



RECEIVED

By City Clerk at 4:22 pm, Dec 02, 2021

POSTED
City Clerk

City Council Reports Docket

November 16: Land Use
November 17: Programs & Services, Public
Facilities
November 18: Zoning & Planning
November 22: Finance
November 29: Finance

Page 593
7:45 p.m., Virtual
To be reported on
Monday, December 6, 2021

The City Council will hold this meeting as a virtual Zoom meeting on Monday, December 6, 2021, 7:45 p.m. To view this meeting use this link at the above date and time:

<https://us02web.zoom.us/j/82311248463>

One tap mobile

US: +13017158592,,82311248463#

Land line

US: +1 301 715 8592

Meeting ID: 823 1124 8463

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

November 16, 2021

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

#381-21

Petition to allow three-story structure at 127 Clark Street

TIMOTHY AND LAUREN FAGERBEG petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a three-story rear addition with a three-car garage and living space above at 127 Clark Street, Ward 6, Newton Centre, on land known as Section 52 Block 29 Lot 29, containing approximately 10,830 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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.

Land Use Approved 6-0 (Councilors Bowman and Greenberg not voting); Public Hearing Closed 11/16/2021

#378-21

Petition to allow three-unit dwelling and parking modifications at 9-11 Circuit Ave

RONNIE CAVALIERI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to create a third unit in the two-family dwelling, extending the non-conforming two-family use, to alter a non-conforming parking facility to allow parking within the front setback and within five feet of the street and to alter the non-conforming parking facility to allow a minimum aisle width of 23 feet at 9-11 Circuit Avenue, Ward 5, Newton Highlands, on land known as Section 31 Block 27 Lot 35, containing approximately 8,471 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 5.1.8.A.1, 5.1.13, 5.1.8.C.2 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved Subject to Second Call 7-0-1 (Councilor Markiewicz abstained); Public Hearing Closed 11/16/2021

#302-21

Petition to amend Special Permit #201-17 at 386-394 Watertown Street

JLM REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Order #201-17 to allow the reconfiguration of the parking stalls, to waive one parking stall, to reduce minimum maneuvering aisle width, to allow restricted end parking stalls and to waive lighting requirements at 386-394 Watertown Street, Ward 1, Newton, on land known as Section 14 Block 14 Lots 35, 37 and 38, containing approximately 9,542 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 5.1.4, 5.1.13, 5.1.8.B.6, 5.1.8.C.1, 5.1.8.C.2, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved Subject to Second Call 8-0; Public Hearing Closed 11/16/2021

#299-21

Petition to allow marijuana retailer at 131 Rumford Avenue

PHARMACANNIS MASSACHUSETTS INC. D/B/A/ VERILIFE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a retail marijuana establishment, to allow parking facility requirements to be met off-site, to waive the minimum driveway width requirement, to waive perimeter screening requirements, to waive lighting requirements and to waive the 25% façade transparency requirement at 131 Rumford Avenue, Ward 4, Auburndale, on land known as Section 41 Block 31 Lot 50, containing approximately 20,443 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 6.10.3.D, 4.4.1, 5.1.6.A, 5.1.6.B, 5.1.8.D.1, 5.1.13, 5.1.9.A, 5.1.10, 6.10.3.E.15 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 8-0

#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.

Land Use Held 8-0

- #262-20** **Petition to allow accessory apartment and clubhouse in detached structure at 25 Paul St**
25 PAUL STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert space in an existing detached accessory structure into an accessory apartment and clubhouse, to allow an accessory apartment greater than 40% of the total habitable space of the principal structure, to allow an accessory apartment in a detached structure that does not meet principal setbacks, to allow a neighborhood clubhouse and to further extend a nonconforming detached structure greater than 700 sq. ft. at 25 Paul Street, Ward 6, Newton Centre, on land known as Section 62 Block 13 Lot 06, containing approximately 15,000 sq. ft. in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 6.7.1.E.1, 3.4.1, 6.7.1.E.2, 3.2.3, 6.7.1.E.6, 3.4.3.A.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved Withdrawal without Prejudice 8-0

