



RECEIVED

By City Clerk at 12:40 pm, Feb 07, 2022

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12:40 pm, Feb 07, 2022

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City Clerk

City Council Docket

February 8: Land Use
February 9: Programs & Services,
Public Safety & Transportation & Public Facilities
February 14: Zoning & Planning, Finance

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Continued

Monday, February 7, 2022

7:45 PM, Virtual

To be reported on
Tuesday, February 22, 2022

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

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

One tap mobile

US: +16465588656, 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. 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

#116-22

Grant of Location for a lateral crossing in E. Quinobequin Road

EVERSOURCE ENERGY petitioning for a grant of location to install 10'± of conduit in E. QUINOBEQUIN ROAD easterly from pole 1122/4 to private property at 80 E. Quinobequin Road

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.*

- #117-22 Grant of Location for a lateral crossing in Parker Street**
EVERSOURCE ENERGY petitioning for a grant of location to install 6'± of conduit in Parker Street northwesterly from pole 340/59 to private property at 529 Parker Street
Commissioner of Public Works Approved

Referred to Land Use Committee

Public Hearing to be Assigned for March 1, 2022

- #118-22 Petition to amend Special Permit #18-15 at 17 Cushing Street**
DAN MARX AND BETH SLIVERBERG petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #18-15 to construct a single story addition consisting of an internal accessory apartment, resulting in an increase of FAR from .34 to .45 where .50 was previously approved, and to construct a detached two-car garage at 17 Cushing Street, Ward 6, Newton, on land known as Section 52, Block 27, Lot 10, containing approximately 8640 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for March 1, 2022

- #119-22 Petition to amend Special Permit #187-94 at 15 Roberts Avenue**
MICHAEL KUCZEWSKI petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #187-94 to construct a rear porch with living space above adding 182 sq. ft. to the existing footprint of the house, replacing a nonconforming rear deck with an enclosed 36 sq. ft. basement access, adding a heat pump compressor and replacing the front entrance with an open entry stair and landing at 15 Roberts Avenue, Ward 2, Newton, on land known as Section 21, Block 33, Lot 10, containing approximately 5081 sq. ft. of land in a district zoned MR1. Ref: 7.3.3, 7.4, of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

- #425-20(2) Request for an extension of time for Special Permit #425-20 at 146 Langley Road**
BOGDAN AND MARIA PILAT petition for an EXTENSION OF TIME to January 19, 2023 to EXERCISE Special Permit #425-20 to construct an addition to accommodate an internal accessory apartment in excess of 1,000 sq. ft., extending the nonconforming front setback and to construct a three-car rear garage at 146 Langley Road, Ward 6, Newton Centre, on land known as Section 61 Block 41 Lot 02, containing approximately 10,312 sq. ft. of space in a district zoned MR1. Ref: Sec. 7.3.3, 7.4, 6.7.1.D.2, 3.2.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

- #55-21(2) Request for an extension of time for Special Permit #55-21 at 12 Cochituate Road**
ALAN TAYLOR petition for an EXTENSION OF TIME to March 15, 2023 to EXERCISE Special Permit #55-21 to further extend the nonconforming FAR by constructing a second story addition within the existing footprint at 12 Cochituate Road, Ward 6, Newton Highlands, on land known as Section 54 Block 31 Lot 02, containing approximately 7,650 sq. ft. of land

in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2, 7.8.2.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

#291-21(2) Request for Extension of Time to Exercise Special Permit #319-19 at 15-21 Lexington Street

DANTE CAPASSO/PICARIELLO REALTY TRUST/DSP REALTY TRUST petition for an EXTENSION OF TIME to December 16, 2022 to EXERCISE Special Permit Council Order #319-19 to allow a 24-unit multi-family dwelling with a below grade parking garage and surface stalls 51,870 sq. ft. of land at 15-21 Lexington Street, Ward 4, West Newton, on land known as Section 41 Block 35 Lots 2-5 in a district zoned SINGLE RESIDENCE 3 (to be rezoned to MU3). Ref: Sec. 7.3.3, 7.4, 3.4.1, 5.1.8.B.2, 5.1.13, 5.1.8.B.6, 5.1.9.A, 5.1.9.B, 5.1.10.A.1 of the City of Newton Revised Zoning Ord, 2017.

