



## City Council Reports Docket

September 17: Land Use  
September 18: Programs & Services, and Public  
Safety & Transportation  
September 23: Finance and Zoning & Planning  
October 1: Land Use

Page 208  
7:45PM, Hybrid  
To be reported on  
Monday, October 7, 2024

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

<https://newtonma-gov.zoom.us/j/86752365714>

at the above date and time:

One tap mobile

US: +13092053325, 867 5236 5714

Land line

+1 309 205 3325 US

Webinar ID: 867 5236 5714

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

---

<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.

## **Unfinished Council Business**

- #300-24 Request to amend Special Permit #392-22 at 120-126 Norwood Avenue**  
120 NORWOOD REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #392-22 and to allow additional parking on site which is proposed to be located 20 feet of a lot line at 120 Norwood Avenue, Ward 2, Newtonville, on land known as Section 22 Block 09 Lot 05, containing approximately 24,897 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 3.4.1, 3.2.4, 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 Approved 4-3 (Councilors Downs, Leary and Lobovits Opposed)**  
**City Council Voted to Postpone to a Date Certain on 09/05/24; 20-0-4 (Councilors Danberg, Gentile, Humphrey and Lipof Absent)**  
**City Council Voted to Postpone to a Date Certain on 09/16/24; 19-0-5 (Councilors Bixby, Farrell, Lobovits and Wright Absent)**

## **Referred to Land Use Committee**

09/17/2024

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

- #358-24 Request for Extension of Time to Exercise Special Permit #416-22 at 39 Floral Street**  
CELIA IVANOV petition for Extension of Time to October 3, 2025 to allow the construction of an attached garage with living space above, further extending the nonconforming front setback and further reducing the nonconforming open space at 39 Floral Street, Ward 6, Newton, on land known as Section 52 Block 38 Lot 13, containing approximately 7,589 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 7-0**

- #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.

**Land Use Held 7-0**

**#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.

**Land Use Approved 7-0**

**#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 BUSINESS USE 2. 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.

**Land Use Held 8-0 on 09/10/2024**

**Land Use Approved 7-0**

**#299-24 Request to amend Special Permit #240-23 to alter the nonconforming front setback at 290 Watertown Street**

290 WATERTOWN ST LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend special permit #240-23 to further extend the nonconforming front setback and allow the relocation of the building toward the street, and to convert three garage stalls to carports at 290 Watertown Street, Ward 1, Newton, on land known as Section 11 Block 14 Lot 03, containing approximately 11,473 sq. ft. of land in a district zoned BUSINESS1. Ref: Sec.

7.3.3, 4.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Held 6-1 (Councilor Lobovits Opposed) on 08/27/2024**

**Land Use Approved 6-1 (Councilor Farrell Opposed)**

**#262-24      Review of Unspent Mitigation Funds**

COUNCILORS LOBOVITS, LAREDO, BIXBY, FARRELL, OLIVER, KELLEY, MICLEY, BLOCK, WRIGHT, MALAKIE, ALBRIGHT, and LUCAS requesting a discussion with the Planning Department regarding the status of all designated but unspent mitigation funds received by the city. The presentation should include (a) a list of all unspent funds, broken down by project, amount, and date of receipt; and (b) the intended use of the individual funds and the anticipated date of expenditure.

**Land Use Held 7-0**

**Referred to Land Use Committee**

10/01/2024

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

**#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 on 07/09/2024**

**Land Use Approved the Withdrawal Without Prejudice 7-0**

**#357-24      Request to further extend nonconforming FAR at 15 York Road**

HARDAGIRI REDDY AND VEENA MOLAGAVALLI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a single story rear addition as well as an attached garage in the location of an existing carport further extending nonconforming FAR at 15 York Road, Ward 5, Waban, on land known as Section 55 Block 44 Lot 07, containing approximately 8,075 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**

**#356-24 Request to increase the nonconforming FAR and to alter the nonconforming second story of a detached accessory building at 6 Lowell Avenue**

