



RECEIVED

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City Council Docket

REVISED

June 8: Land Use
June 9: Programs & Services, Public Safety & Transportation,
Public Facilities
June 15: Finance

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Continued
Monday, June 7, 2021
7:45 PM, Virtual
To be reported on
Monday, June 21, 2021

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

<https://us02web.zoom.us/j/84744848978>

One tap mobile

US: +13126266799,,84744848978#

Land line

US: +1 301 715 8592

Meeting ID: 847 4484 8978

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

#202-21

Grant of Location for a lateral crossing in Cherry Place

EVERSOURCE ENERGY petitioning for a grant of location to install 11'+ of conduit in CHERRY PLACE in an easterly direction from pole #1521/7 to private property at 57 Cherry Place

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.*

- #203-21 Grant of Location for a lateral crossing in Winchester Road**
EVERSOURCE ENERGY petitioning for a grant of location to install 11'± of conduit in WINCHESTER ROAD in a northwesterly direction from pole #467/3 to private property at 27 Winchester Road.
Commissioner of Public Works Approved
- #204-21 Grant of Location for a lateral crossing in Washington Street**
EVERSOURCE ENERGY petitioning for a grant of location to install 33'± of conduit in WASHINGTON STREET northwesterly from MH16648 to private property at 431 Washington Street.
Commissioner of Public Works Approved
- #205-21 Grant of Location for a lateral crossing in Park Lane**
EVERSOURCE ENERGY petitioning for a grant of location to install 9'± of conduit in PARK LANE northwesterly from POLE 508/3 to private property at 21 PARK LANE.
Commissioner of Public Works Approved
- #206-21 Grant of Location for a lateral crossing in Adams Street**
EVERSOURCE ENERGY petitioning for a grant of location to install 8'± of conduit in ADAMS STREET northeasterly from pole 4/21X to private property at 180 Adams Street.
Commissioner of Public Works Approved
- #207-21 Grant of Location for a lateral crossing in Fairhaven Road**
EVERSOURCE ENERGY petitioning for a grant of location to install 42'± of conduit in FAIRHAVEN ROAD northerly from pole 1291/3 to private property at 16 Fairhaven Road
Commissioner of Public Works Approved
- #208-21 Grant of Location for a lateral crossing in Washington Street**
EVERSOURCE ENERGY petitioning for a grant of location to install 47'± of conduit in WASHINGTON STREET northeasterly from pole MH7055 to private property at 1355 Washington Street.
Commissioner of Public Works Approved
- #209-21 Grant of Location for a lateral crossing in Varick Road**
EVERSOURCE ENERGY petitioning for a grant of location to install 36'± of conduit in VARICK ROAD southeasterly from pole 428/3 to private property at 28 Varick Road.
Commissioner of Public Works Approved

Referred to Land Use Committee

Public Hearing to be Assigned

#179-21 Petition to allow 174-unit congregate living facility at 333 Nahanton Street/677 Winchester Street

2LIFE HOLDINGS LLC/2LIFE COLEMAN LIMITED PARTNERSHIP petition for SPECIAL PERMIT/SITE PLAN APPROVAL to create a 6-acre development using land from 333 Nahanton Street to construct a 174-unit congregate living facility with amenity space, 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 and to allow three years to exercise the special permit at 333 Nahanton Street and 677 Winchester 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.f Ref: 7.3.3, 7.4, 7.3.2.E, 3.4.1, 3.2.2.A.3, 3.1.2.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

#201-21 Petition to amend Special Permits at 333 Nahanton Street

JEWISH COMMUNITY CENTERS OF GREATER BOSTON, INC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend special permit Council Orders #175-18, #147-79, #147-79(2), #292-93 to permit the sale of approximately 218,583 sq. ft. to 2Life Holdings to allow the construction of a congregate living facility, and to allow three years to exercise this amendment 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, 7.3.2.E, 3.4.1, 3.2.2.A.3, 3.1.2.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

#210-21 Petition to further increase nonconforming FAR at 290 Hartman Road

VYACHESKAV FOS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct single-story rear additions, increasing the nonconforming FAR at 290 Hartman Road, Ward 8, Newton Centre, on land known as Section 2 Block 25 Lot 17, containing approximately 16,906 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.2 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned

#211-21 Petition to extend nonconforming FAR and third story at 43 Kenwood Avenue

MARK AND MARTHA FISHMAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a rear addition and construct an oversized dormer to the front façade, extending the nonconforming third story and the nonconforming FAR 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. Ref: Sec. 7.3, 7.4, 7.8.2.C.2, 3.1.9, 3.1.3, 1.5.4.G.2.b of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned

