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City Council Reports Docket

April 21: Programs & Services, Public Safety & Transportation, Public Facilities

April 26: Zoning & Planning, Finance

April 27: Land Use

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7:45 PM, Virtual

To be reported on

Monday, May 3, 2021

The City Council will hold this meeting as a virtual Zoom meeting on Monday, May 3, 2021 at 7:45 PM. To view this meeting use this link at the above date and time:

<https://us02web.zoom.us/j/81059968386>

One tap mobile

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Meeting ID: 810 5996 8386

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 27, 2021

Present: Councilors Lipof (Chair), Kelley, Greenberg, Lucas, Markiewicz, Downs, Bowman and Laredo; also Present: Councilors Oliver, Albright, Wright, Malakie, Krintzman, Crossley and Humphrey

#103-21

Petition to allow for-profit education use at 1087 Beacon Street (Unit #304)

GILLI LAVRISHINA/SHARON DRIVING SCHOOL/1087 BEACON REALTY TRUST II petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit school in a 738 sq. ft. space within the existing building at 1087 Beacon Street, Ward 6, Newton Centre, on land known as Section 64 Block 5 Lot 1L, containing approximately 16,925 sq. ft. in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.3.14.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 7-0 (Councilor Laredo not Voting); Public Hearing Continued

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.

- #101-21** **Petition to allow single-family attached dwelling units at 667 Boylston Street**
CZ FLEET, LLC/MINGZONG ZOU petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwellings in two buildings, to allow reduced front and rear setbacks, to allow parking in the side setback and to allow a driveway within ten feet of the side lot line at 667 Boylston Street, Ward 6, Newton Centre, on land known as Section 52 Block 29 Lots 40 and 41 containing approximately 16,959 sq. ft. of land in a district zoned MULTI-RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 5.1.7.A, 5.1.13, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Held 7-0 (Councilor Laredo not Voting); Public Hearing Continued
- #368-20(2)** **Petition to amend Council Order #368-20 to allow change to FAR calculation at 14 Hollis Street**
HOLLIS REALTY LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend special permit Council Order #368-20 to allow FAR relief in excess of what was approved to reflect the atria space shown on the approved plans at 14 Hollis Street, Ward 1, Newton, on land known as Section 72 Block 06 Lot 21, containing approximately 9,811 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 7-0 (Councilor Laredo not Voting); Public Hearing Closed 04/27/2021
- #439-20** **Amended Petition to exceed FAR and extend nonconforming setbacks at 728 Walnut St**
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 and rear setbacks and increasing 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 Approved 7-0-1 (Councilor Kelley abstaining); Public Hearing Closed 04/27/2021
- 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 Approved 7-0-1 (Councilor Lucas abstaining)

#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 Approved 6-0-2 (Councilors Lucas and Laredo abstaining)

#91-21

Zoning amendments for Riverside project

MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY requesting amendments to Chapter 30, Newton Zoning Ordinance, in Sections 4.2.4 and 4.4.1 and 6.2.10 relative to the Mixed Use 3 District.

Land Use Held 8-0; Public Hearing Continued

#27-20(2)

Petition to amend Special Permit #27-20 for 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 amend the Special permit site plan as approved by Council Order #27-20 to allow changes to: the square footage of all of the approved buildings, the heights of Buildings 1, 2, 3, 4, 7, 8, 9 and 10, the building footprints shown on the site plan, the open space as shown on the approved site plan, the Comprehensive Sign Package, 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). Ref: Sec. 4.2.3, 4.2.4, 7.3.3, 7.4, 7.3.5 of the City of Newton Revised Zoning Ordinance, 2017. Proposed Amendments are subject to the proposed text changes to the MU-3 zoning district.

