



City Council Reports Docket

October 20: Real Property Reuse
October 21: Public Facilities
October 26: Zoning & Planning, Finance
October 27: Land Use
October 28: Programs & Services

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7:45 PM, Virtual
To be reported on
Monday, November 2, 2020

The City Council will hold this meeting as a virtual Zoom meeting on Monday, November 2, 2020 at 7:45 PM. To view this meeting use this link at the above date and time:

<https://us02web.zoom.us/j/84321906817?pwd=YnROaElwTGUrOEUvT28rQ3RabkZaUT09>

Passcode: 079537

One tap mobile US: +16465588656,,84321906817#

Land line US: +1 301 715 8592

Meeting ID: 843 2190 6817, Passcode: 079537

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. Viewing a live stream on NewTV's Vimeo channel at: <https://vimeo.com/newtvgov>

City of Newton In City Council Items to be Acted Upon

Unfinished Council Business

Referred to Zoning & Planning Committee

#30-20(2)

Ordinance amendment to defer Zoning Ordinance 3.4.4 Garages

COUNCILOR ALBRIGHT requesting amendment to Chapter 30 of Newton's Zoning Ordinance, section 3.4.4 on garages. This request is being resubmitted due to several deficiencies in the original vote.

Zoning and Planning Approved with implementation date of April 1, 2021 6-0-2

(Councilors Krintzman and Wright abstaining), pending Planning Board approval: Public Hearing Closed 8-0

Note: The Planning Board is scheduled to vote on this item November 2, 2020. This item may not receive a final vote from the Council until after the Planning Board vote.

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.

Referred to Programs & Services Committee

#351-20

Resolution to replace Columbus Day with Indigenous Peoples' Day

COUNCILORS AUCHINCLOSS, BOWMAN, GROSSMAN, HUMPHREY, KRINTZMAN, NOEL, NORTON, AND RYAN requesting a Resolution to the Mayor and School Committee to require City and School Departments to change all references on City and School documents and calendars from "Columbus Day" to "Indigenous Peoples' Day."

Programs & Services Approved 7-0-1 on 09/16/2020 (Councilor Greenberg Abstaining)

The Item was Recommended to Programs & Services 09/21/2020 pending a public hearing

Programs & Services Approved 6-0-1 (Councilor Greenberg Abstaining, Councilor Wright not voting); Public Hearing Closed 10/08/2020

Motion to Postpone to November 2 Approved by Voice Vote on October 19, 2020

Referred to Land Use Committee

Tuesday, October 27, 2020

Present: Councilors Lipof (Chair), Kelley, Greenberg, Auchincloss, Markiewicz, Downs, Bowman, Laredo, Albright, Crossley, Leary, Wright, Humphrey

#369-20

Petition to exceed FAR at 18 Walter Street

BARRY AND SUSAN BERGMAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct additions totaling 128 sq. ft. including an elevator shaft at the rear of the dwelling and a second story laundry room over an existing mudroom, creating an FAR of .55 where .53 exists and .48 is allowed at 18 Walter Street, Ward 8, Newton Centre, on land known as Section 62 Block 24 Lot 17, containing approximately 4,950 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 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 8-0; Public Hearing Closed 10/27/2020

#368-20

Petition to alter nonconforming height and exceed FAR at 14 Hollis Street

HOLLIS REALTY LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing detached garage, construct a larger garage and addition to the rear of the existing dwelling, creating an FAR of .55 where .45 exists and .48 is allowed at 14 Hollis Street, Ward 1, Newton, on land known as Section 72 Block 06 Lot 21, containing approximately 9,811 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, 3.2.11 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 8-0; Public Hearing Closed 10/27/2020

#340-20

Petition to allow three single-family attached dwelling units at 27 Winchester Road

27 WINCHESTER LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow three single-family attached dwelling units, relocating the existing dwelling and construction two additional units, to allow greater than 36' in height, to allow a driveway within 10' of the side lot line and to allow retaining walls of four feet or more in height within the

setback at 27 Winchester Road, Ward 1, Newton, on land known as Section 13 Block 05 Lot 07, containing approximately 15,833 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 8-0; Public Hearing Continued

#25-20

Special Permit Petition to allow marijuana retailer at 1158 Beacon Street

UNION TWIST, INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a retail marijuana establishment, to waive the minimum driveway width for two-way traffic, to waive minimum driveway width by use of an easement, to waive perimeter screening requirements, to waive perimeter screening requirements by use of an easement, to allow parking in the side setback, and to waive lighting requirements at 1158 Beacon Street, Ward 6, Newton Highlands, on land known as Section 54 Block 22 Lot 49A, containing approximately 20,443 sq. ft. of space in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 6.10.3.D, 4.4.1, 5.1.10, 5.1.8.A.1, 5.1.6.A, 5.1.6.B, 5.1.13, 5.1.8.D.1, 5.1.9.A of the City of Newton Rev Zoning Ord, 2017.