LISA DONFRANCESCO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to establish an accessory apartment as of right within the existing detached historic barn by altering the roofline for additional habitable space further extending the nonconforming FAR and stories at 6 Lowell Avenue, Ward 2, Newtonville, on land known as Section 23 Block 12 Lot 11, containing approximately 6,921 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 3.4.3.A.3, 7.8.2.C.2, 3.1.3, 3.1.9 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 on 04/02/2024**

**Land Use Held 7-0 on 08/27/2024**

**Land Use Approved 4-1-2 (Councilor Farrell Opposed) (Councilors Laredo and Block Abstained)**

**#355-24 Request to allow a mix of for-profit education, personal instruction, non-accessory parking, wholesale bakery, vehicle storage and vehicle repair, sales and service and to waive 41 parking stalls at 28-30 Riverdale Avenue**

TERESA JONES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a mix of for-profit education, personal instructions, non-accessory parking, wholesale bakery, vehicle storage and vehicle repair, sales and services, and to waive 41 parking stalls at 28-30 Riverdale Avenue, Ward 1, Newton, on land known as Section 11 Block 01 Lot 04, containing approximately 31,138 sq. ft. of land in a district zoned MANUFACTURING. Ref: Sec. 7.3.3, 4.4.1, 5.1.4, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Held 7-0**

**Referred to Zoning & Planning Committee**

09/23/2024

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

- #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 on 07/22/2024**  
**Zoning & Planning Held 8-0**
- #45-24      Discussion and Possible Amendment to Inclusionary Zoning Ordinance to include Training**  
COUNCILORS DANBERG, BIXBY, MALAKIE, DOWNS, WRIGHT, AND GETZ requesting discussion and possible amendment to require that developers and property managers provide training for their employees regarding bias toward residents of the IZ units and how to mitigate this bias.  
**Zoning & Planning Held 8-0 on 03/25/2024**  
**Zoning & Planning Held 8-0**
- #44-24      Requesting re-evaluation and possible amendments to Inclusionary Zoning Ordinance**  
COUNCILORS DANBERG, ALBRIGHT, KALIS, WRIGHT, OLIVER, MALAKIE, LIPOF, LUCAS, AND GETZ requesting a discussion with the Planning and Development Department and the Newton Housing Partnership about the City's Inclusionary Zoning Ordinance and possible amendments to the ordinance to include 4-6 units, including raising the requirements for the number of affordable units in large developments.  
**Zoning & Planning Held 8-0 on 03/25/2024**  
**Zoning & Planning Held 8-0**

**#317-24 Requesting discussion and possible amendments to Section 5.4.2**  
HER HONOR THE MAYOR requesting a discussion and possible amendments to retaining wall regulations for Multi-Family/Commercial/Industrial/Civic Buildings in Section 5.4.2 of Chapter 30 Zoning.

**Zoning & Planning Held 8-0**

**#209-24 Requesting discussion and possible amendment to Section 3.4.4 of Chapter 30 Zoning**

TERRENCE P. MORRIS, ESQ. on behalf of Brian Traugott requesting discussion and possible zoning ordinance amendment to Section 3.4.4 Garage Design Standards, subsection B. Definitions, Subparagraph 1, "Garage" by inserting the words "above grade" after the clause, "or portion of the structure" as it appears in the 1st sentence of the "Garage" definition.

**Zoning & Planning No Action Necessary 6-0-2 (Councilors Albright and Danberg Abstained)**

**Referred to Programs & Services Committee**

09/18/2024

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

**#206-24 Requesting complete review and appropriate changes to the Rules of the City Council**

COUNCILORS KRINTZMAN AND LAREDO requesting the review of the Rules of the City Council, traditionally done through a Subcommittee of the Programs & Services Committee. The Committee should review the rules and make recommendations to the full Committee in time for the recommendations to be reviewed and adopted by the full Council prior to the Inauguration of the next term's City Council, when the Rules for that Council are formally adopted at Inauguration.

