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## City Council Docket

**REVISED**

5:04 pm, May 03, 2021

May 4: Land Use  
May 5: Programs & Services, Public Facilities  
May 6: Public Safety & Transportation  
May 11: Land Use  
May 13: Land Use

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Continued  
**Monday, May 3, 2021**  
7:45 PM, Virtual  
To be reported on  
Monday, May 17, 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

US: +13017158592,,81059968386#

Land line

US: +1 301 715 8592

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 to be Accepted and Referred to Committees

### Referred to Land Use Committee

#### ***Public Hearing to be Assigned***

**#145-21**

**Petition to allow secondary sign at 2 Wells Ave**

BRIGHT HORIZONS CHILDREN CENTERS/TWO WELLS AVE, LLC. EQUITY IND PARTNERS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 373 sq. ft. wall mounted secondary sign on the front façade at 2 Wells Avenue, Ward 8, Newton Centre, on land known as Section 84 Block 34 Lot 2K, containing approximately 436,175 sq. ft. of land in a district zoned LIMITED MANUFACTURING. Ref: 7.3.3, 7.4, 5.2.8, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

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The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, *please contact Jini Fairley, at least two days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov), or 617-796-1253. For Telecommunications Relay Service dial 711.*

***Public Hearing to be Assigned***

**#146-21      Petition to exceed FAR at 20 Devon Road**

SIMON AND LUCIA DOLAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an internal accessory apartment in a rear addition, exceeding the allowable FAR of at 20 Devon Road, Ward 6 Newton Centre, on land known as Section 61 Block 04 Lot 04, containing approximately 14,226 sq. ft. in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

***Public Hearing to be Assigned***

**#147-21      Petition to allow for-profit education use at 60-64 Needham Street**

KWANG H. CHA/SULLIVAN REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit education use in 3,500 sq. ft. of the existing building at 60-64 Needham Street, Ward 8, Newton Highlands, on land known as Section 83 Block 11 Lot 18, containing approximately 25,753 sq. ft. of space in a district zoned MIXED 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.

***Public Hearing to be Assigned***

**#148-21      Amended Petition to allow single-family attached dwelling units at 145 Warren Street**

145 WARREN STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwellings in two buildings, to allow reduced side setbacks, to increase the allowed lot coverage, to allow a driveway within ten feet of the side lot line and to allow retaining walls greater than 4' within a setback, to waive the requirement for one accessible parking stall, to waive one parking stall and to allow a reduced driveway width at 145 Warren Street, Ward 6, Newton Centre, on land known as Section 61 Block 39 Lot 10, containing approximately 23,399 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, 5.1.4, 5.4.2.B, 5.1.8.B.3, 5.1.13, 5.1.8.D.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Referred to Zoning & Planning Committee**

**#149-21      Requesting a discussion with the Planning Department**

COUNCILORS LIPOF, CROSSLEY, RYAN AND ALBRIGHT, requesting a discussion with the Planning Department to address concerns relative to the trend of significantly raising grade elevations on lots, using retaining walls, terracing and other means to add soil to conceal a raised basement, which can lead to new buildings that are significantly taller than nearby existing houses in the area, cause denuding of wooded areas and increasing storm water runoff.

**#150-21      Requesting an amendment to Chapter 30**

DIRECTOR OF PLANNING & DEVELOPMENT requesting an amendment to Chapter 30 to allow for flexibility in building story heights without exceeding maximum building heights

in business, mixed use and manufacturing districts and to clarify the maximum FAR in business and manufacturing districts where none is currently specified.

**#151-21 Reappointment of Scott Aquilina as a full member of the Newton Upper Falls Historic District Commission**

HER HONOR THE MAYOR reappointing SCOTT AQUILINA, 1253 Commonwealth Avenue, Newton as a full member of the Newton Upper Falls Historic District Commission. His term of office shall expire on June 8, 2024. (60 days 07/02/21)

**#152-21 Reappointment of John Wyman as an alternate member of the Newton Upper Falls Historic District Commission**

HER HONOR THE MAYOR reappointing JOHN WYMAN, 47 Old Orchard Road, Newton as an alternate member of the Newton Upper Falls Historic District Commission. His term of office shall expire on April 30, 2024. (60 days 07/02/21)

**#153-21 Reappointment of Brett Catlin as a full member of the Chestnut Hill Historic District Commission**

HER HONOR THE MAYOR reappointing BRETT CATLIN, 121 Suffolk Road, Chestnut Hill, as a full member of the Chestnut Hill Historic District Commission. His term of office shall expire on May 31, 2024. (60 days 07/02/21)

