



City Council Actions

In City Council

Monday, March 15, 2021

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

2 Vacancies

The City Council discussed the following items on Second Call:

#84-21 Requesting ordinance amendments for enforcement of sidewalk snow removal
HER HONOR THE MAYOR requesting an amendment to Chapter 17, Section 23(f) of the City of Newton Revised Ordinances 2017 to improve the implementation of the residential sidewalk snow removal ordinance by the Department of Public Works by clarifying the time period for tracking warnings before issuance of a fine.

Public Facilities Approved 5-0

Approved 20 Yeas 1 Nay (Councilor Gentile) 1 Absent (Councilor Norton), 2 Vacancies

Note: The Public Facilities Committee Chair explained that the proposed amendments to Chapter 17 Section 23(f) of the City's Ordinance will create clear timeframes for the enforcement of sidewalk clearing. She explained that the clarification to the ordinance will limit enforcement to October through May as opposed to all year. Councilor Gentile expressed concern relative to the expense on residents to clear sidewalks when hiring contractors. He explained that a resident applied for a waiver of the clearing requirement and was denied. It was noted that Public Works previously was responsible for the removal of snow on sidewalks. Councilors noted that the ordinance is not intended to be punitive and is important for maintaining accessibility and ensuring safe passage for pedestrians. It was noted that DPW has not been responsible for snow clearing on sidewalks for a while and cannot undertake sidewalk clearing with their current staffing levels. With that, The Council voted 20 in favor, 1 opposed (Councilor Gentile), 1 Absent (Councilor Norton) and 2 Vacancies.

The City Council voted without discussion 21 Yeas 0 Nays 1 Absent (Councilor Norton) to Accept the Committee Recommendations on the following items:

#55-21 **Petition to extend nonconforming FAR at 12 Cochituate Road**
ALAN TAYLOR petition for SPECIAL PERMIT/SITE PLAN APPROVAL to further extend the nonconforming FAR by constructing a second story addition within the existing footprint at 12 Cochituate Road, Ward 6, Newton Highlands, on land known as Section 54 Block 31 Lot 02, containing approximately 7,650 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 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 7-0; Public Hearing Closed 03/02/2021

#56-21 **Petition to extend nonconformities and amend variances at 266 Highland Avenue**
BENJAMIN MOLL/266 HIGHLAND AVENUE NOMINEE TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing detached garage and construct additions to the side and rear of the dwelling, to allow an oversized dormer, extension of the nonconforming setback, to exceed the allowable FAR and to amend Variances #38-57 and #139-98 which allowed extend maximum lot coverage at 266 Highland Avenue, Ward 2, on land known as Section 32, Block 2, Lot 11, containing approximately 11,879 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2, 3.4.3.A.1 and 1.5.4.G.2 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 7-0; Public Hearing Closed 03/02/2021

#130-17(3) **Petition to extend nonconforming building height and amend Order #130-17 at 164 Highland Avenue**
ROBERT AND CINDY LAUGHREA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow changes to grading, driveway design, and new landscape elements, to allow the further extension of the nonconforming building height and to amend Special Permit Order #130-17 at 164 Highland Avenue, Ward 2, on land known as Section 24, Block 12, Lot 20, containing approximately 26,154 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3, 7.4, 3.1.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 7-0; Public Hearing Closed 03/02/2021

Referred to Land Use Committee

March 9, 2021

#58-21 **Petition to allow restaurant with more than 50 seats at 1241 Centre Street**
LINEAR RETAIL NEWTON 1 LLC/BRENDAN BOYLE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a restaurant with more than 50 seats and a parking waiver for one stall and to amend Special Permit Board Order #242-09 at 1241 Centre Street (1239-1243), Ward 6, Newton Centre, on land known as Section 64 Block 28 Lot 24, containing approximately 9,000 sq. ft. in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 5.1.4, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 7-0; Public Hearing Closed 03/09/2021

#59-21 **Petition to allow single-family attached dwellings at 1092-1094 Chestnut Street**
RICHARD SEWELL petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-

family attached dwelling units in two structure, and to reduce side and rear setback requirements at 1092-1094 Chestnut Street, Ward 5, Newton Upper Falls, on land known as Section 51 Block 41 Lot 04, containing approximately 20,291 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 7-0; Public Hearing Continued

