



## City Council Actions

### In City Council

Monday, December 7, 2020

**Present:** Councilors Baker, Bowman, Crossley, Danberg, Downs, Gentile, Greenberg, Grossman, Humphrey, Kalis, Kelley, Krintzman, Laredo, Leary, Lipof, Malakie, Markiewicz, Noel, Norton, Ryan, Wright & Albright.

**2 Vacancies**

**The City Council voted without discussion 22 Yeas, 2 Vacancies to Accept the Committee Recommendations on the following items:**

#### Referred to Land Use Committee

Tuesday, November 24, 2020

**#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 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**

**#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

**#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 (Councilor Laredo not 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**

### **Referred to Zoning & Planning Committee**

Monday, November 23, 2020

**#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**

**Referred to Programs & Services Committee**

Wednesday, November 18, 2020

**#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**

**Referred to Public Facilities Committee**

Wednesday, November 18, 2020

#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**

**Referred to Finance Committee**

Monday, November 23, 2020

- #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)**

- #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**

- **A Commendation honoring former Cabot School Teacher Penelope Benjamin on her 80<sup>th</sup> Birthday** – Councilors Laredo & Albright
- **A Commendation recognizing Newton poll workers for their critical role in ensuring our democracy** – Councilors Albright, Bowman, Crossley, Downs, Leary & Kelley

### **Public Hearings were assigned for the following Items:**

#### ***Public Hearing assigned for December 9, 2020***

- #507-20 National Grid petition for grant of location in Circuit Avenue**  
NATIONAL GRID petition for a grant of location to install and maintain 50' ± of 6" plastic main at 72-74 Circuit Avenue which will replace 50' ± of 6" cast iron main.

#### ***Public hearing Assigned for December 15, 2020***

- #459-20 Petition to extend nonconforming setbacks at 25 Emerson Street**  
STEPHEN THOMAS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a rear addition to an existing detached garage structure, vertically extending the nonconforming side setback in an accessory structure and further extending the nonconforming front setback at 25 Emerson Street, Ward 1, Newton, on land known as Section 11 Block 25 Lot 25, containing approximately 4,456 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.3.A.1, 7.8.2.C.2, 1.5.3.B, 3.2.3 of the City of Newton Rev Zoning Ord, 2017.

#### ***Public hearing Assigned for December 16, 2020***

- #65-20(2) Reuse of the West Newton National Guard Armory (295-19)**  
JOINT ADVISORY PLANNING GROUP FOR THE WEST NEWTON ARMORY submitting, on November 13, 2020 its recommendations for the use of the West Newton National Guard Armory at 1135 Washington Street, which was declared available for sale or lease on September 17, 2019.

#### ***Public hearing assigned for December 17, 2020***

- #508-20 Cellco Partnership petition for wireless grant of location on Dedham Street**  
CELLCO PATNERSHIP D/B/A VERIZON WIRELESS petitioning for a grant of location to mount a small cell antenna to pole 117/110 with associated equipment. The proposed installation of equipment consists of one small-antenna mounted to the side of the utility pole, two remote radio heads, an antenna bracket, a diplexer, a meter, a surge protector, an AC/DC converter, a power connection and fiber and coaxial cable located in conduit and mounted to the side of the pole. (60-day action date: 01/12/21)

#### ***Public hearing assigned for December 17, 2020***

- #509-20 Cellco Partnership petition for wireless grant of location on Beethoven Ave**

CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS petitioning for a grant of location to mount a small cell antenna to pole 22 23 with associated equipment. The proposed installation of equipment consists of one small-antenna mounted to the side of the utility pole, two remote radio heads, an antenna bracket, a diplexer, a meter, a surge protector, an AC/DC converter, a power connection and fiber and coaxial cable located in conduit and mounted to the side of the pole (60-day action date: 01/12/21)