



City Council Reports Docket

November 4: Public Safety & Transportation
November 25: Land Use, Zoning & Planning
November 9: Zoning & Planning, Finance
November 10: Land Use

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7:45 PM, Virtual
To be reported on
Monday, November 16, 2020

The City Council will hold this meeting as a virtual Zoom meeting on Monday, November 16, 2020 at 7:00 PM. To view this meeting use this link at the above date and time:

<https://us02web.zoom.us/j/83956886376?pwd=SS95cEJxMXdXMkViS2NTbkNFM3NUQT09>

Passcode: 085199

One tap mobile

US: +13017158592,,83956886376#

Land line

US: +1 301 715 8592

Meeting ID: 839 5688 6376 Passcode: 085199

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

The City Council will meet in a Committee of the Whole with Finance presiding to conduct a Public Hearing on the proposed FY21 Municipal Property Tax Levy Distribution and to act on the following item:

Referred to the Finance Committee

#416-20

Request for approval of FY 21 Property tax levy distribution percentages

HER HONOR THE MAYOR submitting for City Council review and approval the FY 21 Municipal Property Tax Levy Distribution Percentages among residential, open space, commercial and industrial classes of Real Property.

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

Referred to Zoning & Planning Committee

#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 & Wright abstaining) on 10/26/20
Item Chartered by Councilor Gentile on November 2, 2020**

Referred to Land Use Committee

Thursday, November 5, 2020

Present: Councilors Lipof (Chair), Kelley, Greenberg, Markiewicz, Downs, Bowman and Laredo

#89-20

Petition to allow waivers for a rear lot subdivision at 40 Williston Road

LAUREN AND DAVID BROOKS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a rear lot subdivision and construct a new single-family dwelling on the rear lot, requiring relief to exceed FAR on the front (from .40 to .42) and rear (from .24 to .30) lots, and to allow a retaining wall greater than four feet in the setback at 40 Williston Road, Ward 4, Auburndale, on land known as Section 43 Block 28 Lot 06, containing approximately 25,099 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.5, 3.1.10.A, 3.1.3, 3.1.9, 3.1.5, 3.1.10.C, 5.4.2.B of Chapter 30 of the 1111City of Newton Rev Zoning Ord, 2017.

Land Use Approved Withdrawal without Prejudice 7-0

#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 Approved Withdrawal without Prejudice 7-0

#316-19(2)

Request for an extension of time to Exercise #316-19 at 969/969F Chestnut St

JUDITH CIMETTA petition for a one-year EXTENSION OF TIME to EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL of Council Order #316-19 to construct front and rear additions and a detached shed structure, at 969/969F Chestnut Street, Ward 5, Upper Falls, on land known as Section 51 Block 2 Lots 7 and 19, containing approximately 8,780 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Said Extension of Time to Run from October 21, 2020 to October 21, 2021. Ref: Sec. 7.3.3, 7.4, 3.2.3, 3.2.11, 7.8.2.C.2, 3.4.1 of the City of Newton Revised Zoning Ord, 2017.

Land Use Approved 7-0

- #399-20** **Petition to extend nonconforming FAR at 91 Lenox Street**
CHRISTOPHER AND LISA WYETT petition for SPECIAL PERMIT/SITE PLAN APPROVAL to further extending the nonconforming FAR by razing the existing 366 sq. ft. detached garage and replace it with a new 699 sq. ft. detached garage, creating an FAR of .37 where .34 exists and .28 is allowed at 91 Lenox Street, Ward 3, West Newton, on land known as Section 32 Block 48 Lot 03, containing approximately 19,284 sq. ft. in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2, 7.8.2.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 7-0; Public Hearing Closed 11/05/2020
- #387-20** **Petition to exceed FAR and extend nonconformities at 101-103 Warwick Road**
JOSEPH DeNUCCI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a rear addition to the existing dwelling, creating an FAR of .72 where .57 exists and .48 is allowed, extending the nonconforming three-story structure and extending the nonconforming two-family use at 101-103 Warwick Road, Ward 3, West Newton, on land known as Section 31 Block 28 Lot 55 containing approximately 6,377 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 6-0-1 (Councilor Kelley abstaining); Public Hearing Closed 11/05/2020
- #319-20** **Request to Rezone two parcels from BU-2 to MU-4 at 1149-1151 Walnut Street**
NEWTON WALNUT LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone two parcels; 1149 Walnut Street (Section 52 Block 08 Lot 13) and 1151 Walnut Street (Section 52 Block 08 Lot 14) from BUSINESS USE 2 to MIXED USE 4.
Land Use Held; Public Hearing Continued
- #320-20** **Petition to allow 26-unit mixed use development at 1149-1151 Walnut Street**
NEWTON WALNUT LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing buildings and construct a four-story mixed-use building up to 48' in height, containing 26 units and 23 parking stalls, to waive the minimum lot area per unit, to reduce the side setback requirement, to waive the requirement to use A-B+C formula to determine the parking requirement, to waive 24 parking stalls, to allow 1.25 parking stalls per unit, to allow parking in the side setback, to waive dimensional requirements for parking stalls, to allow restricted end stalls, to allow reduced aisle width , to waive perimeter landscaping requirements, to waive interior landscaping requirements and to waive lighting requirements at 1149-1151 Walnut Street, Ward 6, Newton Highlands, on land known as Section 52 Block 08 Lots 13 and 14, containing 13,200 sq. ft. in a district to be zoned MIXED USE 4 (currently zoned BUSINESS USE 2). Ref: Sec. 7.3.3, 7.4, 4.2.2.B.1, 4.2.2.A.2, 4.2.5.A.3, 4.2.2.B.3, 4.2.5.A.2, 4.2.5.A.4.b, 4.2.5.A.4, 5.1.3.B, 5.1.13, 5.1.4, 5.1.4.A, 5.1.8.A.1, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.C.1, 5.1.9.A, 5.1.9.B, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.
Land Use Held 7-0; Public Hearing Continued

