



## City Council Reports Docket

January 5: Land Use  
January 6: Programs & Services, Public Facilities  
January 11: Zoning & Planning, Finance  
January 12: Land Use

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7:45 PM, Virtual  
To be reported on  
Tuesday, January 19, 2021

The City Council will hold this meeting as a virtual Zoom meeting on Tuesday, January 19, 2021 at 7:45 PM. To view this meeting use this link at the above date and time:

<https://us02web.zoom.us/j/86957372455?pwd=cDB6aXZaRnRlZm9jTlRHcCt3cjlxQT09>

Passcode: 994053

One tap mobile

US: +16465588656,,86957372455#

Land line

US: +1 301 715 8592

Meeting ID: 869 5737 2455

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, January 5, 2021

Present: Councilors Lipof (Chair), Kelley, Greenberg, Markiewicz, Downs, Bowman and Laredo; one vacancy; also Present: Councilors Wright, Leary, Humphrey and Krintzman

**#4-21**

#### **Class 1 Auto Dealer License**

VILLAGE MOTORS GROUP, INC. D/B/A HONDA VILLAGE

371 Washington Street

Newton, MA. 02458

**Land Use Approved 7-0**

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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](mailto: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.

- #5-21**      **Class 2 Auto Dealer License**  
JACOB & ASSOCIATES  
1232 Washington Street  
Newton, MA. 02465  
**Land Use Approved 7-0**
- #6-21**      **Class 2 Auto Dealer License**  
MOTORCARS OF BOSTON, INC.  
1191 Washington Street  
Newton, MA. 02465  
**Land Use Approved 7-0**
- #7-21**      **Class 2 Auto Dealers License**  
SONOMA CLASSICS LLC.  
1215 Chestnut Street/145 Wells Avenue  
Newton, MA. 02464  
**Land Use Approved 7-0**
- #129-14(2)**    **Amended Petition to amend Board Order #129-14 to increase nonconforming FAR at 96 Lenox St**  
JEREMY SHINEWALD petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit orders #129-14 to raze an existing detached three-car garage and construct an attached two-car garage and mudroom addition, as well as enclose an existing porch, creating an FAR of .48 where .44 exists and .29 is allowed at 96 Lenox Street, Ward 3, West Newton, on land known as Section 32 Block 49 Lot 07, containing approximately 19,071 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 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 01/05/2021**
- #314-20**      **Petition to allow four single-family attached dwelling units at 23 Johnson Place**  
CREATING HOMES LLC/MICHAEL LOHIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow ~~four~~ three single-family attached dwelling units in two structures, to allow a retaining wall in excess of 4' and to allow a driveway within ten feet of the side lot line at 23 Johnson Place, Ward 4, Auburndale, on land known as Section 41 Block 7 Lot 14, containing approximately 16,767 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.4, 5.4.2.B, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Held 7-0; Public Hearing Continued**
- 319-20**      **Request to Rezone two parcels from BU-2 to MU-4 at 1149-1151 Walnut Street**  
NEWTON WALNUT LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone two parcels; 1149 Walnut Street (Section 52 Block 08 Lot 13) and 1151 Walnut Street (Section 52 Block 08 Lot 14) from BUSINESS USE 2 to MIXED USE 4.  
**Land Use Held 7-0; Public Hearing Continued**

