



City Council Reports Docket

April 2: Land Use

April 3: Public Safety & Transportation and
Public Facilities

April 8: Finance and Zoning & Planning

April 10: Programs and Services

Page 83

7:45 PM, Hybrid

To be reported on

Tuesday, April 16, 2024

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Tuesday, April 16, 2024, at 7:45 PM. To view this meeting on Zoom use this link

<https://newtonma-gov.zoom.us/j/89287311217>

at the above date and time:

One tap mobile

US: +13092053325, 892 8731 1217

Land line

+1 309 205 3325 US

Webinar ID: 892 8731 1217

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>

1

City of Newton

In City Council Items to be Acted Upon

Referred to Land Use Committee

04/02/2024

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

¹ 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.

#117-24 Request to further extend a nonconforming two-family dwelling and nonconforming front setback at 265-267 River Street
 AMERICAN WAY DEVELOPMENT, INC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raise the roof and add dormers, further extending the nonconforming two-family dwelling use and alter/extend the nonconforming front setback at 265-267 River Street, Ward 4, West Newton, on land known as Section 44 Block 12 Lot 01, containing approximately 6,671 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 3.4.1, 3.1.2.A.3, 3.2.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 7-0 on February 27, 2024

Land Use Approved 7-0

#159-24 Request to allow a for-profit school at 2 Wells Avenue
 TWO WELLS AVE EQUITY IND. PART. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow for a vacation day camp, which falls under the category of for-educational use school at 2 Wells Avenue, Ward 8, Newton Centre, on land known as Section 84 Block 34 Lot 02K, containing approximately 436,175 sq. ft. of land in a district zoned LIMITED MANUFACTURING. Ref: Sec. 7.3.3, 4.4.1, 6.3.14.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 7-0

#160-24 Request to allow a retaining wall exceeding four feet in height in a setback and to exceed FAR at 54-56 Indiana Terrace
 INDIANA TERRACE LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow retaining walls along the sides and rear of the dwelling exceeding four feet in height within the side setback at 54-56 Indiana Terrace, Ward 5, Newton Upper Falls, on land known as Section 51 Block 40 Lot 06, containing approximately 7,760 sq. ft. of land in a district zoned Multi Residence 1. Ref: Sec. 7.3.3, 5.4.2.B, 3.2.3, 3.2.10 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 7-0

Referred to Zoning & Planning Committee

04/08/2024

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

#132-24 Requesting discussion and amendments to Newton Zoning Ordinance, Chapter 30
 HER HONOR THE MAYOR requesting discussion and amendments to the Newton Zoning Ordinance, Chapter 30, in order to clarify definitions, edit

missing or incorrectly transcribed provisions, and revise inconsistencies in the ordinance.

Zoning & Planning Held 7-0 on March 11, 2024

Zoning & Planning Approved 7-0-1 (Councilor Kalis Abstained)

#133-24 Requesting discussion and amendments to Newton Zoning Ordinance, Chapter 30 to incentivize small businesses

HER HONOR THE MAYOR requesting discussion and amendments to the Newton Zoning Ordinance, Chapter 30, in order to incentivize and promote small businesses.

Zoning & Planning Held 7-0 on March 11, 2024

Zoning & Planning Approved 8-0

#167-24 Request for authorization to submit FY2025 Annual Action Plan

HER HONOR THE MAYOR requesting authorization, pursuant to the 2023 Revised Citizen Participation Plan, to submit the FY25 Annual Action Plan to the US Department of Housing and Urban Development for the City of Newton Community Development Block Grant (CDBG) and Emergency Solutions Grant (ESG) funds and the WestMetro HOME Consortium.

