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City Council Docket

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3:01 pm, Apr 04, 2022

April 5: Land Use

April 6: Programs & Services, Public Safety & Transportation
and Public Facilities

April 11: Zoning & Planning and Finance

April 13 & 14: Programs & Services & Finance

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Monday, April 4, 2022

7:45 PM, Hybrid

To be reported on

Tuesday, April 19, 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

US: +1 301 715 8592

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 to be Accepted and Referred to Committees

Referred to Land Use Committee

Public Hearing to be Assigned for April 12, 2022

#218-22 **Petition to amend an approved Comprehensive Sign Package and Special Permit #417-12(2) at The Street**

CHESTNUT HILL SHOPPING CENTER, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #417-12(2) to allow an updated Comprehensive Sign package to include relief as follows; to allow free standing signs, to allow a free standing

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, *please contact Jini Fairley, at least two days in advance of the meeting: jfairley@newtonma.gov, or 617-796-1253. For Telecommunications Relay Service dial 711.*

sign exceeding 100 square feet, and to waive the definition and maximum size of directional signs at 1-55 Boylston Street, Ward 7, Chestnut Hill, on land known as Section 63 Block 37 Lots 25 and 26 in a district zoned BUSINESS 4. Ref: Sec. 7.3.3, 7.4, 5.2.13.A, 5.2.13.B, 5.2.3, 5.2.8 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for April 12, 2022

#219-22 Request to allow a detached accessory apartment at 88 High Street

CHENG BIN ZHANG petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert a detached garage to an accessory apartment that reduces side and front setback requirements at 88 High Street, Ward 5, Section 51 Block 05 Lot 05, containing approximately 5053 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 6.7.1.E.1, 6.7.1.E.5, 3.2.3 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for April 12, 2022

#220-22 Request to exceed FAR, extend a nonconforming rear setback and allow a retaining wall exceeding 4 feet within a setback at 42 Oakwood Road

LAUREN KOHL AND DANIEL KOLODNER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story addition and single story one-car garage addition, exceeding the maximum allowed FAR, reducing the required setback and to construct a retaining wall within a setback exceeding the maximum allowed height at 42 Oakwood Road, Ward 2, Section 22 Block 29 Lot 06, containing approximately 6610 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, 5.4.2.B of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for April 12, 2022

#221-22 Petition to allow a garage greater than 700 sq. ft. at 244 Dudley Road

RUIHUA GU petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a new garage greater than 700 sq. ft. with accommodation for more than three vehicles, and to waive end stall maneuvering space at 244 Dudley Road, Ward 8, Newton, on land known as Section 82 Block 04 Lot 22, Ward 8, containing approximately 267,786 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.4.E.1, 3.4.4.H.1, 5.1.8.B.5, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for April 12, 2022

#222-22 Request to exceed FAR and to allow a three-story single-family dwelling at 115 Elinor Road

PHOEBE AND ANDREW LAMUDA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing structure and construct a three-story single-family dwelling, exceeding the maximum allowed FAR at 115 Elinor Road, Ward 6, Section 81 Block 34 Lot 23, containing approximately 10,352 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for April 26, 2022

#223-22 Petition for parking facility waivers at 55-67 Border Street

PATRICIA A. SCARPATO, 55 BORDER STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow parking facility waivers including; to allow parking in the front setback, to waive interior landscape requirements and to waive lighting requirements in order to expand an existing parking area at 55-67 Border Street, Ward 3, West Newton, on land known as Section 33 Block 13 Lot 17, containing approximately 38,036 sq. ft. of land in a district zoned MANUFACTURING. Ref: Sec. 7.3.3, 7.4, 5.1.8.A.1, 5.1.13, 5.1.9.B, 5.1.13, 5.1.10 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for April 26, 2022

#224-22 Request to construct a second attached garage increasing total garage area to more than 700 square feet at 75 Pleasant Street

ALBERT KIM AND JENNIFER HO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second attached one-car garage, further increasing total garage area to more than 700 square feet at 75 Pleasant Street, Ward 6, Newton, on land known as Section 64 Block 30 Lot 11, containing approximately 23,536 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.4.E.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for April 26, 2022

#225-22 Request to extend a nonconforming front setback at 54 Goddard Street

DAN MILLER AND LINDA GREEN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing attached garage and construct a new porch and attached two-car garage, further extending the nonconforming front setback at 54 Goddard Street, Ward 8, Newton, on land known as Section 83 Block 34 Lot 07, containing approximately 10,000 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for April 26, 2022

#226-22 Petition to extend nonconforming FAR at 27 Village Circle

GENNADY BASKIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the existing nonconforming FAR by constructing a single-story rear addition to the dwelling at 27 Village Circle, Ward 8, Newton, on land known as Section 81 Block 03 Lot 11, containing approximately 10,791 sq. ft. in a district zoned SINGLED RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2, of the City of Newton Rev Zoning Ord, 2017.

