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City Council Reports Docket

July 9: Land Use

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July 10: Programs & Services, and Public
Facilities

7:45PM, Hybrid

To be reported on

July 22: Zoning & Planning

Monday, August 12, 2024

July 23: Land Use

August 7: Public Safety & Transportation

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Monday, August 12, 2024, at 7:45 PM. To view this meeting on Zoom use this link

<https://newtonma-gov.zoom.us/j/83427282284>

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/UCQvNeCJkA3PftuLLvAh3cQ>

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City of Newton

In City Council Items to be Acted Upon

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.

Unfinished Council Business

- #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 on 05/13/2024
Zoning & Planning Held 6-0 (Councilor Krintzman Not Voting) on 06/10/2024
Zoning & Planning Approved 3-1-3 (Councilor Baker Opposed) (Councilors Oliver, Wright, Getz Abstained)
City Council Voted to Postpone to a Date Certain on 07/08/24; 11-10-3 (Councilors Baker, Block, Farrell, Getz, Grossman, Lucas, Malakie, Micley, Oliver, and Laredo Opposed) (Councilors Downs, Gentile, and Wright Absent)

Referred to Land Use Committee

07/09/2024

Present: Councilors Kelley, Lucas, Block, Downs, Lobovits, Laredo and Farrell; absent: Councilor Leary; also present: Councilors Malakie and Albright

- #273-24 Request to Rezone 2 parcels to Multi Residence 1**
RIVER STREET DEVELOPMENT LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone 2 parcels as follows: 329-331 River Street (Section 44 Block 15 Lot 11) and 335 River Street (Section 44 Block 15 Lot 12) from SINGLE RESIDENCE 3 to MULTI RESIDENCE 1.
Land Use Held 7-0
- #274-24 Request to allow six attached single-family dwellings in three buildings and to allow reduced parking stall depth at 329-331 River Street and 335 River Street**
RIVER STREET DEVELOPMENT LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing dwellings and combine the two lots for the construction of six attached single-family dwellings in three separate buildings with parking dimensional waivers at 329-331 River Street and 335 River Street, Ward 4, West Newton, on land known as Section 44 Block 15 Lots 11 and 12, containing approximately 28,534 sq. ft. of land in a district zoned SINGLE RESIDENCE 3 (329-331 River Street and 335 River Street, to be

rezoned to MULTI RESIDENCE 1). Ref: Sec. 7.3.3, 3.4.1, 5.1.7.B.2, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 7-0

#275-24 Request to exceed FAR and to allow retaining walls exceeding four feet in height at 8 Everett Street

SAM AND RANDIE GOLDBERGER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing garage and construct a new attached garage and mudroom as well as a 2.5 story rear addition, requiring relief to exceed the maximum FAR and to allow retaining walls exceeding four feet in height in the front yard at 8 Everett Street, Ward 6, Newton Center, on land known as Section 61 Block 25 Lot 07, containing approximately 18,608 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 3.1.3, 3.1.9, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 7-0

#276-24 Request to allow a garage exceeding 700 square feet at 102 Gordon Road

STEPHANIE AND ARTHUR ANDERSEN III petition for SPECIAL PERMIT/SITE PLAN APPROVAL to remove a wall between the two-car garage and workshop to allow for additional garage space exceeding 700 square feet at 102 Gordon Road, Ward 5, Waban, on land known as Section 53 Block 08 Lot 18, containing approximately 16,407 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 3.4.4.E, 3.4.4.H.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 7-0

#277-24 Request to increase the nonconforming FAR, to further extend the nonconforming height of a detached accessory building, to allow a dormer exceeding 50% and to allow a dormer with an uninterrupted wall plane at 62 Lenox Street

HEATHER EGAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to establish an as of right accessory apartment within the carriage house and construct oversized dormers further extending the nonconforming FAR at 62 Lenox Street, Ward 2, West Newton, on land known as Section 32 Block 49 Lot 09, containing approximately 28,131 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 3.4.3.A.3, 7.8.2.C.2, 1.5.4.G.2.a, 1.5.4.G.2.b, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 6-0 (Councilor Downs Not Voting)

