



City Council Actions

In City Council

Monday, December 6, 2021

Present: Councilors Baker, Bowman, Crossley, Danberg, Downs, Gentile, Greenberg, Grossman, Humphrey, Kalis, Kelley, Krintzman, Laredo, Leary, Lipof, Lucas, Malakie, Markiewicz, Noel, Oliver, Ryan, Wright & Albright.

Absent: Councilor Norton

Clerk's Note: The full Council meeting can be viewed on the following link:

<https://newtv.org/recent-video/63-newton-city-council-meetings/7262-newton-city-council-council-leadership-caucus-december-1-2022>

The City Council discussed the following items on Second Call:

Referred to Land Use Committee

#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

Approved 23 Yeas, 1 Absent (Councilor Norton)

Clerk's Note: This item was placed on Second Call by Councilor Lipof for the additional plan for relief of the parking stall by reconfiguring the parking area and landscaping plan, which was received before the meeting.

#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

Approved 23 Yeas, 1 Absent (Councilor Norton)

Clerk's Note: This item was placed on Second Call by Councilor Lipof as he wanted to explain the committee received assurance the inclusionary zoning review and engineering review would be completed as part of the approval process for a building permit.

Referred to Zoning Planning Committee

#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

Motion to Postpone to Date Certain of December 20, 2021 by Councilor Gentile Approved 13 Yeas 10 Nays (Councilors Bowman, Crossley, Danberg, Downs, Greenberg, Humphrey, Kelley, Krintzman, Noel, Albright) 1 Absent (Councilors Norton)

Clerk's Note: This item was placed on Second Call by Councilor Gentile. Councilors discussed the qualifications needed to be a member of the Newton Historical Commission as per the Charter.

#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

Motion to Amend the Proposed Zoning Ordinance Amendment by Councilor Baker Failed to Carry 3 Yeas 19 Nays (Councilors Bowman, Crossley, Danberg, Downs, Greenberg, Humphrey, Kelley, Krintzman, Noel, Albright) 2 Absent (Norton, Markiewicz)

Motion to Approve the Proposed Zoning Ordinance Amendment Approved 18 Yeas 4 Nays (Councilors Baker, Gentile, Lucas, Malakie) 2 Absent (Norton, Markiewicz)

Clerk's Note: This item was placed on Second Call by Councilor Lucas. Councilor Baker presented revisions to the proposed amendments for Council discussion.

The City Council voted without discussion 23 Yeas, 0 Nays, 1 absent to Accept the Committee Recommendations on the following items:

Referred to Land Use Committee

- #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.
Land Use Approved 6-0 (Councilors Bowman and Greenberg not voting); Public Hearing Closed 11/16/2021
Land Use Approved Subject to Second Call 8-0; Public Hearing Closed 09/28/2021
City Council Recommitted on October 4, 2021
Land Use Approved 8-0; Public Hearing Closed 09/28/2021
- #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

- #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.

Referred to Programs & Services Committee

- #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

- #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

#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

#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 sounds 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 on 11/22/21

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

Motions to Suspend the Rules to allow the following late filed item to be Accepted to the Docket and Referred to Committee was Approved by Voice Vote:

Referred to Finance Committee

#443-21 Repurpose \$38,758 from portable radios to radio communications

HER HONOR THE MAYOR requesting the authorization to repurpose the sum of thirty-eight thousand seven hundred and fifty-eight dollars (\$38,758) of unspent leftover funds in Acct #01C20106-585190 from portable radios to radio communications equipment.

Public Hearings were assigned for the following Items:

Referred to Public Facilities Committee

Public Hearing to be assigned for December 8, 2021

#437-21 Request for a grant of location in Rachel Road, Mosley Road, Countryside Road, Buff Circle and Pattern Circle

NATIONAL GRID petition for a grant of location to install and maintain gas main in Rachel Road, Mosley Road, Countryside Road, Buff Circle and Pattern Circle as follows:

- 345' ± of 4" plastic main in Rachel Road from the existing 4" main at Upland Ave to Mosley Road
- 230' ± of 4" plastic main in Mosley Road from Rachel Road to #11 Mosley Road

- 175' ± 4" plastic main in Mosley Road from #11 Mosley Road to Countryside to replace 175' ± of 4" coated steel main
- 1880' ± 4" plastic main in Countryside Road from Dedham Street to the end of the main at #160 Countryside Road to replace 1555' ± 6" coated steel main and 325' ± of 4" plastic main
- 175' ± 2" plastic main in Buff Circle from Countryside Road to the end of main at #20 Buff Circle to replace 175' ± of 4" coated steel main
- 35" ± 2" plastic main in the intersection of Pattern Circle and Countryside Road to replace 35" ± of 6" coated steel main
- 275" ± 2" plastic main in Pattern Circle from Countryside Road to the end of the main at #20 Patten Circle to replace 275" ± 4" coated steel main