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City Council Reports Docket

Page 62

February 23: Programs & Services, and Public
Facilities

February 28: Zoning & Planning and Finance

March 1: Land Use

7:45 p.m., Virtual

To be reported on

Monday, March 7, 2022

The City Council will hold this meeting as a virtual Zoom meeting on Monday, March 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/84937554806>

One tap mobile

US: +13017158592,, 849 3755 4806 #

Land line

US: +1 301 715 8592

Meeting ID: 849 3755 4806

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

Unfinished Council Business

#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,

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.

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)
City Council Postponed to a date certain of March 7, 2022

Referred to Land Use Committee

Tuesday, March 1, 2022

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

#26-22 Petition to request variances from side setback and garage door width requirements and to exceed maximum FAR at 14 Crystal Street

JEFF FREEDMAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing garage and construct a new attached garage exceeding the maximum FAR and requiring setback and door width variances at 14 Crystal Street, Ward 6, Newton, on land known as Section 62 Block 07 Lot 08, containing approximately 11,640 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.4.4.C.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved Withdrawal without Prejudice 7-0 (Councilor Greenberg not voting)

#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.

Land Use Approved 8-0; Public Hearing Closed 3/1/22

#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 MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 8-0; Public Hearing Closed 3/1/22

#157-22 Petition to extend nonconforming front setbacks at 4 Clarendon Street

VENKATESA RAVI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second-story addition, vertically extending the nonconforming front setbacks on a corner lot at 4 Clarendon Street, Ward 2, Newton, on land known as Section 22 Block 09 Lot 01,

containing approximately 5823 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 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 8-0; Public Hearing Closed 3/1/22

#158-22 Petition to reconstruct and extend nonconforming two-family use at 68 Evergreen Avenue

CAROL QUINN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the legally nonconforming two-family residential dwelling in the SR3 district by razing and reconstructing the existing structure at 68 Evergreen Street, Ward 4, Newton, on land known as Section 41 Block 04 Lot 11, containing approximately 12,271 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 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 8-0; Public Hearing Closed 3/1/22

#176-22 Class 2 Auto Dealer License

NEWTON COLLISION, INC. d/b/a GM AUTO BODY
64 Crafts Street
Newton, MA. 02458

Land Use Approved 8-0

Referred to Zoning Planning Committee

Monday, February 28, 2022

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

#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 & Planning Approved 8-0; Public Hearing closed 02/28/22

#42-22 Citizens petition to amend the village center district

ATTORNEY PETER HARRINGTON ET AL., submitting a 60-signature citizen to strike Chapter 30, Section 4.1 Business Districts, in its entirety and insert, in place thereof, the following 4.1. Village Center District; 4.1.1. District Intent and 4.1.2. Dimensional Standards.

Zoning & Planning Held 7-1 (Councilor Danberg opposed); Public Hearing Continued

#38-22 Discussion and review relative to the draft Zoning Ordinance regarding village centers

ZONING & PLANNING COMMITTEE requesting review, discussion and possible ordinance amendments relative to Chapter 30 zoning ordinances pertaining to Mixed Use, business districts and village districts relative to the draft Zoning Ordinance. (formerly #88-20)

Zoning & Planning Held 7-0 (Councilor Leary not voting)

Referred to Programs & Services Committee

Wednesday, February 23, 2022

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

- #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
Programs & Services Approved 5-0; Public Hearing Closed 02/23/22

Referred to Programs & Services and Finance Committees

- #173-22** **Request to transfer \$165,000 from Current Year Budget Reserve**
HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred sixty-five thousand dollars (\$165,000) from Acct # 0110498-579000 Current Year Budget Reserve to Acct # 0160238-585270 Parks, Recreation & Culture Trash Receptacles for the purchase of open-style trash and recycling receptacles with active monitoring and reporting capability for 30 strategic high-use areas in the City.
Finance Approved 8-0 on 02/28/22
Programs & Services Approved 5-0

Referred to Public Facilities Committee

Wednesday, February 23, 2022

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

- #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
Public Facilities Approved 6-0

- #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 Facilities Approved 6-0

#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)
Public Facilities Approved 6-0

#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)
Public Facilities Approved 6-0

Referred to Public Facilities and Finance Committees

#169-22 Appropriate \$2,400,000 for the rehabilitation of the Newton Free Library Lot
HER HONOR THE MAYOR requesting authorization to appropriate and expend two million four hundred thousand dollars (\$2,400,000) and authorize a general obligation borrowing of an equal amount for construction and engineering services during construction for the rehabilitation of the Newton Free Library Parking Lot and authorization to apply any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing, and marketing them, and any accrued interest received upon the delivery of the bonds or notes to the costs of the project and to reduce the amount authorized to be borrowed for the project by like amount.
Finance Approved 5-2-1 (Councilors Malakie and Gentile opposed and Councilor Oliver abstaining) on 02/28/22
Public Facilities Held 6-0

