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City Council Reports Docket

REVISED

September 23: Public Safety & Transportation,
Programs & Services, Public Facilities
September 29: Land Use
October 1: Zoning & Planning, Finance

Page 226
7:45 PM, Virtual
To be reported on
Monday, October 5, 2020

The City Council will hold this meeting as a virtual Zoom meeting on Monday, October 5, 2020 at 7:45 PM. To view this meeting use this link at the above date and time:

<https://us02web.zoom.us/j/85277876968?pwd=Yk5RLzIxdDM1eTN5NFFzRDFoZUk4QT09>

Passcode: 670613

One tap mobile

US: +16465588656,,85277876968#

Land line

US: +1 301 715 8592

Meeting ID: 852 7787 6968, Passcode: 670613

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 Public Facilities and Finance Committees

#366-20

Appropriate \$150,000 for the rehabilitation of the Bullough's Pond Dam

HER HONOR THE MAYOR requesting authorization to appropriate and expend one hundred and fifty thousand (\$150,000) from Acct # 6200-3240 Stormwater Management Fund Surplus for the purpose of funding engineering design services and permitting fees for the rehabilitation of the Bullough's Pond Dam.

Public Facilities Approved 8-0 on 09/09/2020

Finance Approved 4-0-2 (Councilors Kalis and Malakie abstaining)

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.

Motion to add the following condition was made and discussed but not voted as the item was chartered:

Condition: The Department of Public Works shall continue to explore alternative rehabilitation methods with a goal of preserving trees and vegetation on the upstream and downstream slopes of the dam.

Item Chartered by Councilor Malakie on September 21, 2020

Referred to Land Use Committee

Tuesday, September 29, 2020

Present: Councilors Lipof (Chair), Kelley, Greenberg, Auchincloss, Markiewicz, Downs, Bowman and Laredo; also Present: Councilors Gentile, Leary, Krintzman, Wright, Ryan and Malakie

#316-20 **Petition to allow rear-lot subdivision at 432 Dedham Street**
FREDERICK KAPLAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a rear-lot subdivision to create two lots fronting on Dedham Street at 432 Dedham Street, Ward 8, Newton Centre, on land known as Section 81 Block 11A Lot 47, containing approximately 66,503 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.5, 3.1.10 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Motion to Approved Failed to Carry 3-3-2 (Kelley, Greenberg and Bowman Opposed, Auchincloss and Downs abstaining); Public Hearing Closed 09/29/2020

#252-20 **Petition to extend FAR and allow accessory apartment at 30-32 Salisbury Road**
SHARONA MIZRAHI AND DAVID NAHOUMI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a first-floor addition to the principal dwelling and to construct dormers to the existing detached garage to allow for an accessory apartment in a detached structure, further increasing the non-conforming FAR to .66 where .64 exists and .48 is allowed and where the structure does not meet principal setback requirements at 30-32 Salisbury Road, Ward 2, Newton, on land known as Section 13 Block 07 Lot 16, containing approximately 9,773 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 3.2.11, 7.8.2.C.2, 6.7.1.E.1, 6.7.1.E.5 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 6-0-2 (Laredo, Kelley abstaining); Public Hearing Closed 09/29/2020

#26-20 **Request to Rezone Approximately 4.4 acres to MU3 to Create a Contiguous MU3 Zone**
MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for a change of zone to Mixed Use 3/Transit Oriented District for portions of land located at 355 Grove Street (currently zoned BU-2) and 399 Grove Street (currently zoned BU-5), also identified as Section 42, Block 11, Lots 3, 4, and 4A, abutting the existing MU-3 Zone.
Land Use Held 7-0 (Auchincloss not Voting); Public Hearing Continued

