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City Council Reports Docket

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November 18: Programs & Services, Public
Facilities
November 23: Zoning & Planning, Finance
November 24: Land Use
December 1: Land Use

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

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

<https://us02web.zoom.us/j/85045353539?pwd=dFNHa1dZWkd1clZXNG15dm5FM0RMdz09>

Passcode: 107182

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Land line

US: +1 301 715 8592

Meeting ID: 850 4535 3539 Passcode: 107182

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/newtvgo>

City of Newton In City Council Items to be Acted Upon

Referred to Land Use Committee

Tuesday, November 24, 2020

Present: Councilors Lipof (Chair), Kelley, Greenberg, Markiewicz, Downs, Bowman and Laredo; also
Present: Councilor Wright

#426-20 Petition to exceed FAR at 39 Norwood Avenue

JOHN SHIELDS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to enlarge the existing garage and construct a single-story rear addition, creating an FAR of .42 where .37 exists and .38 is allowed at 39 Norwood Avenue, Ward 6, Newton Centre, on land known as

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.

Section 62 Block 01 Lot 29, containing approximately 10,417 sq. ft. of land in a district zoned SR2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved Withdrawal without Prejudice 7-0

#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 Approved Withdrawal without Prejudice 7-0

#425-20

Petition to allow accessory apartment and extend front setback at 146 Langley Road

BOGDAN AND MARIA PILAT petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an addition to accommodate an internal accessory apartment in excess of 1,000 sq. ft., extending the nonconforming front setback and to construct a three-car rear garage at 146 Langley Road, Ward 6, Newton Centre, on land known as Section 61 Block 41 Lot 02, containing approximately 10,312 sq. ft. of space in a district zoned MR1. Ref: Sec. 7.3.3, 7.4, 6.7.1.D.2, 3.2.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 7-0; Public Hearing Continued

#424-20

Petition to extend nonconforming residential use at 336 Elliot Street/7 Hale Street

YOGESH REDDY AND SUPRIYA SHEKAR petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #222-01 to convert a commercial unit into a dwelling unit and construct additions, further extending the nonconforming first floor residential use in the BU1 district at 336 Elliot Street/7 Hale Street, Ward 5, Newton Upper Falls on land known as Section 51 Block 41 Lot 13, containing approximately 7,218 sq. ft. of land in a district zoned BU1. Ref: Sec. 7.3.3, 7.4, 4.4.1, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 7-0; Public Hearing Closed 11/24/2020

#351-15(2)

Petition to amend Special Permit Council Order #351-15 at 1110 Chestnut Street

CHARLES ZAMMUTTO/1110 CHESTNUT STREET LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to AMEND Special Permit Order #351-15 to allow changes to the site plan at 1110 CHESTNUT STREET, Ward 5, Newton Upper Falls, on land known as Section 51 Block 41 Lot 02, containing approximately 22,800 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 7.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 7-0; Public Hearing Closed 08/04/2020

Referred to Land Use Committee

Tuesday, December 1, 2020

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

- #428-20** **Petition to allow 32-stall parking waiver at 858 Walnut Street**
858 WALNUT STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to locate a religious institution in the existing space, requiring a waiver of 32 parking stalls as well as to allow single-level non-accessory parking at 858 Walnut Street, Ward 6, on land known as Section 64 Block 5 Lot 04, containing approximately 23,250 sq. ft. of land. Ref: Sec. 7.3.3, 7.4, 7.5.2, 6.3.12.B.2.a, 5.1.4.A, 5.1.13, 4.4.1 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved Withdrawal without Prejudice 6-0 (Laredo ont Voting)
- #332-19(2)** **Request for an Extension of Time to Exercise Special Permit #332-19(2) at 77 Paul St/1400 Centre St**
MARK F DONATO petition for a two-year EXTENSION OF TIME to EXERCISE SPERMIT/SITE PLAN APPROVAL of Council Order #332-19 to amend Special Permit Board Orders #650-86(2) to allow alteration to an existing structure at 7400 Centre Street/77 Paul Street, Ward 6, Newton Centre, on land known as Section 62 Block 13 Lot 9, containing approximately 30,023 sq. ft. of land in a district zoned MULTI RESIDENCE 3. Said Extension of Time to run from December 4, 2020 to December 4, 2022. Ref: Sec. 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.2.2.A.3, 4.2.3 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 7-0
- #425-20** **Petition to allow accessory apartment and extend front setback at 146 Langley Road**
BOGDAN AND MARIA PILAT petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an addition to accommodate an internal accessory apartment in excess of 1,000 sq. ft., extending the nonconforming front setback and to construct a three-car rear garage at 146 Langley Road, Ward 6, Newton Centre, on land known as Section 61 Block 41 Lot 02, containing approximately 10,312 sq. ft. of space in a district zoned MR1. Ref: Sec. 7.3.3, 7.4, 6.7.1.D.2, 3.2.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Held 7-0; Public Hearing Continued
- #313-20** **Amended Petition to extend nonconforming single-family dwelling at 12 Hanson Road**
ESTHER DEZUBE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing single-family dwelling and construct a two-family dwelling, extending the nonconforming residential use in the BU1 zoning district, to allow extension and altering of a nonconforming side setback, to allow a structure with 28.4' in height and more than two stories at 12 Hanson Road, Ward 8, Newton Centre, on land known as Section 84 Block 15 Lot 03 containing approximately 7,829 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 of the City of Newton Rev Zoning Ord, 2017.
Land Use Held 7-0; Public Hearing Continued

