



REVISED

12:28 pm, Feb 18, 2022

RECEIVED

By City Clerk at 12:27 pm, Feb 18, 2022

## City Council Reports Docket

POSTED  
City Clerk

Page 48

7:45 p.m., Virtual

To be reported on

Tuesday, February 22, 2022

February 8: Land Use

February 9: Programs & Services, Public Safety  
& Transportation and Public Facilities

February 14: Zoning & Planning and Finance

The City Council will hold this meeting as a virtual Zoom meeting on Tuesday, February 22, 2022, at 7:45 p.m. To view this meeting use this link at the above date and time:

<https://us02web.zoom.us/j/88361145483>

One tap mobile

US: +13017158592,, 883 6114 5483#

Land line

US: +1 301 715 8592

Meeting ID: 883 6114 5483

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/newtvgov>

### City of Newton In City Council Items to be Acted Upon

#### Referred to Land Use Committee

Tuesday, February 8, 2021

Present: Councilors Lipof (Chair), Kelley, Bowman, Downs, Greenberg, Markiewicz, Laredo and Lucas; also present: Councilors Crossley, Humphrey, Malakie, Oliver and Wright

- #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

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](mailto: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.

in a district zoned MULTI RESIDENCE 1. 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.

**Land Use Approved 8-0**

**#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.

**Land Use Approved 8-0**

**#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.

**Land Use Approved 8-0**

**#25-22**

**Petition to further increase nonconforming FAR and further extend a nonconforming two-family use at 22-24 Milo Street**

JESSICA DOWLING petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct dormer additions in the attic level which will further extend the nonconforming two-family dwelling and will further increase the nonconforming FAR of 22-24 Milo Street, Ward 3, Newton, on land known as Section 44 Block 04 Lot 4A, containing approximately 6106 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, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 8-0; Public Hearing Closed 2/8/22**

**#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.

**Land Use Approved 8-0; Public Hearing Closed 2/8/22**

- #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 8-0; Public Hearing Continued**
- #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 6-0-2 (Councilors Laredo and Lucas Abstaining)**
- #121-22**      **Class 2 Auto Dealer License**  
 KG MOTORS LLC  
 1235 Washington Street  
 West Newton, MA. 02465  
**Land Use Approved 8-0**
- #122-22**      **Class 2 Auto Dealer License**  
 NEWTON TRADE CENTER ASSOCIATES INC  
 103 Adams Street  
 Newton, MA. 02458  
**Land Use Approved 8-0**
- #123-22**      **Class 2 Auto Dealer License**  
 NEW ENGLAND MOTOR MART, INC  
 1211 Washington Street  
 West Newton, MA. 02465  
**Land Use Approved 8-0**

**Referred to Zoning Planning Committee**

Monday, February 14, 2022

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

**Referred to Zoning & Planning and Public Facilities Committees**

**#48-22**

**Requesting an update on the status of implementing the Climate Action Plan**

PUBLIC FACILITIES and ZONING & PLANNING COMMITTEES requesting an update from the Sustainability Team and appropriate staff on the status of implementing Climate Action Plan measures, expanding municipal energy efficiency and renewable energy programs as follows:

Newton Power Choice participation rates, municipal power purchasing contracts for gas and electricity; Solar Power Purchase Agreement including operational and PV installations under construction, municipal energy consumption (DOER report) Green Communities grant funded efficiency projects to date, Energy Coach/ "4 our Future" program and zoning ordinances both to increase building energy efficiency/renewables in the private sector and foster sustainable development patterns. (formerly #324-21)

**Zoning and Planning Held 8-0**

**#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 as a member for a term of office to expire March 21, 2024. (60 days: 04/08/22)

**Zoning and Planning Approved 8-0**

**#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)

**Zoning and Planning Approved 7-0-1 (Councilor Wright abstaining)**

**#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)

**Zoning and Planning Approved 8-0**

**#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)

**Zoning and Planning Approved 8-0**

**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.  
**Zoning and Planning Approved 8-0**
- #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.  
**Zoning and Planning Held 8-0; Public Hearing set for 03/28/22**
- #57-22**      **Request for discussion relative to demolition of existing homes in Newton**  
COUNCILORS WRIGHT, MALAKIE, BAKER, HUMPHREY, MARKIEWICZ, KALIS AND RYAN requesting discussion of appropriate adjustments to Newton's zoning to discourage the demolition of smaller homes which are being replaced by larger and much more expensive structures. (formerly #75-21)  
**Zoning and Planning Held 8-0**

**Referred to Programs & Services Committee**

Wednesday, February 9, 2022

Present: Councilors Krintzman (Chair), Noel, Albright, Wright, Ryan, Humphrey, and Greenberg; absent: Councilor Baker; also present: Councilor Kalis

- #73-22**      **Request for update on the City's COVID-19 efforts**  
COUNCILORS KALIS, KRINTZMAN, LAREDO, HUMPHREY, OLIVER, DOWNS, NOEL, NORTON, BAKER, WRIGHT, LUCAS, BOWMAN, GROSSMAN AND LIPOF requesting an update on the City's efforts regarding the ongoing COVID-19 pandemic, including whether ARPA funds can be used to offer free COVID testing for Newton residents, the status of school-based COVID testing, vaccination requirements for city and school employees, and other ongoing or new support the City is offering residents and businesses.  
**Programs & Services Held 7-0**

**Referred to Public Safety & Transportation Committee**

Wednesday, February 9, 2022

Present: Councilors Downs (Chair), Lipof, Malakie, Grossman, Markiewicz, Bowman, Oliver and Lucas

**#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.

**Public Safety & Transportation voted No Action Necessary 8-0**

**#114-22 Request to amend Chapter 24 and Sec. 19-46 for Traffic Personnel**

HER HONOR THE MAYOR requesting to amend Chapter 24 of the Ordinances by adding a new Sec. 24-11 Supplemental Paid Traffic Control Detail Personnel and to amend Sec. 19-46 to include the new Supplemental Paid Traffic Control Detail appointees.

**Public Safety & Transportation Approved 7-0-1, Councilor Malakie abstaining**

**Referred to Public Facilities Committee**

Wednesday, February 9, 2022

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

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

EVERSOURCE ENERGY petitioning for a grant of location to install ~~254~~ 244'± of conduit in an easterly direction from new pole #329/7 to the property at #45 Old England Road. (Ward 7)

**Public Facilities Approved as Amended Subject to Second Call 6-0 (Councilor Kalis not voting)**

**#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.

**Public Facilities Approved 6-0 (Councilor Kalis not voting)**

**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.

**Public Facilities Approved 6-0 (Councilor Kalis not voting)**

- #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.  
**Public Facilities Held 5-2-0 (Councilor Kalis and Norton opposed)**

**Referred to Finance Committee**

Monday, February 14, 2022

Present: Councilors Grossman (Chair), Humphrey, Noel, Kalis, Oliver, Norton, Gentile and Malakie; also present: Councilor Laredo

- #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  
**Finance Approved 7-0-1 (Councilor Oliver abstaining)**

- #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.  
**Finance Approved 7-0-1 (Councilor Kalis abstaining)**

- #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  
**Finance Approved 8-0**

**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.  
**Public Facilities Approved 6-0 (Councilor Kalis not voting)**  
**Finance Approved 8-0**

- #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  
**Finance Approved 8-0**
- #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  
**Finance voted No Action Necessary 8-0**
- #147-22**      **Reappointment of Brian Davis to the Board of Assessors**  
HER HONOR THE MAYOR reappointing Brian 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)  
**Finance Approved 7-0 (Councilor Norton not voting)**