



RECEIVED

By City Clerk at 5:34 pm, Jan 13, 2022

City Council Docket

POSTED
City Clerk

January 19: Programs & Services,
Public Safety & Transportation & Public Facilities
January 24: Zoning & Planning and Finance
January 25: Land Use

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Continued

Tuesday, January 18, 2022

7:45 PM, Virtual

To be reported on

Monday, February 7, 2022

The City Council will hold this meeting as a virtual Zoom meeting on Tuesday, January 18, 2022, at 7:45 pm. To view this meeting use this link at the above date and time:

<https://us02web.zoom.us/j/89131246204>

One tap mobile

US: +16465588656,, 89131246204 #

Land line

US: +1 301 715 8592

Meeting ID: 891 3124 6204

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

#79-22

Grant of Location for a lateral crossing in Bridge Street

EVERSOURCE ENERGY petitioning for a grant of location to install 10'± of conduit in BRIDGE STREET in a northwesterly direction from pole 51/11 to MH19299.

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.*

Referred to Land Use Committee

Public Hearing to be assigned for February 8, 2022

#80-22

Petition to increase nonconforming FAR and lot coverage at 162 Middlesex Road

ALAN FLINT AND CHRISTINE GRECO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct side and rear additions, increasing the nonconforming FAR and nonconforming lot coverage of 162 Middlesex, Ward 7, Newton, on land known as Section 63 Block 33 Lot 10, containing approximately 15,308 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.

#81-22

Discussion with city departments regarding internal processes for special permit council orders

COUNCILORS MARKIEWICZ, LAREDO, LIPOF, DOWNS, WRIGHT, LUCAS, DANBERG, ALBRIGHT AND requesting a discussion with the Law and Planning and Development Departments regarding how the City Council currently sets mitigation contributions and fees for special permit projects and the establishment of standards for such contributions and fees.

#82-22

Class 2 Auto Dealers License

SONOMA CLASSICS LLC
1215 Chestnut Street
Newton, MA 02464

Referred to Zoning & Planning Committee

#83-22

Review and Amendment of Zoning Ordinance concerning requirements for electric vehicle charging station infrastructure

COUNCILORS LAREDO, OLIVER, KALIS, DOWNS, MALAKIE, NORTON, LUCAS, MARKIEWICZ, BOWMAN, LEARY, WRIGHT, LIPOF AND GROSSMAN requesting a review and, if appropriate, amendment to our zoning code to increase the requirements for electric vehicle charging station infrastructure in new construction projects.

#84-22

Requesting a discussion about creating an ordinance that would reduce the size of by-right one and two-family homes

COUNCILORS CROSSLEY, LEARY, LIPOF, WRIGHT, KALIS, NORTON, BOWMAN AND DANBERG requesting a discussion with the Planning, and Climate and Sustainability staff about creating an ordinance that would reduce the size of by-right one and two-family homes, but with incentives for additional floor area when building performance, electrification, and/or other sustainability measures are met.

- #85-22** **Amend zoning ordinance special permit criteria related to energy conservation**
COUNCILORS CROSSLEY, ALBRIGHT, LIPOF, NOEL, NORTON, DANBERG, DOWNS, BOWMAN, WRIGHT AND LEARY seeking a review and possible amendments to Section 7.3.3.C.5 of Chapter 30, Newton Zoning Ordinance to consider reducing the threshold for compliance to apply the requirement to buildings 10,000 sq. ft. and larger. (formerly #31-20)

Referred to Programs & Services Committee

- #86-22** **Amendment to the noise ordinance related to rock saws and similar devices**
COUNCILORS BAKER, GROSSMAN, & RYAN recommending amendment to Chapter 20, Article II. Noise to clarify the appropriate sound and other limit for rock saws and similar devices used in construction work in residential areas.

- #87-22** **Request for discussion to improve website content management**
COUNCILORS BAKER, WRIGHT, ALBRIGHT, DANBERG, DOWNS, HUMPHREY, KELLEY, KRINTZMAN, LAREDO, LIPOF, AND MALAKIE requesting a discussion with COO Jonathan Yeo, the City Clerk, and Information Technology Department regarding a document control process for all documents posted on the city website, including: adding dates on all documents, and "Revision #" and date revised for updates, numbering and dating all pages in multi-page documents, where to find and view previous revisions of documents, change control logs.