Referred to Zoning & Planning Committee

#227-22 Request for ordinance to regulate embodied carbon in new construction

COUNCILOR CROSSLEY, on behalf of the Climate & Sustainability Team, requesting a discussion with the Sustainability Team and Planning Department, and to amend the

zoning ordinance (Section 5.13, notable 5.13.4.D Reserved) to regulate embodied carbon in large new construction, to further the objectives of the city's Climate Action Plan.

- #228-22** **Resolution to pursue a Building Energy/Reporting/Reduction Ordinance**
COUNCILOR CROSSLEY ON BEHALF OF THE ZONING & PLANNING COMMITTEE, seeking a Resolution from the City Council confirming its support for pursuing an ordinance that would require large property owners to report annual energy use and greenhouse gas emissions, and then to reduce energy use and greenhouse gas emissions over time, to further the objectives of the Newton Climate Action Plan.
- #229-22** **Appointment of Tamirirashe Gambiza to the Newton Affordable Housing Trust Fund**
HER HONOR THE MAYOR appointing Tamirirashe Gambiza, 15 Cotter Road, Waban as a member of the Newton Affordable Housing Trust Fund for a term of office to expire on May 2, 2023. (60 days: 06/03/22)
- #230-22** **Appointment of Peter Sargent to the Newton Affordable Housing Trust Fund**
HER HONOR THE MAYOR appointing Peter Sargent, 33 Avondale Road, Newton as a member of the Newton Affordable Housing Trust Fund for a term of office to expire on May 2, 2023. (60 days: 06/03/22)
- #231-22** **Appointment of Ann Houston to the Newton Affordable Housing Trust Fund**
HER HONOR THE MAYOR appointing Ann Houston, 45 Wedgewood Avenue, West Newton as a member of the Newton Affordable Housing Trust Fund for a term of office to expire on May 2, 2023. (60 days: 06/03/22)
- #232-22** **Appointment of Zach Knowlton to the Economic Development Commission**
HER HONOR THE MAYOR appointing Zach Knowlton, 61 Walker Street #1, Newtonville as a member of the Economic Development Commission for a term of office to expire on October 30, 2023. (60 days: 06/03/22)
- #233-22** **Appointment of Jason Korb to the Newton Affordable Housing Trust Fund**
HER HONOR THE MAYOR appointing Jason Korb, 25 Columbia Avenue, Newton Upper Falls as a member of the Newton Affordable Housing Trust Fund for a term of office to expire on May 2, 2024. (60 days: 06/03/22)
- #234-22** **Reappointment of Jack Leader to the Economic Development Commission**
HER HONOR THE MAYOR reappointing Jack Leader, 613 California Street, Newtonville as a member of the Economic Development Commission for a term of office to expire on May 1, 2025. (60 days: 06/03/22)

- #235-22** **Requesting Amendment to Chapter 30 sec. 5.4.2.b.**
COUNCILORS LEARY, BOWMAN, NORTON, RYAN, KELLEY, WRIGHT AND DANBERG
requesting an amendment to Chapter 30 sec. 5.4.2.b to require a special permit for any retaining walls in excess of 4' in height

Referred to Programs & Services Committee

- #236-22** **Appointment of Edward Chapman to the Parks and Recreation Commission**
HER HONOR THE MAYOR appointing Edward Chapman, 91 Cornell Street, Newton Lower Falls as the Ward 4 member of the Parks and Recreation Commission for a term of office to expire on April 19, 2025. (60 days: 06/03/22)

- #237-22** **Request for a Home Rule Petition**
HER HONOR THE MAYOR requesting a Home Rule Petition with two amendments to the City of Newton Ordinances to align them with the union contracts which require uniformed Police and Fire Department personnel to live within a 35-mile residency boundary of Newton.

Referred to Public Safety & Transportation

- #238-22** **Request to amend Chapter 19, Sec. 19-1. Definitions**
CAPTAIN BOUDREAU requesting to amend Chapter 19, MOTOR VEHICLES AND TRAFFIC, Sec. 19-1. Definitions to include *Live Parking: The parking of a vehicle with a driver or operator in attendance.*

Referred to Public Safety & Transportation and Public Facilities Committees

- #239-22** **Approval of a 25% design for the Commonwealth Avenue Carriageway Redesign**
HER HONOR THE MAYOR requesting the approval of a 25% design for the Commonwealth Avenue Carriageway Redesign Project in Auburndale. The Council needs to select one of two alternatives for the Ash street intersection portion of this state-funded project.

