



## City Council Actions

### In City Council

**Monday, February 7, 2022**

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

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

<https://newtv.org/recent-video/63-newton-city-council-meetings/7350-newton-city-council-february-7-2022>

**The City Council discussed the following items on Second Call:**

- #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**  
**City Council Unanimously Recommitted to Land Use by Voice Vote**

Clerk's Note: Councilor Lipof explained the reason for adding this item to Second Call was to recommit it back to Land Use for clarification on the Council order.

- #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)**

**City Council Approved 24 Yeas 0 Nays**

**Motion to Reconsider Failed 0 Yeas 24 Nays**

Clerk's Note: Councilor Baker requested the item on Second Call for a discussion concerning an additional amendment in the future to include notification of Ward Councilors of the permitted area.

**#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)**

**City Council Approved 23 Yeas 0 Nays 1 absent (Markiewicz)**

**Motion to Reconsider Failed 0 Yeas 23 Nays**

Clerk's Note: Councilor Baker requested the item on Second Call for a discussion concerning future discussion of possible outcomes in creating a permanent waiver.

**A Motion to Suspend the Rules to allow the Chair of the Committee of the Whole to Report out the following items without a written report.**

**#104-22**

**Authorization for a settlement agreement**

HER HONOR THE MAYOR requesting authorization to enter into a settlement agreement ~~for a dollar amount~~ for the sum of one-million-five-hundred-thousand dollars (\$1,500,000) as a full and final settlement in the matter of *Lee Gilliam v. City of Newton*, 2181-CV-01310 from June 30, 2021 Certified Free Cash to Acct# 0110841-572500, Legal Claims and Settlements.

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

**Approved as Amended by Voice Vote 24 Yeas 0 Nays**

**#105-22**

**Authorization for a settlement agreement**

HER HONOR THE MAYOR requesting authorization to enter into a settlement agreement ~~for a dollar amount~~ for the sum of sixty-five-thousand dollars (\$65,000) as a full and final settlement in the matter of *Edgardo J. Melendez v. City of Newton*, MCAD Docket No. 18-BEM-00310 from June 30, 2021 Certified Free Cash to Acct# 0110841-572500, Legal Claims and Settlements.

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

**Approved as Amended by Voice Vote 24 Yeas 0 Nays**

**The City Council voted without discussion 24 Yeas, 0 Nays to Accept the Committee Recommendations on the following items:**

### Referred to Land Use Committee

- #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. 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**
- #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**
- #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

- #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**
- #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**

### **Referred to Programs & Services Committee**

**#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 Public Safety & Transportation Committee**

**#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**

**#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 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**

- #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)**
- 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)**

- #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**

**The City Council voted without discussion 23 Yeas, 1 Nays (Councilor Humphrey) to Accept the Committee Recommendations on the following item:**

- #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)**

**The City Council voted without discussion 22 Yeas 2 Nays (Councilors Malakie and Lucas) to Accept the Committee Recommendations on the following items:**

- #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)**

**Motion to suspend the Rules to accept late filed items 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.

- #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.

### Public Hearings were assigned for the following Items:

*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.

*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

*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**