Referred to Zoning Planning Committee

November 18, 2021

Present: Councilors Crossley (Chair), Danberg, Albright, Leary, Ryan, Wright, Krintzman and Baker; also present: Councilors Kelley, Bowman, Lipof, Downs, Lucas, Kalis and Greenberg

- #391-21** **Appointment of John Rice to the Newton Historical Commission**
HER HONOR THE MAYOR appointing John Rice, 9 Selden Street, Waban, as an at-large member of the Newton Historical Commission for a term to expire on September 30, 2023. (60 days: 12/31/21)
Zoning & Planning Approved 6-0-2, Councilors Wright and Baker abstaining
- #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.
Zoning & Planning Held 8-0 on 09/13/21
Zoning & Planning Held 8-0 on 10/14/21; Public Hearing Scheduled for November 8, 2021
Zoning & Planning Held 8-0; Public Hearing Closed on 11/08/21
Zoning & Planning Approved 7-0-1, Councilor Baker abstaining
- #438-20** **Request for creation of Trust in Newton to support affordable housing development**
COUNCILORS ALBRIGHT, CROSSLEY, HUMPHREY, DANBERG, MALAKIE, KELLEY, BOWMAN, KALIS, GREENBERG, DOWNS, WRIGHT, RYAN, NOEL, LEARY, LIPOF AND NORTON requesting the Planning Department analyze mechanisms already in use in other cities and towns, identify funding sources, and create a Housing Trust in Newton to facilitate and foster the development of affordable housing in Newton.

Zoning & Planning Held 11/09/20, 03/22/21, 07/26/21, 09/27/21, 11/08/21

Zoning & Planning Approved 8-0 to accept the state enabling legislations and approve the ordinance.

#390-21

Requesting amendments to Zoning Ordinance Chapter 30, Sections 4.4 and 6.4

THE DIRECTOR OF PLANNING requesting amendments to the Newton Zoning Ordinance, Chapter 30, Sections 4.4 and 6.4 to allow for veterinary uses in the Business 4 zoning district.

Zoning & Planning Held 8-0, Public Hearing Scheduled for December 16, 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 on 01/27/20, 02/10/20, 02/24/20, 03/09/20, 03/23/20, 04/13/20, 04/27/20, 05/19/20, 06/01/20, 06/15/20, 06/29/20, 07/09/20, 07/16/20, 08/13/20, 09/14/20, 10/01/20, 10/15/20, 11/05/20, 11/09/20, 12/14/20, 02/22/21, 03/08/21, 05/24/21, 07/08/21, 09/13/21, 10/25/21, 11/08/21

Zoning & Planning Held 8-0

Referred to Programs & Services Committee

November 17, 2021

Present: Councilors Krintzman (Chair), Noel, Albright, Baker, Ryan, Humphrey, and Wright; absent: Councilor Greenberg; also present: Councilors Gentile, Lucas, Kelley, Malakie, and Markiewicz

#394-21

Appointment of Esther Zhang to the Youth Commission

HER HONOR THE MAYOR appointing ESTHER ZHANG, Newton North High School, as a member of the YOUTH COMMISSION for a term to expire on November 15, 2024. (60 Days: 12/31/21)

Programs & Services Approved 7-0

#395-21

Appointment of Preethika Vemula to the Youth Commission

HER HONOR THE MAYOR appointing PREETHIKA VEMULA, Newton South High School, as a member of the YOUTH COMMISSION for a term to expire on November 15, 2024. (60 Days: 12/31/21)

Programs & Services Approved 7-0

#396-21

Appointment of Rhiannon Esposito to the Youth Commission

HER HONOR THE MAYOR appointing RHIANNON ESPOSITO, Newton North High School, as a member of the YOUTH COMMISSION for a term to expire on November 15, 2024. (60 Days: 12/31/21)