#212-21 Petition to extend nonconforming rear setback at 5 Dedham Street

YONGJIE YANG petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct second-story rear additions, vertically extending the nonconforming rear setback at 5 Dedham Street, Ward 8, Newton Highlands, on land known as Section 83 Block 10 Lot 17, containing approximately 7,569 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 7.8.2.C.2, 3.1.3, 3.1.9 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned

#213-21 Petition to alter and reconstruction nonconforming two-family at 2163 Comm Ave

KANE BUILT, INC./MICHAEL QUINN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the structure and construct a new two-family dwelling in a new configuration with four surface parking stalls at 2163 Commonwealth Avenue, Ward 4, Auburndale, on land known as Section 41 Block 18 Lot 0032 containing approximately 10,535 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4, 7.8.2.c.2, 3.4.1 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned

#214-21 Petition to allow extension of time to construct residences at Chestnut Hill Square

CHS COMMERCIAL OWNER LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend special permit Board Order #214-10(2) in accordance with Condition 3 of the special permit conditions, to allow an extension of time to construct the residential building to November 15, 2026 at 200-230 Boylston Street, Boylston Street, 7 Hammell Place LLC, 114 Florence Street and 146 Florence Street, Ward 7, Chestnut Hill, on land known as Section 82 Block 2 Lots 8, 9, 10, 11, 12, 13, 14, 15, 15A, 15B, 15C, 18, 29, 30, 32, containing approximately 245,000 sq. ft. of land in a district zoned BUSINESS USE 4. Ref: Sec. 7.3.3, 7.4, of the of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned

#215-21 Petition to amend Council Order #289-18 for Garden Remedies

GARDEN REMEDIES, INC/697 WASHINGTON STREET REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Council Order #289-18 to remove the appointment only conditions, amend the hours of operations to allow business operations, to remove the sign plan as a control document and to amend the site plan and landscape plan in Ward 2, Newton at 697 Washington Street (Section 23 Block 19 Lot 01B), 691 Washington Street (Section 23 Block 19 Lot 01A), 681 Washington Street (Section 23 Block 19 Lot 01) and 2 Court Street (Section 23 Block 19 Lot 23), containing approximately 16,669 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned

#216-21 Petition to allow 12-unit multi family dwelling at 50 Jackson Street/383-387 Boylston St

BARBARA AND GERALD BARATZ REVOCABLE TRUSTS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish two commercial buildings and construct one, 12-unit, three-story, multi-family dwelling with a 23-parking stall underground parking spaces (1 accessible), to allow a ground floor residential use, to allow a building with more than 20,000 sq. ft., to allow a three-story structure with 36' in height, to allow an FAR of 1.5, to alter and extend a nonconforming side setback, to waive two parking stalls, to reduce the width of parking stalls, to allow a driveway width exceeding 25 feet and to allow a retaining wall greater than four feet in height within the setback at 50 Jackson Street/383-387 Boylston Street, Ward 6, Newton Centre, on land known as Section 65 Block 11 Lot 4, containing approximately 14,866 sq. ft. of land in a district zoned BUSINESS USE 1. 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, 5.1.13, 5.1.8.B.1, 5.1.8.D.2, 5.4.2 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned

#217-21 Petition to allow retail drive-in at 1021 Boylston Street

1021 BOYLSTON STREET, LLC c/o JONATHAN BERNSTEIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to alter a nonconforming retail use to allow a retail drive-in business, to allow parking in the side and front setbacks and within five feet of the street, to allow a reduced required aisle width, to waive perimeter screening requirements and to waive outdoor lighting requirements at 1021 Boylston Street, Ward 5, Newton Highlands, on land known as Section 51 Block 26 Lot 03, containing approximately 17,280 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 7.8.2.C.2, 6.4.11 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned

#218-21 Petition to extend nonconforming use at 38 Richardson Street

ALANA SHULAKOVA/BRADEN HOUSTON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story rear addition, patios and increase the parking area, altering/extending the nonconforming multi-family use, to allow parking in the side setback, to allow parking within five feet of a building with dwelling units, to reduce the width of parking stalls, to reduce the minimum maneuvering aisle width, to reduce to the minimum width for entrance and exit drives for two-way traffic, to allow tandem parking stalls, to waive perimeter screening requirements, to waive outdoor lighting requirements and to waive striping requirements at 38 Richardson Street, Ward 1, Newton, on land known as Section 12 Block 13 Lot 7, containing approximately 9,370 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.2 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned

#219-21 Petition to allow retail drive-in business at 940 Boylston Street

MILDRED McMULLIN, TRUSTEE of MIL MAC TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to reconfigure the existing building and parking area to allow a drive-in establishment, to waive perimeter screening requirements and to waive outdoor lighting requirements at 940 Boylston Street, Ward 5, Newton Highlands, on land known as Section 51 Block 26 Lot 03, containing approximately 14,608 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.4.11, 5.1.9.A, 5.1.13, 5.10.A of the City of Newton Rev Zoning Ord, 2017.

