



**RECEIVED**

**By City Clerk at 10:00 am, May 13, 2022**



## **City Council Reports Docket**

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May 4: Programs & Services, Public Safety & Transportation, Public Facilities

May 5: Public Safety & Transportation

May 9: Zoning & Planning and Finance

May 10: Land Use

**REVISED**

**10:00 am, May 13, 2022**

7:45 p.m., Hybrid

To be reported on

Monday, May 16, 2022

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Monday, May 16, 2022, 7:45 pm To view this meeting on zoom use this link at the above date and time:

<https://us02web.zoom.us/j/86906699125>

One tap mobile

US: +13017158592 869 0669 9125 #

Land line

US: +1 301 715 8592

Meeting ID: 869 0669 9125

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**

#### **Unfinished Council Business**

#### **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**

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](mailto: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.

**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)**

**Motion to Amend to strike the trial period from Option 3 Approved 22 yeas, 0 nays, 2 absent (Councilors Grossman and Noel)**

**Motion to Amend and Substitute Option 2 for Option 3 in the Public Facilities and Public Safety & Transportation Committees vote Failed 11 yeas, 11 nays (Councilors Bowman, Crossley, Danberg, Downs, Greenberg, Humphrey, Kelley, Leary, Norton, Ryan, Albright), 2 absent (Councilors Grossman and Noel)**

**Item Chartered by Councilor Gentile on May 2, 2022**

### **Referred to Land Use Committee**

Tuesday, May 3, 2022

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

#### **#254-22      Petition to allow marijuana retailer at 1185 Chestnut Street**

NUESTRA, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a retail marijuana establishment, to allow parking within the side setback, to allow parking stalls with reduced length, to alter and extend the nonconforming driveway width, to waive perimeter screening requirements, to waive lighting requirements and to waive the 25% façade transparency requirement at 1185 Chestnut Street, Ward 5, Newton, on land known as Section 51 Block 45 Lot 09, containing approximately 17,091 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 6.10.3.D, 4.4.1, 5.1.8.A.1, 5.1.13, 5.1.8.B.2, 5.1.8.D.1, 7.8.2.C.2, 5.1.9.A, 5.1.10, 6.10.3.E.15 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Held 7-0; Public Hearing Continued**

#### **#256-22      Petition to allow parking in the front setback at 1090 Walnut Street**

MICHAEL A. WANG petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow an additional parking stall in the front setback and to further extend a nonconforming driveway entrance width at 1090 Walnut Street, Ward 6, Newton, on land known as Section 22 Block 29 Lot 06, containing approximately 18,519 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 5.1.7.A, 7.8.2.C.2, 5.1.7.C of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 7-0; Public Hearing Closed 5/3/22**

#### **#257-22      Request to exceed FAR at 99-101 Crafts Steet**

PATRICK MCKENNA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow reconfiguration of an existing two-family dwelling to one unit and construction of a rear addition second unit, exceeding maximum allowable FAR at 99-101 Crafts Street, Newton, Ward 1, on land known as Section 14 Block 17 Lot 24, containing approximately 8737 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 7.4, 3.2.2, 3.2.11 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 7-0; Public Hearing Closed 5/3/22**

- #258-22 Request to exceed FAR at 109 Prince Street**  
EYAL LEIB petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow construction of a one-story mudroom and breezeway, further exceeding nonconforming FAR at 109 Prince Street, Newton, Ward 2, on land known as Section 32 Block 30 Lot 10, containing approximately 15,000 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 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 7-0; Public Hearing Closed 5/3/22**
- #273-22 Request to exceed maximum FAR at 78 Commonwealth Park West**  
JEFF AND NANCY SELIG petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an attached garage and two-story rear addition, exceeding the maximum allowable FAR at 78 Commonwealth Park West, Ward 2, Newton, on land known as Section 53 Block 33 Lot 04, containing approximately 7968 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 6-0-1 (Councilor Downs Abstaining); Public Hearing Closed 5/3/22**
- #188-22 Petition to alter and extend a nonconforming residential use and for height and number of stories at 55 Colella Road**  
MICHAEL LOHIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 2.5 story two-unit dwelling in excess of 24', and to alter and extend the existing nonconforming residential use at 55 Colella Road, Ward 8, Newton Centre, on land known as Section 84 Block 15 Lot 01, containing approximately 7,541 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 Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 6-0-1 (Councilor Laredo Abstaining); Public Hearing Closed 5/3/22**

**Referred to Zoning & Planning Committee**

Monday, May 9, 2022

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

- #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)  
**Zoning & Planning Approved 8-0**
- #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)  
**Zoning & Planning Held 8-0**

- #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)  
**Zoning & Planning Held 8-0**
- #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)  
**Zoning & Planning Approved 8-0**
- #280-22 Appointment of Florent Mali to the Economic Development Commission**  
HER HONOR THE MAYOR appointing Florent Mali, 32 Rowe Street, Auburndale as a member of the Economic Development Commission for a term of office to expire on December 31, 2023. (60 Days: 07/01/22)  
**Zoning & Planning Approved 7-0 (Councilor Albright not voting)**
- #279-22 Request for amendment to the Zoning Code to regulate certain signage**  
HER HONOR THE MAYOR requesting amendments to Chapter 30, Section 5.2 to amend the portion of the sign ordinance that regulates all “non-commercial” signs (i.e., election or yard sale signs).  
**Zoning & Planning Held 7-0 (Councilor Albright not voting); Public Hearing set for 06/13/22**