Zoning & Planning Approved 8-0

#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 on January 8, 2024

Zoning & Planning Held 8-0 on January 22, 2024

Zoning & Planning Held 8-0

#41-24 Amend the setbacks in the MR zones to encourage preservation of existing buildings

COUNCILORS ALBRIGHT, DANBERG, KRINTZMAN, AND LEARY seeking a discussion with the Planning Department to consider ordinance amendments that would revise the metrics in the multi-residence (MR1, MR2 and MR3) zones, to regulate the size of new buildings better, enable a wider range of

housing options close to public transit, and better incentivize preservation and renovation of existing housing stock.

Zoning & Planning Held 7-0 on February 15, 2024

Zoning & Planning Held 6-0 (Councilor Albright Not Voting) on March 11, 2024

Zoning & Planning Held 8-0

#76-24(2) Discussion and possible ordinance amendment to require a special permit for retaining walls over four (4) ft

ZONING AND PLANNING COMMITTEE AND COUNCILOR LIPOF requesting discussion and possible ordinance amendment to Chapter 30 Section 5.4.2 to require a special permit for all retaining walls over four (4) feet on a site.

Zoning & Planning Held 7-0 on March 11, 2024

Zoning & Planning Approved 7-0-1 (Councilor Albright Abstained)

#85-24 Request for discussion and possible amendments to enhance the preservation of existing homes.

COUNCILORS BAKER, OLIVER, MALAKIE, KALIS, GETZ, LUCAS, LOBOVITS, WRIGHT, BLOCK, AND FARRELL requesting a discussion and possible amendments to Chapter 30 Zoning or other City Ordinances to enhance the preservation of existing homes over their replacement by larger and more expensive structures.

Zoning & Planning Held 7-0 on February 15, 2024

Zoning & Planning Held 6-0 (Councilor Albright Not Voting) on March 11, 2024

Zoning & Planning Held 8-0

Referred to Programs & Services Committee

04/10/2024

Present: Councilors Krintzman (Chair), Humphrey, Oliver, Micley, Malakie, Lobovits, and Baker; absent: Councilor Farrell; also present: Councilors Albright, Leary, Wright, Greenberg, and Kelley

#149-24 Ordinance amendment to prohibit the sale of tobacco in Newton to anyone born on or after 1/1/2000

COUNCILOR ALBRIGHT, HUMPHREY, KRINTZMAN, DOWNS, LUCAS, BIXBY, AND DANBERG requesting a discussion and amendment to Chapter 20 Section 3 or sections as appropriate to protect the health, safety, and welfare of the young people in Newton by creating a prohibition of sales such that no person, firm, corporation, establishment, or agency shall sell tobacco or e-cigarette products to anyone born on or after 1/1/2000.

Programs & Services Held 7-0

Referred to Programs & Services and Finance Committees

#176-24 Requesting authorization to transfer \$165,000 for the tennis courts at Newton South High School

HER HONOR THE MAYOR requesting authorization to transfer \$165,000 from Current Year Budget Reserve for the purpose of resurfacing of the tennis courts at Newton South High School.

Finance Approved 7-0 on April 8, 2024

Programs & Services Approved 7-0

#28-24 Discussion and possible amendments to Chapter 21, Art III Trees

COUNCILORS HUMPHREY, DANBERG, GREENBERG, GROSSMAN, KALIS, LEARY, MALAKIE, WRIGHT, LOBOVITS, and FARRELL requesting revisions and amendments to Chapter 21, Art III Trees (Sec. 21-60 through 21-89) to further clarify recent revisions to our tree protection ordinances and requesting updates from the Tree Warden on the progress of implementation of the recent revisions.

Programs & Services Held 4-3 (Councilors Baker, Malakie, and Lobovits Opposed)

Referred to Public Safety & Transportation Committee

04/03/2024

Present: Councilors Grossman (Chair), Lucas, Wright, Bixby, Block, Downs and Lipof; absent: Councilor Greenberg; also present: Councilor Malakie

#144-24 Requesting new public auto license

VASIF VALI, 132 Charles Street #303, Newton, MA 02466 requesting one (1) new public auto license for Vali Bros Transportation LLC.