Land Use Approval Failed to Carry 2-5 (Councilors Greenberg, Kelley Markiewicz, Laredo and Lipof Opposed, Councilor Auchincloss not Voting) Public Hearing Closed 10/27/2020

Referred to Zoning & Planning Committee

Monday, October 26, 2020

Present: Councilors Crossley (Chair), Danberg, Albright, Krintzman, Leary, Baker, Ryan, and Wright; also present: Councilors Grossman, Bowman, Kelley, Noel, Humphrey, Kalis, Norton, Malakie, Lipof, Markiewicz, Downs, and Greenberg

#370-20

Appointment of Elizabeth Sweet to the Zoning Board of Appeals

HER HONOR THE MAYOR appointing Elizabeth Sweet, 281 Lexington Street, Newton, as an associate member of the ZONING BOARD OF APPEALS for a term to expire on October 15, 2021. (60 days: 11/20/2020)

Zoning & Planning Approved 6-0-2 (Councilors Baker and Wright abstaining)

Referred to Zoning & Planning and Finance Committees

#419-20

Authorization to enter into an intergovernmental service agreement

HER HONOR THE MAYOR requesting authorization to enter into an intergovernmental service agreement (the "Global Participation Agreement") for the purpose of joining MassDocs.

Finance Approved 6-0 on 10/26/2020

Zoning & Planning Approved 8-0

#88-20

Discussion and review relative to the draft Zoning Ordinance

DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the draft Zoning Ordinance.

Zoning & Planning Held 8-0

Referred to Programs & Services Committee

Wednesday, October 28, 2020

Present: Councilors Krintzman (Chair), Noel, Albright, Humphrey, Baker, Greenberg, Wright, and Ryan;
also present: Councilors Kalis, Grossman, Malakie, Leary, Norton, and Laredo

Referred to Programs & Services and Finance Committees

- #421-20 **Transfer \$400,000 to the Forestry Division of Parks, Recreation & Culture**
HER HONOR THE MAYOR requesting authorization to transfer the sum of four hundred thousand dollars (\$400,000) from Acct #0110498-579400- Reserve for Snow & Ice Removal to the Forestry Division of the Parks, Recreation & Culture Department to cover the costs of the three wind events that have occurred thus far in this fiscal year.
Programs & Services Approved 8-0
Finance Approved 5-0 (Councilor Norton not voting)

Referred to Programs & Services and Finance Committees

- #49-20(2) **Requesting establishment of a fee for the registration of leaf blower contractors**
Programs and Services Committee requesting an appropriate fee be set for registration of leaf blower contractors pursuant to possible revisions in the Noise provisions of Newton Ordinances, Chapter 20, relating to leaf blowers, to provide for registration of leaf blower contractors and their certification of understanding and intention to comply with the provisions of the Noise ordinance, contained in possible revisions to Chapter 20, prepared by the Newton Law Department to improve compliance with existing standards for leaf blower operation.
Finance Held 5-0 (Councilor Kalis not voting)
Programs & Services Held 8-0
- #49-20 **Request for update on leaf blower ordinance compliance**
COUNCILORS BAKER, LEARY, RYAN, AND HUMPHREY requesting update from the Executive Department on compliance with Newton’s leaf blower ordinance and discussion of possible revisions to the ordinance’s enforcement provisions to improve compliance.
Programs and Services Held 8-0
- #397-20 **Request for updates related to public health in the Newton Public Schools**
The President of the Council, on behalf of the City Council, requesting an update on Public Health issues related to school operations and reopening at every school level to the Programs and Services Committee at the second meeting of October and November.
Programs & Services Held 8-0
- #390-20 **Request for discussion on athletic field rental fees**
COUNCILORS LEARY, ALBRIGHT, BOWMAN, DANBERG, KALIS, KELLEY, KRINTZMAN, LAREDO, MARKIEWICZ, NOEL, WRIGHT, AND RYAN requesting a discussion with Parks

and Recreation and the Mayor's Office regarding fees charged for the rental of Newton's public athletic fields. This review should include an overview of the current fee structure, revenue generated, use of funds collected, non-resident rentals and benchmarks to surrounding communities.