Referred to Land Use Committee

Tuesday, November 10, 2020

Present: Councilors Lipof, Kelley, Greenberg, Markiewicz, Downs, Bowman and Laredo; 1 Vacancy; also present: Councilor Wright

#398-20 **Petition to exceed FAR and extend number of stories at 10-12 Sumner Street**
ANDREW SALZMAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct dormers to the existing half story, further extending the nonconforming 3.5 story structure, to allow a dormer exceeding 50% of the length of the wall plane below it and to create an FAR of .76 where .67 exists and .54 is allowed at 10-12 Sumer Street, Ward 7, Newton Centre, on known as 73 Block 48 Lot 24, containing approximately 6,434 sq. ft. in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2, 7.8.2.2 3.2.3, 1.5.4.G.2.b of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 7-0; Public Hearing Closed 11/10/2020

#400-20 **Petition to exceed FAR and extend number of stories at 727 Centre Street**
ZAILI CHEN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct additions to the third story, extending the nonconforming number of stories and creating an FAR of .50 where .45 exists and .35 is allowed at 727 Centre Street, Ward 2, Newton, on land known as Section 13 Block 16 Lot 08, containing approximately 12,880 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2, 7.8.2.2 3.2.3, 1.5.4.G.2.b of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 7-0; Public Hearing Closed 11/10/2020

#317-20 **Petition to extend nonconforming multi-family and height at 68 Chestnut Street**
BRADEN HOUSTON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend a nonconforming multi-family residential use in the BU1 district by adding one unit to the existing dwelling and two units within the existing carriage house structure, to further increase the nonconforming height, to further extend the nonconforming stories, to further extend the nonconforming side setback, to allow a retaining wall exceeding 4' in a setback, and to allow 1.25 parking stalls per unit at 68 Chestnut Street, Ward 3, West Newton, Section31 Block 04 Lot 07, containing approximately 10,419 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.4.1, 7.8.2.C.2, 4.1.3, 4.1.2.B.3, 5.1.4, and 5.4.2 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 7-0; Public Hearing Closed 11/10/2020

Referred to Zoning & Planning Committee

Monday, November 9, 2020

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

- #371-20** **Appointment of Denise Chicoine to the Zoning Board of Appeals**
HER HONOR THE MAYOR appointing Denise Chicoine, 275 Islington Road, Newton, 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 Committee Approved 8-0
- Referred to Zoning & Planning and Finance Committees**
- #420-20** **CPC Recommendation to change the purpose of Homebuyer Assistance funding**
COMMUNITY PRESERVATION COMMITTEE recommending a change in the purpose of the remaining seven hundred sixty two thousand, seven hundred and twenty two dollars and ninety cents (\$762,722.90) from the Newton Homebuyer Assistance Program for the creation of new affordable homebuyer units to the preservation of existing homebuyer units.
Finance to Meet on 11/23/2020
Zoning & Planning Committee Approved 7-0-1 (Councilor Albright abstaining)
- Referred to Zoning & Planning and Finance Committees**
- #437-20** **CPC Recommendation to appropriate \$77,900 in CPA funding**
COMMUNITY PRESERVATION COMMITTEE recommending appropriation of seventy-seven thousand nine hundred dollars (\$77,900) in Community Preservation Act funding for the Newton Housing Authority to construct the Haywood House Senior Affordable Housing Development on Jackson Road.
Finance to Meet on 11/23/2020
Zoning & Planning Committee Approved 8-0
- #438-20** **Request for creation of Trust in Newton to support affordable housing development**
COUNCILORS ALBRIGHT, CROSSLEY, HUMPHREY, DANBERG, MALAKIE, KELLEY, BOWMAN, KALIS, GREENBERG, DOWNS, WRIGHT, RYAN, NOEL, LEARY, LIPOF AND NORTON requesting the Planning Department analyze mechanisms already in use in other cities and towns, identify funding sources, and create a Housing Trust in Newton to facilitate and foster the development of affordable housing in Newton.
Zoning & Planning Committee Held 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
- #372-20** **Reappointment of Michael Quinn to the Zoning Board of Appeals**
HER HONOR THE MAYOR reappointing Michael Quinn, 115 Staniford Street, Newton, 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 Committee Approved 8-0

