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City Council Reports Docket

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4:11 pm, Feb 04, 2022

7:45 p.m., Virtual

To be reported on

Monday, February 7, 2022

January 19: Programs & Services, Public Safety &
Transportation and Public Facilities
January 24: Zoning & Planning and Finance
January 25: Land Use
February 2: Programs & Services
February 3: Committee of the Whole

The City Council will hold this meeting as a virtual Zoom meeting on Monday, February 7, 2022, at 7:45 p.m. To view this meeting use this link at the above date and time:

<https://us02web.zoom.us/j/87413662936>

One tap mobile

US: +13017158592,, 874 1366 2936 #

Land line

US: +1 301 715 8592

Meeting ID: 874 1366 2936

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. View a live stream on NewTV's Vimeo channel at: <https://vimeo.com/newtvgo>

City of Newton In City Council Items to be Acted Upon

Referred to Land Use Committee

Tuesday, January 25, 2022

#23-22

Petition to extend nonconformities, to further extend nonconforming FAR and lot coverage at 961 Walnut Street

OSCAR ESCOBAR/PROPERTYVELOMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a garage accommodating more than three vehicles with a ground floor area exceeding 700 sq ft, to raze the existing dwelling and construct a new single-family dwelling on the same foundation and allow an oversized dormer at 961 Walnut, Ward 6, Newton, on land known as Section 52 Block 14 Lot 01, containing approximately 1588 sq.

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.

ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 7.8.2.C.2, 3.2.11, 1.5.4.G.2.b of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 7-0 Public Hearing Closed 1/25/22

#27-22

Petition to extend nonconformities and exceed FAR at 100 Bishopsgate Road

ELY AND ELLEN KAPLANSKY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a detached garage with lifts, creating a total of seven stalls, exceeding the maximum FAR, and allowing relief from dormer regulations at 100 Bishopsgate, Ward 7, Newton, on land known as Section 61 Block 21 Lot 02, containing approximately 25,188 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.4.E.1, 1.5.4.G.2.a, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 7-0; Public Hearing Continued

#33-22

Petition to extend nonconforming front and rear setbacks and further increase nonconforming lot coverage at 14 Cummings Road

JOANNE REN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story addition to the existing dwelling, to extend the nonconforming front and rear setbacks, and extend the nonconforming lot coverage at 14 Cummings Road, Ward 2, Newton, on land known as Section 64 Block 03 Lot 53, containing approximately 4008 sq. ft. of land in a district zoned SINGLE RESIDENCE. Ref: Sec. 7.3.3, 7.4, 3.1.3, 7.8.2.C.2, of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 7-0; Public Hearing Closed 1/25/22

#28-22

Petition to request a 12-unit multi-family dwelling at 383-387 Boylston Street

BARBARA AND GERALD BARATZ REVOCABLE TRUSTS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a three story, 12-unit multi-family dwelling with an FAR of 1.5 and 36' in height, ground floor residential use, a building with more than 20,000 sq. ft., to alter and extend a nonconforming side setback, to waive six parking stalls, to reduce the width of parking stalls, to reduce the driveway width for two-way traffic, to allow a loading facility which may impede traffic, and to allow a retaining wall greater than four feet in height within the setback at 50 Jackson Street/383-387 Boylston, Ward 6, Newton, on land known as Section 65 Block 11 Lot 04, 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, 5.1.8.B.1, 5.1.8.D.1, 5.1.12.D.5, 5.1.13, 5.4.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 6-0 (Councilors Laredo and Lucas Abstaining); Public Hearing Closed 1/25/22

#29-22

Petition to allow a drive-in business and associated perimeter parking and lighting waivers at 940 Boylston Street

MILDRED K. MCMULLEN, TRUSTEE OF MIL MAC TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze a portion of the existing building and reconfigure the existing parking to allow for a construction of a drive-in and relief for a free-standing sign at 940 Boylston, Ward 5, Newton, on land known as Section 51 Block 26 Lot 03, containing approximately 12,060 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, 5.2.13, 5.10.A of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 7-0; Public Hearing Continued

#82-22 Class 2 Auto Dealers License

SONOMA CLASSICS LLC

1215 Chestnut Street

Newton, MA 02464

Land Use Approved 7-0

Referred to Zoning Planning Committee

Monday, January 24, 2022

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

#58-22 Request for a discussion with ISD regarding noise ordinance Compliance

COUNCILORS BAKER AND RYAN requesting discussion with Inspectional Services about possible ways of enhancing compliance with the provisions of Newton's noise ordinance which limits construction activity to certain times of day and on Sundays and legal holidays, including possible additional measures to advise contractors and subcontractors of applicable rules to minimize the need for complaint driven enforcement by city staff or police. (formerly #98-20)

Zoning and Planning No Action Necessary 8-0; Referred to Programs & Services 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.

Zoning and Planning Held 8-0; Public Hearing set for 02/28/22

#41-22 Requesting a discussion on how "last mile" delivery services should be regulated

COUNCILORS LAREDO, ALBRIGHT, HUMPHREY, DOWNS, CROSSLEY, LIPOF, KALIS, WRIGHT, KELLEY, BOWMAN, NORTON, GROSSMAN AND DANBERG requesting a discussion with the Planning Department regarding whether and how "last mile" delivery services with physical locations in village centers should be regulated and what amendments to the zoning code might be needed to address these issues.