#120-22 Discussion with Planning and Development regarding the revised inclusionary zoning provisions

DIRECTOR OF PLANNING AND DEVELOPMENT requesting a discussion regarding the revised inclusionary zoning provisions as they relate to local preference and Council Order #426-18 (Northland).

#121-22 Class 2 Auto Dealer License

KG MOTORS LLC
1235 Washington Street
West Newton, MA. 02465

#122-22 Class 2 Auto Dealer License

NEWTON TRADE CENTER ASSOCIATES INC
103 Adams Street
Newton, MA. 02458

#123-22 Class 2 Auto Dealer License

NEW ENGLAND MOTOR MART, INC
1211 Washington Street
West Newton, MA. 02465

Referred to Zoning & Planning and Land Use Committees

#124-22 Request for amendment to Section 7.3 Special Permit Review of the Zoning Code

COUNCILORS LAREDO, LIPOF, DANBERG, GROSSMAN, LUCAS, MALAKIE, AND WRIGHT requesting an amendment to Section 7.3 Special Permit Review of the Zoning Code to require the submission of designs for the placement of underground utility service lines for projects above a certain size.

Referred to Zoning & Planning Committee

- #125-22** **Requesting updates on the Municipal Affordable Housing Trust**
COUNCILOR CROSSLEY, on behalf of the Zoning & Planning committee, requesting periodic progress reports on establishing the Municipal Affordable Housing Trust.
- #126-22** **Requesting technical amendments to Newton Zoning Ordinance, Chapter 30**
DIRECTOR OF PLANNING requesting technical amendments to the Newton Zoning Ordinance, Chapter 30 to address missing or incorrectly transcribed ordinance provisions, fix inconsistencies, and clarify ambiguous language.
- #127-22** **Request for amendment to the Zoning Code to regulate “last mile” delivery services**
COUNCILORS LAREDO, DOWNS, CROSSLEY, RYAN, KALIS, DANBERG, KRINTZMAN AND ALBRIGHT requesting an amendment to the Zoning Code to regulate “last mile” delivery services in the City of Newton.
- #128-22** **Requesting discussion to create new Ordinance on energy reporting**
NEWTON CITIZENS COMMISSION ON ENERGY, requesting the discussion on the creation of a new Ordinance requiring residential property owners to report energy use intensity annually to the City of Newton.
- #129-22** **Appointment of Judy Weber to the Newton Affordable Housing Trust Fund**
HER HONOR THE MAYOR appointing Judy Weber, 21 Belmont Street, Newton 02458 to the Newton Affordable Housing Trust Fund for a term of office to expire March 21, 2024. (60 days: 04/08/22)
- #130-22** **Appointment of Harvey Schorr to the Newton Historical Commission**
HER HONOR THE MAYOR appointing Harvey Schorr, 106 Bellevue Street, Newton 02458 to the Newton Historical Commission as an Alternate member for a term of office to expire March 30, 2025. (60 days: 04/08/22)
- #131-22** **Appointment of Josh Markette to the Auburndale Historic District Commission**
HER HONOR THE MAYOR appointing Josh Markette, 60 Grove Street, Auburndale 02466 to the Auburndale Historic District Commission as an Alternate member for a term of office to expire March 14, 2023. (60 days: 04/08/22)
- #132-22** **Appointment of Joel Shames to the Auburndale Historic District Commission**
HER HONOR THE MAYOR appointing Joel Shames, 348 Central Street, Auburndale 02466 to the Auburndale Historic District Commission as an Alternate member for a term of office to expire March 14, 2023. (60 days: 04/08/22)

Referred to Programs & Services Committee

Public Hearing to be assigned for February 23, 2022

- #133-22** **Petition to expand the area represented by the Newton Highlands Area Council**
SRDJAN S. NEDELJKOVIC et. al. petitioning the City Council to expand the area represented by the Newton Highlands Neighborhood Area Council to include areas immediately contiguous with the existing service area of the Newton Highlands Neighborhood Area Council pursuant to Article 9, Section 9-4 of the City of Newton Charter

Referred to Programs & Services and Public Facilities Committee

- #134-22** **Discussion with City Staff regarding how to integrate a year-round pool into the CIP**
COUNCILORS KELLEY, LIPOF, LAREDO, NORTON, BOWMAN, CROSSLEY, MALAKIE, LUCAS, DOWNS, DANBERG, GREENBERG, RYAN, KRINTZMAN, KALIS, MARKIEWICZ, NOEL, OLIVER, ALBRIGHT, HUMPHREY, BAKER, AND GROSSMAN requesting a discussion with the Mayor, Public Buildings Department, and Parks, Recreation and Culture about how to integrate a year-round pool into the CIP and comprehensive planning for public recreational opportunities, specifically in the Albemarle area

