



City Council Docket

September 5: Public Safety & Transportation,
and Public Facilities

September 9: Finance and Zoning & Planning

September 10: Land Use

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Continued

Wednesday, September 4, 2024

7:45PM, Hybrid

To be reported on

Monday, September 16, 2024

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers Wednesday, September 4, 2024, at 7:45 PM. To view this meeting on Zoom use this link

<https://newtonma.gov.zoom.us/j/87583802721>

at the above date and time:

One tap mobile

US: +13092053325, 875 8380 2721

Land line

+1 309 205 3325 US

Webinar ID: 875 8380 2721

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

City Council Docket

Referred to Land Use Committee

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.

Public Hearing 09-10-2024

#328-24 Request to vertically extend a nonconforming side setback at 228 Grove Street

DAVID AND CEIRE NEVINS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second story addition over an existing sunroom, vertically extending the nonconforming side setback at 228 Grove Street, Ward 4, Auburndale, on land known as Section 43 Block 30 Lot 04, containing approximately 11,400 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. 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.

Public Hearing 09-10-2024

#329-24 Request to waive two parking stalls at 15-17 Playstead Road

YANTING AND ZHEN SUN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to waive two parking stalls at 15-17 Playstead Road, Ward 1, Newton, on land known as Section 71 Block 37 Lot 05, containing approximately 5,101 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 5.1.4, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing 09-10-2024

#330-24 Request to exceed FAR and to vertically extend nonconforming front setbacks at 35 Hood Street

PETER DANIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct basement, first and second story additions, exceeding FAR and reconstruct the roof of the detached garage and add a roof deck and extending the nonconforming front setback of both structures at 35 Hood Street, Ward 7, Newton, on land known as Section 72 Block 38 Lot 08, containing approximately 5,988 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, 3.4.3.A.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing 09-10-2024

#331-24 Request to extend a nonconforming front setback at 98 Parker Avenue

ALEXANDER ZASLAVSKY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a larger front landing and new steps, extending the nonconforming front setback at 98 Parker Avenue, Ward 6, Newton Highlands, on land known as Section 81 Block 26 Lot 06, containing approximately 6,160 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.

Public Hearing 09-10-2024

#332-24 Request to allow ground floor residential use, and to exceed by right height and stories at 340 River Street and 76 Lexington Street

340 RIVER STREET REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing structures, combine the lots into one 10,578 square foot lot, and construct four residential dwelling units in one building consisting of three stories and greater than 24 feet in height at 340 River Street and 76 Lexington Street, Ward 4, West Newton and Auburndale, on land known as Section 44 Block 35 Lots 60 and 59, containing approximately 10,578 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 4.4.1, 4.1.2.B.3, 4.1.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

#333-24 Requesting discussion considering historical importance during the Special Permit process

COUNCILORS BLOCK, LOBOVITS, FARRELL, and MALAKIE requesting a discussion on the appropriateness of considering the historic importance of a building as a factor when making determinations related to approving a special permit

Public Hearing 09-17-2024

#342-24 Request to amend Special Permit #302-21 to reconfigure the parking facility at 386-394 Watertown Street

JOHN L. MULA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend special permit #302-21 to reconfigure the parking facility and reduce the number of stalls at 386-394 Watertown Street, Ward 1, Newton, on land known as Section 14 Block 14 Lots 35, 37, and 38, containing approximately 9,542 sq. ft. of land in a district zoned Business1. Ref: Sec. 7.3.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing 09-17-2024

#341-24 Request to extend a nonconforming two-family dwelling use, to extend the nonconforming front setback and to allow a three-story structure at 52-54 Hatfield Road

JAMES AND ANA MORSE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a detached garage and make various modifications to the two family dwelling including enclosing the rear porches, constructing a covered front porch, and raising the roof as well as the construction of dormers, further extending the nonconforming use and front setback, and resulting in a three-story structure at 52-54 Hatfield Road, Ward 3, West Newton, on land

known as Section 34 Block 16 Lot 45, containing approximately 7,051 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 3.4.1, 7.8.2.C.2, 3.2.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

#325-24 Request for Extension of Time to Exercise Special Permit #446-22 at 113 Grove Street

113 GROVE STREET, LLC petition for Extension of Time to November 21, 2024 to allow a rear lot subdivision to construct a single-family dwelling, relocate the existing dwelling forward and waive the definition of "rear-lot" at 113 Grove Street, Ward 4, Newton, on land known as Section 43 Block 31 Lot 15, containing approximately 23,063 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.5, 3.1.10, 1.5.2.G.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

#326-24 Request for Extension of Time to Exercise Special Permit #227-23 at 107-109 Elliot Street

107-109 ELLIOT STREET LLC petition for Extension of Time to July 10, 2026 to raze the dwelling and construct a four-unit three-story multi-family dwelling with garage parking for seven vehicles at 107-109 Elliot Street, Ward 5, Newton Highlands, on land known as Section 51 Block 20 Lot 21, containing approximately 12,189 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 3.4.1, 3.2.6, 7.8.2.C.2, 5.1.8.B.1, 5.1.13, 5.1.8.B.6, 5.4.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

#327-24 Request for Extension of Time to Exercise Special Permit #265-23 at 43 Crafts Street