**Programs & Services Held 5-0 (Councilor Baker Not Voting) on 06/05/2024**  
**Programs & Services Held 5-0**

**#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.

**Programs & Services Held 5-0**

- #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)

**Programs & Services Approved 4-0 (Councilor Farrell Not Voting)**

- #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)

**Programs & Services Approved 4-0 (Councilor Farrell Not Voting)**

- #349-24 Appointment of Caitlin Cusick to the Parks and Recreation Commission**  
HER HONOR THE MAYOR appointing Caitlin Cusick, 50 Prentice Road, Newton as a Ward 7 member of the Parks and Recreation Commission for a term of office set to expire on October 21, 2027. (60 Days: 11/15/2024)

**Programs & Services Approved 3-0-1 (Councilor Malakie Abstained)  
(Councilor Farrell Not Voting)**

- #90-24 Requesting update on leaf-blower landscaper registration and enforcement ordinance**

COUNCILORS BAKER, MALAKIE, LOBOVITS, WRIGHT, BLOCK, AND FARRELL requesting a discussion with the Commissioner of Inspectional Services and the Chief of Police, and responsible members of their Departments as to the progress in securing compliance with the leaf-blower provisions of Newton's noise ordinance requiring landscaper registration and lawful operation of noise-compliant equipment, including the reporting and enforcement work by those Departments.

**Programs & Services Held 6-0 on 03/20/2024**

**Programs & Services Held 4-0 (Councilor Farrell Not Voting)**



**Referred to Public Safety & Transportation Committee**

09/18/2024

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

- #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 on 08/07/2024**  
**Public Safety & Transportation Held 6-0 (Councilor Lipof Not Voting)**

- #303-24      Requesting discussion regarding Dudley Road safety**  
COUNCILORS FARRELL, KALIS, LIPOF, HUMPHREY, LUCAS, GETZ, LAREDO, and LOBOVITS requesting a discussion on Dudley Road Safety due to concerns surrounding speeding, accidents, and safety of pedestrians and bikers. Included in the discussion is a review of past findings, steps taken to improve safety, and assessment of current situations by Traffic Council, the Police Department, the Fire Department, and other relevant bodies, potential solutions to make the road safer, and next steps.  
**Public Safety & Transportation No Action Necessary 5-1-1 (Councilor Lucas Opposed) (Councilor Block Abstained)**

**Referred to Finance Committee**

09/23/2024

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

- #312-24      Appropriate \$25,000 for Inspector Training**  
HER HONOR THE MAYOR requesting the authorization to appropriate and expend the sum of twenty-five thousand dollars (\$25,000) from Account number 5520R220-472000 (Ch. 148A ISD Fines-Court Fines) for continuing education and training of our inspectors.  
**Finance 6-0 on 09/09/2024**  
**Finance Approved 6-0 (Councilor Micley Not Voting)**

**Referred to Zoning & Planning and 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.

**Finance Approved as Amended Changing “FY25 Unrestricted Fund Balance” to “CPA Unrestricted Budgeted Reserves” 3-1-3 (Councilor Micley Opposed) (Councilors Gentile, Malakie, and Bixby Abstained)**

**Zoning & Planning Approved Subject to Second Call 7-0 on 09/09/24**

**Referred to Zoning & Planning and 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.

**Finance Approved 7-0**

**Zoning & Planning Approved 7-0 on 09/09/24**

**#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)

**Finance Held 6-0 (Councilor Micley Not Voting)**

**#350-24**

**Appointment of Meghan Kennedy to the Horace Cousens Industrial Fund**

HER HONOR THE MAYOR appointing Meghan Kennedy, 62 Newtonville Avenue, Newton as a member of the Horace Cousens Industrial Fund for a term of office set to expire on June 1, 2027. (60 days: 11/15/24)

**Finance Approved 6-0 (Councilor Micley Not Voting)**

**#353-24      Acceptance of a \$1,240,000 Municipal Vulnerability Preparedness State grant**

HER HONOR THE MAYOR respectfully requests authorization to accept and expend one-million two-hundred forty-thousand dollars (\$1,240,000) Municipal Vulnerability Preparedness State grant to address flooding challenges around Cheesecake Brook by Albemarle Park.

**Finance Approved 6-0 (Councilor Micley Not Voting)**