



REVISED

7:40 am, Jun 19, 2020

City Council Reports Docket

POSTED
City Clerk

June 9: Land Use
June 15: Zoning & Planning, Finance
June 16: Land Use
June 17: Public Facilities, Public Safety &
Transportation

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6:00 PM, Virtual
To be reported on
Monday, June 22, 2020

The City Council will hold this meeting as a virtual Zoom meeting on Monday, June 22, 2020 at 6:00 PM. To view this meeting use this link at the above date and time:

<https://us02web.zoom.us/j/87310855941>

One tap mobile
+13017158592,,87310855941#

Land line
+1 301 715 8592
Meeting ID: 873 1085 5941

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

#29-20

Review and possible amendment of Demolition Delay and Landmark Ordinances

COUNCILORS KELLEY, ALBRIGHT, AUCHINCLOSS, CROSSLEY, GREENBERG, KALIS, KRINTZMAN, LEARY, LIPOF, MARKIEWICZ, BOWMAN, HUMPHREY, RYAN AND NORTON requesting a review and, if appropriate, an update of Chapter 22, Sections 22-50 to 22-76 that relate to demolition delays, historic designation, and landmarking.

Zoning & Planning Approved as Amended 7-0-1 (Councilor Krintzman abstaining)

Voice Vote Approved Postponement to date certain of June 22, 2020

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 Zoning & Planning Committee

#30-20

Ordinance amendment to repeal 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~~ January 31, 2022). This ordinance has been delayed five times.

Zoning and Planning Approved as Amended 6-2 (Councilors Baker and Wright opposed)

Voice Vote Approved Postponement to date certain of June 22, 2020

Referred to Land Use Committee

Tuesday, June 9, 2020

Present: Councilors Lipof (Chair), Kelley, Greenberg, Auchincloss, Markiewicz, Downs, Bowman, Laredo; also present: Councilors Leary, Ciccone, Crossley, Krintzman, Gentile, Albright and Wright

#257-20

Petition to allow garage greater than 700 sq. ft. at 449 Commonwealth Avenue

RAQUEL OLIVA ALENCAR petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow expansion of a garage to create a two-car a detached garage, in excess of 700 sq. ft. and to allow dormers with widths exceeding 50% of the length of the wall plane below at 449 Commonwealth Avenue, Ward 7, Chestnut Hill, on land known as Section 73 Block 41 Lot 01, containing approximately 22,637 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.4.2.B.1, 1.5.4.G.2.b of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 8-0; Public Hearing Closed 06/09/2020

#169-20

Special Permit to extend nonconforming use for multi-family dwelling at 148 Pine St

PHILIP MASTROIANNI/148 PINE REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to change the existing nonconforming use from the existing two-family use to allow three single-family dwellings on one lot in the SR3 district, and to determine appropriate density and dimensional controls at 148 Pine Street, Ward 4, Auburndale, on land known as Section 44 Block 17 Lot 32, containing approximately 18,235 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, 3.1.2.A.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 8-0; Public Hearing Closed 06/09/2020

#26-20
Zone

Request to Rezone Approximately 4.4 acres to MU-3 to Create a Contiguous MU-3

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 8-0; 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 8-0; Public Hearing Continued

Referred to Land Use Committee

Tuesday, June 16, 2020

Present: Councilors Lipof (Chair), Kelley, Greenberg, Auchincloss, Markiewicz, Downs, Bowman and Laredo; also present: Councilors Albright, Crossley, Norton, Wright and Malakie

- #170-20** **Petition to allow four single-family attached dwelling units at 70 Walker Street**
70 WALKER STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwelling units in two structures, to further extend the nonconforming height, to reduce the required side setback and to allow a driveway within ten feet of the side lot line at 70 Walker Street, Ward 2, Newtonville, on land known as Section 21 Block 33 Lot 7, containing 21,962 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.4, 7.8.2.C.2, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 7-0 (Councilor Auchincloss not Voting); Public Hearing Closed 06/16/2020

- #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 Held 8-0; Public Hearing Continued

