held 8-0 on January, 08, 2024

Zoning & Planning Approved 6-0-1 (Councilor Oliver Abstaining) (Councilor Albright Not Voting) on January 22, 2024
Finance Approved 7-0-1 (Councilor Humphrey Abstaining)

The City Council voted without discussion 22 Yeas, 1 Nay (Councilor Humphrey), 1 Absent to Accept the Committee Recommendations on the following:

- #109-24 Authorization to appropriate and expend the amount of \$2.3 million from the Overlay Surplus and \$5.5 million from the ATB Interest and Penalties account to NEWCAL, reducing bonding authorization**
HER HONOR THE MAYOR requesting authorization to appropriate and expend a total of seven-million, eight-hundred thousand dollars (\$7.8 million) for the NewCAL project to reduce the amount of funding the City would need to borrow for that project. The \$7.8 million is comprised of two funding sources related to the Eversource agreement: (1) five-million, five-hundred thousand (\$5.5 million), transferred from the ATB Interest and Penalties account, and (2) two-million, three-hundred thousand (\$2.3 million) from Overlay Surplus. As a result, I am also requesting authorization to rescind \$7.8 million of bond authorization for the NewCAL project.
Finance Approved 6-0-2 (Councilors Humphrey, Bixby Abstain)

The City Council voted without discussion 22 Yeas, 1 Nay (Councilor Humphrey), 1 Absent to Accept the Committee Recommendations on the following:

- #111-24 Authorization to issue an RFP for NPS Food Service Contract**
HER HONOR THE MAYOR requesting authorization for the Newton Public Schools to issue an RFP with a food service management company, for a contract duration of up to five years.
Finance Approved 7-1 (Councilor Humphrey Opposed)

The City Council voted without discussion 22 Yeas, 1 Nay (Councilor Malakie), 1 Absent to Accept the Committee Recommendations on the following:

- #10-24 Request to allow three single-family attached dwellings in two buildings, to waive certain dimensional requirements and two parking stalls at 199 Church Street**

GLENSHANE PROPERTIES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the accessory apartment into a separate dwelling, resulting in three single-family attached dwellings in two separate structures with dimensional waivers and parking waivers at 199 Church Street, Ward 1, Newton, on land known as Section 12 Block 13 Lot 16, containing approximately 10,688 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 3.4.1, 3.2.4, 3.4.2, 5.1.4, 5.1.13, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 7-0; Public Hearing Opened on Tuesday, January 9, 2024

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

Public Hearings were assigned for the following Items:

Public Hearing 03-12-2024

#141-24 Request to amend Special Permit #316-20 and to exceed FAR at 432 Dedham Street

DAVID GEFFEN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend special permit #316-20 to raze the detached garage and construct an attached garage with an accessory apartment above as well as a rear addition which exceeds the allowable FAR at 432 Dedham Street, Ward 8, Newton Centre, on land known as Section 81 Block 11 Lot 47, containing approximately 31,308 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 3.1.5, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing 03-12-2024

#140-24 Request to allow three stories, to further extend nonconforming side setback and to exceed FAR at 86 Floral Street

SEBASTIO DASILVA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct additions to a 2.5 story two family dwelling, resulting in a three story building, to vertically extend a nonconforming side setback, modifying the front porch entry, and constructing rear decks exceeding maximum FAR at 86 Floral Street, Ward 6, Newton Highlands, on land known as Section 52 Block 36 Lot 16, containing approximately 5,942 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3, 3.2.3, 7.8.2.C.2, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing 03-12-2024

#139-24 Request to further extend nonconforming FAR and lot coverage at 157 Baldpate Hill Road

DANIEL KRUPP & RYAN WINTON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct basement and first story additions which will further extend the nonconforming FAR and lot coverage at 157 Baldpate Hill Road,

Ward 8, Newton Centre, on land known as Section 82 Block 25 Lot 63, containing approximately 16,048 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 03-19-2024

#143-24 Request to exceed FAR at 27 Cross Hill Road

LI XIAN LI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct additions to the rear of the structure as well as within the footprint exceeding the FAR at 27 Cross Hill Road, Ward 8, Newton Centre, on land known as Section 82 Block 14 Lot 09, containing approximately 10,296 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. 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 03-19-2024

#142-24 Request to allow oversized dormers in a detached accessory building at 20 Wachusett Road

MARIANNE BECHET petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct oversized dormers in the detached accessory building at 20 Wachusett Road, Ward 7, Chestnut Hill, on land known as Section 61 Block 15 Lot 04, containing approximately 22,770 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 1.5.4.G.2.b, 1.5.4.G.2.d of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.