



RECEIVED

By City Clerk at 4:52 pm, May 13, 2021

POSTED
City Clerk

City Council Docket

May 18: Programs & Services, Finance

May 19: Programs & Services, Public Safety & Transportation,
Public Facilities

May 20: Public Safety

May 24: Zoning & Planning, Finance

May 25: Programs & Services

May 26: Zoning & Planning

May 27: Public Safety & Transportation

June 1: Programs & Services

June 2: Public Facilities

June 3: Finance

Page 435

Continued

Monday, May 17, 2021

Following the Committee of the Whole, Virtual

To be reported on

Monday, June 7, 2021

The City Council will hold this meeting as a virtual Zoom meeting on Monday, May 17, 2021, following the Committee of the Whole. To view this meeting use this link at the above date and time:

<https://us02web.zoom.us/j/88420773668>

One tap mobile

US: +13126266799,,88420773668#

Land line

US: +1 301 715 8592

Meeting ID: 884 2077 3668

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

Other Communications

#171-21

Grant of Location for a lateral crossing in Byfield Road

EVERSOURCE ENERGY petitioning for a grant of location to install 17'± of conduit in BYFIELD ROAD in a northeasterly direction from pole #547/6 to private property at 44 Byfield Road

Commissioner of Public Works Approved

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, or 617-796-1253. For Telecommunications Relay Service dial 711.*

- #172-21** **Submission of Plan of Land-Pine Ridge Road**
PHILIPPE I. AMOUYAL AND ROBIN L. AMOUYAL, 25 Pine Ridge Road, submitting to the Planning Board Acting as Board of Survey a plan described as “Plan of Land, Newton, Massachusetts, Showing Proposed Conditions at #25 Pine Ridge Road”, prepared by VTP Associates Inc., dated April 23, 2021, for endorsement that approval under the subdivision control law is not required.

Referred to Land Use Committee

- #173-21** **President’s Appointment of John Bracher to the BC Neighborhood Council**
PRESIDENT ALBRIGHT appointing John Bracher as the Boston College Chestnut Hill campus representative for a term to expire June 18, 2023.

- #176-19(3)** **Special Permit Petition to allow parking within the setback at 1188 Chestnut Street**
TARA POTTEBAUM AND DOUG ROONEY petition for an EXTENSION OF TIME to EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL for Council Order #176-19 approved on August 12, 2019 and FAR relief and dimensional parking relief at 1188 Chestnut Street, Ward 5, Newton Upper Falls, on land known as Section 51 Block 40 lot 22, containing approximately 5,807 sq. ft. in a district zoned MULTI RESIDENCE 1. Said EXTENSION OF TIME to run from August 12, 2021 to August 12, 2022. Ref: Sec. 7.3.3, 7.4, 3.2.3, 7.8.2.C.2, 5.1.7.A, 5.1.13, 3.2.11 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned

- #174-21** **Petition further increase nonconforming FAR at 26 Alba Circle**
SCOTT D. KRENTZMAN AND AMY S. KRENTZMAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a single-story side addition, further increasing the non-conforming FAR at 26 Alba Circle, Ward 5, Waban, on land known as Section 72 Block 23 Lot 38B, containing 13,732 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 Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned

- #175-21** **Petition to allow for-profit educational use at 60, 66-68 Austin Street**
THE RUSSIAN SCHOOL OF MATHEMATICS/L AND B REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit educational use in in the office space located at 60 Austin Street, to alter a non-conforming non-accessory parking facility, to allow the parking requirements to be met off-site, to allow parking within the side and rear setbacks and within five feet of the street, to allow parking within five feet of dwelling units, to waive the minimum parking stall width and depth, to waive the minimum driveway width for one-way traffic, to waive perimeter screening requirements, to waive interior landscaping requirements and to waive lighting requirements at 60, 66-68 Austin Street, Ward 2, Newtonville, on land known as Section 24 Block 09 Lots 07 and 09, containing approximately 35,616 sq. ft. of land in a district zoned BUSINESS USE 5. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.3.14.B.2, 7.8.2.C.2, 5.1.16.A, 5.1.13, 5.1.8.A.1, 5.1.8.A.2, 5.1.8.B.1, 5.1.8.B.1, 5.1.8.D.1, 5.1.9.A, 5.1.9.B, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned

#176-21 **Petition to waive five parking stalls at 47 Lincoln Street**

DENISE CROWE/HAMILTON LINEWT ASSOCIATES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to waive five parking stalls at 47 Lincoln Street, Ward 6, Newton Highlands, on land known as Section 52 Block 08 Lot 01, containing approximately 6,968 sq. ft. of land 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.