Referred to Zoning & Planning Committee

Monday, June 15, 2020

Present: Councilors Crossley, Danberg, Albright, Leary, Krintzman, Ryan, Baker, and Wright; also Present: Councilors Auchincloss, Downs, Laredo, Kelley, Humphrey, Bowman, Malakie and Markiewicz

- #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 and Planning Held 8-0
- #38-20** **Request for discussion relative to single-family attached dwellings**
COUNCILOR LAREDO requesting a review of the zoning requirements for single-family attached dwelling units.
Zoning and 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 and Planning Held 8-0

#278-20 **Reappointment of Laurie Malcom to the Upper Falls Historic District Commission**
HER HONOR THE MAYOR reappointing Laurie Malcom, 95 Algonquin Road, Chestnut Hill, as a regular member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term to expire on December 24, 2022. (60 days: 08/07/2020)
Zoning and Planning Approved 8-0

Referred to Public Safety & Transportation Committee

Wednesday, June 17, 2020

Present: Councilor Auchincloss (Chair), Markiewicz, Downs, Malakie, Lipof, Ciccone, Bowman and Grossman; also present: Councilors Noel, Danberg, Norton, Albright, Wright, Krintzman, Humphrey, Greenberg, Ryan, and Baker

Referred to Public Safety & Transportation and Finance Committees

#274-20 **Transfer \$750,000 for Fire/Rescue Overtime**
HER HONOR THE MAYOR requesting authorization to transfer the sum of seven hundred and fifty thousand dollars (\$750,000) from Acct #0110491-57HLTH Retiree Health Insurance to Acct #0121022-513010 Fire/Rescue Regular Overtime.
Finance Committee Approved 6-0 on 06/15/2020
Public Safety & Transportation Approved 7-0 (Councilor Markiewicz abstaining)

#270-20 **Bus Licenses renewals for Boston College Bus**
BOSTON COACH TRANSPORTATION, requesting annual renewal of the two Boston College Bus Licenses. There are no changes proposed to last year’s licenses.
 1) Boston College Law School Routes
 2) Boston College Main Campus to Boston Route
Public Safety & Transportation Approved 8-0

#271-20 **Bus Licenses renewals for “MASCO”**
PAUL REVERE TRANSPORTATION LLC., request for annual renewal of one bus license for seven vehicles for Medical Academic and Scientific Community Organization, Inc., (“MASCO”). There are no changes proposed to last year’s licenses.
Public Safety & Transportation Approved 8-0

#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 Held 7-0 (Councilor Ciccone not voting)

Referred to Public Safety & Transportation and Public Facilities Committees

#235-20 **Requesting a review of the intersection at Lake Avenue and Rogers Street**
COUNCILORS BOWMAN, NOEL, AND DANBERG requesting a review and possible changes to the intersection of Lake Avenue and Rogers Street to improve the safety of the intersection for all road users.

Public Facilities to Meet

Public Safety & Transportation Voted No Action Necessary 7-0 (Councilor Ciccone not voting)

#275-20 **Discussion with the Police and Human Resources about Newton practices**
COUNCILORS NORTON, DOWNS, GROSSMAN, LAREDO, MALAKIE, AUCHINCLOSS, NOEL AND BOWMAN requesting a discussion with the Newton Police Chief and Human Resources Director about Newton practices regarding recruitment, screening, training, advancement, and removal of police officers, including plans to increase the number of black and minority officers.

Public Safety & Transportation Held 8-0

#279-20 **Resolution on Newton Police Policy and Training**
COUNCILORS NOEL, ALBRIGHT, BOWMAN, NORTON, DOWNS, LEARY, LIPOF, WRIGHT, KALIS, KRINTZMAN, HUMPHREY, CROSSLEY, GROSSMAN, GREENBERG, RYAN, DANBERG, AUCHINCLOSS AND MARKIEWICZ submit a resolution to ensure Newton Police policy and training reflects the values and commitment of our community, reducing police violence, facilitating citizens' First Amendment Right to peacefully protest, and actively engaging in non-biased community policing.

