

**RECEIVED**

**By City Clerk at 9:53 am, May 16, 2024**



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City Clerk

## City Council Reports Docket

May 7: Land Use

May 8: Programs & Services and Public Safety  
& Transportation

May 9: Joint Programs & Services and Finance

May 13: Finance and Zoning & Planning

May 15: Public Facilities

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7:00PM, Hybrid

To be reported on

Monday, May 20, 2024

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Monday, May 20, 2024, at 7:00PM. To view this meeting on Zoom use this link

<https://newtonma-gov.zoom.us/j/82322848550>

at the above date and time:

One tap mobile

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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>

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### City of Newton

### In City Council Items to be Acted Upon

### Referred to Land Use Committee

05/07/2024

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

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<sup>1</sup> 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.

**#207-24 Request for a Special Permit to waive 15 parking stalls at 1173-1177 Walnut Street**

HAEMEE, INC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the basement space for use as an office and waive 15 parking stalls at 1173-1177 Walnut Street, Ward 6, Newton Highlands, on land known as Section 52 Block 39 Lot 01, containing approximately 10,799 sq. ft. of land in a district zoned BUSINESS 1. Ref: Sec. 7.3.3, 5.1.4, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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

**#79-24 Request to amend Special Permit #395-22 to allow for a cash payment in lieu of providing IZ units at 136-144 Hancock Street**

TERRENCE P. MORRIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend the special permit to substitute a cash payment in lieu of providing the units at 136-144 Hancock Street, Ward 4, Auburndale, on land known as Section 43 Block 31 Lot 01, containing approximately 58,492 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3, 5.11.5.A.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Held 7-0 (Councilor Downs Not Voting) on February 6, 2024**

**Land Use Held 8-0 on March 12, 2024**

**Land Use Approved Withdrawal Without Prejudice Subject to Second Call 8-0; Public Hearing Closed 8-0**

**Referred to Zoning & Planning Committee**

05/13/2024

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

**#182-24 Request for discussion and possible amendments to allow for-profit schools by-right**

COUNCILORS LUCAS, KELLEY, LAREDO and LOBOVITS requesting a discussion with the Planning and Development Department to possibly amend Newton's Zoning Ordinance to allow Schools or other educational purposes, for-profit to be allowed by right.

**Zoning & Planning No Action Necessary 8-0**

**#225-24 Requesting possible amendments to the short-term rental ordinance**

COUNCILORS BAKER AND OLIVER on behalf of the Zoning & Planning Committee requesting amendments to the short-term rental ordinance to require that the property owner be listed as the operator, and other amendments to strengthen the ordinances relating to short-term rentals.

**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 on April 8, 2024**  
**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 on January 8, 2024**  
**Zoning & Planning Held 8-0 on January 22, 2024**  
**Zoning & Planning Held 8-0 on March 25, 2024**  
**Zoning & Planning Held 8-0**
- #24-24(2)      **Request for discussion and possible ordinance amendments relative to aiding small businesses impacted by development****  
 ZONING & PLANNING COMMITTEE requesting discussion and possible amendments to Chapter 30, Zoning to incorporate the "Fast Food Establishment" use into the "Restaurant" use, allow for shared "makerspaces" and/or co-working, and define a "Place of Amusement" use.  
**Zoning & Planning Held; Public Hearing Set for 06/27/24 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 on April 8, 2024**

**Zoning & Planning Held 8-0**

**#76-24**

**Discussion and possible ordinance amendment to deal with grade changes created during construction causing stormwater runoff on neighboring properties**

COUNCILORS ALBRIGHT, LEARY, LIPOF, AND WRIGHT requesting a discussion with the Planning Department to address concerns relative to the trend of significantly raising grade elevations on lots, using retaining walls, terracing and other means to add soil to conceal a raised basement, which can lead to new buildings that are significantly taller than nearby existing houses in the area and cause denuding of wooded areas and increase stormwater runoff. This discussion may result in an ordinance change to Chapter 30 section 5.4.2 which would require a special permit or other means of city review of all retaining walls over 4 feet on a site.

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

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

**Zoning & Planning Held 8-0**

**#76-24(3)**

**Discussion and possible amendments to change how building height is measured**

ZONING & PLANNING COMMITTEE requesting discussion and possible amendments to Chapter 30, Zoning to require that building height is measured from original grade instead of finished grade.

**Zoning & Planning Held; Public Hearing Set for 06/10/24 8-0**

**#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 on April 8, 2024**

**Zoning & Planning Held 8-0**

**Referred to Programs & Services Committee**

05/08/2024

Present: Councilors Krintzman (Chair), Humphrey, Oliver, Micley, Malakie, and Lobovits;

absent: Councilors Baker and Farrell; also present: Councilors Albright, and Getz

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

**#192-24**

**Authorization to transfer \$85,000 for HHS nursing staffing**

HER HONOR THE MAYOR requesting authorization to transfer the sum of eighty-five thousand dollars (\$85,000) from Account # 0150103-511001 Health & Human Services Clinical Health, Full Time Salaries to Account # 0150103-531300 Temporary Staffing for nursing staff.