Referred to Land Use Committee

07/23/2024

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

#257-24 Request to amend Special Permit #176-19 to allow for changes to the approved site plan and for additional relief to allow a garage exceeding 700 square feet, to exceed FAR and retaining walls exceeding four feet in height at 1188 Chestnut Street

PATRICIA AND CARLOS FERRIERA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #176-19 to allow for as built changes to the approved site plan, for additional relief to allow a garage exceeding 700 square feet, to exceed FAR, and for retaining walls exceeding four feet in height at 1188 Chestnut Street, Ward 5, Newton Upper Falls, on land known as Section 51 Block 40 Lot 22, containing approximately 5,807 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 3.4.4.E, 3.4.4.H.1, 3.1.3, 3.1.9, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 8-0 on 06/18/2024

Land Use Approved 5-0-2 (Councilors Block, Lobovits Abstained) (Councilor Farrell Not Voting)

#289-24 Request to further extend nonconforming FAR at 29 Trowbridge Avenue

ROBERT OTERI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 1,426 square foot, two-story addition which further extends the nonconforming FAR at 29 Trowbridge Avenue, Ward 2, Newtonville, on land known as Section 22 Block 24 Lot 15, containing approximately 8,175 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. 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.

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

#290-24 Request to vertically extend nonconforming front setbacks at 224 Adams Avenue

JEAN WONG petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a full second story on the detached one-car garage, vertically extending nonconforming front setbacks at 224 Adams Avenue, Ward 3, West Newton, on land known as Section 34 Block 35 Lot 08, containing approximately 5,309 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.

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

#291-24 Request to allow a dormer exceeding 50% and to allow a dormer with an uninterrupted wall plane at 44 Erie Avenue

TOD AND JOHANNA HEALY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to remove portions of an old addition, remodel the interior and construct an oversized dormer allowing for attic access at 44 Erie Avenue, Ward 6, Newton Highlands, on land known as Section 52 Block 43 Lot 38, containing approximately 13,032 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 1.5.4.G.2.b of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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

#292-24 Request to alter/extend the nonconforming side setback and to further reduce nonconforming open space at 16 Braeland Avenue

ELISA VAN DAM petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a one-story attached two-car garage which will further extend the nonconforming side setback and further reduce the nonconforming open space at 16 Braeland Avenue, Ward 6, Newton Centre, on land known as Section 61 Block 37 Lot 20, containing approximately 5,599 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 3.2.3, 7.8.2.C.2, of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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

Referred to Zoning & Planning Committee

07/22/2024

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

#266-24 Appointment of David Boronkay to the Newton Upper Falls Historic District Commission

HER HONOR THE MAYOR appointing David Boronkay, 187 Melrose Street, Auburndale as an Alternate member of the Newton Upper Falls Historic District Commission for a term of office set to expire on July 8, 2027. (60 Days: 08/16/2024)

Zoning & Planning Approved 7-0

- #285-24 Appointment for Ed Olhava to the Community Preservation Committee**
 HER HONOR THE MAYOR appointing Ed Olhava, 11 Scarsdale Road, Newton as a member of the Community Preservation Committee for a term of office set to expire on August 12, 2027. (60 Days: 09/04/2024)
Zoning & Planning Approved 7-0
- #286-24 Appointment of Timothy LeBlanc to the Newtonville Historic District Commission**
 HER HONOR THE MAYOR appointing Timothy LeBlanc, 33 Woodland Road, Auburndale as a member of the Newtonville Historic District Commission for a term of office set to expire on August 12, 2027. (60 Days: 09/06/2024)
Zoning & Planning Approved 7-0
- #287-24 Appointment of Nancy Greenberg to the Chestnut Hill Historic District Commission**
 HER HONOR THE MAYOR appointing Nancy Greenberg, 33 Woodland Road, Auburndale as a member of the Chestnut Hill Historic District Commission for a term of office set to expire on August 12, 2027. (60 Days: 09/06/2024)
Zoning & Planning Approved 7-0
- #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 02/15/2024
Zoning & Planning Held 6-0 (Councilor Albright Not Voting) on 03/11/2024
Zoning & Planning Held 8-0 on 04/08/2024
Zoning & Planning Held 8-0 on 05/13/2024
Zoning & Planning Held 7-0
- #42-24 Request for Discussion and Ordinance to require energy use reporting**
 COUNCILORS ALBRIGHT, DANBERG and LEARY, on behalf of the Newton Citizens Commission on Energy (NCCE), requesting discussion and an ordinance that would require large property owners (campuses and large commercial buildings) to report energy use and associated greenhouse gas