#427-20 **Petition to allow a rear-lot subdivision at 41 Washington Street**
JOSEPH AND SHEILA KEEGAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a rear lot subdivision to create two lots, abandon the two-family use in the existing structure and construct a single-family on the rear 12,000 sq. ft. lot, extending the existing non-conforming side setback at 41 Washington Street, Ward 1, Newton, on land known as Section 71 Block 29 Lot 07, containing approximately 25,902 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3, 7.4, 3.1.5, 3.1.10, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 7-0; Public Hearing Continued

#439-20 **Petition to exceed FAR and extend nonconforming front setback at 728 Walnut Street**
MARK AND KELLY ANSELM petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct first and second floor additions on all sides, extending the nonconforming front setback and increase the habitable space in the half story, creating an FAR of .56 where .27 exists and .42 is allowed at 728 Walnut Street, Ward 2, Newton Centre, on land known as Section 64 Block 08 Lot 01, containing approximately 7,815 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 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 7-0; Public Hearing Continued

Referred to Zoning & Planning Committee

Monday, November 23, 2020

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

#404-20 **Appointment of Lisa Adams to the Economic Development Commission**
HER HONOR THE MAYOR appointing LISA ADAMS, 40 Converse Avenue, Newton, as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire on November 30, 2023. (60 Days: 12/18/2020)

Zoning & Planning Approved 8-0

#403-20 **Appointment of Eryn-Ashlei Bailey to the Economic Development Commission**
HER HONOR THE MAYOR appointing ERYN-ASHLEI BAILEY, 161 Edinboro Street, Newtonville, as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire on November 30, 2023. (60 Days: 12/18/2020)

Zoning & Planning Approved 8-0

#448-20 **Proposal to amend Newton Zoning Ordinances Chap. 30. Sec 3.4 Garages**
COUNCILOR CROSSLEY, on behalf of the Zoning & Planning Committee proposing to amend Chapter 30, City of Newton Zoning Ordinances, by repealing Ordinance No. A-78 and amending the regulation of garages in residential zoning districts as set forth in Chapter 30, Section 3.4. The objectives are to prevent garages from dominating the streetscape, improve safety along the public way for all modes of travel and achieve consistency with climate action goals.

Zoning & Planning Held 8-0

Referred to Programs & Services Committee

Wednesday, November 18, 2020

Present: Councilors Krintzman (Chair), Noel, Albright, Ryan, Greenberg, Baker, Humphrey, and Wright;
also Present: Councilor Malakie