KOSHER K LLC petition for Extension of Time to September 5, 2026 to raze the existing dwelling and construct a three-story, three-unit multi-family dwelling with surface parking for three vehicles at 43 Crafts Street, Ward 1, Newton, on land known as Section 14 Block 23 Lot 11, containing approximately 1,789 sq. ft. of land in a district zoned MANUFACTURING. Ref: Sec. 7.3.3, 4.4.1, 7.8.2.C.2, 4.3.3, 5.1.4, 5.1.13, 5.1.8.B.1, 5.1.8.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Referred to Zoning & Planning Committee

#323-24 Petition to rezone lots on Watertown Street

MATT ECKEL on behalf of JLM Realty Trust petitioning to amend the City of Newton's Zoning Map by changing the current zoning of the property known and numbered 386-394 Watertown Street, Newton, MA, and shown on the

City of Newton Assessor's database as Section 14, Block 14, Lots 35, 37, and 38, currently zoned BUSINESS 1 to VILLAGE CENTER 2.

- #322-24 Discussion regarding residential use of electricity**
COUNCILORS DOWNS, OLIVER, LAREDO, FARRELL, GETZ, AND LOBOVITS requesting a discussion regarding residential use of electricity. Discussion should include a review of factors influencing our preparedness to continue moving away from fossil fuels to electricity. This should begin to create a sense of what residents can do now, steps that are needed to meet Newton CAP (Climate Action Plan) commitments as well as the opportunities and challenges that the city and residents need to consider next.

Referred to Programs & Services Committee

- #336-24 Requesting discussion regarding fees and revenue of the Off-Leash Dog Park program**
MARYAN AMARAL requesting a discussion regarding user fees, revenue, and operation of the Off-Leash Dog Park program.
- #338-24 Request for review and strengthening of Sec. 20-13 Noise Control standards for repetitive impulsive sound**
COUNCILORS MALAKIE, DOWNS, GETZ, AND LUCAS requesting review and amendment of noise ordinance to improve protection for abutters of construction projects from repetitive impulsive sound such as that produced by rock drills and pile drivers, including duration limits, hours of operation and allowed decibel levels.
- #339-24 Appointment of Mary Fitzgerald to the Parks and Recreation Commission**
HER HONOR THE MAYOR appointing Mary Fitzgerald, 315 Albemarle Road, Newton as an Alternate member of the Parks and Recreation Commission for a term of office set to expire on September 30, 2027. (60 Days: 11/03/2024)
- #340-24 Appointment of Mark Feldhusen to Parks and Recreation Commission**
HER HONOR THE MAYOR appointing Mark Feldhusen, 144 Cherry Street, Newton as the Ward 3 representative member of the Parks and Recreation Commission for a term of office set to expire on December 31, 2025. (60 Days: 11/03/2024)

Referred to Public Safety & Transportation Committee

#344-24 Increasing available parking at 25 Chestnut Street

COUNCILORS MALAKIE, KELLEY, and WRIGHT requesting a discussion with DPW and Public Buildings on possible alternative layouts of parking spaces and configuration of the parking lot at 25 Chestnut Street, West Newton, that could increase available public parking spaces on City owned land.

Referred to Public Facilities Committee

#324-24 Discussion with Public Works on stormwater mitigation to improve flooding

COUNCILORS LUCAS, LAREDO, MALAKIE, GREENBERG, HUMPHREY, FARRELL, GETZ, LEARY, KALIS, LIPOF, DANBERG, and LOBOVITS requesting a discussion with the Department of Public Works regarding public and private stormwater mitigation to improve flooding that can result from the City's capital improvement projects to reduce inflow and infiltration within the sewer system.

Referred to Finance Committee

#337-24 Appointment of Christopher di Bonaventura

HER HONOR THE MAYOR appointing Christopher di Bonaventura, 2 Knowles Street as a trustee of the Other Post-Employment Benefits Trust Fund for a term of office set to expire on October 7, 2027. (60 days: September 24, 2024)

Referred to Zoning & Planning & Finance Committees

#334-24 CPC Recommendation to appropriate \$2,000,000 in CPA funding

COMMUNITY PRESERVATION COMMITTEE recommending appropriation of two million dollars (\$2,000,000) with two hundred and eighty thousand dollars (\$280,000) from Acct. # 5810-335810 (Historic Funds Balance), five hundred thousand dollars (\$500,000) from Acct. # 58B10498-57900B (Historic Budgeted Reserves) and one million two hundred and twenty thousand dollars from Acct. # 58R10498-579000 (FY25 Unrestricted Fund Balance) to the control of the Planning & Development Department for a grant to the First Baptist Church for the restoration of their bell tower.

Referred to Zoning & Planning & Finance Committees

#335-24

CPC Recommendation to appropriate \$650,000 in CPA funding

COMMUNITY PRESERVATION COMMITTEE recommending appropriation of six hundred and fifty thousand dollars (\$650,000) from Acct. #5810-335810 (Historic Fund Balance) to the control of the Planning & Development Department for a grant to the Newton Family Access for the renovation of the historic former Davis School Building, which will allow for necessary code-related upgrades.

Referred to Committee of the Whole

#343-24

Request to authorize City Council designee to file an appeal with the Zoning Board of Appeals

COUNCILORS GREENBERG, LEARY and OLIVER request discussion and approval to file an appeal on behalf of the City Council with the Zoning Board of Appeals (ZBA) concerning the ruling by the Commissioner of Inspectional Services dated August 14, 2024 regarding 16-22 Clinton Street, and expending \$1,000 from city council sunshine funds to file the appeal.