Programs & Services Approved 7-0

#397-21 **Appointment of Arman Tendulkar to the Youth Commission**
HER HONOR THE MAYOR appointing ARMAN TENDULKAR, Newton South High School, as a member of the YOUTH COMMISSION for a term to expire on November 15, 2024. (60 Days: 12/31/21)

Programs & Services Approved 7-0

#398-21 **Appointment of Ethan Dhadly to the Youth Commission**
HER HONOR THE MAYOR appointing ETHAN DHADLY, Roxbury Latin School, as a member of the YOUTH COMMISSION for a term to expire on November 15, 2024. (60 Days: 12/31/21)

Programs & Services Approved 7-0

Referred to Programs & Services and Finance Committees

#256-21 **Prohibit the sale or manufacture of guns within the City**
COUNCILORS NORTON AND GENTILE requesting amendments to Chapters 20 and 17 of the City of Newton Revised Ordinances to prohibit the sale and/or manufacture of firearms within the City.

Programs & Services voted No Action Necessary 7-0

Referred to Public Facilities and Programs & Services Committees

#420-21 **Request for a discussion on light trespass enforcement**
COUNCILORS KELLEY, GENTILE, LIPOF, KRINTZMAN, AND MARKIEWICZ requesting a discussion with the Commissioner of Inspectional Services on enforcement and issuing of Occupancy Permits regarding light spillage/trespass that is out of compliance with approved conditions and/or manufacturer's specifications. Including but not limited to lighting at athletic fields, parking lots and commercial buildings that abut residential neighborhoods.

Programs & Services Held 7-0

Referred to Public Facilities and Programs & Services Committees

#421-21 **Request for an update on lights at Grellier field**
COUNCILORS MARKIEWICZ AND GENTILE requesting an update from the Commissioner of Inspectional Services regarding the request from Lasell University for a certificate of occupancy for lights at Grellier field.

Programs & Services Held 7-0

Referred to Programs & Services and Finance Committees

#404-21 **Adopt MGL to adopt Commission on Disability and allocate parking revenues**
PRESIDENT ALBRIGHT requesting the adoption of MGL Ch. 40 Section 8J to formally adopt the Commission on Disability and MGL Ch. 40 Section 22G to allocate funds from accessible parking violation revenues to the Commission on Disability. Additionally, that all FY22 accessible parking violation revenues will be allocated to the Commission on Disability.

Programs & Services voted No Action Necessary 7-0

#413-21 Appointment of Linda Walsh as Commissioner of Health & Human Services
HER HONOR THE MAYOR appointing LINDA WALSH as COMMISSIONER OF HEALTH & HUMAN SERVICES pursuant to Sec 3-3 of the City Charter. (30 Days: 12/15/21)
Programs & Services Approved 7-0

#247-20(2) Request for a review on the City Council rules
COUNCILORS ALBRIGHT AND KRINTZMAN requesting a complete review and appropriate changes to the Rules and Orders of the City Council.
Programs & Services Approved 7-0

Referred to Public Facilities Committee

November 17, 2021

Present: Councilors Norton (Vice-Chair), Leary, Laredo, Kalis, Danberg, Gentile, Kelley and Crossley; also present: Downs and Bowman

#416-21 Petition for Grant of Location in Wells Ave
ROSCITI CONSTRUCTION COMPANY/CROWN CASTLE petitioning for a grant of location to install 267' ± of 1.5" pcv pipe for telecommunications from the handhold on the northeast side of Wells Avenue to a proposed handhold in front of #145 Wells Avenue then running easterly to the building at #145 Wells Avenue. (Ward 8)
Public Facilities Approved 7-0 (Councilor Leary not voting)