#443-20

Petition to allow marijuana retailer at 232 Boylston Street and to amend Order #774-85 MME Newton Retail, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #774-85 to allow a recreational retail marijuana establishment, allow waivers to parking facility requirements for; parking in the side setback, parking stall width and depth, reduced dimensions for accessible parking stalls, to reduce the minimum aisle width for two-way traffic, to waive perimeter screening requirements, to waive lighting requirements, to allow tandem parking and parking managed by an attendant, to waive the 25% front façade ground floor transparency requirements, to allow a free-standing sign and to allow an oversized directional sign at 232 Boylston Street, Ward 7, Chestnut Hill, on land known as Section 82 Block 02 Lot 09, containing approximately 16,570 sq. ft. of space in a district zoned BU4. Ref: Sec. 7.3.3, 7.4, 6.10.3.D, 4.4.4, 5.1.8.A.1, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.C.1, 5.1.8.E.1, 5.1.8.E.2, 5.1.9.A, 5.1.10, 5.2.3, 5.2.8, 5.2.13, 6.10.3.E.15 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 7-0; Public Hearing Continued

Referred to Zoning & Planning Committee

Monday, March 8, 2021

#41-21

Zoning Amendments for Marijuana Establishments

THE DIRECTOR OF PLANNING AND DEVELOPMENT requesting amendments to the Newton Zoning Ordinance, Chapter 30, Sections 4.4 and 6.10, to amend the regulations for marijuana establishments to be consistent with the regulations put forth by the Cannabis Control Commission on January 8, 2021.

Zoning & Planning Approved 8-0

#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.

(1) Landmarking - Zoning & Planning Approved as Amended 7-0-1 (Councilor Krintzman abstaining) on 05/19/2020; Approved as Amended by Full Council on 06/22/2020

(2) Demolition Delay -Held in Committee 06/22/2020, 10/15/2020 and 02/22/21

Public Hearing to be Assigned

Zoning & Planning Held 8-0; Public Hearing to be held April 12, 2021

- #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 & Planning Held 8-0
- #60-21** **Requesting a trial to assist restaurants by modifying minimum parking requirement**
COUNCILORS ALBRIGHT, BOWMAN, CROSSLEY, DANBERG, DOWNS, KELLY AND NOEL requesting a trial to assist restaurants by modifying minimum parking requirement calculations to exclude outside seating.
Zoning & Planning Held 8-0
- #71-21** **Reappointment of David Morton to the Newtonville Historic District Commission**
HER HONOR THE MAYOR reappointing David Morton, 148 Edinboro Street, Newtonville, as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire on January 1, 2024. (60 days: 04/30/21)
Zoning & Planning Approved 8-0
- #72-21** **Reappointment of Judith Neville to the Upper Falls Historic District Commission**
HER HONOR THE MAYOR reappointing Judith Neville, 68 High Street, Newton Upper Falls, as a full member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term to expire on January 26, 2024. 60 days: (04/30/21)
Zoning & Planning Approved 8-0
- # 73-21** **Reappointment of James Doolin to the Urban Design Commission**
HER HONOR THE MAYOR reappointing James Doolin, 104 Fairway Drive, Newton, as a member of the URBAN DESIGN COMMISSION for a term to expire on March 1, 2023. (60 days: 04/30/21)
Zoning & Planning Approved 8-0
- #74-21** **Reappointment of John Downie to the Urban Design Commission**
HER HONOR THE MAYOR reappointing John Downie, 285 Auburndale Avenue, Newton, as a member of the URBAN DESIGN COMMISSION for a term to expire on March 31, 2024. (60 days: 04/30/21)
Zoning & Planning Approved 8-0

Referred to Programs & Services Committee

Wednesday, March 3, 2021

- #61-21** **Request for response to resident petition calling for investment in athletic fields**
COUNCILORS NORTON AND LEARY requesting a response to the 1000+ petition by Newton residents calling for investment in Newton athletic fields.
Programs & Services Held 6-0
- #78-21** **Reappointment of Marjorie Butler to the Election Commission**

HER HONOR THE MAYOR reappointing MARJORIE BUTLER, 33 Andrew Street, Newton Highlands, as a member of the ELECTION COMMISSION for a term to expire on March 31, 2025. (60 days: 04/30/21)

Programs & Services Approved 6-0

#80-21 Reappointment of Sandra Lingley to the Commission on Disability

HER HONOR THE MAYOR reappointing SANDRA LINGLEY, 1938 Washington Street, #5, Newton, as a member of the COMMISSION ON DISABILITY for a term to expire on December 31, 2023. (60 days: 04/30/21)

Programs & Services Approved 6-0

#81-21 Reappointment of Matthew Volpi to the Commission on Disability

HER HONOR THE MAYOR reappointing MATTHEW VOLPI, 44 Oakmont Road, Newton Centre, as a member of the COMMISSION ON DISABILITY for a term to expire on April 30, 2024. (60 days: 04/30/21)