Programs & Services Held 6-0 (Councilors Baker and Greenberg not voting)

Referred to Public Facilities Committee

Wednesday, October 21, 2020

Present: Councilors Leary (Chair), Kelley, Crossley, Laredo, Gentile, Danberg and Kalis; also present: Councilors Humphrey and Bowman; absent: Councilor Norton

#412-20 National Grid petition for grant of location in Pearl Street and Jackson Road

NATIONAL GRID petition for a grant of location to install and maintain gas main in Pearl Street, Jackson Road, Green Street and Washburn Street as follows. This work is to replace cast iron mains (Ward 1)

- 385' +/- of 8" plastic main in Pearl Street from the existing 4" plastic main at Jackson Road to the existing 4" plastic main at #235 Pearl Street
- 70' +/- of 8" plastic main in the intersection of Green Street, Washburn Street and Pearl Street
- 450' +/- 8" of plastic main in Jackson Road from Pearl Street to the existing 6" steel main at #149 Jackson Road

Public Facilities Approved 7-0

#413-20 Eversource petition for Grant of Location in Old England Road

EVERSOURCE ENERGY petitioning for a grant of location to install 269'± of conduit in an easterly direction from new pole #329/7 located 620'± west from Woodman Road (Ward 7).

Public Facilities Approved 7-0

#414-20 Verizon petition for a Grant of Location on Old England Road

VERIZON petitioning for a grant of location to install approximately 286' of 4" conduit in a westerly direction from existing pole (P.5) to pole P.7 (Ward 7).

Public Facilities Approved Subject to Second Call 6-0-1 (Councilor Gentile abstaining)

#415-20 Verizon petition for a Grant of Location on Old England Road

VERIZON petitioning for a grant of location to relocate and remove poles on Old England Road as follows. This petition is necessary to remove aerial cables for underground placement by customer request. (Ward 7)

- Relocate pole 30/P.5 15' +/- easterly from its existing location
 - Relocate pole 30/P.7 25' +/- westerly from its existing location
- Remove pole 30/P.6 on the northerly side of Old England Road

Public Facilities Approved Subject to Second Call 6-0-1 Call (Councilor Gentile abstaining)

#305-20 Request for a main drain extension at 21 Verndale Road
JEET SHAHANI, 21 Verndale Road, Newton, petitioning for a main drain extension and three manholes in VERNDALE ROAD from the property at #21 Verndale Road in a northerly direction a distance of 170'±.
PETITIONER TO PAY ENTIRE COST
Public Facilities Approved 7-0

#379-20 Discussion with the Commissioner of DPW regarding water usage
PUBLIC FACILITIES COMMITTEE requesting a discussion with the Commissioner of the Public Works Department and the Director of Public Utilities regarding water usage fees, billing and patterns throughout the City regarding billing for water usage.
Public Facilities Held 7-0

Referred to Public Facilities and Finance Committees

#86-20 Ordinance amendment to increase number of units eligible for 2nd meters
COUNCILOR NORTON proposing an ordinance amendment to Chapter 29, Section 24(c) to amend the number of residential dwelling units eligible for outdoor meters from no more than four dwelling units to no more than twenty dwelling units.
Public Facilities Held 7-0

Referred to Public Facilities and Finance Committees

#422-20 CPC Recommendation to allocate \$390,000 of CPA funding
COMMUNITY PRESERVATION COMMITTEE recommending the allocation of three hundred and ninety thousand dollars (\$390,000) in Community Preservation Act Recreation funding to complete the 100% design of the Commonwealth Avenue Carriage Redesign.
Finance Approved 6-0 on 10/26/2020
Public Facilities Approved 7-0

#396-20 Request for updates on HVAC and ventilation at Newton Public Schools
The President of the Council, on behalf of the City Council, requesting an update to the Public Facilities Committee from Commissioner Morse on current work on HVAC and air quality in the Newton Public Schools at each meeting of the Public Facilities Committee this fall until work is complete.
Public Facilities Held 7-0

Referred to Finance Committee

Monday, October 26, 2020

Present: Councilors Grossman (Chair), Malakie, Humphrey, Kalis, Norton and Noel; also present: Councilors Laredo and Bowman; absent: Councilors Gentile and Ciccone

Referred to Zoning & Planning and Finance Committees

#419-20

Authorization to enter into an intergovernmental service agreement

HER HONOR THE MAYOR requesting authorization to enter into an intergovernmental service agreement (the “Global Participation Agreement”) for the purpose of joining MassDocs.

Zoning & Planning approved 8-0 on 10/26/2020

Finance Approved 6-0

Referred to Public Facilities and Finance Committees

#422-20

CPC Recommendation to allocate \$390,000 of CPA funding

COMMUNITY PRESERVATION COMMITTEE recommending the allocation of three hundred and ninety thousand dollars (\$390,000) in Community Preservation Act Recreation funding to complete the 100% design of the Commonwealth Avenue Carriage Redesign.