Zoning & Planning No Action Necessary 8-0

#39-22 Requesting discussion on state guidance for implementing the Housing Choice Bill

COUNCILOR CROSSLEY on behalf of the Zoning & Planning Committee requesting discussion on state guidance for implementing the Housing Choice element of the MA

Economic Development legislation. (formerly #131-21)

Zoning & Planning Held 8-0 on 01/10/22

Zoning & Planning Held 8-0

Referred to Programs & Services Committee

Wednesday, January 19, 2022

Present: Councilors Krintzman (Chair), Noel, Humphrey, Albright, Ryan, Wright, Baker, and Greenberg;
also present: Councilors Laredo and Malakie

#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.

Programs & Services divided the item to create #89-22(1) and #89-22(2) from its existing sections.

Programs & Services voted No Action Necessary on #89-22(1) 7-0 (Councilor Greenberg not voting)

Programs & Services Held #89-22(2) 7-0 (Councilor Greenberg not voting)

#90-22 Requesting an ordinance supplement to state campaign finance laws

COUNCILORS ALBRIGHT, LIPOF, NOEL, 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.

Programs & Services voted No Action Necessary 8-0

Referred to Programs & Services Committee

Wednesday, February 2, 2022

Present: Councilors Krintzman (Chair), Noel, Humphrey, Ryan, Albright, Wright, Greenberg, and Baker;
also present: Councilors Kelley and Bowman

#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.

Programs & Services Approved 7-0-1 (Councilor Baker abstaining)

Referred to Public Safety & Transportation Committee

Wednesday, January 19, 2022

Present: Councilors Downs (Chair), Lipof, Malakie, Grossman, Markiewicz, Bowman, Oliver and Lucas; also present: Councilor Crossley

- #66-22** **Annual Report of the work of the Traffic Council for 2021**
DAVID KOSES, TRAFFIC COUNCIL CHAIR providing the Annual Report of the work of the Traffic Council for 2021.
Public Safety & Transportation No Action Necessary 8-0

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.
Public Safety & Transportation Approved 8-0

- #115-22** **Resolution on Upper Falls Greenway to Needham**
COUNCILORS DOWNS, CROSSLEY, KALIS, LIPOF, RYAN, NOEL, LAREDO, AND BOWMAN GREENBERG, ALBRIGHT, KELLEY, DANBERG AND WRIGHT requesting a Resolution supporting a community bridge over Route 128 and the Charles River, connecting Upper Falls Greenway to Needham.
Public Safety & Transportation Approved 8-0

Referred to Public Facilities Committee

Wednesday, January 19, 2022

Present: Councilors Leary (Chair), Norton, Kalis, Danberg, Laredo, Kelley, and Crossley; also present: Councilor Greenberg absent: Councilor Gentile

- #92-22** **Discussion on the Sustainable Materials Management Commission**
PUBLIC FACILITIES COMMITTEE requesting an update from the Sustainable Materials Management Commission.
Public Facilities Held 6-0 (Councilor Laredo not voting)

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.
Public Facilities Held 7-0

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~~ Bond 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 21 Water Main Improvements.
Finance Approved 6-0 (Councilor Gentile and Norton not voting) on 01/24/22
Public Facilities Approved 7-0
- #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)
Public Facilities Approved 7-0
- #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)
Public Facilities Approved 7-0
- #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)
Public Facilities Approved 7-0
- #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)
Public Facilities Approved 7-0
- #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)
Public Facilities Approved 7-0

Referred to Finance Committee

Monday, January 24, 2022

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

#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.

Finance Approved 6-0 (Councilor Gentile and Norton not voting)

#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.

Finance Approved 6-0 (Councilor Gentile and Norton not voting)

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~~ Bond 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 FY2020-21 Water Main Improvements.

Public Facilities Approved 7-0 on 01/19/21

Finance Approved 6-0 (Councilor Gentile and Norton not voting)

#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.

Finance Approved 6-0-1 (Councilor Malakie abstaining and Councilor Norton not voting)

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.

Public Safety & Transportation Approved 8-0 on 01/19/22

Finance Approved 7-0 (Councilor Norton not voting)

- #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.
Finance Approved 6-0 (Councilor Gentile and Norton not voting)
- #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.
Finance Approved 7-0 (Councilor Norton not voting)
- #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.
Finance Approved 6-0-1 (Councilor Humphrey abstaining and Councilor Norton not voting)
- #77-22** **Mayor's reappointment of Rabbi Suzanne Offit to the Taxation Aid Committee**
HER HONOR THE MAYOR reappointing RABBI SUZANNE OFFIT, 1429 Commonwealth Avenue, Newton, 02456 as a member of the Newton Taxation Aid Committee for a term of office to expire December 31, 2024. (60 days: 03/02/2022)
Finance Approved 8-0
- #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)
Finance Approved 8-0

Referred to a Committee of the Whole

Thursday, February 3, 2022

Present: Councilors Albright (Chair), Greenberg, Leary, Oliver, Lucas, Malakie, Kelley, Wright, Krintzman, Humphrey, Downs, Crossley, Noel, Bowman, Danberg, Baker, Laredo, Grossman, Ryan, Lipof and Kalis;
absent: Councilors Gentile, Markiewicz and Norton

#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.

Committee of the Whole Approved 20-0 (Councilor Malakie not voting)

#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.

Committee of the Whole Approved 19-0 (Councilors Malakie and Baker not voting)