**Programs & Services Approved 6-0**

**Finance Approved 8-0 on May 13, 2024**

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

**#197-24**

**Requesting authorization to transfer \$125,000 for Law Department legal services**

HER HONOR THE MAYOR requesting authorization to transfer the sum of \$125,000 from Account # 0110851-511001 Law Department, Full Time Salaries to Account # 0110851-530900 Legal Services.

**Programs & Services Approved 6-0**

**Finance Approved 8-0 on May 13, 2024**

**#200-24**

**Appointment of Donald Siegel to the Newton Housing Authority**

HER HONOR THE MAYOR appointing Donald Siegel, 82 Paulson Road, Waban as a member of the Newton Housing Authority for a term of office set to expire on May 20, 2029. (60 Days: 06/15/2024)

**Programs & Services Approved as Amended changing "2029" to "2027" 6-0**

**#226-24**

**Resolution to declare June 9, 2024 George Mansfield Day**

COUNCILORS BAKER AND LAREDO requesting a resolution to declare June 9, 2024 George Mansfield Day in the City of Newton.

**Programs & Services Approved 6-0**

**Referred to Public Safety & Transportation Committee**

05/08/2024

Present: Councilors Grossman (Chair), Downs, Greenberg, Lucas, Wright and Block; absent:

Councilors Lipof and Bixby

**#123-24 Requesting a regular discussion with the Police Department**  
COUNCILOR GROSSMAN requesting regular discussion with the Police Department of police data, including crashes, types of calls, numbers and dispositions.

**Public Safety & Transportation Held 6-0**

**#164-24 Requesting a discussion with the Police Department on the work of the Dedication to Community consultants**  
COUNCILORS LAREDO, BIXBY, KALIS, HUMPHREY, DOWNS, LIPOF, MALAKIE, ALBRIGHT, LOBOVITS, FARRELL, WRIGHT, LUCAS, GROSSMAN AND MICLEY requesting a discussion with the Police Department regarding the work of the Dedication to Community consultants.

**Public Safety & Transportation No Action Necessary 6-0**

**Referred to Public Safety & Transportation and Finance Committees**

**#215-24 Appropriation of \$1,350,000 for Fire Rescue Overtime**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one million three hundred and fifty thousand dollars (\$1,350,000) from June 30, 2023 Certified Free Cash to Acct # 0121022-513010 Fire Rescue - Regular Overtime.

**Public Safety & Transportation Approved 5-0 (Councilor Downs Not Voting)**  
**Finance Approved 8-0 on May 13, 2024**

**Referred to Public Safety & Transportation and Finance Committees**

**#219-24 Appropriation of \$450,000 for Police Department Overtime**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of four hundred and fifty thousand dollars (\$450,000) from Comptroller's Snow and Ice budgeted reserves to Acct# 0120103-513010 Police Patrol- Regular Overtime

**Public Safety & Transportation Approved 6-0 on May 8, 2024**  
**Finance Held 8-0 on May 13, 2024**

**Referred to Public Facilities Committee**

5/15/24

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

**#210-24 Eversource petition for Grant of Location for 160 Charlemont Street**  
EVERSOURCE ENERGY petitioning for a grant of location to install and maintain approximately 1174 feet of conduit in an easterly direction from manhole MH31725, at the intersection of Needham Street and Charlemont

Street and to install and maintain two new manholes: MH31903 and MH31904 (Ward 8)

**Public Facilities Approved 6-0 (Councilors Kalis and Gentile not voting)**

**#211-24 Eversource petition for Grant of Location for 50 Tower Road**

EVERSOURCE ENERGY petitioning for a grant of location to install and maintain approximately 1170 feet of conduit in an easterly direction from manhole MH31754 and install and maintain three new manholes: MH31754, MH31902, MH31755. (Ward 5)

**Public Facilities Approved 7-0 (Councilor Gentile not voting)**

**#213-24 Eversource petition for Grant of Location for 156 Oak Street**

EVERSOURCE ENERGY petitioning for a grant of location to install and maintain approximately 2644 feet of conduit in a southeasterly thence easterly direction from pole 322/11, approximately 240 feet northwest of Sweet Street and install and maintain three new manholes; MH31744, MH31901 and MH31743 (Ward 5)

**Public Facilities Approved 7-0 (Councilor Gentile not voting)**

**#212-24 Eversource petition for Grant of Location for 90 Christina Street**

EVERSOURCE ENERGY petitioning for a grant of location to install and maintain approximately 1164 feet of conduit in a southeasterly direction from manhole MH31722 at the intersection of Needham Street and Christina Street and install and maintain two new manholes: MH31742 and MH31756 (Ward 8)

**Public Facilities Approved 7-0 (Councilor Gentile not voting)**

**#220-24 Approval of the installation of two raised intersections**

HER HONOR THE MAYOR requesting approval of the installation of two raised intersection, in accordance with City Ordinance Section 26-51, at the intersections of Waverley Avenue at Franklin Street, and Brookline Street at Hartman Road.

