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City Council Reports Docket

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April 22: Programs & Services, Public Facilities
April 28: Land Use
April 27: Zoning & Planning, Finance

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7:45 PM, Virtual
To be reported on
Monday, May 4, 2020

The City Council will hold this meeting as a virtual Zoom meeting on Monday, May 4, 2020 at 7:45 pm. To view this meeting use this link at the above date and time: <https://zoom.us/j/674089549>

Meeting ID: 674-089-549

One tap mobile
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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

Referred to Land Use Committee

Tuesday, April 28, 2020

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

#168-20 Petition to change nonconforming use at 632 Commonwealth Avenue

DENNIS DYER/LIZ CAAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the existing structure from an existing non-conforming office use to a new non-conforming use at 632 Commonwealth Avenue, Ward 6, Newton Centre, on land known as Section 61 Block 01 Lot 06, containing approximately 4,347 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref. 7.3.3, 7.4, 3.4.1, 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 04/28/2020

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.

- #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 Held 8-0; Public Hearing Continued
- #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 Held 8-0; Public Hearing Continued
- #273-14(6)** **Special Permit to amend Special Permit Board Orders #273-14(2) & #40-07 on Elm Street**
NICORE CONSTRUCTION CORP./ANTONIO BONADIO petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to AMEND Special Permit Board Orders #273-14(2) and #40-07 to allow changes to the site plan at 5-7 Elm Street and 11-19 Elm Street, Ward 3, West Newton, on land known as Section 33 Block 23 Lot and Section 33 Block 23 Lots 9, 15 and 16, containing approximately 26,290 sq. ft. of land in a district zoned MR1. Ref: Sec. 7.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord., 2017.
Land Use Approved Withdrawal without Prejudice 8-0
- #26-20** **Request to Rezone Approximately 4.4 acres to MU-3 to Create a Contiguous MU-3 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 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 Zoning & Planning Committee

Monday, April 27, 2020

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

- #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

- #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). This ordinance has been delayed five times.
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

Referred to Programs & Services Committee

Wednesday, April 22, 2020

Present: Councilors Krintzman (Chair), Noel, Albright, Humphrey, Ryan, Baker, Wright, Greenberg

- #48-20 **Request for a discussion regarding Senior Services outreach**
COUNCILORS ALBRIGHT AND GREENBERG requesting a discussion with the Department of Senior Services regarding outreach and services to the growing number of Newton residents who are 85 and older yet living alone. Discussion should focus on the City’s efforts to provide a program; whether through current programs or proposed alternatives.
Programs and Services Held 8-0

- #179-20** **Reappointment of Ted Kuklinski to the Off-Leash Dog Task Force**
COUNCILOR ALBRIGHT requesting the reappointment of TED KUKLINSKI, 24 Henshaw Terrace, West Newton, as a member of the OFF-LEASH DOG TASK FORCE for a term to expire on December 31, 2021. (60 days: 05/15/20)
Programs and Services Approved 8-0
- #180-20** **Reappointment of Mary Lee Belleville to the Off-Leash Dog Task Force**
COUNCILOR ALBRIGHT requesting the reappointment of MARY LEE BELLEVILLE, 136 Warren Street #1, Newton Centre, as a member of the OFF-LEASH DOG TASK FORCE for a term to expire on December 31, 2021. (60 days: 05/15/20)
Programs and Services Approved 8-0
- #181-20** **Reappointment of Amy Koel to the Off-Leash Dog Task Force**
COUNCILOR ALBRIGHT requesting the reappointment of AMY KOEL, 70 Waverley Avenue, Newton, as a member of the OFF-LEASH DOG TASK FORCE for a term to expire on December 31, 2021. (60 days: 05/15/20)
Programs and Services Approved 8-0
- #216-20** **Reappointment of Lee McIntyre as a member of the Off-Leash Dog Task Force**
PRESIDENT ALBRIGHT requesting the reappointment of Lee McIntyre, 607 Commonwealth Avenue, Newton, as a member of the OFF-LEASH DOG TASK FORCE for a term to expire on December 31, 2021. (60 days: 06/05/2020)
Programs and Services Approved 8-0
- #182-20** **Reappointment of James Harper to the Farm Commission**
HER HONOR THE MAYOR reappointing JAMES HARPER, 59 Westminster Road, Newton Center, as a member of the FARM COMMISSION for a term to expire on March 31, 2023. (60 days: 05/15/20)
Programs and Services Approved 8-0
- #183-20** **Reappointment of Vaunita Schnell to the Farm Commission**
HER HONOR THE MAYOR reappointing VAUNITA SCHNELL. 68 Stearns Street, Newton Center, as a member of the FARM COMMISSION for a term to expire on March 31, 2023. (60 days: 05/15/20)
Programs and Services Approved 8-0
- #214-20** **Reappointment of William Dietrich as a member of the Biosafety Committee**
COUNCILOR ALBRIGHT requesting the reappointment of William Dietrich, 28 Osbourne Path, Newton, to the BIOSAFETY COMMITTEE for a term to expire on May 4, 2023. (60 days: 06/05/2020)
Programs and Services Approved 8-0

#215-20 Reappointment of Gary du Moulin as a member of the Biosafety Committee
COUNCILOR ALBRIGHT requesting the reappointment of Gary du Moulin, 24 Myerson Lane, Newton Centre, to the BIOSAFETY COMMITTEE for a term to expire on May 4, 2023. (60 days: 06/05/2020)
Programs and Services Approved 8-0