emissions annually to the city of Newton, to be used to encourage reductions in said energy use and greenhouse gas emissions in accordance and support of the goals set forth in the Newton Climate Action Plan.

Zoning & Planning Held 8-0 on 05/28/2024

Zoning & Planning Held 5-0-1 (Councilor Danberg Abstained) (Councilor Krintzman Not Voting) on 06/10/2024

Zoning & Planning Held 7-0

#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 on 05/13/2024

Zoning & Planning Held 4-0-3 (Councilors Baker, Oliver, Wright Abstained) on 06/10/2024

Zoning & Planning Approved 6-0-1 (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 02/15/2024

Zoning & Planning Held 6-0 (Councilor Albright Not Voting) on 03/11/2024

Zoning & Planning Held 8-0 on 04/08/2024

Zoning & Planning Held 8-0 on 05/13/2024

Zoning & Planning Held 7-0

Referred to Programs & Services Committee

07/10/2024

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

Referred to Programs & Services and Finance Committees

#272-24 Request for salary increase for City Clerk/Clerk of the City Council
 COUNCILORS LAREDO and KALIS requesting an increase in the salary of the City Clerk/Clerk of the City Council to \$139,310 effective July 1, 2024 to match the percentage increase included in the FY25 budget for H-grade employees.
Programs & Services Approved as Amended to Change “\$139,310” to “\$138,776” 6-0 (Councilor Micley Not Voting)

#280-24 Reappointment of Joan Belle Isle to the Council on Aging
 HER HONOR THE MAYOR reappointing Joan Belle Isle, 295 Tremont Street as a member of the Council on Aging for a term of office set to expire on July 19, 2027. (60 Days: 09/06/2024)
Programs & Services Approved 7-0

#282-24 Reappointment of Barbara Lischinsky to the Commission on Disability
 HER HONOR THE MAYOR reappointing Barbara Lischinsky, 1942 Washington Street, Newton as a member of the Commission on Disability for a term of office set to expire on July 31, 2027. (60 Days: 09/06/2024)
Programs & Services Approved 7-0

#283-24 Reappointment of Lucille Chansky to the Commission on Disability
 HER HONOR THE MAYOR reappointing Lucille Chansky, 259 Jackson Street, Newton as a member of the Commission on Disability for a term of office set to expire on July 3, 2027. (60 Days: 09/06/2024)
Programs & Services Approved 7-0

#284-24 Appointment of Nathan Persampieri to the Commission on Disability
 HER HONOR THE MAYOR appointing Nathan Persampieri, 108 Washington Park, Newtonville as a member of the Commission on Disability for a term of office set to expire on May 31, 2025. (60 Days: 09/06/2024)
Programs & Services Approved 6-0 (Councilor Micley Not Voting)

#55-24 Requesting Update Regarding City Seal Redesign
 HER HONOR THE MAYOR requesting to provide the Programs & Services Committee with an update regarding the City Seal redesign.
Programs & Services Held 8-0 on 02/21/2024
Programs & Services Held 7-0

Referred to Public Safety & Transportation Committee

08/07/2024

Present: Councilors Grossman, Downs, Greenberg, Lucas, Wright and Bixby; also present:
Councilors Kelley, Farrell and Malakie

- #201-24 Requesting a policy discussion, review, and possible action related to parking on-street and in municipal lots**
COUNCILORS GROSSMAN, DOWNS AND LAREDO requesting a discussion and review of parking policy related to on-street parking and parking in municipal lots, including possible action on related ordinances and permit programs.
Public Safety & Transportation Held 8-0 on 04/17/2024
Public Safety & Transportation Held 7-0 (Councilor Greenberg Not Voting) on 06/05/2024
Public Safety & Transportation Held 6-0

