



City Council Actions

In City Council

Tuesday, February 22, 2022

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

Absent: Councilors Grossman, Kalis, Noel

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

<https://newtv.org/recent-video/63-newton-city-council-meetings/7375-newton-city-council-february-22-2022>

The City Council discussed the following items on Second Call:

#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
Motion to Amend Approved by Voice Vote
City Council Approved 21 yeas, 0 Nays, 3 Absent (Grossman, Kalis, Noel)

Clerk's Note: Councilor Kelley recommended adding two conditions to the Council Order.

#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

City Council postponed to March 7, 2022 by Voice Vote

Clerk's Note: Councilor Danberg explained the reason for adding this item to Second Call was to postpone until the next City Council Meeting on March 7, 2022 because not all of Council was present.

The City Council voted without discussion 21 Yeas, 0 Nays, 3 Absent (Councilors Grossman, Kalis, Noel) to Accept the Committee Recommendations on the following items:

Referred to Land Use Committee

#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 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

#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

- #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

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.

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 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
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)

Motion to suspend the Rules to accept late filed items to be referred to Committee:

Referred to Programs & Services Committee

#171-22 Request for approval to proceed with the process of updating the City Seal

HER HONOR THE MAYOR requesting authorization to advance the City Seal Working Group's recommendation to update the City Seal.

Referred to Finance Committee

#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.

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.

Referred to a Committee of the Whole

- #174-22 **Discussion with the Planning Department regarding the MBTA Communities Act**
THE PLANNING DEPARTMENT requesting a discussion with the City Council to inform it about the MBTA Communities Act, section 3A c. 40A

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 Hearings were assigned for the following Items:

Public Hearing to be Assigned for March 1, 2022

- #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.

Public Hearing to be Assigned for March 1, 2022

- #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.

Public Hearing to be Assigned for March 8, 2022

- #159-22 **Request to amend Council Order #58-21 and to waive parking stalls at 1241 Centre Street**
LINEAR RETAIL NEWTON 1 LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Order #58-21 to allow additional seats and seek an additional waiver of

parking stalls at 1241 Centre Street (1239-1243), Ward 6, Newton Centre, on land known as Section 64 Block 28 Lot 24, containing approximately 9,000 sq. ft. in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 5.1.4, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for March 8, 2022

#160-22 Request to amend Council Order #332-65 and to waive parking stalls at 381 Elliot Street
MARY R BUTLER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Order #332-65 to allow a change of use and seek an additional waiver of parking stalls at 381 Elliot Street, Ward 5, Newton, on land known as Section 51 Block 01 Lot 06, containing approximately 186,883 sq. ft. in a district zoned MAN. Ref: Sec. 7.3.3, 7.4, 5.1.4, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for March 8, 2022

#161-22 Petition to allow retaining wall in excess of 4 feet and to exceed FAR at 26 Magnolia Avenue
JOHN ARONE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a new dwelling with retaining walls along the sides and rear of the property exceeding 4' in height at 26 Magnolia Avenue, Ward 7, Newton, on land known as Section 72 Block 39 Lot 23, containing approximately 15,787 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 5.4.2.B of the City of Newton Rev Zoning Ord, 2017.