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City Council Reports Docket

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March 22: Land Use

March 23: Programs & Services, Public Safety &
Transportation and Public Facilities

March 28: Zoning & Planning & Finance

7:45 p.m., Hybrid

To be reported on
Monday, April 4, 2022

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Monday, April 4, 2022, at 7:45 p.m. To view this meeting on zoom use this link at the above date and time:

<https://us02web.zoom.us/j/83073428295>

One tap mobile

US: +13017158592, 830 7342 8295 #

Land line

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Meeting ID: 830 7342 8295

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, March 22, 2022

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

#177-22 Petition to allow an oversized internal accessory apartment and extend a nonconforming two-family use at 350 Cabot Street

PETER LEIS and JENNIFER STORO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to create an oversized internal accessory apartment within one of two dwelling units and further extend the nonconforming two-family dwelling use at 350 Cabot Street, Ward 2, Newton, on land known as Section 22 Block 19 Lot 05, containing approximately 12,594 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 6.7.1.D.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 7-0; Public Hearing Closed 3/22/22

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.

- #178-22** **Petition to alter and extend a nonconforming residential use and extend a nonconforming side setback at 2-4 Auburndale Avenue**
BERNARDO and LISA MARZILLI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to alter and extend a nonconforming residential use and construct a rear addition to the existing dwelling, to allow a 2.5 story building, to allow a building with 36' in height, and to further extend a nonconforming side setback at 2-4 Auburndale Avenue, Ward 3, on land known as Section 33 Block 23 Lot 13, containing approximately 11,702 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.4.1, 7.8.2.C.2, 4.1.2.B.3, 4.1.3 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 5-0-2 (Councilors Laredo and Lipof Abstaining); Public Hearing Closed 3/22/22

Referred to Zoning & Planning Committee

Monday, March 28, 2022

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

- #126-22:** **Requesting amendments to Chapter 30**
DIRECTOR OF PLANNING requesting amendments to the City of Newton Zoning Ordinance, Chapter 30, Section 1.5.5.B. Floor Area, Gross to clarify measurement of gross floor areas for buildings with exterior insulation, Section 4.2.2. Dimensional Standards to correct scrivener's errors concerning the maximum stories permitted in the Mixed Use 2 and Mixed Use 4 districts, and Section 4.2.3. All Building Types in Mixed Use to correct a scrivener's error concerning the maximum height permitted in the Mixed Use 4 District.
Zoning and Planning Approved 7-0 (Councilor Baker not voting); Public Hearing Closed 03/28/22
- #179-22** **Appointment of Jim Griglun to the Economic Development Commission**
HER HONOR THE MAYOR appointing Jim Griglun, 94 Bemis Street, Newton 02460 to the Economic Development Commission as a member for a term of office to expire on December 31, 2023. (60 days: 05/06/22)
Zoning & Planning Approved 7-0 (Councilor Baker not voting)
- #127-22** **Request for amendment to the Zoning Code to regulate "last mile" delivery services**
COUNCILORS LAREDO, DOWNS, CROSSLEY, RYAN, KALIS, DANBERG, KRINTZMAN ALBRIGHT, MARKIEWICZ AND WRIGHT requesting an amendment to the Zoning Code to regulate "last mile" delivery services in the City of Newton.
Zoning & Planning Held 8-0; Public Hearing set for 04/25/22 on 03/14/22
- #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 8-0

Referred to Zoning & Planning and Finance Committees

#216-22

CPC Recommendation to appropriate \$88,554 in CPA funding

COMMUNITY PRESERVATION COMMITTEE recommending appropriation of eighty-eight thousand five hundred and fifty-four dollars (\$88,554) in Community Preservation Act fund from the FY22 Unrestricted funds to the control of the Planning & Development Department for a grant to the Newton Community Farm for the rehabilitation and restoration of the ca. 1855 farmhouse including excessive water and moisture remediation and the installation of a new electrical system, water heater and kitchen ceiling.

Zoning & Planning Approved 8-0

Referred to Programs & Services Committee

Wednesday, March 23, 2022

Present: Councilors Krantzman (Chair), Noel, Humphrey, Albright, Ryan, Wright, Greenberg, and Baker;
also present: Councilors Gentile, Leary, Crossley, Kalis, Laredo, Danberg, Norton, Kelley, and Oliver

#185-22

Requesting a discussion with CGR, authors of the Community Needs Assessment

COUNCILORS ALBRIGHT AND KRINTZMAN requesting a presentation and discussion with CGR, the authors of the Community Needs Assessment, regarding findings and recommendations on Newton needs. In the last term, the City Council docketed a request to hear from each department and how they support people in need, including, immigrants, seniors, disabled individuals, families and families with adult disabled children. As this discussion never occurred this presentation would reestablish the need for this discussion between the Council and the Administration.

Programs & Services Held 8-0

#164-22

Request for amendments to the Council Rules

COUNCILORS GENTILE AND MARKIEWICZ requesting that:

(1) City Council rules be amended to make it clear that City Councilors have the right to attend DRT meetings.

(2) That the Council consider changing its rules to ensure that all Councilors have the right to attend Working Group and other similar committee meetings.

Programs & Services Held 8-0

#163-22

Request for review and possible changes to the light trespass ordinance

COUNCILORS GENTILE, KELLEY, KRINTZMAN, AND MARKIEWICZ requesting a full review of our current light trespass ordinance including but not limited to moving the effective start time from 9:30PM to 7:00PM.