#320-20

**Petition to allow 26-unit mixed use development at 1149-1151 Walnut Street**

NEWTON WALNUT LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing buildings and construct a four-story mixed-use building up to 48' in height, containing 26 units and 23 parking stalls, to waive the minimum lot area per unit, to reduce the side setback requirement, to waive the requirement to use A-B+C formula to determine the parking requirement, to waive 24 parking stalls, to allow 1.25 parking stalls per unit, to allow parking in the side setback, to waive dimensional requirements for parking stalls, to allow restricted end stalls, to allow reduced aisle width, to waive perimeter landscaping requirements, to waive interior landscaping requirements and to waive lighting requirements at 1149-1151 Walnut Street, Ward 6, Newton Highlands, on land known as Section 52 Block 08 Lots 13 and 14, containing 13,200 sq. ft. in a district to be zoned MIXED USE 4 (currently zoned BUSINESS USE 2). Ref: Sec. 7.3.3, 7.4, 4.2.2.B.1, 4.2.2.A.2, 4.2.5.A.3, 4.2.2.B.3, 4.2.5.A.2, 4.2.5.A.4.b, 4.2.5.A.4, 5.1.3.B, 5.1.13, 5.1.4, 5.1.4.A, 5.1.8.A.1, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.C.1, 5.1.9.A, 5.1.9.B, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Held 7-0; Public Hearing Continued**

#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 Approved 7-0; Public Hearing Closed 01/05/2021**

**Referred to Land Use Committee**

Tuesday, January 12, 2021

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

#513-18(2)

**Request for Extension of Time to Exercise Special Permit #513-18 43 Kenwood Avenue**

MARK AND MARTHA FISHMAN petition for a TWO-YEAR EXTENSION OF TIME TO EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL to allow construction of a 161 sq. ft. second floor addition, in the existing footprint of the house, exceeding the maximum allowable FAR of at 43 Kenwood Avenue, Ward 6, Newton Centre, on land known as Section 64 Block 20 Lot 22, containing approximately 10,652 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Said Extension of Time to Run from November 19, 2019 to November 19, 2021. Ref: Sec. 7.3, 7.4, 7.8.2.C.2, 3.1.9 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 6-0**

- #259-19(2) Request for Extension of Time to Exercise Special Permit #259-19 at 264 Pearl Street**  
BENEDETTO CAIRA, TRUSTEE petition for a ONE-YEAR EXTENSION OF TIME to EXERCISE by Special Permit Council Order #259-19 approved on December 2, 2019 to allow for the construction of three single-family attached dwelling units at 264 Pearl Street, Ward 1, Newton, on land known as Section 11 Block 14 Lot 10, containing approximately 14,608 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Said Extension of Time to Run from December 2, 2020 to December 2, 2021. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 5.4.2.B, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 6-0**
- #521-20 Petition to exceed FAR and allow oversized accessory apartment at 26 Gilbert Street**  
BEATA SHAPIRO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to enclose a second-floor porch, over the garage, creating an oversized internal accessory apartment and creating an FAR of .64 where .58 is allowed and .58 exists at 26 Gilbert Street, Ward 4, West Newton, on land known as Section 33 Block 02 Lot 25, containing approximately 5,000 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 3.1.11, 6.7.1.D.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 6-0; Public Hearing Closed 01/12/2021**
- #400-20 Petition to exceed FAR and extend number of stories at 727 Centre Street**  
ZAILI CHEN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct additions to the third story, extending the nonconforming number of stories and creating an FAR of .50 where .45 exists and .35 is allowed at 727 Centre Street, Ward 2, Newton, on land known as Section 13 Block 16 Lot 08, containing approximately 12,880 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, 7.8.2.2 3.2.3, 1.5.4.G.2.b of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 6-0; Public Hearing Closed 11/10/2020**
- #522-20 Petition to retaining wall greater than 4' in the setback at 17 Wallace Street**  
ALI KIAPOUR petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a retaining wall in excess of four feet in height within the side and rear setbacks at 17 Wallace Street, Ward 8, Newton Highlands, on land known as Section 83 Block 34 Lot 18, containing approximately 5,000 sq. ft. in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approval Failed to Carry 3-0-3 (Councilors Greenberg, Kelley, Bowman abstaining)**