#27-20

Petition to allow Mixed Use Transit Oriented Development at Riverside Station

MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use, transit-oriented development of residential units, office, retail, personal services, restaurant, hotel, and related commercial uses not to exceed 1,025,000 square feet of gross floor area, with residential uses comprising not less than 60% of the total gross floor area with a residential density of not less than 800 square feet per unit with not less than 560 units nor more than 620 units with special permit relief and/or waivers as follows: as to dimensional standards, a development of more than 20,000 square feet of gross floor area, building height of up to 170 feet, buildings up to 11 stories, Floor Area Ratio of up to 2.5, beneficial open space of not less than 15%, increase of height of certain buildings with the Grove Street Area Corridor (to the extent necessary), and reduction in setback from Grove Street for certain buildings within the Grove Street Corridor Area (to the extent necessary); as to design standards, waiver of the sustainable development design standards and placement of a retaining wall greater than 4 feet in height located in a setback; as to uses, for-profit educational use, retail sales of over 5,000 square feet, restaurant with more than 5,000 square feet of gross floor area, personal service use of over 5,000 square feet, place of amusement, health club on ground floor, animal services, hotel, bank up to and over 5,000 square feet, theatre/hall, laboratory/research facility, parking facility, accessory, multi-level, parking facility, non-accessory, single level; as to parking, reduction of the residential parking requirement to 1.25 stalls per unit, reduction of the overall commercial parking requirement by 1/3, and waiver of parking stalls not to exceed 685 stalls, above and beyond the reductions specified above; as to parking facilities, waivers of the parking stall dimension requirements, the end stall maneuvering space requirements, the driveway entrance and exit requirements, the 5% interior landscaping requirements, the interior planting area requirements, the tree requirements, the bumper overhang requirements, the one-foot candle lighting requirement, the parking stall striping requirements (to the extent necessary), the curbing, wheel stop, guard rail, or bollard requirements, and the number of off-street loading facilities requirements; and as to signage, waiver of the number, size, type, location, and design requirements, all at 355 and 399 GROVE STREET on land known as Section 42, Block 11, Lots 3, 4 and 4A, containing approximately 13.05 acres of land in districts zoned Mixed Use 3 Transit Oriented (MU3), BU2 (a portion to be rezoned to MU3), BU5 (to be rezoned to MU3). Ref: Sec. 4.2.2.B.1, 4.2.2.B.3, 4.2.3, 4.2.4, 4.2.4.A.4, 4.2.4.B.3, 4.2.4.G.2, 4.4.1, 5.1.4, 5.1.4.A, 5.1.4.C, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.B.6, 5.1.8.D.1, 5.1.8.D.2, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10.A.1, 5.1.10.B.3, 5.1.10.B.5, 5.1.12, 5.1.12.B.4, 5.1.13, 5.2, 5.2.13, 5.4.2.B, 5.12, 6.4.29.C.5, 7.3.3, 7.3.5, 7.4 of the City of Newton Revised Zoning Ordinance, 2017. Additionally, as to infiltration and inflow mitigation, an abatement of the infiltration/inflow mitigation fee pursuant to Section 29-170 of the City of Newton Revised Zoning Ordinance, 2017.

Land Use Held 7-0 (Auchincloss not Voting); Public Hearing Continued

#342-20

Appointments to the Northland Construction Liaison Committee

PRESIDENT ALBRIGHT appointing the following individuals to the Neighborhood Liaison Committee as established in Condition 40 of Special Permit 426-18 granted on December 2, 2019 to Northland Investment Corporation for an 800-unit mixed use development, with 193,200 sq. ft. office space, 115,114 sq. ft. of retail/commercial/restaurant space, below grade parking for approximately 1,350 spaces and related site amenities.

Ward 5 City Councilor: Councilor Deborah Crossley

Ward 8 City Councilor: Councilor Holly Ryan

Neighborhood representative(s): Gary Miller, 16 Shawmut Park (Ward 5)

Jay Werb, 31 Williams Street (Ward 5)

Tom Friedman, 50 Verndale Road (Ward 8)

Needham Street Commercial Community Representative, *informational only*:

Sarah Gardella (Nothing but the Cakes)

Land Use Approved 7-0 (Auchincloss not Voting)

#341-20

Class 2 Auto Dealers License

KG Motors LLC

1235 Washington Street

West Newton, MA. 02465

Land Use Held 7-0 (Auchincloss not Voting)

#336-20

Petition to exceed FAR at 29 Hawthorne Avenue

VARUN GOEL AND RIMA PATEL petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story rear addition and enlarge the existing detached garage, creating an FAR of .37 where .23 exists and .34 is allowed at 29 Hawthorne Avenue, Ward 4, Auburndale, on land known as Section 43 Block 34 Lot 11, containing approximately 9,790 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 7-0 (Auchincloss not Voting); Public Hearing Closed 09/29/2020