- #408-20** **Appointment of Rabbi Keith Stern to the Human Rights Commission**
HER HONOR THE MAYOR appointing RABBI KEITH STERN, 115 Hunnewell Avenue, Newton, as a member of the HUMAN RIGHTS COMMISSION for a term to expire on November 30, 2023. (60 Days: 12/18/2020)
Programs & Services Approved 8-0
- #409-20** **Appointment of Susan Lowcock to the Human Rights Commission**
HER HONOR THE MAYOR appointing SUSAN LOWCOCK, 1273 Walnut Street, Newton, as a member of the HUMAN RIGHTS COMMISSION for a term to expire on November 30, 2023. (60 Days: 12/18/2020)
Programs & Services Approved 8-0
- #433-20** **Appointment of Gloria Mastrocola Gavis to the Parks and Recreation Commission**
HER HONOR THE MAYOR appointing GLORIA MASTROCOLA GAVRIS, 21 Monadnock Road, Newton, as the Ward 7 member of the PARKS AND RECREATION COMMISSION for a term to expire on September 30, 2021. (60 Days: 01/01/2021)
Programs & Services Approved 8-0
- #410-20** **Reappointment of Michael Goldman to the Farm Commission**
HER HONOR THE MAYOR reappointing MICHAEL GOLDMAN, 14 Saxon Terrace, Newton Highlands, as a member of the FARM COMMISSION for a term to expire on July 31, 2023. (60 Days: 12/18/2020)
Programs & Services Approved 8-0
- #411-20** **Reappointment of John Schwartz to the Biosafety Committee**
HER HONOR THE MAYOR reappointing JOHN SCHWARTZ, 200 Upland Road, Newton, as a member of the BIOSAFETY COMMITTEE for a term to expire on September 30, 2023. (60 Days: 12/18/2020)
Programs & Services Approved 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 7-0 (Councilor Albright not voting)

Referred to Public Facilities Committee

Wednesday, November 18, 2020

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

#454-20

National Grid petition for grant of location in North Street and Cummings Road

NATIONAL GRID petition for a grant of location to install and maintain gas main in North Street and Cummings Road as follows:

- 1240'± of 4" plastic main in North Street from 85 Cummings Road to #430 Homer Street, to replace 320' ± of 6" cast iron and 920'± of 4" cast iron
- 130' ± of 4" plastic main from the existing 12" cast iron main to #9 Cummings Road
- 1030' ± of 4" plastic main from #9 Cummings Road to the end of the main at #85 Cummings Road, to replace 310'± of 6" bare steel main, 480'± of 4" cast iron and 240'± of 6" cast iron
- 95' ± of 4" plastic main in Cummings Road to the end of the main at 8 Dennis Place, to replace 55'± of 3" bare steel and 40'± of 2" plastic main

This work is to replace cast iron and bare steel mains.

Public Facilities Approved 8-0

#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 8-0

#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 to existing pole (P.5) ~~to pole P.7 (Ward 7).~~

Public Facilities Approved as Amended 7-0 (Councilor Leary not voting)

#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 with the exception of pole #5 which shall remain in place 8-0

#436-20 **Adoption of a Resolution in support of requiring permits for phosphorus discharge**
COUNCILORS NORTON, BAKER, BOWMAN, DOWNS, KALIS, LAREDO, LEARY, MARKIEWICZ and WRIGHT requesting the adoption of a resolution that the City Council go on record in support of US EPA requiring large sources of phosphorus pollution into the Charles River and its tributaries and streams to obtain stormwater discharge permits under the Clean Water Act.

Public Facilities Approved 8-0

#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 8-0

Referred to Finance Committee

Monday, November 23, 2020

Present: Councilors Grossman (Chair), Malakie, Humphrey, Kalis, Norton and Noel; 1 vacancy; absent: Councilor Gentile

#455-20 **Authorization to expend a Massachusetts Sustainable Materials Recovery Grant**
HER HONOR THE MAYOR requesting authorization to accept and expend a sixty-eight thousand dollar (\$68,000) Recycling Dividends Program Grant from the Massachusetts Sustainable Materials Recovery Program.

Finance Approved 5-0 (Councilor Norton not voting)

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.

Zoning & Planning Committee Approved 7-0-1 (Councilor Albright abstaining) on 11/09/20

Finance Approved 5-0-1 (Councilor Malakie 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.

Zoning & Planning Committee Approved 8-0 on 11/09/20

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

- #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
- #456-20** **Authorization to expend a Mass Dept of Public Health COVID-19 Grant**
HER HONOR THE MAYOR requesting authorization to accept and expend one hundred thousand dollars (\$100,000) in additional grant funding from the Mass Dept of Public Health COVID-19 Emergency Grant in order to support additional compensation in the form of overtime, additional personnel resources, and the purchase of emergency supplies necessary to help the City of Newton respond to the COVID-19 pandemic.
Finance Approved 6-0
- #457-20** **Authorization to expend a Massachusetts Department of Public Health Grant**
HER HONOR THE MAYOR requesting authorization to accept and expend a seven thousand four hundred seventy-five and twenty-nine cent (\$7,475.29) grant from the Massachusetts Department of Public Health's Bureau of Infectious Disease and Laboratory Sciences, Immunization Division for local health departments to support influenza vaccine activities for the coming influenza season.
Finance Approved 6-0