- #88-22** **Request for a study on construction vibration standards**
COUNCILORS BAKER, BOWMAN, DOWNS, GREENBERG, HUMPHREY, LAREDO, LEARY, MALAKIE, NORTON, RYAN based on the Washington Place Liaison Committee recommendations, requesting the study, analysis, review of vibration standards related to construction projects as they affect neighboring buildings. The outcome of this analysis could be an amendment to the Noise Ordinance to include a vibration section, regulations on vibrations and/or a vibration section to be included in construction management plans.

- #89-22** **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.

- #90-22** **Requesting an ordinance supplement to state campaign finance laws**
COUNCILORS ALBRIGHT, LIPOF, AND KRINTZMAN requesting an ordinance as a supplement to the state campaign finance laws which would ensure that any communication that references an election or a candidate that is distributed by any means in the City of Newton within 90 days of an election must identify the person or persons responsible for the communication.
- #91-22** **Request to Amend Chapter 12 Section 70 of the City of Newton Revised Ordinances**
HER HONOR THE MAYOR requesting to amend Health and Human Services General Ordinance Chapter 12, Section 70 of the City of Newton Revised Ordinances Permits for café furniture on sidewalks.

Referred to Public Safety & Transportation and Programs & Services Committees

- #108-22** **Requesting report as to the implementation of the leaf-blower landscaper registration and enforcement**
COUNCILORS BAKER, GREENBERG, HUMPHREY, NOEL, AND WRIGHT requesting a report from the Executive Department, including the Chief of Police and the Commissioner of Inspectional Services, as to the implementation of the leaf-blower landscaper registration and enforcement ordinance amendments effective Labor Day 2021.

Referred to Public Facilities Committee

- #92-22** **Discussion on the Sustainable Materials Management Commission**
PUBLIC FACILITIES COMMITTEE requesting an update from the Sustainable Materials Management Commission.
- #93-22** **Reappointment of Kenneth White to the Designer Selection Committee**
HER HONOR THE MAYOR reappointing Kenneth White, 30 Murray Road, Newton, to the Designer Selection Committee for a term of office to expire on December 31, 2025. (60 days: 03/19/22)
- #94-22** **Reappointment of John Synnott to the Designer Selection Committee**
HER HONOR THE MAYOR reappointing John Synnott, 22 Winona Street, Auburndale, to the Designer Selection Committee for a term of office to expire on December 31, 2025. (60 days: 03/19/22)
- #95-22** **Reappointment of Jonathan Kantar to the Design Review Committee**
HER HONOR THE MAYOR reappointing Jonathan Kantar, 672 Chestnut Street, Waban, to the Design Review Committee for a term of office to expire on December 31, 2025. (60 days: 03/19/22)

- #96-22 Reappointment of Amy MacKrell to the Design Review Committee**
HER HONOR THE MAYOR reappointing Amy MacKrell, 12 Dexter Road, Newtonville, to the Design Review Committee for a term of office to expire on December 31, 2025. (60 days: 03/19/22)
- #97-22 Reappointment of SingNing Kuo to the Design Review Committee**
HER HONOR THE MAYOR reappointing SingNing Kuo, 1395 Walnut Street, Newton, to the Design Review Committee for a term of office to expire on December 31, 2025. (60 days: 03/19/22)

Referred to Programs & Services and Public Facilities Committee

- #109-22 Requesting an Ordinance to require universal recycling services**
COUNCILORS LEARY, DOWNS, GROSSMAN, HUMPHREY, KALIS, KRINTZMAN, MALAKIE, AND NORTON requesting an Ordinance to require universal recycling. Newton does not currently require universal recycling. This item will make changes to Sec.11.5 of the city ordinances to require all property owners of both residential and commercial properties to ensure that recyclable materials are separated from trash and each is collected separately. All property owners and managers of buildings that do not receive City trash and recycling collection services shall provide their tenants access to separate trash and recyclable materials collection containers.

Referred to Finance Committee

- #98-22 Acceptance of \$983.73 from Amelia Sillman Rockwell & Carlos Perry Rockwell Charities fund**
CITY CLERK/CLERK OF THE COUNCIL requesting authorization to accept and expend the sum of nine hundred eighty-three dollars and seventy-three cents as a one-time grant to the Newton City Council for general operating support.
- #99-22 Council President's reappointment to the Financial Audit Advisory Committee**
TERRENCE FINN, 32 Lenox Street, West Newton, reappointed as a citizen representative on the FINANCIAL AUDIT ADVISORY COMMITTEE for a term of office to expire on January 31, 2025. (60 days 03/19/22)
- #100-22 Review and Discussion of current usage and future plans for Federal and State funding for Housing**
COUNCILORS LAREDO, GROSSMAN, KALIS, LUCAS, MALAKIE, MARKIEWICZ, NORTON, WRIGHT, AND RYAN requesting a review and discussion with the Comptroller, the Planning Department, and the Law Department regarding how we are using federal and state funds that the city receives related to housing, including the amounts and sources of funds received, how those funds have been used in the past and plans for using them in the future, and what oversight the City Council has over the use of these funds.