Referred to Public Safety & Transportation Committee

- #136-22** **Requesting a discussion on facial recognition and camera technology, public safety and privacy.**
COUNCILORS DOWNS, LAREDO, MARKIEWICZ, BOWMAN, HUMPHREY, RYAN, DANBERG, LUCAS AND BAKER requesting a discussion on facial recognition and camera technology, public safety, and privacy.

Referred to Public Safety & Transportation and Public Facilities Committee

- #135-22** **Requesting a discussion on Fire Station 3 traffic pattern**
WARD 6 COUNCILORS seeking to discuss Fire Station 3 traffic pattern including approved building design that established circular access for fire apparatus to understand why this access is not being utilized.

Referred to Public Safety & Transportation and Public Facilities Committee

- #137-22** **Granting administrative authority to seasonably approve the use of on-street parking for outdoor dining**
HER HONOR THE MAYOR requesting to grant administrative authority to the Commissioner of Public Works, the Director of Planning and Development, and the Police Chief to seasonably approve the use of on-street parking spaces for restaurant outdoor dining.

Referred to Public Facilities Committee

Public Hearing to be Assigned for February 9, 2022

#138-22 Eversource petition for Grant of Location in Old England Road

EVERSOURCE ENERGY petitioning for a grant of location to install 254'± of conduit in an easterly direction from new pole #329/7 to the property at #45 Old England Road.
(Ward 7)

Public hearing to be assigned for February 23, 2022

#139-22 5-58 for the Commonwealth Golf Course at 212 Kenrick Street

DESIGN REVIEW COMMITTEE petition, pursuant to 5-58, for schematic design and site plan approval at 212 Kenrick Street for the renovation and expanding of the existing Maintenance Facility to provide additional space for storage and repair of the golf course maintenance equipment and to upgrade the interior of the existing facility to improve the indoor environment, adjust the layout and space adjacencies to improve the safety and efficiency for the workers and provide proper code complaint environments for the Staff and the Facilities Director.

Public Hearing to be assigned for February 23, 2022

#154-22 Request for water main extensions in Midland Avenue

JOHN J ENGLERT, on behalf of The Residence on the Charles, LLP, 37 Walnut Street, Suite 110, Wellesley Hills, petitioning for water main extension in MIDLAND AVENUE. The petition includes the acceptance of an approximately 40' x 150' utility easement as shown in the plan dated December 1, 2021, in Midland Avenue (private way). (Ward 1)

PETITIONER TO PAY ENTIRE COST

Pursuant to the Council Rules, requests for Home Rule Petitions are referred to the Programs and Services Committee. Upon the objection of the referral of new business to a Committee, the Council may choose to refer new business to an alternate Committee or Committees. Councilor Leary has objected to the referral of item #140-22 to the Programs and Services Committee as the Public Facilities Committee has been engaged in discussions relative to electrification since 2020. With the Council vote to accept new items to the Docket, the following item will be referred to the Public Facilities Committee for discussion.

#140-22 Request for a Home Rule Petition

CHAIR OF THE PUBLIC FACILITIES COMMITTEE requesting a Home Rule Petition for special legislation to allow the City of Newton to enact an ordinance that requires new and substantially remodeled or rehabilitated residential and small non-residential buildings to use electricity instead of fossil fuels for heating and cooling systems, dryers and for domestic hot water, electricity or thermal solar.

- #141-22 Request for new Article to Chapter 23 concerning underground utilities**
COUNCILORS LAREDO, LIPOF, KALIS, NORTON, KRINTZMAN, WRIGHT, DANBERG, GROSSMAN, OLIVER, BOWMAN, LUCAS AND ALBRIGHT requesting the addition of a new Article to Chapter 23 of the City's Ordinances to require the undergrounding of utility lines in connection with the construction of new or substantially reconstructed buildings
- #142-22 Requesting an amendment to Chapter 26, Section 47**
HER HONOR THE MAYOR requesting an amendment to Chapter 26, Section 47 of the City of Newton Revised Ordinances to allow the option to use granite dive stones at existing driveways.
- #143-22 Appointment of Stacy Roman to the Designer Selection Committee**
HER HONOR THE MAYOR appointing Stacy Roman, 32 Arapahoe Road, Newton 02456 to the Designer Selection Committee for a term of office to expire December 31, 2025. (60 days: 04/08/22)
- #144-22 Appointment of Adam Bernstein to the Design Review Committee**
HER HONOR THE MAYOR appointing Adam Bernstein, 21 Nod Hill Road, Newton, 02461 to the DESIGN REVIEW COMMITTEE for a term to expire upon the completion of the Countryside School Project. (60 days: 04/08/22)