Public Hearing to be Assigned

#177-21 **Petition to increase nonconforming FAR and allow three-story structure at 540 Dudley Road**

SHIVA KARIMI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second story within the footprint of the existing dwelling, increasing the nonconforming FAR and creating a three-story structure at 540 Dudley Road, Ward 8, Newton Centre, on land known as Section 82 Block 27 Lot 02, containing approximately 14,971 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.

Public Hearing to be Assigned

#71-20 **Amended Petition to allow 2734-unit multi-family dwelling at 1114 Beacon Street**

1114 BEACON STREET LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 2734-unit multi-family dwelling greater than 20,000 sq. ft. of new gross floor area, a four-story structure up to 48' in height, to allow ground floor residential use, to allow an FAR of up to 2.0, a waiver for parking in the side setback, a waiver of the minimum stall depth requirements, relief to allow 1.25 parking stalls per unit, and a waiver of the sustainable design standards at 1114 Beacon Street, Ward 6, Newton Highlands, on land known as Section 54 Block 22 Lot 04, containing approximately 51,745 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 7.8.2.C.2, 5.1.4.A, 5.1.13, 5.1.7.A, 5.1.8.B.2, 5.1.8.D.2, 5.4.2.B, 5.12 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned

#179-21 **Petition to allow 175-unit congregate living facility at 333 Nahanton Street**

JEWISH COMMUNITY CENTER OF BOSTON, INC/2LIFE HOLDINGS LLC/2LIFE COLEMAN LIMITED PARTNERSHIP petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 175-unit congregate living facility connected to the Coleman House via an enclosed walkway, on a new 218,583 subdivided portion of the lot, to determine density and dimensional controls, to allow assigned parking, to allow parking in the side setback, to allow parking within five feet of a building containing dwelling units, to allow reduced parking stall width and depth, to allow reduced accessible stalls, to allow reduced aisle width, to waive perimeter landscaping requirements, to waive lighting requirements for outdoor parking, to amend Special Permit Board Orders #147-79(2), #147-79(3), #292-93, #175-18, to amend ZBA decision #3-83 and #17-96 at 333 Nahanton Street, Ward 8, Newton Centre, on land known as Section 83 Block 35 Lots 04 and 04B, containing approximately 1,225,207 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 7.4, 3.4.1, 3.2.2.A.3, 5.1.3.E, 5.1.8.A.1, 5.1.8.A.2, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.C.1, 5.1.9.A.1.i, 5.1.10.A.1 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned

#178-21 Petition to allow marijuana retailer at 1158 Beacon Street

UNION TWIST, INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a retail marijuana establishment, to allow assigned parking, and to waive lighting requirements at 1158 Beacon Street, Ward 6, Newton Highlands, on land known as Section 54 Block 22 Lot 49A, containing approximately 20,443 sq. ft. of space in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 6.10.3.D, 4.4.1, 5.1.10, 5.1.3.E, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.

Referred to Zoning & Planning Committee

#180-21 Requesting a review and possible amendments to Section 4.2.5(A)

COUNCILORS LAREDO, LUCAS, LIPOF AND MARKIEWICZ requesting review of and possible amendments to Section 4.2.5(A) of the City of Newton Zoning Ordinance to clarify language concerning shadows and blocked views in the Mixed Use 4 district.