**#523-20** **Petition to allow increased lot coverage and decreased open space at 13 Prospect St**  
**KATHERINE JORDAN-QUERN** petition for **SPECIAL PERMIT/SITE PLAN APPROVAL** to amend Variance #4-13 to allow the enclosure of first-level space to be used for additional living space, creating an FAR of .75 where .54 is required and .66 exists, further reducing the minimum open space and exceeding maximum lot coverage at 13 Prospect Street, Ward 3, West Newton, on land known as Section 33 Block 03 Lot 09 containing approximately 6,611 sq. ft. in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.2.3, 3.2.11, 7.8.2.C.2, 7.6 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 6-0; Public Hearing Closed 01/12/2021**

**#14-20(2)** **Petition for free-standing sign at 287-289 Newtonville Avenue**  
**POFCO, Inc.** petition for a **SPECIAL PERMIT/SITE PLAN APPROVAL** to allow a free-standing sign (3.75' high x 8' wide) and to amend the site plan approved by Special Permit Board Order #14-20 at 287-289 Newtonville Avenue, Ward, 2 Newtonville, on land known as Section 22 Block 01 Lots 17 and 13, containing approximately 72,643 sq. ft. of land in a district zoned MANUFACTURING and MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 5.2.3, 5.2.8, 5.2.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 6-0; Public Hearing Closed 01/12/2021**

**Referred to Zoning & Planning Committee**

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

**Referred to Zoning & Planning and Finance Committees**

**#458-20** **CPC Recommendation to appropriate \$1,433,000 in CPA funding for Grace Church**  
**COMMUNITY PRESERVATION COMMITTEE** recommending the appropriation of one million four hundred and thirty-three thousand dollars (\$1,433,000) in Community Preservation Act historic resource funding to the Grace Episcopal Church Tower Restoration project for the stabilization and preservation of the historically significant ca. 1872 conical stone spire, tower and belfry.  
**Finance Held 6-0 on 01/11/2021**  
**Zoning & Planning Held 6-0 (Councilors Baker and Danberg not voting)**

**#485-20** **Economic Development Commission requesting City Ordinance amendments**  
**ECONOMIC DEVELOPMENT COMMISSION** requesting an amendment of Sections 4.4.1 (Business, Mixed Use & Manufacturing Districts), 6.4.28 (Research and Development), and 6.5.9 (Laboratory and Research Facility) in order to clarify inconsistencies in the way Research and Development is treated in the use tables and definitions. Providing clarity in where Research and Development uses are allowed is necessary to diversity Newton's Economy, make Newton competitive with surrounding communities in attracting 21<sup>st</sup> century industries and jobs, and raise Newton's commercial tax revenue and implement

recommendation from the 2019 Newton Strategic Plan (Camoin study).

**Zoning & Planning Held and set a date of February 8, 2021 for a public hearing 8-0.**

### **Referred to Programs & Services Committee**

Wednesday, January 6, 2021

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

- #491-20**      **Appointment of Rakashi Chand as a Jackson Homestead Trustee**  
HER HONOR THE MAYOR appointing RAKASHI CHAND, 80 Wade Street, Newton, as a Trustee of the Jackson Homestead for a term to expire on December 15, 2023. (60 Days: 02/05/21)  
**Programs & Services Approved 7-0 (Councilor Baker not voting)**
- #397-20**      **Request for updates related to public health in the Newton Public Schools**  
The President of the Council, on behalf of the City Council, requesting an update on Public Health issues related to school operations and reopening at every school level to the Programs and Services Committee at the second meeting of October and November.  
**Programs & Services Held 8-0**
- #450-20**      **Request for Ordinance Amendments in Chapter 2 to add Juneteenth**  
HER HONOR THE MAYOR requesting authorization to amend Chapter 2 Art II, Div 1, §§ 2-26 "Holidays established", by adding June the nineteenth, or "Juneteenth Independence Day" which is now an official state holiday. Additional changes are requested for §2-26; (a) to reflect longstanding practices related to Saturday holidays, the "Mayor's Half Day", and floating holidays.  
**Programs & Services Approved 7-0 (Councilor Baker not voting)**
- #489-20**      **Reappointment of Michelle Freshman to Health & Human Services Advisory Council**  
HER HONOR THE MAYOR reappointing MICHELLE FRESHMAN, 39 Gray Cliff road, Newton, as a member of the HEALTH AND HUMAN SERVICES ADVISORY COUNCIL for a term to expire on January 1, 2024. (60 days: 02/05/21)  
**Programs & Services Approved 7-0 (Councilor Baker not voting)**
- #490-20**      **Reappointment of Rebecca Mozaffarian to Health & Human Services Advisory Council**  
HER HONOR THE MAYOR reappointing REBECCA MOZAFFARIAN, 38 Gammons Road, Waban, as a member of the HEALTH AND HUMAN SERVICES ADVISORY COUNCIL for a term to expire on January 1, 2024. (60 Days: 02/05/21)  
**Programs & Services Approved 7-0 (Councilor Baker not voting)**