**Public Facilities Approved 8-0**

**Referred to Public Facilities and Finance Committees**

**#216-24 Transfer funds to for the City’s Accelerated Roads Program**

HER HONOR THE MAYOR requesting authorization to transfer funds from several DPW Accounts resulting from FY24 savings in various DPW accounts to Acct# 01C40112-553100 as a part of the City’s Accelerated Roads Program

DPW Streets- Full Time Wages (0140120-511002) .....	\$500,000
DPW Snow & Ice- Overtime (0140123-513010) .....	\$250,000
DPW Snow & Ice- Contractors (0140123-529100) .....	\$200,000
Comptroller’s- Snow/Ice Reserve	

(0110498-579400) ..... \$1,050,000

**Public Facilities Approved 8-0**

**Referred to Public Facilities and Finance Committees**

**#191-24 Authorization to appropriate and expend \$200,000 from the Stormwater Management Operating Reserve FY2024 Operating Budget**

HER HONOR THE MAYOR requesting authorization to appropriate and expend a total of two hundred thousand dollars (\$200,000) from the Stormwater Management Operating Reserve FY2024 Operating Budget to fund the design and installation of a subsurface system that will manage stormwater from Myrtle Street and McGrath Park.

**Public Facilities Approved 8-0**

**#189-24 Approval of the 75% design of the Washington Street Pilot**

HER HONOR THE MAYOR requesting the approval of the 75% design for the Washington Street Pilot

**Public Facilities Approved 7-0 (Councilor Danberg not voting)**

**Referred to Finance Committee**

05/13/2024

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

**#190-24 Authorization to accept and expend 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 improvements at the Pellegrini Field House.

**Finance Approved 8-0**

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

**#192-24 Authorization to transfer \$85,000 for HHS nursing staffing**

HER HONOR THE MAYOR requesting authorization to transfer the sum of eighty-five thousand dollars (\$85,000) from Account # 0150103-511001 Health & Human Services Clinical Health, Full Time Salaries to Account # 0150103-531300 Temporary Staffing for nursing staff.

**Finance Approved 8-0**

**Programs & Services Approved 6-0 on May 8, 2024**

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

**#197-24 Authorization to transfer \$125,000 for Law Department legal services**



HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred twenty-five thousand dollars (\$125,000) from Account # 0110851-511001 Law Department, Full Time Salaries to Account # 0110851-530900 Legal Services.

**Finance Approved 8-0**

**Programs & Services Approved 6-0 on May 8, 2024**

**#204-24 Submittal of the ACFR, and external audit reports**

COMPTROLLER transmitting the Annual Comprehensive Financial Report and external audit reports for fiscal year ending June 30, 2023 for City Council review/acceptance.

**Finance Approved 8-0**

**Referred to Finance and Public Safety & Transportation Committees**

**#215-24 Appropriation of \$1,350,000 for Fire Rescue Overtime**

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one million three hundred and fifty thousand dollars (\$1,350,000) from June 30, 2023 Certified Free Cash to Acct # 0121022-513010 Fire Rescue - Regular Overtime.

**Finance Approved 8-0**

**Public Safety & Transportation Approved 5-0 (Councilor Downs Not Voting) on May 8, 2024**

**#217-24 Transfer \$5,000 for additional salary expenses for the Presidential Primary**

HER HONOR THE MAYOR requesting authorization to transfer the sum of five thousand dollars (\$5,000) from Acct # 01C10104-513010 Special Election, Regular Overtime to Acct # 0110162-512001 Elections, Seasonal Wages for the purpose of funding additional salaries required for the Presidential Primary held on March 5, 2024.

**Finance Approved 8-0**

**Referred to Finance and Public Safety & Transportation Committees**

**#219-24 Appropriation of \$450,000 for Police Department Overtime**

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of four hundred and fifty thousand dollars (\$450,000) from Comptroller's Snow and Ice budgeted reserves to Acct# 0120103-513010 Police Patrol- Regular Overtime

**Finance Held 8-0**

**Public Safety & Transportation Approved 6-0 on May 8, 2024**

**#222-24 Authorization to enter into a five year contract**

HER HONOR THE MAYOR requesting authorization to enter into a five year contract with a substitute staffing vendor for Newton Public Schools.

**Finance Approved 8-0**

**#223-24**

**Appropriation of \$13,597.21 to Newton Public Schools**

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of thirteen thousand five hundred ninety-seven dollars and twenty-one cents (\$13,597.21) from June 30, 2023 Certified Free Cash (0001-3240) to Newton Public Schools for funds collected from the FY23 Helpsy textile collection and recycling.

**Finance Approved 8-0**