#318-20

Petition to extend nonconforming two-family dwelling at 107-109 Grove Street

JUDY LAI YEE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story rear addition with a basement accessory apartment, extending the nonconforming two-family use in the SR3 zone at 107-109 Grove Street, Ward 4, Auburndale, on land known as Section 43 Block 31 Lot 14, containing approximately 12,437 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.1, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 4-0-2 (Auchincloss, Kelley not Voting, Laredo and Markiewicz abstaining); Public Hearing Closed 09/29/2020

Referred to Land Use and Finance Committees

#364-20

CPC Recommendation to appropriate \$1,244,857 of CPA funding

COMMUNITY PRESERVATION COMMITTEE recommending appropriation of one million two hundred forty-four thousand eight hundred fifty-seven dollars (\$1,244,857) in Community Preservation Act (CPA) funding for the creation of affordable housing in the Golda Meir House Expansion Project.

Finance Approved 6-0 on 10/01/2020

Land Use Approved 7-0 (Councilors Auchincloss not Voting)

Referred to Zoning & Planning Committee

Thursday, August 13, 2020

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

#287-20

Rezoning of Takings to Public Use

DIRECTOR OF PLANNING requesting change of zone to Public Use for portions of land located at 23 Parkview Avenue (currently MR1) acquired in 2016 for the expansion of Cabot School, and at 300 Hammond Pond Parkway, known as Webster Woods, (currently SR1) acquired in 2019 for open space use and conservation purposes.

Zoning & Planning Approved 8-0

Referred to Zoning & Planning Committee

Thursday, October 1, 2020

Present: Councilors Crossley (Chair), Danberg, Leary, Albright, Krintzman, Wright, Ryan, and Baker; Also Present: Councilors Bowman Lipof, Laredo, Markiewicz, Kelley, Greenberg, Downs, Malakie, Kalis, and Auchincloss

#30-20(2)

Amendment to Zoning Ordinance 3.4.4 Garages

COUNCILOR ALBRIGHT requesting amendment to Chapter 30 of Newton's Zoning Ordinance, section 3.4.4 on garages (delayed implementation until ~~July 1~~ April 1, 2021). This ordinance has been delayed five times.

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

(Councilors Krintzman and Wright abstaining), pending Planning Board recommendation; Public Hearing closed 10/01/2020

#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

#148-20 **Request to amend Chapter 30 to eliminate parking minimums**
COUNCILORS ALBRIGHT, AUCHINCLOSS, BOWMAN, CROSSLEY, DANBERG, DOWNS, GENTILE, GREENBERG, KALIS, KELLEY, LIPOF, MARKIEWICZ, NOEL, KRINTZMAN, AND RYAN seeking amendments to Chapter of the Revised City of Newton Ordinances to eliminate mandated parking minimums to improve vitality of local businesses, reduce the cost of housing, and support the climate action goals.
Zoning & Planning Held 8-0

Referred to Programs & Services Committee

Wednesday, September 23, 2020

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

#352-20 **Appointment of Laura Shaw to the Council on Aging**
HER HONOR THE MAYOR appointing LAURA SHAW, 116 Church Street, Newton, as a member of the COUNCIL ON AGING for a term to expire on October 15, 2023. (60 Days: 11/07/2020)
Programs and Services Approved 6-0

#386-20 **Request to move the Ward 3 Precincts 1 & 3 polling location**
CITY CLERK requesting that the polling location for Ward 3, Precincts 1 & 3, which is currently located at the Family Access Center (Newton Community Service Center) on 492 Waltham Street be relocated to a new location.
Programs & Services Held 6-0

#126-20 **Request for tree planting update**
THE PROGRAMS AND SERVICES COMMITTEE requesting an update from the Administration on tree planting efforts.
Programs and Services No Action Necessary 6-0

Referred to Public Safety & Transportation Committee

Wednesday, September 23, 2020

Present: Councilors Downs (Vice-Chair), Malakie, Grossman, Markiewicz, Ciccone and Bowman; absent: Councilors Auchincloss (Chair) and Lipof

#355-20 **Requesting new public auto license**
LAHCENE BELHOUCHE, 32 Adams Street, Newton, MA 02460 requesting **one (1) new public auto license** for Boston Cool Ride Limo Inc.
Public Safety & Transportation Approved 5-0 (Ciccone not voting)