**#492-20**      **Reappointment of Marietta Marchitelli as a Jackson Homestead Trustee**  
HER HONOR THE MAYOR reappointing MARIETTA MARCHITELLI, 100 Waverly Avenue, Newton, as a Trustee of the Jackson Homestead for a term to expire on November 1, 2023. (60 Days: 02/05/21)

**Programs & Services Approved 7-0 (Councilor Baker not voting)**

**#493-20**      **Reappointment of Russel Feldman as a Jackson Homestead Trustee**  
HER HONOR THE MAYOR reappointing RUSSEL FELDMAN, 85 Langley Road, Newton, as a Trustee of the Jackson Homestead for a term to expire on November 1, 2023. (60 Days: 02/05/21)

**Programs & Services Approved 7-0 (Councilor Baker not voting)**

**Referred to Public Facilities Committee**

Wednesday, January 6, 2021

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

**#532-20**      **Eversource petition for grant of location in Lowell Ave**  
EVERSOURCE ENERGY petition for a grant of location to install 61'± of conduit from existing manhole #12902 in a southerly direction thence turning and continuing in an easterly direction to the property line at #360 Lowell Avenue. [(Ward 2)]

**Public Facilities Approved 8-0**

**Referred to Finance Committee**

Monday, January 11, 2021

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

**#25-21**      **Appropriate \$1,137,285 from Free Cash for Permitting Management System**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one million one hundred thirty-seven thousand two hundred and eighty-five dollars from June 30, 2020 Certified Free Cash to fund the implementation of the City's municipal information and permitting management system.

**Finance Approved 6-0**

**Referred to Zoning & Planning and Finance Committees**

**#458-20**      **CPC Recommendation to appropriate \$1,433,000 in CPA funding for Grace Church**  
COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of one million four hundred and thirty-three thousand dollars (\$1,433,000) in Community

Preservation Act historic resource funding to the Grace Episcopal Church Tower Restoration project for the stabilization and preservation of the historically significant ca. 1872 conical stone spire, tower and belfry.

**Zoning & Planning Held 6-0 (Councilors Danberg and Baker not voting) on 01/11/2021**

**Finance Held 6-0**

**#23-21**

**Accept \$25,600 in grant funds from Mass Emergency Management Agency**

HER HONOR THE MAYOR requesting authorization to accept and expend a grant from the Massachusetts Emergency Management Agency (MEMA) in the amount of twenty-five thousand, six hundred dollars (\$25,600) to purchase equipment for the City's emergency operations management function.

**Finance Approved 4-0 (Councilors Norton and Noel not voting)**

**#24-21**

**Authorization to expend a Mass Dept of Public Health grant**

HER HONOR THE MAYOR requesting authorization to accept and expend a grant in the amount of forty-nine thousand four hundred and fifty-seven dollars (\$49,457) from the Mass Dept of Public Health to supplement staffing support in the City's Department of Health and Human Services.

**Finance Approved 4-0 (Councilors Norton and Noel not voting)**

**#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 4-0 (Councilors Norton and Noel not voting)**