Referred to Public Facilities Committee

07/10/2024

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

- #105-24 Discussion with Director of Sustainable Materials Management regarding recycling and waste management**
COUNCILOR ALBRIGHT on behalf of the Public Facilities Committee requesting an update from the Director of Sustainable Materials Management regarding progress on recycling, Newton's waste contracts, progress on composting, and other essential aspects of waste management.
Public Facilities Voted No Action Necessary 6-0 (Councilor Gentile Not Voting)
- #259-24 Request for drain extensions in Edgefield Road**
ALEXANDER KOGAN, 56 Marcellus Drive, Newton petitioning for a drain extension in EDGEFIELD ROAD starting in York Road from a new drain manhole and extended 152 foot northeasterly for the purposes of providing an overflow connection for their on-site drainage system. (Ward 5)
PETITIONER TO PAY ENTIRE COST
Public Facilities Held 7-0 on 06/20/2024
Public Facilities Approved 7-0

Referred to Public Facilities and Finances Committees

#263-24

Appropriate \$31,578,632 for the construction of the Horace Mann Project

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of thirty-one million five-hundred seventy-eight thousand six hundred thirty-two dollars (\$31,578,632) and authorize a general obligation borrowing of an equal amount for the construction of the Horace Mann project and authorization to apply any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing, and marketing them, and any accrued interest received upon the delivery of the bonds or notes to the costs of the project and to reduce the amount authorized to be borrowed for the project by like amount. The amount authorized to be borrowed by and under this order shall be reduced to the extent that any grants are received by the City from the Massachusetts School Building Authority (MSBA) for this project.

Public Facilities Approved 7-0

#268-24

5-58 for the Horace Mann School Building at 225 Nevada Street

5-58 for the Horace Mann School Building at 225 Nevada Street DESIGN REVIEW COMMITTEE petition, pursuant to 5-58, for schematic design and site plan approval at 225 Nevada Street to construct a new 22,000 SF addition to be located directly behind and adjacent to the existing gymnasium. The new addition will allow for additional educational space and grade-level clustering of classrooms with additional educational support spaces, an enlarged cafetorium, and music room. The project will include interior renovations to adjust some existing classroom and educational room sizes and provide a new library space. When completed the school facility will provide a total of 18 general education classrooms, Break-out and/or Project Areas for each grade level, improved special education spaces and will accommodate a design enrolment of 396 to 414 students

Public Facilities Approved 7-0

#278-24

Verizon petition for a Grant of Location on Chase Street

VERIZON petitioning for a grant of location to relocate one jointly-owned pole, P. 6 located on the northerly side of Chase Street approximately 13 feet southwesterly from its existing location to accommodate a new driveway. (Ward 6)

Public Facilities Held 7-0

- #279-24 Request for sewer extension in Dedham Street**
KEVIN HENNIGAN, 27 Champa St #1, Newton, petitioning to relocate the existing City sanitary sewer main located at 949 Dedham Street to a portion of the property just easterly of its current alignment to allow for an expansion of the dwelling on the property. (Ward 8) PETITIONER TO PAY ENTIRE COST
Public Facilities Approved 7-0
- #281-24 Reappointment of Jay Snyder to the Citizens Commission on Energy**
HER HONOR THE MAYOR requesting to reappoint Jay Snyder, 2117 Commonwealth Avenue as a member of the Citizens Commission on Energy for a term to expire on June 15, 2027. (60 days: 09/06/24)
Public Facilities Approved 6-0 (Councilor Gentile Not Voting)
- #293-24 Eversource petition for Grant of Location for Commonwealth Ave**
EVERSOURCE ENERGY petitioning for a grant of location to install and maintain approximately 378 feet of conduit westerly from the new manhole MH32297 at the intersection of Auburn Street and Evergreen Avenue to support the MWRA Tunnel Boring Machine project. (Ward 4)
Public Facilities Held 7-0