Referred to Programs & Services and Finance Committees

#239-20 Allocate \$500,000 to control the spread of COVID-19
HER HONOR THE MAYOR requesting authorization to allocate five hundred thousand dollars (\$500,000) to a non-lapsing account dedicated to the City’s efforts to control the spread of COVID-19; additionally re-classify the previously approved \$250,000 to the same account and allow the administration to disburse these funds to support compensation, supplies, or other accounts as necessary.
Finance Approved as Amended to \$750,000 from Free Cash 7-0 on 04/27/2020
Programs & Services voted as follows on 04/22/2020
#239-20(1) \$250,000 – Approved 6-0-2 (Councilors Krintzman and Noel abstaining)
#239-20(2) \$250,000 - Held 8-0

Referred to Public Facilities Committee

Wednesday, April 22, 2020

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

#219-20 Comcast petition for a Grant of Location in Washington Street
COMCAST petitioning for a grant of location to install a proposed 24x36 vault at existing utility pole #437/23 (in front of 230 Walnut Street) and trench 74’± in a westerly direction across Walnut Street to private property at 845 Washington Street, Ward 2
Public Facilities Approved 8-0

#220-20 5-58 for the Newton Free Library at 330 Homer Street
DESIGN REVIEW COMMMITTEE petition, pursuant to 5-58, for schematic design and site plan approval at 330 Homer Street for renovation of the existing parking lot which will include modifications to site circulation, including pedestrian and traffic movements, landscaping, site lighting, storm drainage improvements, additional parking spaces and the installation of new solar arrays which will generate electrical power to be used by the library.
Public Facilities Approved 6-1-1 (Councilor Gentile Opposed, Councilor Laredo abstaining)

- #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 8-0
- #217-20** **Reappointment of Amy MacKrell to the Designer Selection Committee**
PRESIDENT ALBRIGHT reappointing Amy MacKrell, 12 Dexter Road, Newtonville to the Designer Selection Committee for a term of office to expire December 31, 2021. (60 days: 06/05/20)
Public Facilities Approved 8-0
- #218-20** **Reappointment of Tamar Warburg to the Designer Selection Committee**
PRESIDENT ALBRIGHT reappointing Tamar Warburg, 102 Herrick Rd, Newton Centre to the Designer Selection Committee for a term of office to expire December 31, 2021. (60 days: 06/05/20)
Public Facilities Approved 8-0
- #226-20** **Reappointment of Howard Goldberg to the Designer Selection Committee**
PRESIDENT ALBRIGHT reappointing Howard Goldberg, 27 Theodore Road, Newton to the Designer Selection Committee for a term of office to expire December 31, 2021. (60 days: 06/05/20)
Public Facilities Approved 8-0

Referred to Finance Committee

Monday, April 27, 2020

Present: Councilors Grossman (Chair), Malakie, Humphrey, Kalis, Norton, Ciccone and Noel; absent: Councilors Gentile; also present: Councilors Albright, Krintzman, Lipof and Markiewicz

- #236-20** **Appointment of Councilor Humphrey to the Twombly House Fund**
PRESIDENT ALBRIGHT appointing Councilor Bill Humphrey, 712 Chestnut Street, Newton as a Trustee of the TWOMBLY HOUSE FUND TRUST for a term of office to expire December 31, 2021.
Finance Held 5-0 (Councilor Humphrey recused, Councilor Ciccone not voting)
- #237-20** **Appointment of Councilor Humphrey to the Emerson Community Center Trust**
PRESIDENT ALBRIGHT appointing Councilor Bill Humphrey, 712 Chestnut Street, Newton as a Trustee of the EMERSON COMMUNIITY CENTER TRUST for a term of office to expire December 31, 2021.
Finance Held 5-0 (Councilor Humphrey recused, Councilor Ciccone not voting)

- #240-20** **Authorization to expend a MassDOT grant in the amount of \$100,000**
HER HONOR THE MAYOR requesting authorization to accept and expend a one hundred thousand-dollar (\$100,000) grant from the MassDOT's Community Transit Grant Program to assist financially with the City's NewMo program that provides transportation for older residents.
Finance Approved 7-0
- #238-20** **Authorization to expend a MassWorks grant in the amount of \$396,500**
HER HONOR THE MAYOR requesting authorization to accept and expend a three hundred and ninety-six thousand five hundred dollar (\$396,500) grant from the Commonwealth's MassWorks Infrastructure Program for design and engineering services for extension of the Upper Falls Greenway and Pettee Square streetscape enhancements
Finance Approved 5-0-1 (Councilor Kalis abstaining, Councilor Ciccone not voting)
- #241-20** **Resolution requiring a cap of delivery fees charged to businesses**
COUNCILORS ALBRIGHT, KRINTZMAN, DOWNS, RYAN, CROSSLEY, WRIGHT, HUMPHREY, LEARY, MALAKIE, BOWMAN, KELLEY, GROSSMAN, MARKIEWICZ, DANBERG, NOEL, LIPOF requesting a resolution to the Mayor asking her to work with relevant departments to determine the feasibility of restricting third party delivery services from charging restaurants a fee per online order for use of its services that totals more than 10% of the purchase prices of such online orders.
Finance Approved 5-0-1 (Councilor Norton abstaining, Councilor Ciccone not voting)
- Referred to Programs & Services and Finance Committees**
- #239-20** **Allocate \$500,000 to control the spread of COVID-19**
HER HONOR THE MAYOR requesting authorization to allocate five hundred thousand dollars (\$500,000) to a non-lapsing account dedicated to the City's efforts to control the spread of COVID-19; additionally re-classify the previously approved \$250,000 to the same account and allow the administration to disburse these funds to support compensation, supplies, or other accounts as necessary.
Programs & Services voted as follows on 04/22/2020
#239-20(1) \$250,000 – Approved 6-0-2 (Councilors Krintzman and Noel abstaining)
#239-20(2) \$250,000 - Held 8-0
Finance Approved as Amended to \$750,000 from Free Cash 7-0