Public Safety & Transportation Held 8-0

#280-20 **Discussion with Police regarding department policies**
COUNCILORS ALBRIGHT, BOWMAN, DOWNS, GREENBERG, LEARY, KELLEY, WRIGHT, KALIS, HUMPHREY, MALAKIE, GROSSMAN, DANBERG, NOEL, LIPOF requesting a discussion with Chief MacDonald and appropriate members of the Police Department regarding policies and procedures around the use of force and measures to combat racism. One possible outcome to augment departmental community policing might be a citizens' oversight body that reflects the demographics and values of Newton.

Public Safety & Transportation Held 8-0

Referred to Public Facilities Committee

Wednesday, June 17, 2020

Present: Councilors Leary (Chair), Crossley, Laredo, Kalis, Norton, Kelley, Danberg and Gentile

#276-20 Appointment of John Lewis to the Solid Waste Commission
HER HONOR THE MAYOR appointing JOHN LEWIS, 56 Lawmarissa Road, Newton, as a member of the SOLID WASTE COMMISSION for a term to expire May 31, 2021. (60 days 08/07/2020)
Public Facilities Approved 7-0 (Councilor Norton not voting)

Referred to Public Facilities and Finance Committees

#277-20 Discussion on the use of parking kiosks in municipal lots
COMMISSIONER OF PUBLIC WORKS requesting a discussion on the use of parking payment kiosks in municipal lots as required by condition 1 of Council Order #446-19.
Finance Held 6-0 on 06/15/2020
Public Facilities Held 8-0

#61-20 Discussion to limit or prohibit the installation of fossil fuel infrastructure
COUNCILORS CROSSLEY, KELLEY, LEARY, NORTON, ALBRIGHT, GREENBERG, AUCHINCLOSS, MARKIEWICZ, NOEL, DANBERG, KALIS, DOWNS & HUMPHREY requesting a discussion with the Sustainability Team to create an ordinance to limit or prohibit the installation of fossil fuel infrastructure in new construction and substantially renovated buildings, as well as to clarify the Council’s authority to prohibit the extension of gas.
Public Facilities Held 6-0 (Councilors Norton and Gentile not voting)

Referred to Finance Committee

Monday, June 15, 2020

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

Referred to Public Safety & Transportation and Finance Committees

#274-20 Transfer \$750,000 for Fire/Rescue Overtime
HER HONOR THE MAYOR requesting authorization to transfer the sum of seven hundred and fifty thousand dollars (\$750,000) from Acct #0110491-57HLTH Retiree Health Insurance to Acct #0121022-513010 Fire/Rescue Regular Overtime.
Public Safety & Transportation Approved 7-0 (Councilor Markiewicz abstaining)
06/17/2020
Finance Approved 6-0

Referred to Public Facilities and Finance Committees

#277-20 Discussion on the use of parking kiosks in municipal lots
COMMISSIONER OF PUBLIC WORKS requesting a discussion on the use of parking payment kiosks in municipal lots as required by condition 1 of Council Order #446-19.
Public Facilities Held 8-0 on 06/17/2020
Finance Held 6-0

#272-20 Transfer \$1,500 to correct an error in the FY20 Budget
HER HONOR THE MAYOR requesting authorization to transfer the sum of one thousand

five hundred dollars (\$1,500) from Acct #0111855-524050 Computer Equipment Repairs & Maintenance to Acct # 0111855-511001 Full Time Salaries to correct an error in the FY20 Budget.

Finance Approved 6-0

#273-20

Authorize \$420,000 to settle claims against the City

HER HONOR THE MAYOR requesting authorization to appropriate and expend four hundred and twenty thousand dollars (\$420,000) from June 30, 2019 Certified Free Cash for the full and final settlement of the claims by Mackay against the City.

Finance Approved 6-0

Referred to Public Facilities and Finance Committees

#114-20

Approve \$500,000 for snow and ice removal

HER HONOR THE MAYOR requesting authorization to transfer the sum of five hundred thousand dollars (\$500,000) from the Budget Reserve – Snow and Ice Removal Account to the following accounts:

DPW Overtime, Snow & Ice Removal
(0140123-513010)..... \$200,000

DPW Rental Vehicles/Subcontractors
(0140123-527301)..... \$300,000

Public Facilities Approved 5-0 (Councilor Crossley not voting) on 02/05/2020

Finance voted No Action Necessary 6-0