Programs & Services Approved 6-0

Referred to Public Safety & Transportation Committee

Wednesday, March 3, 2021

#530-20 Appeal of Traffic Council Decision

LIAM RYAN, 125 Grasmere Street, Newton appealing the approval of Traffic Council petition TC156-20 on November 12, 2020, approving the language of TPR 697. TPR 697 extends the Newton Corner Parking District to the following locations, with a 2-hour limit 8:00 a.m. to 6:00 p.m., except by Newton Corner permit: Grasmere Street, Tremont Street, the section of Washington Street between Hibbard Road and the Boston City Line, the section of Waverley Avenue between Tremont Street and Washington Street, and Whittemore Road. Hibbard Road and the section of Washington Street between St. James Street and Hibbard Road are not included in the Parking District and the current parking regulations in these areas are not changed. This item restricts parking on the southern side of Whittemore Road due to the narrow width of the street, for safety purposes. (Ward 1)

Public Safety & Transportation Approved as Amended 5-0-1 (Malakie abstaining)

#531-20 Annual Report of the work of the Traffic Council 2020

DAVID KOSES, TRAFFIC COUNCIL CHAIR providing the Annual Report of the work of the Traffic Council for 2020.

Public Safety & Transportation Voted No Action Necessary 6-0

Referred to Finance Committee

Monday, March 8, 2021

#85-21 Accept grant funds from the Homeland Security FY2020 Assistance to Firefighters

HER HONOR THE MAYOR requesting authorization to accept, appropriate and expend a grant in the amount of twenty thousand seven hundred eight dollars and twenty-three cents (\$20,708.23) from the Homeland Security FY2020 Assistance to Firefighter Grant program-Covid-19 Supplemental (AFG-S) for the purchase of PPE and related supplies. This grant to be matched at a rate of 10% or \$2,070.82.

Finance Approved 4-0 (Councilor Malakie not voting)

Referred to Public Facilities and Finance Committees

#87-21 Appropriate \$68,746 to fund the replacement of the boiler at Crafts Street Stable

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of sixty-eight thousand seven hundred and forty-six dollars (\$68,746) from Acct # 7902C104-337902 Unrestricted Capital Funds to fund the replacement of the boiler at the Crafts Street Stable.

Public Facilities Approved 5-0 on 03/03/2021

Finance Approved as Amended to Acct # 7939-337902 4-0 (Councilor Malakie not voting)

Referred to Land Use and Finance Committees

#51-21 Approval of \$4,214,622 in CPA funding for the Coleman House

COMMUNITY PRESERVATION COMMITTEE recommending appropriation of four million two-hundred and fourteen thousand six hundred and twenty-two dollars (\$4,214,622) in CPA Community Housing funds to 2Life Communities for the Coleman House Senior Affordable Housing Preservation project.

Land Use Approved 7-0 on 03/02/2021

Finance Approved 4-0 (Councilor Malakie 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 5-0

The following item was filed after the close of the docket. A motion was made and Approved by Voice Vote to Accept to the Docket and Refer to Committee:

Referred to Programs & Services and Finance Committees

#99-21 Discussion regarding resources needed for a safe return to in-person learning

COUNCILORS KRINTZMAN, GROSSMAN, LAREDO, WRIGHT, KALIS, MALAKIE, GREENBERG, LEARY, RYAN, BAKER, ALBRIGHT, MARKIEWICZ AND NOEL Requesting a discussion about the resources necessary for a speedy and safe return to in person learning, in compliance with the March 9, 2021 guidance from the Massachusetts Department of Elementary and Secondary Education and in anticipation of more than \$48 million in Federal Aid from the American Rescue Plan

The City Council voted without discussion 20 Yeas, 1 Nay (Councilor Markiewicz) 1 Absent (Councilor Norton), 2 Vacancies to Accept the Committee Recommendations on the following items:

#79-21 Reappointment of Jan Huffman to the Election Commission

HER HONOR THE MAYOR reappointing JAN HUFFMAN, 27 Indiana Terrace, Newton, as a member of the ELECTION COMMISSION for a term to expire on March 31, 2025. (60 days: 04/30/21)

Programs & Services Approved 6-0

The City Council voted without discussion 21 Yeas, 1 Nay (Councilor Ryan), 1 Absent (Councilor Norton), 2 Vacancies to Accept the Committee Recommendations on the following items:

#57-21 Petition to allow series of retaining walls greater than 4' in the setback at 21 Louise Rd

ANDREW GOLDBERG/HG CHESTNUT HILL LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a tiered retaining wall system, exceeding four feet in height within the front and side setbacks at 21 Louise Road, Ward 8, Chestnut Hill, on land known as Section 82 Block 04 Lot 85 containing approximately 10,298 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 5-1-1 (Councilor Kelley opposed, Councilor Greenberg abstaining); Public Hearing Closed 03/02/2021