#415-21 Request for a grant of location in Commonwealth Ave, Mary Ellen and Evelyn Rd
NATIONAL GRID petition for a grant of location to install and maintain gas main in Commonwealth Ave, Mary Ellen Road and Evelyn Road as follows:

- 830' ± of 8" plastic main in Commonwealth Avenue from the existing 12" cast iron main at #1324 Commonwealth Avenue to the intersection of Fuller Street and Evelyn Road to replace 60' ± of 12" cast iron and , ~~425'~~ 725' ± of 8", cast iron
- 1760' ± of 8" plastic main in Evelyn Road from the intersection of Commonwealth Avenue and Fuller St to replace 1135' ± of 6" bare steel main and 625' ± 4" bare steel main
- 1395' ± 4" plastic main in Mary Ellen Road from #119 Evelyn Road to #175 Evelyn Road to replace 1395' ± of 4" bare steel main (Wards 3 & 5)

Public Facilities Approved as Amended 6-0 (Councilors Leary and Gentile not voting)

Referred to Finance Committee

November 22, 2021

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

#418-21 Request to transfer ~~\$1,385,000~~ \$1,280,000 from various Wage Reserve Accounts General Fund Wage Reserve, Water Fund Undesignated Fund Balance, Sewer Fund Undesignated Fund Balance and Stormwater Fund Undesignated Balance
HER HONOR THE MAYOR requesting authorization to transfer the sum of ~~one million three~~

~~hundred eighty five thousand dollars (\$1,385,000)~~ nine hundred and fifteen thousand dollars (\$915,000) from ~~various Wage Reserve Accounts~~ Acct# 0110498-519700 General Fund Wage Reserve, one hundred seventy-five thousand dollars (\$175,000) from Acct # 6000-3599 Water Fund Undesignated Fund Balance , one hundred ten thousand dollars (\$110,000) from Acct # 6100-3599 Sewer Fund Undesignated Fund Balance and eighty thousand (\$80,000) from Acct. # 6200-3599 Stormwater Fund Undesignated Fund Balance to fund the retroactive portion of the recently ratified Collective Bargaining Agreement between Teamsters Local 25 and the City of Newton, covering Fiscal Years 2020 through FY2024.

Finance Approved as Amended 8-0

#423-21 Request to transfer ~~\$2,407,500~~ \$2,027,500 from ~~various Wage Reserve Accounts~~ the General Fund Wage Reserve and the Sewer Fund Undesignated Fund Balance
HER HONOR THE MAYOR requesting authorization to transfer the sum of ~~two million four hundred seven thousand five hundred dollars (\$2,407,500)~~ one million nine hundred sixty two thousand five hundred dollars (\$1,962,500) from ~~various Wage Reserve Accounts~~ Acct # 0110498-519700 General Fund Wage Reserve and sixty-five thousand dollars (\$65,000) from Acct # 6100-3599 Sewer Fund Undesignated Fund Balance to fund the recently ratified Collective Bargaining Agreement between AFSCME Local 3092/3092B and the City of Newton, covering Fiscal Years ~~2020,2021 and 2022.~~ 2020 through FY24

Finance Approved as Amended 8-0

417-21 Public Meeting with Comptroller candidates
PRELIMINARY SCREENING COMMITTEE submitting recommended candidates for the City of Newton Comptroller appointment for review by the Finance Committee and recommendation to the City Council.

Finance Held 8-0

Referred to Finance Committee

November 29, 2021

Present: Councilors Grossman (Chair), Kalis, Gentile, Oliver, Malakie, Noel and Humphrey; also present: Councilors Downs and Baker; absent: Councilor Norton

417-21 Public Meeting with Comptroller candidates
PRELIMINARY SCREENING COMMITTEE submitting recommended candidates for the City of Newton Comptroller appointment for review by the Finance Committee and recommendation to the City Council.

Finance Held 8-0 on 11/22/21

Finance voted to recommend Stephen Curley as the Comptroller 7-0