- #101-22 Transfer \$2,600,000 to fund retroactive raises**
HER HONOR THE MAYOR requesting authorization to transfer the sum of two million six hundred thousand dollars (\$2,600,000) from Acct# 0110498-519700 General Fund Wage Reserve to Acct# 0120103-511001 Police Patrol Services-Full-Time Salaries for the purpose of funding all retroactive raises owed to the Newton Police Association (NPA) as agreed to in the Collective Bargaining Agreement settled for the period July 1, 2018 through June 30, 2021.
- #102-22 Authorizing funds for fire prevention education classes**
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of two thousand six hundred dollars (\$2,600) from Fire Prevention Fine Receipts Reserved for Appropriation, Acct # 5500-335519. In compliance with M.G.L. 148A, these funds will be used for fire prevention education classes such as fire investigation and code updates.
- #103-22 Request for Authorization to issue refunding bonds**
HER HONOR THE MAYOR requesting authorization to issue refunding bonds to refund all or any portion of the City's general obligation bonds outstanding as of the date of adoption.
- #104-22 Authorization for a settlement agreement**
HER HONOR THE MAYOR requesting authorization to enter into a settlement agreement for a dollar amount as a full and final settlement in the matter of *Lee Gilliam v. City of Newton, 2181-CV-01310*.
- #105-22 Authorization for a settlement agreement**
HER HONOR THE MAYOR requesting authorization to enter into a settlement agreement for a dollar amount as a full and final settlement in the matter of *Edgardo J. Melendez v. City of Newton, MCAD Docket No. 18-BEM-00310*.
- #106-22 Authorization to expend a MassDEP Recycling Dividends Grant**
HER HONOR THE MAYOR requesting authorization to accept and expend a sixty-eight thousand dollars (\$68,000) in MassDEP Recycling Dividends grant funding for the City's waste diversion efforts.
- #107-22 Acceptance of \$75,000 from the Housing Choice Communities Grant Program**
HER HONOR THE MAYOR requesting authorization to accept and expend the sum of seventy-five thousand dollars (\$75,000) in grant funding from the Commonwealth's Housing Choice Communities Grant Program to assist in a zoning and planning study for the California Street Manufacturing District.

Referred to Public Facilities and Finance Committees

- #110-22 Rescind and Transfer \$4,000,000 to fund Water Main Improvements**

HER HONOR THE MAYOR requesting that the sum of four million dollars (\$4,000,000) of the Board Authorization approved through Council Order #198-20 be rescinded and further requesting authorization to appropriate and expend four million dollars (\$4,000,000) from Water Fund Undesignated Fund Balance Acct # 6000-3599 for the purpose of funding FY2020 Water Main Improvements.

Referred to Public Facilities and Finance Committees

#111-22

Request for Stormwater Management and Erosion Control Ordinance

HER HONOR THE MAYOR requesting Chapter 29 to be amended by adding a new Article VIII and for Chapter 17, Sections 16 and 21 **Fees to be Paid to the Department of Public Works** and **General Fine** of the City of Newton Revised Ordinances to be amended to add defining language, provide for enforcement, establish permit fees and fines for violations of the stormwater management and erosion control ordinance established in Article VIII.

Referred to Public Safety & Transportation and Finance Committees

#112-22

Request for the establishment of a fee relative to Permanent Outdoor Dining

HER HONOR THE MAYOR requesting the establishment of an annual fee of two-hundred and fifty dollars (\$250) per parking space for approved outdoor dining spaces and requesting such fee be waived for calendar year 2022.

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 Zoning & Planning Committee

#113-22

Request for Amendment to Zoning Ordinance to allow restaurants for nine months to add outdoor seating

HER HONOR THE MAYOR requesting to amend the Zoning Ordinance to insert a new Section 5.1.14 to allow restaurants for nine months to add outdoor seating on their private property regardless of the impact on any applicable parking and seating requirements from April 1, 2022 until January 1, 2023.