Referred to Finance Committee

- #145-22 Appropriate \$30,500 for the engineering design of the Washington Street Fence**
HER HONOR THE MAYOR requesting authorization to appropriate and expend thirty thousand dollars (\$30,500) for the purpose of funding engineering design of the Washington Street Fence from Lowell Avenue to Walnut Street
- #146-22 CPC Recommendation to appropriate \$17,500 in CPA funding**
COMMUNITY PRESERVATION COMMITTEE recommending appropriation of seventeen thousand five hundred dollars (\$17,500) in Community Preservation Act funds from the FY22 Historic Resource Reserve Fund (Account #5B10498-57900B) to the control of the Planning & Development Department to provide funding for the completion of the Newton Architectural Survey of structures built between 1940 and 1972
- #147-22 Reappointment of Brain Davis to the Board of Assessors**
HER HONOR THE MAYOR reappointing Brain Davis, 1100 VFW Parkway, #202, West Roxbury 02132, to the Board of Assessors for a term to expire on February 1, 2025. (60 days: 04/08/22)

#148-22 **Acceptance of \$581,600 from MassDOT's Community Connections Program**
HER HONOR THE MAYOR requesting authorization to accept and expend the sum of five hundred eighty-one thousand six hundred dollars (\$581,600) in grant funding from the MassDOT's Community Connections Program for the customer service of Newton in Motion (NewMo), the City's on-demand ridesharing service for everyone in Newton

#149-22 **Acceptance of \$125,000 from MassDOT's Community Transit Grant Program**
HER HONOR THE MAYOR requesting authorization to accept and expend the sum of one hundred twenty-five thousand (\$125,000) in grant funding from MassDOT's Community Transit Grant Program SFY21 for the senior service of Newton in Motion (NewMo), the City's on-demand ridesharing for older residents in Newton

Referred to Zoning & Planning and Finance Committees

#150-22 **CPC Recommendation to appropriate \$94,600 in CPA funding**
COMMUNITY PRESERVATION COMMITTEE recommending appropriation of ninety-four thousand six hundred dollars (\$94,600) in Community Preservation Act fund, with \$74,978.29 to come from the FY22 Unrestricted Funds (Account #58R10498-57900) and the remaining \$19,621.71 to come from the FY22 Historic Resource Fund (Account #58B10498-57900B) to the control of the Planning & Development Department for a grant to the New Art Center to complete the plans and studies necessary to move forward with the restoration of the former Church of the Open Word located at 19 Highland Avenue.

Referred to Public Facilities and Finance Committees

#151-22 **Appropriate \$1,146,500 from the Sewer Enterprise Fund-Undesignated Fund Balance**
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one million one hundred forty-six thousand five hundred dollars (\$1,146,500) from the Sewer Enterprise Fund-Undesignated Fund Balance Account #6100-3599 to fund the Infiltration & Inflow (I&I) CIP Project 8 Construction Services.

The following items was late filed and require a Suspension of the Rules to be Referred to Committee:

Referred to Finance Committee

#152-22 **Utilization of mitigation funds for a new Rectangular Rapid Flashing Beacon**
HER HONOR THE MAYOR requesting the utilization of mitigation funds from three private development projects to install a new Rectangular Rapid Flashing Beacon (RRFB) at the existing crosswalk across Beacon Street at Dalton Road, in Newton Centre.

Referred to Finance Committee

#153-22 **Appropriate \$49,320 for the installation of three Rectangular Rapid Flashing Beacons**
HER HONOR THE MAYOR requesting to appropriate and expend the sum of forty-nine thousand three hundred twenty dollars (\$49,320) from the City's FY2020 allocation from

the Commonwealth Transportation Infrastructure Fund for the installation of three Rectangular Rapid Flashing Beacons (RRFB) at prioritized crosswalk locations.