**Referred to Zoning & Planning and Programs & Services Committees**

**#154-21 Request for discussion zoning to support native plants and pollinators**

COUNCILORS KELLEY, BOWMAN, DOWNS, AND NORTON requesting a discussion on increasing native plants and pollinator friendly plants in Newton. Discussion should include options to change zoning for both residential and commercial projects as well as increase such plantings on public lands. Native plants are environmentally more sustainable as they require less water and pesticides. Native plants attract a variety of birds, butterflies, and other wildlife by providing diverse habitats and food sources. Pollinator friendly plants can help support a healthy ecosystem, our Climate Action Goals, environmental sustainability and are needed to help refurbish native plants for biodiversity, bees and butterflies.

**Referred to Programs & Services Committee**

**#155-21 Appointment of Howard Birnbaum to the Urban Tree Commission**

HER HONOR THE MAYOR appointing HOWARD BIRNBAUM, 36 Central Street, Auburndale, to the URBAN TREE COMMISSION for a term to expire on April 30, 2024. (60 Days: 07/02/21)

- #156-21 Reappointment of Naomi Krasner to the Council on Aging**  
HER HONOR THE MAYOR reappointing NAOMI KRASNER, 72 Nonantum Street, Newton, to the COUNCIL ON AGING for a term to expire on May 15, 2024. (60 Days: 07/02/21)

**Referred to Public Safety & Transportation Committee**

- #157-21 Requesting four (4) new bus licenses for VPNE Parking Solutions, LLC.**  
VPNE PARKING SOLUTIONS, LLC. requesting four (4) new bus licenses for VPNE Parking Solutions, LLC.

- #158-21 Requesting a discussion with the Police about gun regulations**  
COUNCILORS DANBERG AND ALBRIGHT requesting a discussion with the Police about gun regulations in Newton in order to explain the City's gun laws so that the Council and public can understand them.

- #159-21 Appointment of John F. Carmichael Jr. as Chief of Police**  
HER HONOR THE MAYOR in accordance with Chapter 279 of the Acts of 1992 and Sec. 3-3 and 3-4 of the City Charter, appointing JOHN F. CARMICHAEL JR. as Chief of Police.

**Referred to Public Facilities Committee**

***Public Hearing to be Assigned for May 19, 2021***

- #160-21 National Grid petition for grant of location in Beacon Street**  
NATIONAL GRID petition for a grant of location to install and maintain gas main in Beacon Street as follows:
- 1225' ± of 8" plastic main in Beacon Street from the existing 6", LP plastic main at Glen Avenue to the existing 4", LP plastic at Union St to replace 660' ± of 4" of LP cast iron, 275' ± of 6", LP cast iron and 290' ± of 4", LP bare steel main;
  - 55' ± of 6", LP plastic in the intersection of Beacon Street and Gray Cliff Road to replace 55' ± of 4", LP cast iron main;
  - 175' ± of 4" LP plastic main in Cousens Circle from Beacon Street to the end of the main at #15 Cousens Circle to replace 175" ± of 4" LP bare steel main;
  - 55' ± of 8" LP plastic in the intersection of Beacon Street and Grant Avenue to replace 55' ± of 4" LP cast iron main;
  - 55' ± of 6", LP plastic main in the intersection of Beacon Street and Dalton Road to replace 55' ± of 6" LP Cast iron main and
  - 60' ± of 8" LP plastic main in Union Street from Beacon Street to the existing 8", LP plastic main at #22 Union Street to replace 60' ± of 6" LP cast iron main
- This work is a part of the Cast iron Main Replacement Program. (Wards 6 & 7)

**Referred to Finance Committee**

**#161-21** **Appointment of Lucia Panichella to the Horace Cousens Industrial Fund**  
HER HONOR THE MAYOR appointing LUCIA PANICHELLA, 53 Anthony Circle, Newton, as a trustee of the Horace Cousens Industrial Fund for a term to expire on June 1, 2024. (60 days: 07/02/2021)

**#162-21** **Acceptance of \$133,380 from the Massachusetts Office of Business Development**  
HER HONOR THE MAYOR requesting authorization to accept and expend the sum of one hundred thirty-three thousand three hundred and eighty dollars (\$133,380) in grant funding from the Massachusetts Office of Business Development's Reginal Pilot Project grant to implement a program to activate 5-8 vacant storefronts.