#376-20 Requesting three (3) new public auto licenses
ANDY WARNER, 6 Silver Lake Avenue, Newton, MA 02458 requesting **three (3) new public auto licenses** for NetCars Inc.
Public Safety & Transportation Approved 5-0 (Ciccone not voting)

#233-20 Semi-annual taxi license/public auto inspections
POLICE DEPARTMENT submitting reports of semi-annual taxi license/public auto inspections for review.
Public Safety & Transportation Approved 6-0

Referred to Public Safety & Transportation and Finance Committees
#365-20 Authorization to expend a \$164,863 grant from Assistance to Firefighters
HER HONOR THE MAYOR requesting authorization to accept, appropriate and expend a one hundred sixty-four thousand eight hundred sixty-three dollar grant (\$164,863) from the Assistance to Firefighters Grant for Rapid Intervention and Vehicle Operator Training in the Newton Fire Department.
Finance Approved 6-0 on 10/01/2020
Public Safety & Transportation Approved 6-0

Referred to Public Safety & Transportation and Finance Committees
#382-20 Authorization to enter a contract for Emergency Ambulance Services
HER HONOR THE MAYOR requesting authorization to enter into a contract for Emergency Ambulance Services for up to five years.
Finance Approved 5-0-1 (Councilor Humphrey abstaining) 10/01/2020
Public Safety & Transportation Approved 6-0

Referred to Public Facilities Committee

Wednesday, September 23, 2020

Present: Councilors Leary (Chair), Kelley, Crossley, Norton, Laredo, Gentile and Kalis; absent: Councilor Danberg; also present: Councilors Krintzman, Albright, Ryan, Humphrey, Malakie, Markiewicz, Noel and Wright

#378-20 Appointment of SingNing Kuo to the Design Review Committee
HER HONOR THE MAYOR appointing SINGNING KUO, 1395 Washington Street, Newton, to the DESIGN REVIEW COMMITTEE for a term to expire December 31, 2021. (60 days: 11/20/2020)
Public Facilities Approved 7-0

- #356-20 National Grid petition for grant of location in John F. Kennedy Circle**
NATIONAL GRID petition for a grant of location to install and maintain 420' +/- of new 4" plastic main in Green Street to the 6" BS LP (bare steel low pressure) gas main in John F. Kennedy Circle and transfer existing branch services to new 4" PL LP (plastic lined low pressure) main in John F Kennedy Circle. (Ward 1)
Public Facilities Approved 7-0
- #357-20 National Grid petition for grant of location in Cross Hill Road**
NATIONAL GRID petition for a grant of location to extend the existing 6" main beginning at 95 Cross Hill Rd with 15' +/- of 6" plastic main and install 100' +/- of 2" plastic main to service 100 Cross Hill Road. (Ward 8)
Public Facilities Approved 7-0
- #385-20 Request for easements in Staniford Street**
COMMISSIONER OF PUBLIC WORKS requesting taking of four public utilities easements in the private way portions of STANIFORD STREET, as outlined in the below descriptions:
- Staniford Street, from west of Freeman Street westerly to the bend in Staniford Street taking a main drain and common sewer easement.
- Staniford Street, from west of Freeman Street westerly to the bend in Staniford Street taking a Water Main Easement.
- Staniford Street, from the bend in Staniford Street southerly to West Pine Street, taking a main drain and water main easement.
- Staniford Street, from the bend in Staniford Street southerly to previous Common Sewer Taking, taking a common sewer easement.
Public Facilities Approved 7-0
- #358-20 National Grid petition for grant of location in Boylston and Moody Street**
NATIONAL GRID petition for a grant of location to install and maintain 1110' +/- of 6" plastic main in Boylston and Moody Street from the existing 6" coated steel main in front of #199 Boylston St to the end of the main at #56 Moody Street. (Ward 7)
Public Facilities Approved 7-0
- #377-20 Request for a main drain extension at 11 & 19 Shute Path**
GREGORY KESHISHYAN, 11 Fay Lane, Needham, petitioning for a main drain extension from a manhole at the intersection of "E" Roadway & Spiers Road westerly 315' +/- to provide an overflow on the on-site drainage systems for #11 & #19 Shute Path. (Ward 8)
PETITIONER TO PAY ENTIRE COST
Public Facilities Approved 7-0

Referred to Public Facilities and Finance Committees

#383-20

Authorization for the MWRA loan program for sewer improvements

HER HONOR THE MAYOR requesting authorization to borrow the sum of four million five hundred and eighty thousand dollars (\$4,580,000) from the Massachusetts Water Resources Authority (MWRA) Sewer Infiltration/Inflow Local Financial Assistance Program, Phase 13 as an interest-free loan payable in 1/10 installments over 10 years.