- #373-20 Reappointment of Treff LaFleche to the Zoning Board of Appeals**
HER HONOR THE MAYOR reappointing Treff LaFleche, 1603 Commonwealth Avenue, 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 Committee Approved 8-0
- #374-20 Reappointment of Lei Reilley to the Zoning Board of Appeals**
HER HONOR THE MAYOR reappointing Lei Reilley, 130 Pine 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 Committee Approved 8-0
- #405-20 Reappointment of Joyce Plotkin to the Economic Development Commission**
HER HONOR THE MAYOR reappointing JOYCE PLOTKIN, #1611N Hammond Pond Parkway, Chestnut Hill, as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire on October 30, 2023. (60 Days: 12/18/2020)
Zoning & Planning Committee Approved 8-0
- #406-20 Reappointment of Brett Catlin to the Chestnut Hill Historic District Commission**
HER HONOR THE MAYOR reappointing BRETT CATLIN, 121 Suffolk Road, Chestnut Hill, as a member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire on May 31, 2021. (60 Days: 12/18/2020)
Zoning & Planning Committee Approved 8-0
- #407-20 Reappointment of Peter Vieira to the Chestnut Hill Historic District Commission**
HER HONOR THE MAYOR reappointing PETER VIEIRA, 67 Old Orchard Road, Chestnut Hill, as a full member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire on July 31, 2023. (60 Days: 12/18/2020)
Zoning & Planning Committee Approved 8-0

Referred to Public Safety & Transportation Committee

Wednesday, November 4, 2020

Present: Councilors Downs (Vice-Chair), Lipof, Malakie, Grossman, Markiewicz and Bowman; Absent: Councilors Auchincloss (Chair) and Ciccone; Also Present: President Albright

- #434-20 Police Chief Selection Committee by Her Honor The Mayor**
HER HONOR THE MAYOR recommending that the following individuals be appointed to the Police Chief Selection Committee in accordance with the provisions of Sec. 5 of Chapter 279 of the Acts of 1992 and Sec. 3-3 of the City Charter:

(A) Marcela Merino Dominguez, business executive of the City of Newton

- (B) Joshua Levy, attorney
- (C) Judge Paul Chernoff, member of the Judiciary
- (D) Chief William Brooks, Town of Norwood Police Chief
- (E) Hattie Kerwin Derrick, citizen of the City of Newton
- (F) Michelle Leung, citizen of the City of Newton

and recommending that the following individuals be appointed to the Police Chief Selection Committee in accordance with the provisions of Sec. 5 (3) of Chapter 279 of the Acts of 1992 and Sec. 3-3 of the City Charter:

- (G) Officer John Panica, Newton Police Association
- (H) Lieutenant Damien Doucette, Newton Police Superior Officers Association.

Public Safety & Transportation Committee Approved as Amended 6-0. Confirmation of the appointments of Officer John Panica and Lieutenant Damien Doucette is not required.

#435-20

Police Chief Selection Committee by President Albright

PRESIDENT ALBRIGHT recommending that the following individuals be appointed to the Police Chief Selection Committee in accordance with the provisions of Sec. 5 of Chap. 279 of the Acts of 1992 and Sec. 3-3 of the City Charter:

- (A) Councilor Holly Ryan, as the Council appointee
- (B) Karen Carroll Bennett, 42 Milo Street, West Newton, as the City Council appointee.

Public Safety & Transportation Committee Approved 6-0

Referred to Finance Committee

Monday, November 9, 2020

Present: Councilors Grossman (Chair), Malakie, Humphrey, Kalis, Norton and Noel; 1 vacancy; also present: Councilors Laredo, Bowman, Albright, Lipof, Baker, Ryan, Wright, Leary, Greenberg, Laredo, Crossley, Downs, Kelley, Krintzman, and Danberg; absent: Councilor Gentile

#134-20

Discussion on easing the tax burden on low- and fixed income Newton residents

COUNCILORS HUMPHREY, RYAN, BOWMAN, MALAKIE, WRIGHT DOWNS, DANBERG AND NOEL requesting a discussion with relevant city staff and a representative of the Massachusetts Department of Local Services to explore possible local tax reforms with the goal of easing the tax burden on low- and fixed-income Newton residents and shifting it to those residents who can comfortably afford to pay a greater share of revenues.

Finance Held 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