#181-21 Request for Discussion and Ordinance to require energy use reporting

COUNCILORS CROSSLEY, LEARY AND NORTON on behalf of the Newton Citizens Commission on Energy (NCCE), requesting discussion and an ordinance that would require large property owners (campuses and large commercial buildings) to report energy use and associated greenhouse gas emissions annually to the city of Newton, to be used to encourage reductions in said energy use and greenhouse gas emissions in accordance and support of the goals set forth in the Newton Climate Action Plan.

#182-21 Request for Ordinance Amendment to restrict firearm use(s) in Newton

COUNCILORS GENTILE, NORTON, GREENBERG, OLIVER, WRIGHT, KALIS, DANBERG, LUCAS, MARKIEWICZ, MALAKIE AND LAREDO requesting a new ordinance or amendment to the City of Newton Zoning Ordinances to restrict and/or prohibit firearms in Newton. The proposed amendment is a to add a section that no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, in any part of the Town: "For the manufacture, sale, or lease of any Weapon, Machine Gun, Ammunition, Bump Stock, Large Capacity Feeding Device, Stun Gun, or Trigger Crank, or by any person engaged in the business of a Gunsmith in any zoning district. Each capitalized term shall have the definition set forth in G.L.c.140,§ 121.

Referred to Programs & Services Committee

#183-21 Appointment of Richard Pinkowitz to the Biosafety Committee

PRESIDENT ALBRIGHT appointing RICHARD PINKOWITZ, 11 Church Street, Newton, as a member of the BIOSAFETY COMMITTEE for a term to expire on April 1, 2024. (60 Days: 07/16/21)

- #184-21 Request for a review and update of election ordinances in Newton**
COUNCILOR HUMPHREY requesting a review and update to the ordinances governing the operation and conduct of elections in Newton, including but not limited to:
(1) Elimination of certain restrictions regarding political signage on private property, except for safety reasons, and updating regulation of signage on public property, partially to comply with more recent caselaw
(2) Requiring candidates themselves or a designee signing on their behalf to pull papers to seek municipal office

Referred to Public Safety & Transportation Committee

- #185-21 Semi-annual taxi license/public auto inspections**
POLICE DEPARTMENT submitting reports of semi-annual taxi license/public auto inspections for review.
- #186-21 Five (5) Bus License renewals for Trip Advisor Bus**
TRIP ADVISOR, requesting triennial renewal of five (5) bus licenses for a triennial term to provide employee-only shuttle service. There are no changes proposed from 2018.
- #187-21 Requesting an amendment of City Ordinance Section 10-38**
HER HONOR THE MAYOR requesting an amendment of City Ordinance Section 10-38. Companies and apparatus leaving city; authorization to aid other municipalities.
- #188-21 Request for Ordinance Amendment to place Limitations on Firearms Business Licenses**
COUNCILORS KRINTZMAN, DANBERG, DOWNS, KALIS, LAREDO, CROSSLEY, WRIGHT, NOEL, BOWMAN, HUMPHREY, GROSSMAN, LIPOF AND MARKIEWICZ requesting an ordinance that would limit the number of licenses to firearms dealers, gunsmithing and/or firing range licenses that may be awarded.

Referred to Public Facilities Committee

Public Hearing to be Assigned for May 19, 2021

- #189-21 National Grid petition for grant of location in Commonwealth Avenue**
NATIONAL GRID petition for a grant of location to install and maintain 160' +/- of 12" plastic main extending from the existing 8" cast iron main in front of #1466 Commonwealth Ave to #1488 Commonwealth Avenue. (Ward 3)

Public Hearing to be Assigned for May 19, 2021

- #190-21 Eversource Energy petition for a Grant of Location on Highland Avenue**
EVERSOURCE ENERGY petitioning for a grant of location to relocate one pole (JO Pole #207/19) 21' ± in an easterly direction to in front of #164 Highland Avenue (Ward 3).

Public Hearing to be Assigned for June 9, 2021

#191-21 Eversource petition for Grant of Location in Morton Road

EVERSOURCE ENERGY petitioning for a grant of location to install 39'± of conduit in a southwesterly direction from the existing manhole (MH28603) located 156'± south of Royce Road to the property line at 34 Morton Road. (Ward 2).