Finance Approved 6-0 on 10/01/2020

Public Facilities Approved 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 Finance Committee

Thursday, October 1, 2020

Present: Councilors Grossman, Kalis, Noel, Norton, Humphrey and Malakie; absent: Councilors Gentile and Ciccone

#381-20

Acceptance of funds for LED lighting projects and an insulation project

HER HONOR THE MAYOR requesting authorization to accept, appropriate and expend the sum of one hundred thousand dollars (\$100,000) from the Green Communities Grant from the Department of Energy Resources and authorization to appropriate and expend the sum of twenty-three thousand one hundred and ninety-five dollars (\$23,195) from the Energy Stabilization Fund for the LED lighting project at Newton South High School, the Utilities Building at 60 Elliot Street and the insulation project at the Auburndale Community Library.

Finance Approved 6-0

#380-20

Appointment of Aaron Goldman to the Horace Cousens Industrial Fund

HER HONOR THE MAYOR appointing AARON GOLDMAN, 11 Jerome Avenue, Newton, as a trustee of the Horace Cousens Industrial Fund for a term to expire on June 1, 2023. (60 days: 11/20/2020)

Finance Approved 5-0 (Councilor Norton not voting)

Referred to Public Facilities and Finance Committees

#383-20

Authorization for the MWRA loan program for sewer improvements

HER HONOR THE MAYOR requesting authorization to borrow the sum of four million five hundred and eighty thousand dollars (\$4,580,000) from the Massachusetts Water Resources Authority (MWRA) Sewer Infiltration/Inflow Local Financial Assistance Program, Phase 13 as an interest-free loan payable in 1/10 installments over 10 years.

Public Facilities Approved 7-0 on 09/23/2020

Finance Approved 6-0

Referred to Public Safety & Transportation and Finance Committees

#382-20

Authorization to enter a contract for Emergency Ambulance Services

HER HONOR THE MAYOR requesting authorization to enter into a contract for Emergency Ambulance Services for up to five years.

Public Safety & Transportation Approved 6-0 on 09/23/2020

Finance Approved 5-0-1 (Councilor Humphrey abstaining)

Referred to Public Safety & Transportation and Finance Committees

#365-20

Authorization to expend a \$164,863 grant from Assistance to Firefighters

HER HONOR THE MAYOR requesting authorization to accept, appropriate and expend a one hundred sixty-four thousand eight hundred sixty-three dollar grant (\$164,863) from the Assistance to Firefighters Grant for Rapid Intervention and Vehicle Operator Training in the Newton Fire Department.

Public Safety & Transportation Approved 6-0 on 09/23/2020

Finance Approved 6-0

Referred to Land Use and Finance Committees

#364-20

CPC Recommendation to appropriate \$1,244,857 of CPA funding

COMMUNITY PRESERVATION COMMITTEE recommending appropriation of one million two hundred forty-four thousand eight hundred fifty-seven dollars (\$1,244,857) in Community Preservation Act (CPA) funding for the creation of affordable housing in the Golda Meir House Expansion Project.

Land Use Approved on 09/29/2020

Finance Approved 6-0

Referred to Committee of the Whole

#384-20

Discussion regarding the impact of COVID-19 on restaurants

COUNCILORS BOWMAN DOWNS, NOEL, ALBRIGHT AND DANBERG requesting a discussion with the Administration about the impact on restaurants due to COVID-19. The discussion should include efforts taken to assist restaurants, information on what adjacent communities are doing for their restaurants, what restaurants have requested of the city and potential financial impact as well as an opportunity for restaurateurs to speak directly to the Council about their COVID-19 business.

Committee of the Whole Held on 10/01/2020