Referred to Public Facilities and Finance Committees

#175-22 Approve \$1,500,000 for snow and ice removal
HER HONOR THE MAYOR requesting authorization to transfer the sum of one million five hundred thousand dollars (\$1,500,000) from Acct # 0110498-579400, Reserve for Snow/Ice Removal as follows:

Regular Overtime	
(0140123-513010).....	\$150,000
Rental Vehicles/Contractors	
(0140123-527300).....	\$1,350,000

Finance Approved 8-0 on 02/28/22
Public Facilities Approved 6-0

Referred to Finance Committee

Monday, February 28, 2022

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

#167-22 Request to transfer \$50,000 from City Council Full Time Salaries
HER HONOR THE MAYOR requesting authorization to transfer the sum of fifty thousand dollars (\$50,000) from Acct # 0110111-511001 City Council Full Time Salaries to Acct # 0110111-534300 City Council Advertising/ Publications.
Finance Approved 7-0 (Councilor Gentile not voting)

#166-22 Acceptance of \$35,000 for the purchase of FireDex Leather Fire Boots
HER HONOR THE MAYOR requesting authorization to accept, appropriate and expend the sum of thirty-five thousand dollars (\$35,000) from the Executive Office of Public Safety and Security and the Department of Fire Services Firefighter Safety Equipment Grant for the purchase of FireDex Leather Fire Boots
Finance Approved 7-0 (Councilor Gentile not voting)

#172-22 Acceptance of \$25,600 from Massachusetts Emergency Management Agency
HER HONOR THE MAYOR requesting authorization to accept, appropriate and expend the sum of twenty-five thousand six hundred dollars (\$25,600) from the Massachusetts Emergency Management Agency (MEMA) Emergency Management Preparedness Grant to purchase equipment to expand the capabilities of the CAD back up system, pay for costs related to the internet connection for the EOC, and purchase protective gear and public safety equipment.
Finance Approved 7-0 (Councilor Gentile not voting)

Referred to Public Facilities and Finance Committees

#169-22 Appropriate \$2,400,000 for the rehabilitation of the Newton Free Library Lot
HER HONOR THE MAYOR requesting authorization to appropriate and expend two million four hundred thousand dollars (\$2,400,000) and authorize a general obligation borrowing of an equal amount for construction and engineering services during construction for the rehabilitation of the Newton Free Library Parking Lot and authorization to apply any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing, and marketing them, and any accrued interest received upon the delivery of the bonds or notes to the costs of the project and to reduce the amount authorized to be borrowed for the project by like amount.
Public Facilities Held 6-0 on 02/23/22
Finance Approved 5-2-1 (Councilors Malakie and Gentile opposed and Councilor Oliver abstaining)

Referred to Public Facilities and Finance Committees

#175-22 Approve \$1,500,000 for snow and ice removal
HER HONOR THE MAYOR requesting authorization to transfer the sum of one million five hundred thousand dollars (\$1,500,000) from Acct # 0110498-579400, Reserve for Snow/Ice Removal as follows:

Regular Overtime
 (0140123-513010)..... \$150,000
 Rental Vehicles/Contractors

(0140123-527300)..... \$1,350,000

Public Facilities Approved 6-0 on 02/23/22

Finance Approved 8-0

Referred to Programs & Services and Finance Committees

#173-22

Request to transfer \$165,000 from Current Year Budget Reserve

HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred sixty-five thousand dollars (\$165,000) from Acct # 0110498-579000 Current Year Budget Reserve to Acct # 0160238-585270 Parks, Recreation & Culture Trash Receptacles for the purchase of open-style trash and recycling receptacles with active monitoring and reporting capability for 30 strategic high-use areas in the City.

Programs & Services Approved 5-0 on 02/23/22

Finance Approved 8-0

#168-22

Authorization to enter into a 5-year contract

HER HONOR THE MAYOR requesting approval to enter into a five-year (5) contract for the supply and delivery of school bus transportation services for Newton Public Schools commencing on July 1, 2022 and ending on June 30, 2027

Finance 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 & Planning Approved 8-0 on 02/14/22

Finance Approved 8-0

#76-22

Requesting a discussion regarding the financial operations of NewMo

COUNCILORS LAREDO, OLIVER, MARKIEWICZ, WRIGHT, LIPOF, LUCAS, KALIS, AND MALAKIE requesting a discussion with the Administration regarding the financial operations of NewMo to date, including the annual subsidy the city is providing NewMo and the sources of current and future funding for it.

Finance Held 7-0 (Councilor Gentile not voting)

#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

Finance Approved 7-0 (Councilor Gentile not voting)

#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

Finance Approved 7-0 (Councilor Gentile not voting)