Public Safety & Transportation Approved 7-0 on April 3, 2024

Referred to Public Safety & Transportation and Finance Committees

#150-24 Recommendation to accept Massachusetts General Laws (MGL) Chapter 41, Section 100G.

HER HONOR THE MAYOR requesting authorization to provide for the payment of funeral and burial expenses, not exceeding two thousand dollars (\$2,000), of any firefighter or police officer killed while in the performance of their duty, which procedurally means accepting Massachusetts General Laws (MGL) Chapter 41, Section 100G.

Finance Approved 6-0 (Councilor Lipof Not Voting) on April 8, 2024

Public Safety & Transportation Approved 7-0

- #151-24 Requesting a discussion with the Police on Traffic Enforcement**
COUNCILORS GROSSMAN, ALBRIGHT, BIXBY, LIPOF, KALIS, LAREDO, LUCAS, MALAKIE, GREENBERG, LOBOVITS, DANBERG, DOWNS AND MICLEY requesting a discussion with Chief Carmichael regarding the City's approach to traffic enforcement. Discussion to include staffing levels, policies, procedures, and best practices to enhance public safety and reduce the number and severity of crashes.
Public Safety & Transportation No Action Necessary 7-0
- #152-24 Requesting a discussion with the Police on Body Cameras in the Newton Police Department**
COUNCILORS GROSSMAN, LIPOF, BLOCK, LAREDO, HUMPHREY, LUCAS, GREENBERG, DANBERG, DOWNS, MICLEY, KRINTZMAN AND LOBOVITS requesting a discussion with Chief Carmichael on the current status of the use of body cameras in the Newton Police Department.
Public Safety & Transportation Held 7-0
- #153-24 Requesting a discussion with the Police and School Departments on School Safety Protocols**
COUNCILORS GROSSMAN, ALBRIGHT, BIXBY, LIPOF, KALIS, LAREDO, LUCAS, MALAKIE, GREENBERG, LOBOVITS, DANBERG AND MICLEY requesting a discussion with Chief Carmichael and appropriate Newton Public Schools personnel regarding current school safety protocols and best practices Newton should consider, such as ALICE training.
Public Safety & Transportation No Action Necessary 7-0
- #162-24 Requesting new public auto license**
ABDERRAHMANE FELLAH, 159 Washington Street #1, Newton MA 02458 requesting one (1) new public auto license for AB Inc.
Public Safety & Transportation Approved 7-0

Referred to Public Facilities Committee

04/03/2024

Present: Councilors Albright (Chair), Getz, Laredo, Kelley, Leary, Gentile, and Danberg;

absent: Councilor Kalis; also present: Councilor Malakie

- #147-24 Discussion with Audrey Shulman from HEET regarding Networked Geothermal Energy**
Councilor Albright on behalf of the Public Facilities Committee requesting a discussion with Audrey Shulman from HEET regarding Networked Geothermal

Energy to include references to this program in the final GSEP report and GE's role in converting to renewable energy.

Public Facilities Held 7-0

#148-24 Presentation of the Gaspipes.org database to the Public Facilities Committee

Councilors Albright and Leary on behalf of the Public Facilities Committee requesting a discussion and presentation from the Newton Gas Pipes team to show the Public Facilities Committee the database built based on data from National Grid data. This graphic representation maps various data regarding leaks, reduction of leaks over time, proximity of leaks to trees and other important factors.

Public Facilities Held 7-0

#173-24 Eversource petition for Grant of Location for 150 Jackson Road

EVERSOURCE ENERGY petitioning for a grant of location to relocate two poles (227/11 and 227/10) on the southwesterly side approximately 339 and 239 feet southwest of Pearl Street in Jackson Road. (Ward 1)

Public Facilities Approved 7-0

#179-24 Discussion regarding the Framingham Networked Geothermal Project.

Councilor Albright on behalf of the Public Facilities Committee requesting a discussion about the Framingham Networked Geothermal Project with Eversource. This discussion should include neighborhood selection, pros and cons of the project learned to date, and costs and feasibility of scaling this project city-wide.