Public Facilities Approved 7-0 on 10/21/20

Finance Approved 6-0

#418-20

Approval of Sewer Assessments

COMMISSIONER OF PUBLIC WORKS requesting approval of the following Order and Schedule of Sewer Assessments for completed Common Sewer Extensions in Staniford Ave:

| Name | Address | Book/Page | Estimate |
|-------------------------------|-----------------|------------------|-----------------|
| Sandip V and Vibha S Patel | 39 Staniford St | 037165/0228 | \$11,052.00 |
| James P and Dianne M Barberio | 49 Staniford St | 000883/0144 | \$11,052.00 |
| Elizabeth Grieco | 50 Staniford St | 065299/0315 | \$11,052.00 |
| Narayan Kadambi | 55 Staniford St | 001350/0040 | \$11,052.00 |
| Alan H and Holli G Roth | 56 Staniford St | 028914/0383 | \$11,052.00 |
| Paul D Wilson | 62 Staniford St | 021380/0115 | \$11,052.00 |
| Charles L West | 65 Staniford St | 001443/0086 | \$11,052.00 |
| Katherine Decelles | 68 Staniford St | 061908/0221 | \$11,052.00 |

Finance Approved 6-0

#417-20

Authorization to expend a MassDOT’S Shared Streets and Spaces Program Grant

HER HONOR THE MAYOR requesting authorization to accept and expend one hundred fifty-three thousand one hundred fourteen dollar and ninety cent (\$153,114.90) in grant funding from MassDOT’S Shared Streets and Spaces Program for the purchase and installation of two Blue Bikes stations and two Park & Pedal stations.

Finance Approved 6-0

#423-20 **Appropriate \$23,458 for McKinney-Vento Homeless Student Transportation**
SCHOOL COMMITTEE requesting that the City Council approve authorizing the Mayor to appropriate the state reimbursement of twenty-three thousand four hundred and fifty-eight dollars (\$23,458) for McKinney-Vento Homeless Student Transportation from the ~~general fund~~ Free Cash to the School Department.
Finance Approved 6-0

#395-20 **Request for updates on budget and possible reimbursements at Newton Public Schools**
The President of the Council, on behalf of the City Council, requesting updates to the Finance Committee from the Chief Financial Officer regarding budget expenditures and possible reimbursements related to school reopening at each meeting this fall.
Finance Held 6-0

Referred to the Finance Committee

Wednesday, October 28, 2020

Present: Councilors Kalis, Grossman, Malakie, Leary, Norton, and Laredo; also present: Councilors Krintzman (Chair), Noel, Albright, Humphrey, Baker, Greenberg, Wright, and Ryan; absent: Councilors Gentile and Ciccone

Referred to Programs & Services and Finance Committees

#421-20 **Transfer \$400,000 to the Forestry Division of Parks, Recreation & Culture**
HER HONOR THE MAYOR requesting authorization to transfer the sum of four hundred thousand dollars (\$400,000) from Acct #0110498-579400- Reserve for Snow & Ice Removal to the Forestry Division of the Parks, Recreation & Culture Department to cover the costs of the three wind events that have occurred thus far in this fiscal year.
Programs & Services Approved 8-0 on 10/28/20
Finance Approved 5-0 (Councilor Norton not voting)

Referred to Programs & Services and Finance Committees

#49-20(2) **Requesting establishment of a fee for the registration of leaf blower contractors**
 Programs and Services Committee requesting an appropriate fee be set for registration of leaf blower contractors pursuant to possible revisions in the Noise provisions of Newton Ordinances, Chapter 20, relating to leaf blowers, to provide for registration of leaf blower contractors and their certification of understanding and intention to comply with the provisions of the Noise ordinance, contained in possible revisions to Chapter 20, prepared by the Newton Law Department to improve compliance with existing standards for leaf blower operation.
Programs & Services Held 8-0 on 10/28/2020
Finance Held 5-0 (Councilor Kalis not voting)

Referred to Real Property Reuse Committee

Tuesday, October 20, 2020

Present: Councilors Danberg (Chair), Markiewicz, Greenberg, Albright, Kelley, Downs, Laredo and Kalis;
also Present: Councilors Wright, Malakie, Gentile, Norton, Humphrey, Crossley, and Ryan

#393-20 Reuse of former water tower site on Countryside Road

DIRECTOR OF PLANNING & DEVELOPMENT submitting on September 10, 2020 a letter recommending that the former water tower site, a 16,900 sq. ft. parcel of land on Countryside Road, Ward 8, Newton Centre, known as Property ID: 83036 0003A be made available for sale or lease pursuant to Ordinance Section 2-7.

Real Property Reuse Committee Held 8-0

#135-20 Request to amend Real Property Reuse Board Order for Crescent Street

COUNCILOR GENTILE requesting that the Crescent Street Reuse Board Order #384-11(4) be amended to allow the site to be developed solely as open space/parkland.

Real Property Reuse Committee Held 8-0

#398-20 Discussion regarding use of site at 70 Crescent Street

COUNCILORS KELLEY, BOWMAN, CROSSLEY, DANBERG, DOWNS, GREENBERG AND NOEL requesting a discussion to re-examine the best use for the city-owned 70 Crescent Street site.

Real Property Reuse Committee Held 8-0