**Referred to Programs & Services and Finance Committees**

**#163-21** **Request for an increase to off-leash dog fines**  
COUNCILORS KRINTZMAN AND ALBRIGHT requesting an increase to the fine for failure to leash a dog under section 3-26 and the off leash dog program under section 3-30, as well as implementing a separate penalty for a second and third offense of the same ordinance.

**Referred to Programs & Services and Finance Committees**

**#164-21** **Request for an increase to dog license fees**  
COUNCILORS KRINTZMAN AND ALBRIGHT requesting an increase in the canine registration fee to help support pet waste disposal efforts across the city.

**Referred to Programs & Services and Finance Committees**

**#165-21** **Request for changes to the off-leash dog ordinance**  
COUNCILORS KRINTZMAN AND ALBRIGHT requesting changes to the off-leash dog ordinance including, but not limited to, possible requirement that dogs be spayed or neutered for eligibility for an off-leash license; the fee for an off-lease registration and enforcement within the off-leash dog parks.

**Referred to Programs & Services and Finance Committees**

**#166-21** **CPC Recommendation to appropriate \$60,000 in CPA funding for the Gath Pool**  
COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of sixty-thousand dollars (\$60,000) in Community Preservation Act Recreation funds to the control of the Planning & Development for the hiring of a consultant to work with the Public Building and parks, Recreation and Culture Departments to complete a conditions assessment and feasibility study on the Gath Memorial Pool Complex.

**Referred to Public Facilities & Finance Committees**

- #167-21** **Appropriate \$2.5 million for the Transportation Network Improvement Plan**  
HER HONOR THE MAYOR requesting the authorization to appropriate and expend two million five hundred thousand dollars (\$2,500,000) to supplement funding for the Transportation Network Improvement Plan.

*The following items were filed after the close of the docket and require a suspension of the Rules to be referred to Committee:*

**Referred to the Finance Committee**

- #168-21** **Appropriate \$1,000,000 for the Rainy Day Stabilization Account**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one million dollars (\$1,000,000) from June 30, 2020 Certified Free Cash to the Rainy Day Stabilization Fund for the purpose of bringing the Rainy Day Stabilization Fund to slightly over \$23.1 million or 5% of the Mayor's Proposed FY22 General Fund Operating Budget.

**Referred to the Finance Committee**

- #169-21** **Appropriate \$200,000 from the CATV Capital Receipts**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of two hundred thousand dollars (\$200,000) from the CATV Capital Receipts for the purpose of funding enhancements to the Council Chambers and Conference Rooms 204, 205 and 211 at City Hall as well as the Education Center School Committee room.

**Referred to Finance and Appropriate Committees**

***Public Hearing to be Assigned for May 17, 2021***

- #1-21(2)** **Submittal of the FY 2022 – FY 2026 Supplemental Capital Improvement Plan**  
HER HONOR THE MAYOR submitting the FY 2022 – FY 2026 Supplemental Capital Improvement Plan.
- #1-21(3)** **Submittal of the FY 2022 Municipal/School Operating Budget**  
HER HONOR THE MAYOR submitting in accordance with Section 5-1 of the City of Newton Charter the FY21 Municipal/School Operating Budget, passage of which shall be concurrent with the FY22-FY26 Capital Improvement Program.  
**EFFECTIVE DATE OF SUBMISSION 05/12/21; LAST DATE TO PASS THE BUDGET 06/25/2021**

**Public Hearing to be Assigned for May 17, 2021**

**#1-21(4) Proposed Water, Sewer and Stormwater Rates**

HER HONOR THE MAYOR submitting recommended Fiscal Year (FY) 2022 Water/Sewer/Storm Water Rates for implementation on July 1, 2021 as follows:

**FY 2022 Tiers & Rates for Water and Sewer**

<u>HCF Per Quarter</u>	<u>Water Rate Per HCF</u>	<u>Sewer Rate Per HCF</u>
0-10	\$7.12	\$10.98
11-25	\$8.23	\$12.85
26-60	\$9.46	\$13.80
>60	\$11.80	\$15.87
Irrigation	\$13.00	n/a

**FY 2021 Stormwater Fees**

1-4 family dwellings \$100.00

**Commercial Stormwater Fees:** based on impervious area - \$0.0470 per impervious square foot.

**Referred to Programs & Services Committee**

**#170-21 Recommendation to approve 2021 Preliminary Election date**

THE NEWTON ELECTION COMMISSIONERS recommending the City Council approve the date for a 2021 Preliminary Election, if needed.