Referred to Zoning & Planning Committee

#220-21 Requesting an ordinance to require documenting existing conditions of landmarked buildings prior to permitting

COUNCILORS CROSSLEY, DOWNS, HUMPHREY, LIPOF, KALIS, KELLEY, BOWMAN, DANBERG, NOEL AND RYAN requesting an ordinance requiring, that prior to ISD issuing a permit for renovations to a landmarked building or buildings within historic districts, that a petitioner must have adequately documented existing conditions of the building including its exterior architectural features, by a licensed architect or building professional to the satisfaction of the governing historic commission or district commission. The written order of conditions from the governing commission approving renovations to such a building or structure will be based upon and evaluated against adherence to these documents.

#240-21 Requesting Ordinance Amendments to Chapter 30

DIRECTOR OF PLANNING AND DEVELOPMENT requesting ordinance amendments to the Newton Zoning Ordinance, Chapter 30 in order to clarify definitions, edit missing or incorrectly transcribed provisions and revise inconsistencies in the ordinance.

- #221-21 Appointment of David Weinstein to the Newtonville Historic District Commission**
HER HONOR THE MAYOR appointing David Weinstein, 132 Cornell Street, Newton, as a full member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire on June 30, 2024 (60 days: 08/06/21)
- #222-21 Reappointment of Charles Tanowitz to the Economic Development Commission**
HER HONOR THE MAYOR reappointing Charles Tanowitz, 51 Harding Street, West Newton, as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire on May 14, 2024 (60 days: 08/06/21)
- #223-21 Reappointment of Debora Jackson to the Economic Development Commission**
HER HONOR THE MAYOR reappointing DEBORA JACKSON, 4 Pine Meadow Drive, Auburndale, as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire on May 14, 2024 (60 days: 08/06/21)
- #224-21 Reappointment of Sarah Rahman to the Economic Development Commission**
HER HONOR THE MAYOR reappointing SARAH RAHMAN, 33 Staniford Street, Newton, as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire on May 14, 2024 (60 days: 08/06/21)
- #225-21 Reappointment of Matt Segneri to the Economic Development Commission**
HER HONOR THE MAYOR reappointing MATT SEGNERI, 45 Cedar Street, Newton, as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire on May 14, 2024 (60 days: 08/06/21)
- #226-21 Reappointment of Jeremy Freid to the Economic Development Commission**
HER HONOR THE MAYOR reappointing JEREMY FREID, 35 Cotton Street, Newton, as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire on May 14, 2024 (60 days: 08/06/21)

Referred to Programs & Services Committee

- #227-21 Reappointment of Patrick Costello to the Farm Commission**
PRESIDENT ALBRIGHT reappointing PATRICK COSTELLO, 392 Wolcott Street, Auburndale, as a member of the FARM COMMISSION for a term to expire on June 30, 2024. (60 Days: 08/06/21)
- #228-21 Appointment of Rabbi Darby Leigh to the Commission on Disability**
HER HONOR THE MAYOR appointing RABBI DARBY LEIGH, 47 Rokeby Road, as a member of the COMMISSION ON DISABILITY for a term to expire on July 15, 2023. (60 Days: 08/06/21)

- #239-21 Request for ordinance amendment to include effective date for dog fee licenses**
ACTING CITY CLERK requesting an amendment to Chapters 3 Section 23 and Chapter 17 Article II as amended by Ordinance B-76 approved on May 17, 2021, to include an effective date of September 1, 2021 for the change in dog license fees.

Referred to Public Safety & Transportation Committee

- #229-21 Bus Licenses renewals for Boston College Bus**
BOSTON COACH TRANSPORTATION, requesting annual renewal of the two Boston College Bus Licenses. There are no changes proposed to last year's licenses.
1) Boston College Law School Routes
2) Boston College Main Campus to Boston Route
- #230-21 Bus Licenses renewals for "MASCO"**
PAUL REVERE TRANSPORTATION LLC., request for annual renewal of one bus license for seven vehicles for Medical Academic and Scientific Community Organization, Inc., ("MASCO"). There are no changes proposed to last year's licenses.
- #231-21 Resolution on the Worcester line stations in Newton**
COUNCILORS DOWNS, BOWMAN, NORTON, KALIS, LUCAS, HUMPHREY, KELLEY, MALAKIE, GREENBERG AND NOEL filing a Resolution to the General Court, Governor, MPO, MBTA and MassDOT on the Worcester line stations in Newton.
- #238-21 Request for Discussion of Newton Centre Employee Permit Plan**
COUNCILORS BOWMAN, DANBERG AND NOEL requesting a discussion and potential trial of a Newton Centre Employee Permit Plan.