Programs & Services Held 7-0 (Councilor Baker not voting)

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

Public Facilities Held 8-0 on 03/23/22

Programs & Services Held 7-0 (Councilor Baker not voting)

Referred to Public Safety & Transportation Committee

Wednesday, March 23, 2022

Present: Councilors Downs (Chair), Lipof, Malakie, Grossman, Bowman, Oliver and Lucas; absent: Councilor Markiewicz; also present: Councilor Kelley

#200-22 Request for a discussion of Fire Department training

COUNCILOR DOWNS requesting a discussion of Fire Department training.

Public Safety & Transportation No Action Necessary 7-0

#199-22 Request for a discussion of Police Department training

COUNCILOR DOWNS requesting a discussion of Police Department training.

Public Safety & Transportation No Action Necessary 7-0

#183-22 Requesting a discussion and possible amendment to Newton's firearms ordinance Sec. 20-62 Weapons

COUNCILORS KELLEY, LIPOF, DOWNS, WRIGHT, MALAKIE, DANBERG, KRINTZMAN, LUCAS, RYAN AND GREENBERG requesting a discussion with Police Chief Carmichael and possible adoption of an amendment to Newton's fire arms ordinance Sec. 20-62 Weapons – Discharging firearms, to include a ban on discharging air guns, air rifles, BB guns or pellet guns in the City.

Public Safety & Transportation Approved 7-0

#67-22 Requesting regular discussion with the Police Department

COUNCILOR DOWNS requesting regular discussion with the Police Department of police data, including crashes, types of calls, numbers and dispositions.

Public Safety & Transportation Held 6-0, Councilor Oliver not voting

Referred to Public Facilities Committee

Wednesday, March 23, 2022

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

#202-22 Request for a sanitary sewer main extension in Winchester Street

LIZBETH HEYER, on behalf of 2Life Holdings, LLC, 30 Wallingford Road, Brighton, petitioning for a sanitary sewer main extension in WINCHESTER STREET beginning at the existing sanitary sewer manhole at the intersection of Winchester Street & Nahanton Street to be extended northerly ± 305 feet with 8-inch PVC pipe and 4 new manholes. (Ward 8)

PETITIONER TO PAY ENTIRE COST

Public Facilities Approved 7-0 (Councilor Kalis not voting)

Referred to Public Facilities and Finance Committees

#111-22

Request for Stormwater Management and Erosion Control Ordinance

HER HONOR THE MAYOR requesting Chapter 29 to be amended by adding a new Article VIII and for Chapter 17, Sections 16 and 21 **Fees to be Paid to the Department of Public Works** and **General Fine** of the City of Newton Revised Ordinances to be amended to add defining language, provide for enforcement, establish permit fees and fines for violations of the stormwater management and erosion control ordinance established in Article VIII.

Public Facilities Held 7-0 on 01/19/22

Public Facilities Held 8-0

#204-22

Reappointment of Steven Ferrey to the Sustainable Materials Management Commission

HER HONOR THE MAYOR reappointing STEVEN FERREY, 25 Huntington Road, Newton, as a member of the SOLID WASTE COMMISSION for a term to expire January 15, 2025. (60 days 5/20/22)

Public Facilities Approved 8-0

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

Programs & Services Held 7-0 (Councilor Baker not voting) on 03/23/22

Public Facilities Held 8-0

Referred to Finance Committee

Monday, March 28, 2022

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

#211-22

Acceptance of ~~\$26,800~~ \$23,800 from the Mass Cultural Council

HER HONOR THE MAYOR requesting the authorization to accept and expend grant funds from the Mass Cultural Council in the amount of ~~twenty-six thousand eight hundred dollars~~ twenty-three thousand eight hundred dollars (~~\$26,800~~ \$23,800), the 2022 allocation to the Newton Cultural Council.

Finance Approved as Amended 4-0 (Councilor Norton not voting)

#210-22

Request for funds for an accessible swing and additional accessible GrassMats

HER HONOR THE MAYOR requesting the authorization to appropriate and expend the sum of one thousand five hundred thirty-seven dollars (\$1,537) from HP Parking Fines Receipts Reserved for Appropriations Fund 5500, Org 5518R114 to match PTO funds at Burr School in order to purchase an accessible swing and additional accessible GrassMats for the Burr School Playground.

Finance Approved 5-0

- #209-22 Request for funds for a new Rectangular Rapid Flashing Beacon**
HER HONOR THE MAYOR requesting the authorization to appropriate and expend the sum of eighteen thousand dollars (\$18,000) from HP Parking Fines Receipts Reserved for Appropriations Fund 5500, Org 5518R114 for the purchase and installation of a Rectangular Rapid Flashing Beacon (RRFB) system to be installed at the intersection of Langley, Warren and Chase Streets.
Finance Approved 5-0
- #212-22 Request to transfer \$50,000 from Human Resources Full Time Salaries**
HER HONOR THE MAYOR requesting authorization to transfer the sum of fifty thousand dollars (\$50,000) from Acct # 0110952-511001 Human Resources Full Time Salaries to Acct #0110952-530100 Human Resources Consultants.
Finance Approved 5-0
- #208-22 Authorization to settle a claim**
HER HONOR THE MAYOR requesting authorization to settle a claim regarding a broken water pipe that flooded a resident's basement in the amount of thirty-two thousand dollars (\$32,000).
Finance Approved 5-0
- #207-22 Discussion on the City's capital and operating costs vs. revenue earned**
COUNCILORS MARKIEWICZ, OLIVER, LAREDO AND WRIGHT requesting a discussion with Assessing, the CFO, and COO regarding a comparison of the City's capital and operating costs vs. revenue earned, by zoning district type/use class. An objective of the discussion is to understand whether generally the land use provided for a given parcel or district tends to generate a surplus or deficit from operations given a conforming use of the land.
Finance Held 5-0