Public Facilities Held 7-0

#39-24 Discussion regarding reducing gas leaks and transition away from methane gas

COUNCILORS LAREDO, ALBRIGHT and LEARY a discussion with the Administration's Sustainability Team and the Department of Public Works on (a) a plan to more effectively reduce methane gas leaks in the city and (b) how to best coordinate with NGRID regarding the transition away from methane gas to electric heating and cooling solutions.

Public Facilities Held 7-0

Referred to Finance Committee

04/08/2024

Present: Councilors Gentile (Chair), Malakie, Greenberg, Bixby, Humphrey, Lipof and Grossman; also present: Councilor Block; absent: Councilor Micley

Referred to Public Safety & Transportation and Finance Committees

#150-24 Recommendation to accept Massachusetts General Laws (MGL) Chapter 41, Section 100G.

HER HONOR THE MAYOR requesting authorization to provide for the payment of funeral and burial expenses, not exceeding two thousand dollars (\$2,000), of any firefighter or police officer killed while in the performance of their duty, which procedurally means accepting Massachusetts General Laws (MGL) Chapter 41, Section 100G.

Public Safety & Transportation Approved 7-0 on April 3, 2024

Finance Approved 6-0 (Councilor Lipof Not Voting)

Referred to Land Use and Finance Committees

#157-24 Request for proposals from outside special counsel to ensure compliance and enforcement of applicable permits at the “Turtle Lane” site in Auburndale.

Councilors Gentile, Block, Laredo, and Krintzman requesting that the Mayor through the Law Department solicit proposals from outside special counsel to assist the City in the analysis of the City's rights and remedies to ensure compliance with, and enforcement of, applicable permits and approvals at the “Turtle Lane” site in Auburndale.

Finance Held 7-0 on March 25, 2024

Finance Held 7-0

#166-24 Acceptance of Massachusetts MOTT FY24 budget grant

HER HONOR THE MAYOR requesting authorization to accept and expend a Massachusetts MOTT FY24 budget grant in the amount of forty-two thousand five hundred dollars (\$42,500) to improve stormwater management and beautification of the Cheesecake Brook section that runs alongside Albemarle Park.

Finance Approved 7-0

#168-24 Acceptance of a Massachusetts Office of Travel and Tourism FY24 state budget earmark grant

HER HONOR THE MAYOR requesting authorization to accept and expend a Massachusetts Office of Travel and Tourism FY24 state budget earmark grant in the amount of fifty thousand dollars (\$50,000) for Farlow Park.

Finance Approved 7-0

#169-24 Acceptance of a \$75,000 Massachusetts Office of Travel and Tourism FY24 state budget earmark

HER HONOR THE MAYOR requesting authorization to accept and expend a Massachusetts Office of Travel and Tourism FY24 state budget earmark grant

in the amount of seventy-five thousand dollar (\$75,000) to make improvements to 3 trails: Kennard Park, Kessler Woods, and the Upper Falls Greenway.

Finance Approved 7-0

#172-24 Requesting a discussion regarding a contract for audit services

COUNCILOR GENTILE AND THE COMPTROLLER requesting a discussion with the Finance Committee regarding a new contract or extension for audit services.

Finance Held 7-0

#174-24 Reappointment of James Pellegrine as a Constable

HER HONOR THE MAYOR requesting the reappointment of James Pellegrine, 14 Adams Court, Newton as a Constable for the City of Newton for a term to expire on February 26, 2027

Finance Approved 7-0

Referred to Programs & Services and Finance Committees

#176-24 Requesting authorization to transfer \$165,000 for the tennis courts at Newton South High School

HER HONOR THE MAYOR requesting authorization to transfer \$165,000 from Current Year Budget Reserve for the purpose of resurfacing of the tennis courts at Newton South High School.

Programs & Services Approved 7-0 on April 10, 2024

Finance Approved 7-0