



RECEIVED

By City Clerk at 1:17 pm, Apr 28, 2022



City Council Reports Docket

Page 114

April 20: Programs & Services, Public Safety & Transportation, Public Facilities

April 25: Zoning & Planning & Finance

April 26: Land Use

April 27: Public Facilities

April 28: Finance

At the conclusion of the COW., Hybrid

To be reported on

Monday, May 2, 2022

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Monday, May 2, 2022, after the conclusion of the Committee of the Whole. To view this meeting on zoom use this link at the above date and time:

<https://us02web.zoom.us/j/85954010263>

One tap mobile

US: +13017158592, 859 5401 0263 #

Land line

US: +1 301 715 8592

Meeting ID: 859 5401 0263

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, April 26, 2022

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

#189-22

Petition to waive parking stalls and allow non-accessory parking at 858 Walnut Street

858 WALNUT STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to waive parking stalls and allow single-level non-accessory parking at 858 Walnut Street, Ward 6, on land known as Section 64 Block 5 Lot 04, containing approximately 23,250 sq. ft. of land in a district zoned BUSINESS UNIT 2. Ref: Sec. 7.3.3, 7.4, 6.3.12.B.2.a, 5.1.4.A, 5.1.13, 4.4.1 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 8-0; Public Hearing Closed 4/26/22

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.

- #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.
Land Use Approved 8-0; Public Hearing Closed 4/26/22
- #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.
Land Use Approved 8-0; Public Hearing Closed 4/26/22
- #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.
Land Use Approved 8-0; Public Hearing Closed 4/26/22
- #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.
Land Use Approved 8-0; Public Hearing Closed 4/26/22
- #34-22** **Discussion with city staff regarding the new permitting software**
COUNCILORS MARKIEWICZ, LIPOF, KELLEY, LAREDO, NORTON, CROSSLEY, WRIGHT, AND BAKER requesting periodic updates and discussion with the Planning, Inspectional Services and Information Technology Departments regarding process improvements and the benefits of the implementation of the new permitting software.
Land Use Held 8-0

Referred to Zoning & Planning Committee

Monday, April 25, 2022

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

- #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 amendments to the Newton Zoning Ordinance, Chapter 30, including, but not limited to, the addition of a definition for Microfulfillment Center, and amendments to Section 4.1.1 Allowed Uses, Section 5.1.4 Number of Stalls, Section 5.1.12 Off-Street Loading Requirements, and Section 6.4 Commercial Uses to regulate the use of land, structures and buildings for the siting and operation of a facility whose primary use is for the receipt, transfer, short-term storage, dispatching, coordination, preparation, routing of package delivery, and parking of vehicles, associated with the delivery of goods directly to consumers, by allowing such uses in the Business Use 4, Mixed Use 1, Mixed Use 2, Manufacturing, and Limited Manufacturing Districts by right and subject to listed standards, and to prohibit such uses in the Business Use 1 and Business Use 2 Districts, or allow the uses in the Business Use 1 and Business Use 2 Districts either by right and subject to listed standards, or only upon the granting of a special permit.
Zoning & Planning Approved 5-0-2 (Councilors Crossley & Krintzman abstaining; Councilor Leary not voting); Public Hearing Closed 04/25/22
- #196-22** **Appointment of Laxmi Rao to the Planning and Development Board**
HER HONOR THE MAYOR appointing Laxmi Rao, 124 Walnut Hill Road, Newton as an Alternate member of the Planning and Development Board for a term to expire on April 19, 2026. (60 days: 05/20/22)
Zoning & Planning Approved 8-0
- #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)
Zoning & Planning Approved 8-0
- #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)
- #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)
Zoning & Planning Approved 7-0 (Councilor Leary not voting)

Referred to Public Safety & Transportation Committee

Wednesday, April 20, 2022

Present: Councilors Downs (Chair), Grossman, Markiewicz, Malakie, Lucas and Oliver; also present: Leary, Gentile, Danberg, Norton, Crossley, Laredo, Kelley, and Kalis; absent; Councilors Lipof and Bowman

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.
Public Safety & Transportation Held 7-0 on 04/06/22
Public Facilities Held 7-0 on 04/06/22
Public Facilities Approved Option 3 Subject to Second Call, with a trial to last no less than 6 months keeping the east bound lane open on the Carriageway to Melrose Street 6-0-2 (Councilors Kalis and Gentile abstaining) on 04/20/22
Public Safety & Transportation Approved Option 3 Subject to Second Call, with a trial to last no less than 6 months keeping the east bound lane open on the Carriageway to Melrose Street 3-0-3 (Councilors Markiewicz, Malakie and Oliver abstaining)

Referred to Public Facilities Committee

Wednesday, April 20, 2022

Present: Councilors Leary (Chair), Gentile, Danberg, Norton, Crossley, Laredo, Kelley, and Kalis; also present: Councilors Downs, Grossman, Markiewicz, Malakie, Lucas and Oliver