Referred to Finance Committee

#192-21 Transfer \$114,500 to make an adjustment to the FY21 Budget

HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred fourteen thousand five hundred dollars (\$114,500) from Acct #6100-3240 Sewer Fund Free Cash to Acct #61A10771-581F11 Bond Maturities-MWRA Sewer Services for the purpose of making an adjustment to the FY21 Budget.

#193-21 Transfer \$4,435 to make an adjustment to the FY21 Budget

HER HONOR THE MAYOR requesting authorization to transfer the sum of four thousand four hundred and thirty-five dollars (\$4,435) from Acct #6200-3240 Stormwater Fund Free Cash to Acct #62A10491-570700 Stormwater Contributory Retirement-NCRS for the purpose of making an adjustment to the FY21 Budget.

#194-21 Transfer \$172,400 to the IT Department, Micro/Network Services, Computer Equipment

HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred seventy-two thousand four hundred dollars (\$172,400) from Acct# 0110498-579000 FY21 Budget Reserve to Acct # 0111154-585111 Information Technology Department, Micro/Network Services, Computer Equipment for the purpose of upgrading all desktop computers at the Police Department that are no longer supported by Microsoft, as well as other technology improvements throughout City Departments.

#195-21 Resolution to the Massachusetts General Court in support of real estate transfer fee local option

COUNCILORS HUMPHREY, MARKIEWICZ, MALAKIE, LIPOF, WRIGHT, CROSSLEY, NOEL, OLIVER, DOWNS, BOWMAN, NORTON, AND LUCAS offering a resolution to the Massachusetts General Court giving the sense of the Newton City Council that Newton and all other municipalities in the Commonwealth should be empowered to consider setting and implementing a reasonable local real estate transaction fee in appropriate circumstances, as proposed in S. 868 and H. 1377, to generate revenues for creating and preserving affordable housing.

Referred to Public Safety & Transportation and Finance Committees

- #196-21** **Appropriate \$300,000 to establish a non-lapsing Police Department Account**
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of three hundred thousand dollars (\$300,000) from the June 30, 2020 Certified Free Cash to establish a non-lapsing Police Department Best Practices/ Training Account.

Referred to Public Safety & Transportation and Finance Committees

- #197-21** **Request for Ordinance Amendment to prohibit firearms within any public building**
COUNCILORS NORTON, GENTILE, KALIS, DANBERG, LAREDO, HUMPHREY, MALAKIE, GREENBERG, KRINTZMAN, DOWNS, LUCAS, BOWMAN, CROSSLEY, OLIVER, MARKIEWICZ, NOEL, WRIGHT, LIPOF AND GROSSMAN requesting amendments to the City of Newton Ordinances to prohibit the carrying of firearms in any building owned and under the control of the City of Newton. This ordinance shall not apply to law enforcement officers and/or any building owned by the City and operated as public housing. The proposed ordinance includes amendments to Chapter 17 Sec. 22-23 to include a fine of three hundred dollars (\$300.00), pursuant to the authority granted by G.L. c. 40, section 21D.

Referred to Public Facilities and Finance Committees

- #198-21** **Transfer \$400,000 to the Transportation Network Improvement Program**
HER HONOR THE MAYOR requesting authorization to transfer the sum of four hundred thousand dollars (\$400,000) from FY21 salary savings from the Department of Public Works, Street Maintenance Division Acct# 0140120-511002 Full-Time Wages to Acct #01C401112-579500 Department of Public Works- Transportation Network Improvement Program.

The following item was filed after the close of the docket and requires a suspension of the Rules to be referred to Committee:

Referred to Programs & Services Committee

- #199-21** **Request for a discussion on an application for American Rescue Plan Act Funding**
COUNCILORS LAREDO, KRINTZMAN, NORTON, AND GREENBERG requesting a discussion with the Administration regarding how Newton can apply for and use American Rescue Plan Act (ARPA) funds from the Commonwealth in order to provide further assistance to Newton's most financially vulnerable residents.