



City Council Actions

In City Council

Monday, April 4, 2022

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

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

<https://newtv.org/recent-video/63-newton-city-council-meetings/7449-newton-city-council-committee-of-the-whole-april-4-2022>

The City Council went into a Committee of the Whole to hear.

#215-22 Discussion on the replacement of the water meter system
COMMISSIONER OF PUBLIC WORKS requesting a Committee of the Whole to brief the City Council on the replacement of the water meter system including all meters and transmitters at every residential and commercial property in Newton.
Committee of the Whole voted No Action Necessary 24 yeas, 0 nays

Clerk's Note: See attached Committee of the Whole Report.

The City Council voted without discussion 23 Yeas, 0 Nays, 1 absent (Councilor Crossley) to Accept the Committee Recommendations on the following items:

Referred to Land Use Committee

#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

- #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

- #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)

Referred to Public Safety & Transportation Committee

- #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

Referred to Public Facilities Committee

- #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)
- #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 Finance Committee

- #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

Motion to suspend the Rules to accept late filed items 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.

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.

Public Hearings were assigned for the following Items:

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 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.

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 \pm 180 ft to a manhole in front of the 164 Newtonville Avenue. (Ward 1)

PETITIONER TO PAY ENTIRE COST