Land Use Held 8-0; Public Hearing Continued

Referred to Zoning & Planning Committee

Monday, April 26, 2021

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

- #132-21** **Appointment of Treff LaFleche as a full member of the Zoning Board of Appeals**
HER HONOR THE MAYOR appointing TREFF LAFLECHE, 1603 Commonwealth Avenue, Newton, as a full member of the Zoning Board of Appeals. His term of office shall expire on April 30, 2022. (60 days 06/19/21)
Zoning & Planning Committee Approved 8-0
- #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 on 01/27/20, 02/10/2020, 02/24/2020, 03/09/2020, 03/23/2020, 04/13/2020, 04/27/2020, 05/19//2020, 06/01/2020, 06/15/2020, 06/29/2020, 07/09/2020, 07/16/2020, 08/13/2020, 09/14/2020, 10/01/2020, 10/15/2020, 11/05/2020, 11/09/2020, 12/14/20, 02/22/21, 03/08/21
Zoning & Planning Committee Held 8-0
- #145-21** **Request for Chapter 30 Amendment to establish regulations for gun establishments**
HER HONOR THE MAYOR AND COUNCILORS ALBRIGHT, KRINTZMAN, LEARY, OLIVER, GREENBERG, NORTON, LUCAS, KELLEY, WRIGHT, MALAKIE, MARKIEWICZ, GENTILE, DOWNS, CROSSLEY, HUMPHREY, DANBERG, NOEL, BOWMAN, LAREDO, GROSSMAN, BAKER, LIPOF, KALIS AND RYAN requesting amendments to the Newton Zoning Ordinance, Chapter 30, including, but not limited to, the addition of definitions of "Firearm" and "Firearm Businesses", and amendments to Section 4.4.1 Allowed Uses and Section 6.10 Restricted Uses to regulate the use of land, structures and buildings for the siting and operation of gun ranges or the retail or wholesale operation involving gunsmithing, the purchase or sale of firearms, the sale of ammunition, or firearms accessories, and to restrict such uses to the Business 4, Mixed Use 1, Manufacturing, and Light Manufacturing Districts only and only upon the granting of a special permit, and to establish minimum standards and criteria for the granting of such special permits.
Zoning & Planning Committee Held 8-0
- #133-21** **Reappointment of William McLaughlin as a full member of the Zoning Board of Appeals**
HER HONOR THE MAYOR reappointing WILLIAM MCLAUGHLIN, 117 Hammond Street, Newton as a full member of the Zoning Board of Appeals. His term of office shall expire on April 30, 2022. (60 days 06/19/21)
Zoning & Planning Committee Approved 8-0

#134-21 Reappointment of Brooke Lipsitt as a full member of the Zoning Board of Appeals
HER HONOR THE MAYOR reappointing BROOKE LIPSITT, 54 Kirkstall Road, Newtonville as a full member of the Zoning Board of Appeals. Her term of office shall expire on April 30, 2024. (60 days 06/19/21)

Zoning & Planning Committee Approved 8-0

#135-21 Reappointment of Michael Rossi as a full member of the Zoning Board of Appeals
HER HONOR THE MAYOR reappointing MICHAEL ROSSI, 20 Rose Drive, Newton, as a full member of the Zoning Board of Appeals. His term of office shall expire on April 30, 2023. (60 days 06/19/2021)

Zoning & Planning Committee Approved 8-0

#136-21 Reappointment of Stuart Snyder as a full member of the Zoning Board of Appeals
HER HONOR THE MAYOR reappointing STUART SNYDER, 30 Erie Avenue, Newton Highlands, as a full member of the Zoning Board of Appeals. His term of office shall expire on April 30, 2023. (60 days 06/19/2021)

Zoning & Planning Committee Approved 8-0

Referred to Programs & Services Committee

Wednesday, April 21, 2021

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

Referred to Programs & Services and Finance Committees

#156-20 Request for comparison of dog license fines
COUNCILOR ALBRIGHT requesting a comparison of Newton's fine for failure to license a dog to other communities. In addition, requesting an increase in the fine for failure to license a dog.

Programs and Services Held 8-0

Referred to Programs & Services and Finance Committees

#157-20 Request for review and changes to off-leash dog ordinance
COUNCILOR ALBRIGHT requesting a review and possible changes to the off-leash dog ordinance to include:

- a) raising fees required by dog walking companies in order to better maintain sites heavily used by dog walkers; and
- b) requiring background checks on dog walkers to assure safety of dog owners and dogs; and
- c) requesting the development of regulations for dog walking and dog daycare companies to assure appropriate care for dogs.

Programs and Services Held 8-0

#184-20 Request to authorize the use of remote participation in Council meetings
COUNCILOR ALBRIGHT requesting to authorize the use of remote participation for City Council meetings.

Programs and Services Held 8-0

#137-21 Public Meeting with City Clerk/Clerk for the Council candidates
CITY CLERK PRELIMINARY SCREENING COMMITTEE submitting recommended candidates for the City Clerk/Clerk of the Council position for review by the Programs & Services Committee and recommendation to the City Council.