Referred to Public Facilities Committee

Public Hearing to be Assigned for June 9, 2021

- #232-21 Eversource Energy petition for a Grant of Location on Newtonville Avenue**
EVERSOURCE ENERGY petitioning for a grant of location to relocate and install a hip and anchor guy for JO Pole #24/31 in a westerly direction from its current location (17'+) in front of 255-257 Newtonville Avenue; and to install a second hip and anchor guy for JO Pole 59/1 in a northerly direction (10'+) from its current location at the intersection of East Side Parkway and Newtonville Avenue (Ward 2).

Public Hearing to be Assigned for June 23, 2021

- #233-21 Eversource petition for Grant of Location in Church Street and Billings Park**
EVERSOURCE ENERGY petitioning for a grant of location to install 177'± of conduit in a southwesterly direction from the existing pole (514/9) located in front of #67 Church Street to an existing handhole in front of #12 Billings Park. (Ward 1 & 7).

Referred to Finance Committee

- #234-21** **Authorize \$70,000 to settle a claim against the City**
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of seventy thousand dollars (\$70,000) for the full and final settlement of a claim from 2019 against the City for reimbursement of damages related to a water pipe leak in West Newton Square.

Referred to Public Safety & Transportation and Finance Committees

- #235-21** **Appropriate \$1,200,000 for Fire/Rescue Overtime**
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one million two hundred thousand (\$1,200,000) from June 30, 2020 Certified Free Cash to Acct #0121022-513010 Fire/Rescue Regular Overtime.

Referred to Programs & Services, Public Facilities and Finance Committees

- #237-21** **Authorization to move forward with the Feasibility Phase for Countryside Elementary**
HER HONOR THE MAYOR requesting authorization to move forward with the Feasibility Phase of the Countryside Elementary School and the acknowledgement that the City will expend not more than \$1,250,000, a portion of which is anticipated to be reimbursed by the Massachusetts School Building Authority (MSBA).

Referred to Real Property Reuse Committee

- #236-21** **Reuse of parcel of land behind 50 Stearns Street**
DIRECTOR OF PLANNING & DEVELOPMENT submitting on May 6, 2021 a letter stating that the a 8,800 sq. ft. City owned parcel of land known as Section 62 Block 23 Lot 15A at 50 Stearns Street, should be made available for sale or lease, pursuant to the City of Newton Ordinances Section 2-7.

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

Referred to Finance Committee

- #245-21** **Transfer to fund year-end adjustments**
HER HONOR THE MAYOR requesting authorization to transfer the sum of ten thousand and twenty-five dollars (\$10,025) to the following accounts to fund year-end housekeeping adjustments:

Interest Long Term Debt – Crafts Street Garage (Acct # 0110772-582C30).....	\$900.00
Information Technology – Full Time Salaries (Acct #0111153-511001.....	\$125.00
Senior Services – Full Time Salaries (Acct #0150209-511001.....	\$5,000.00
Historic Newton – Part Time Salaries (Acct#0160370-511101.....	\$4,000.00

Referred to Public Facilities and Finance Committees

#242-21

Appropriate \$100,000 to fund year end account balance in Water Enterprise Fund

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one hundred thousand (\$100,000) from Acct #60A40105-553000 Water Service Connections Construction Supplies to Acct #60A40105-57HLTH Water Dept Health Insurance to fund year end account balancing in the Water Enterprise Fund.

Referred to Public Facilities and Finance Committees

#243-21

Appropriate \$75,000 to fund year end account balance in Sewer Enterprise Fund

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of seventy-five thousand (\$75,000) from Acct #61A40105-511102 Sewer Service Connections Part Time Wages Acct #61A40105-57HLTH Sewer Dept Health Insurance to fund year end account balancing in the Sewer Enterprise Fund.

Referred to Public Facilities and Finance Committees

#244-21

Transfer to rebalance the snow and ice accounts

HER HONOR THE MAYOR requesting authorization to transfer the sum of three hundred and fifty thousand dollars (\$350,000) from the Snow and Ice Control Regular Overtime Account #0140123-513010 to the Snow & Ice Rental Vehicles/Contractors to rebalance the Snow and Ice Control Expenditure account.

Referred to Public Safety & Transportation and Finance Committees

#241-21

Appropriate \$200,000 for Police Dept Retirement Expenses

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of two hundred thousand (\$200,000) from June 30, 2020 Certified Free Cash to Acct #0120101-511001, Police Department Full-Time Salaries to fund costs associated with a significant number of retirements of senior members of the Police Department.