- #276-22** **Request for a grant of location in Hancock Street, Graydale Circle and Woodland Road**
NATIONAL GRID petition for a grant of location to install and maintain gas main in Hancock Street, Graydale Circle and Woodland Road, as follows:
- 1055' ± of 6" plastic main in Hancock Street from the 6" coated steel at #7 Hancock Street to the existing 4", cast iron at #93 Hancock Street to replace 755' ± of 3", cast iron and 300' ± of 4", cast iron
 - 160' ± of 4" plastic main in Graydale Circle from Hancock Street to the end of main at #11 Graydale Circle to replace 160' ± of bare steel main
 - 1125' ± 8" plastic main in Woodland Road from Central Street to the existing 8" plastic main at #110 Woodland Road to replace 5' ± 8" cast iron main, 945' ± of 6" bare steel main and 50' ± of 8" cast iron
- Public Facilities Approved 7-0 (Councilor Norton not voting)**
- #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 0 to expire upon the completion of the Horace Mann School Project. (60 days 06/03/22)
Public Facilities Approved 7-0 (Councilor Norton 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 on 03/23/22
Public Facilities Approved 7-0 (Councilor Norton not voting)

- #182-22 Discussion on the Transportation Network Improvement Plan**
DEPARTMENT OF PUBLIC WORKS requesting to provide an update on the Transportation Network Improvement Plan
Public Facilities Held 8-0

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.
Public Safety & Transportation Held 7-0 on 04/06/22
Public Facilities Held 7-0 on 04/06/22
Public Safety & Transportation Approved Option 3 Subject to Second Call, with a trial to last no less than 6 months keeping the east bound lane open on the Carriageway to Melrose Street 3-0-3 (Councilors Markiewicz, Malakie and Oliver abstaining) on 04/20/22
Public Facilities Approved Option 3 Subject to Second Call, with a trial to last no less than 6 months keeping the east bound lane open on the Carriageway to Melrose Street 6-0-2 (Councilors Kalis and Gentile abstaining)

- #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.
Public Facilities Held 7-0 on 04/06/22
Public Facilities Held 8-0

Referred to Public Facilities Committee

Wednesday, April 27, 2022

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

#205-22 Appointment of Jessica Baccari to the Design Review Committee
HER HONOR THE MAYOR appointing JESSICA BACCARI, 20 Clark Road, Newton, as a community member of the Design Review Committee for a term to expire upon the completion of the Franklin Building Project. (60 days 5/20/22)

Public Facilities Approved 6-0

Referred to Public Facilities and Finance Committees

#270-22 Request for authorization to transfer \$171,490 for the Franklin School Boiler
HER HONOR THE MAYOR requesting authorization to transfer the sum of one-hundred seventy-one thousand four hundred ninety dollars (\$171,490) from Acct#0110498-579000 Current Year Budget Reserve to a Public Building Project Account to fund the replacement of the Franklin School Boiler which is forty years old and operable but leaking.

Public Facilities Approved 6-0

Referred to Public Facilities and Finance Committees

#271-22 Request for authorization to appropriate \$224,510 for Newton South boiler
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of two hundred twenty-four thousand five hundred ten dollars (\$224,510) from June 30, 2021, Certified Free Cash to fund the replacement of an inoperable boiler at Newton South High School.

Public Facilities Approved 6-0

Referred to Finance Committee

Monday, April 25, 2022

Present: Councilors Grossman (Chair), Noel, Kalis, Humphrey, Oliver, Norton, Gentile and Malakie

#268-22 Authorization to expend a Public Safety and Security Office of Grants
HER HONOR THE MAYOR requesting authorization to accept, appropriate and expend the amount of two thousand five hundred dollars (\$2,500) from a grant through the Executive Office of Public Safety and Security Office of Grants and Research for the purpose of purchasing an Automated External Defibrillator (AED).

Finance Approved 8-0

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 on 03/23/22

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

Finance Approved 8-0

- #266-22 Request authorization to appropriate \$800,000 for Rainy Day Stabilization Fund**
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of eight hundred thousand dollars (\$800,000) from June 30, 2021 Certified Free Cash to Acct # 5900-1040 Rainy Day Stabilization Fund. This action will bring the Rainy Day Stabilization Account to 5% of the Mayor's Proposed FY2023 General Fund Operating Budget for a total of just under \$24 million dollars.
Finance Approved 8-0
- #267-22 Requesting authorization to amend a policy, between the City and the COD**
HER HONOR THE MAYOR requesting authorization to amend a policy, the purpose of which was to set forth an allocation of the Revenue between the City and the Commission on Disability by deleting language apportioning most of the revenue from parking violations in handicap accessible spaces to the City and adding language that would have 100% of said revenues allocated to the Commission on Disability effective FY2023.
Finance Approved 8-0
- #269-22 Requesting authorization to expend \$250,000 to fund City's upgrade from Finance Plus**
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of two hundred fifty thousand dollars (\$250,000) from June 30, 2021, Certified Free Cash to fund the final invoices for the City's upgrade from Finance Plus as well as continuing modifications to the Payroll/Human Resources sections of our financial system.
Finance Approved 8-0