Programs & Services Held 8-0

Referred to Public Safety & Transportation Committee

Wednesday, April 21, 2021

Present: Councilors Downs (Chair), Markiewicz, Bowman, Grossman, Lipof, Oliver, Lucas and Malakie;
also present: Councilors Wright and Norton

Referred to Public Safety & Transportation and Zoning & Planning Committees

#76-21 Request for discussion regarding process of condemning buildings
COUNCILORS WRIGHT, ALBRIGHT, KELLEY, MALAKIE, BAKER, HUMPHREY, BOWMAN, LAREDO, KRINTZMAN, DOWNS, LIPOF, NOEL, KALIS, DANBERG AND RYAN requesting a discussion with Newton Fire and Inspectional Services Departments regarding the process for condemning buildings, including standards and timetable; the status and duration of currently condemned buildings; and current process for dealing with condemned or fire-damaged buildings to ensure safety and reduce neighborhood blight.

Public Safety & Transportation Voted No Action Necessary 8-0

Referred to Public Safety & Transportation and Public Facilities Committees

#108-21 Discussion about the use of speed bumps/humps/tables as a traffic calming measure
COUNCILORS NORTON, ALBRIGHT, GREENBERG AND LEARY requesting a discussion about the use of speed bumps/humps/tables as a traffic calming measure more frequently deployed by Newton DPW.

Public Safety & Transportation Held 8-0

Referred to Public Facilities and Public Safety & Transportation Committees

#81-20 Discussion on transportation priorities and public works
PUBLIC FACILITIES COMMITTEE, PUBLIC SAFETY & TRANSPORTATION COMMITTEE AND COUNCILOR LEARY requesting a discussion with the administration and school officials on transportation priorities and public works/streets/sidewalks etc.

Public Safety & Transportation Held 7-0, (Lipof not voting)

Referred to Public Facilities Committee

Wednesday, April 21, 2021

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

#140-21 Discussion on the Transportation Network Improvement Program

PUBLIC FACILITIES COMMITTEE requesting an update on the City's Transportation Network Improvement Plan (Roads Program).

Public Facilities Held 7-0 (Councilor Norton not voting)

Referred to Finance Committee

Monday, April 26, 2021

Present: Councilors Grossman (Chair), Malakie, Humphrey, Kalis, Norton, Gentile, Oliver, and Noel

#144-21 Appointment of M. Ronald Mendes as the City's Treasurer/Tax Collector

HER HONOR THE MAYOR requesting approval of the appointment of M. Ronald Mendes as the City's Treasurer/Tax Collector (90 days: 07/14/21)

Finance Approved 8-0

#141-21 Acceptance of grants funds from MassDOT's Community Transit Grant Program

HER HONOR THE MAYOR requesting authorization to accept and expend the sum of two hundred thousand dollars (\$200,000) in grant funding from MassDOT's Community Transit Grant Program FY21 for operating assistance for the NewMO Program.

Finance Approved 8-0

#142-21 Acceptance of grants funds from the Executive Office of Public Safety

HER HONOR THE MAYOR requesting authorization to accept and expend the sum of twenty-six thousand dollars in grant funding from the Executive Office of Public Safety and the Department of Fire Services to cover firefighter safety equipment expenses.

Finance Approved 8-0

#143-21 CPC Recommendation to appropriate \$21,270 in CPA funding for the West Newton Armory

COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of twenty-one thousand two hundred and seventy dollars (\$21,270) in Community Preservation Act community housing funds to the West Newton Armory Affordable Housing Development Project in order to complete pre-development studies and assessments necessary for the acquisition of the site for future affordable housing development.

Finance Approved 8-0

- #118-21 Submittal of the CAFR, and external audit reports**
COMPTROLLER transmitting the Comprehensive Annual Financial Report and external audit reports for fiscal year ending June 30, 2020 for City Council review/acceptance.
Finance Approved 7-0 (Councilor Norton 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 Voted No Action Necessary 6-0 (Councilors Norton and Noel not voting)
- #114-21 Discussion on Covid-19 expenditures**
FINANCE COMMITTEE requesting updates from the Chief Financial Officer on the expenditure of funds for Covid-19.
Finance Held 6-0 (Councilors Norton and Noel not voting)
- Referred to Public Safety & Transportation and Finance Committees**
- #296-20 Discussion regarding MGL Chapter 150E**
COUNCILORS NORTON, ALBRIGHT, BOWMAN, DOWNS, KRINTZMAN, LEARY, LIPOF, MARKIEWICZ, NOEL, WRIGHT and KALIS requesting a discussion regarding MGL Chapter 150E and the limitations it places on the City of Newton to unilaterally make changes to the Newton Police Department functions without having to negotiate them with the police unions.
Public Safety & Transportation Voted No Action Necessary 7-0-1 (Councilor Malakie abstaining) on 04/07/2021
Finance Voted No Action Necessary 5-0-1(Councilors Norton and Noel not voting and Councilor Malakie abstaining)