Referred to Public Facilities Committee

Public Hearing to be Assigned for April 6, 2022

- #240-22** **Request for a drain main extension in Newtonville Avenue**
AUREL GARBAN, on behalf of Garrison Equity, LLC, 1334 Beacon Street, Brookline, petitioning for a drain main extension in NEWTONVILLE AVENUE from the end of the line manhole west of property to be extended easterly ±180 ft to a manhole in front of the 164 Newtonville Avenue. (Ward 1)
PETITIONER TO PAY ENTIRE COST

- #241-22 Appointment of Christina Abele to the Design Review Committee**
PRESIDENT ALBRIGHT appointing CHRISTINA ABELE, 18 Emmons Street, Newton, as a community member of the Design Review Committee for a term to expire upon the completion of the Horace Mann School Project. (60 days 06/03/22)
- #242-22 Discussion on the Commonwealth Avenue Carriageway Project**
COUNCILORS GENTILE, KRINTZMAN, AND MARKIEWICZ requesting an update from the Commissioner of Public Works and the Planning Director on the Commonwealth Avenue Carriageway project along with a discussion about the future of the traffic light at Ash Street.
- Referred to Finance Committee**
- #244-22 Resolution on the Fair Share Amendment**
COUNCILORS ALBRIGHT, RYAN, DOWNS, DANBERG AND LIPOF a resolution asking the City Council to support the Fair Share Amendment which will be on the November Ballot.
- #245-22 Requesting a discussion regarding the PACE program**
COUNCILORS ALBRIGHT, CROSSLEY, AND LEARY requesting a discussion for the PACE program (Property Assessed Clean Energy Program) and its possible adoption by the City Council. This program, available through Mass Development since 2020, assists and broadens access to financing for non-profit, commercial and multi family (5 units and above) buildings to facilitate energy efficiency upgrades but is only accessible by Council adoption.
- #246-22 Review of Tiger Parking Permit Fees**
COUNCILORS BOWMAN, ALBRIGHT, DOWNS, NORTON, OLIVER, AND DANBERG requesting a review and potential amendment to the fees associated with the Tiger Parking Permit Program (Sec. TPR-204. Newton North High School Tiger Parking Permits)
- #247-22 Establishing a departmental revolving account within the Department of Public Works Fleet Division**
HER HONOR THE MAYOR requesting the authorization to establish a departmental revolving account within the Department of Public Works Fleet Division per MGL Chapter 44, Section 53E1/2. The revenue is being generated from the sale of surplus Public Works equipment and parts through government auction. The Department would like to request an annual spending limit of \$200,000.
- #248-22 Establishing a departmental revolving account within the Department of Public Works Engineering Division**
HER HONOR THE MAYOR requesting the authorization to establish a departmental revolving account within the Department of Public Works Engineering Division per MGL Chapter 44, Section 53E1/2 to allow for National Grid payments-owned road repairs. The account would have an annual spending limit of \$500,000

- #249-22** **Acceptance of a \$81,250 grant from the Massachusetts DERA program**
HER HONOR THE MAYOR requesting the authorization to accept and expend an eighty-one thousand two hundred- and fifty-dollar (\$81,250) grant from the Massachusetts Department of Environmental Protection's Diesel Emissions Reduction Act (DERA) program
- #250-22** **Request to transfer \$50,000 for the reconfiguration of the City Clerk's Office**
HER HONOR THE MAYOR requesting authorization to transfer the sum of fifty thousand dollars (\$50,000) from Acct # 0110162-513040 Elections-Work by Other Depts, to fund the reconfiguration of some of the office space in the City Clerk's Office
- #251-22** **Acceptance of a \$49,340 grant from the Massachusetts Department of Agriculture**
HER HONOR THE MAYOR requesting the authorization to accept and expend a forty-nine thousand three hundred and forty dollar (\$49,340) from the Massachusetts Department of Agriculture Grant to be used for the solar project at 303 Nahanton Street at Newton's Angino Farm and consists of 30 solar panels (10.1 KW) to be mounted on the roof of the barn.
- #252-22** **Request to transfer \$20,000 from the Energy Stabilization Fund**
HER HONOR THE MAYOR requesting authorization to transfer the sum of twenty thousand dollars (\$20,000) from the City's Energy Stabilization Fund for the required City matching share to complete the solar project at 303 Nahanton Street at Newton's Angino Farm

Referred to Programs & Services and Finance Committees

- #253-22** **Request to transfer \$80,000 for the reconfiguration of the Health & Human Services Department**
HER HONOR THE MAYOR requesting authorization to transfer the sum of eighty thousand dollars (\$80,000) from Acct # 0150103-511001 Full Time Salaries, Clinical Health, to fund the reconfiguration of some of the office space in the Health & Human Services Department.

The following items were late filed and require a Suspension of the Rules to be Referred to Committee:

Referred to the Land Use Committee

- #255-22** **Appointment to the 275 Grove Street, Building 3 Liaison Committee**
PRESIDENT ALBRIGHT appointing the following individuals to the 275 Grove Street, Building 3 Liaison Committee as established in Condition 45 of Special Permit #33-21(3) granted on November 15, 2021 to Alexandria Real Estate Equities Inc. for a mixed-use development with laboratory, research and development facilities at 275 Grove Street in Ward 4.

Neighborhood representative: Bruce McVittie, 11 Norumbega Court

Referred to Public Safety & Transportation and Public Facilities Committees

#243-22

Discussion regarding MassDOT's intersection project

HER HONOR THE MAYOR requesting a discussion of MassDOT's proposed modification to the roundabout design located at the Grove Street intersection from the I-95 SB off-ramp and Quinobequin Road consistent with the requirements of Riverside Special Permit #27-20(2), Condition 14c.