### **Referred to Programs & Services**

Wednesday, May 4, 2022

Present: Councilors Noel (Vice Chair), Humphrey, Krintzman (Chair), Baker, Greenberg, Albright, and Ryan; absent: Councilor Wright

- #262-22 Appointment of Jin Zhang to the Biosafety Committee**  
PRESIDENT ALBRIGHT appointing Jin Zhang, 274 Auburndale Avenue, Auburndale, to the Biosafety Committee for a term of office to expire on May 16, 2025. (60 Days: 06/18/2022)  
**Programs & Services Approved 7-0**
- Referred to Programs & Services and Finance Committees**
- #244-22 Resolution on the Fair Share Amendment**  
COUNCILORS ALBRIGHT, RYAN, DOWNS, DANBERG, LIPOF, GREENBERG, BOWMAN, AND CROSSLEY a resolution asking the City Council to support the Fair Share Amendment which will be on the November Ballot.  
**Finance Approved 4-0-2 (Councilors Oliver and Malakie abstaining and Councilor Gentile not voting) on 05/09/22**  
**Programs & Services Approved 7-0**

**Referred to Public Safety & Transportation Committee**

Wednesday, May 4, 2022

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

**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 Facilities Held 7-0 on 04/06/22**

**Public Safety & Transportation Held 7-0 on 04/06/22**

**Public Facilities Held 7-0 on 05/04/22**

**Public Safety & Transportation Held 7-0 on 05/04/22**

**Referred to Public Facilities Committee**

Wednesday, May 4, 2022

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

**#285-22 Eversource petition for Grant of Location in JFK Circle and Green Street**

EVERSOURCE ENERGY petitioning for a grant of location to install and maintain 40' ± of conduit in a northeasterly direction from pole 182/3 and install and maintain 370' ± southeasterly from Green Street thence turning southwesterly to the private property at 100 John F. Kennedy Circle. (Ward 1)

**Public Facilities Approved 6-0 (Councilor Kalis not voting)**

**Referred to Public Facilities and Finance Committees**

**#292-22 Appropriation of \$1,500,000 for Transportation Network Improvement Program**

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one million five hundred thousand dollars (\$1,500,000) from June 30, 2021, Certified Free Cash for the Transportation Network Improvement Program to continue making progress on the City's roads, bike lanes, sidewalks and traffic calming efforts across the City.

**Finance Approved 6-0-1 (Councilor Oliver abstaining)**

**Public Facilities Approved 6-0 (Councilor Kalis not voting)**

**Referred to Public Facilities and Finance Committees**

**#291-22 Appropriation of \$500,000 to fund the design of the pilot program for Washington Street from Lowell Ave to Newton Corner**

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of five hundred thousand dollars (\$500,00) from June 30, 2021 Certified Free Cash, derived from Host Community Agreement Funds, to fund the design of the pilot program/interim

solution for Washington Street from Lowell Ave to Newton Corner.

**Finance Approved as Amended 7-0 on 05/09/22**

**Public Facilities Approved as Amended 5-0-2 (Councilors Kelley and Gentile abstaining) on 05/04/22**

**Referred to Public Facilities and Finance Committees**

**#294-22**

**Appropriate \$3,200,000 for water main improvements in FY23**

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of three million two hundred thousand dollars (\$3,200,000) and authorize a general obligation borrowing of an equal amount for water main improvements in FY23 as part of the City's Water Capital Improvement Plan and authorization to apply any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing, and marketing them, and any accrued interest received upon the delivery of the bonds or notes to the costs of the project and to reduce the amount authorized to be borrowed for the project by like amount.

**Finance Approved 7-0 on 05/09/22**

**Public Facilities Approved 7-0**

**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 Facilities Held 7-0 on 04/06/22**

**Public Safety & Transportation Held 7-0 on 04/06/22**

**Public Safety & Transportation Held 7-0 on 05/04/22**

**Public Facilities Held 7-0**

**Referred to Finance Committee**

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

**#287-22**

**Acceptance of a \$114,682 grant from the Massachusetts Department of Public Health**

HER HONOR THE MAYOR requesting the authorization to accept, appropriate and expend the sum of one hundred fourteen thousand six hundred and eighty-two dollars (\$114,682) from the Massachusetts Department of Public Health to be used in the City's efforts to enhance the COVID-19 public health response

**Finance Approved 7-0**

**#288-22**

**Acceptance of a \$17,500 grant from the Massachusetts Historical Commission**

HER HONOR THE MAYOR requesting the authorization to accept, appropriate and expend the sum of seventeen thousand five hundred dollars (\$17,500) from the Massachusetts Historical Commission's FY22 Survey & Planning program

**Finance Approved 7-0**



**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 on 04/27/22**

**Finance Approved 5-0-2 (Councilors Norton and Humphrey abstaining)**

**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 on 04/27/22**

**Finance Approved 5-0-2 (Councilors Norton and Humphrey abstaining)**

**Referred to Public Facilities and Finance Committees**

**#292-22**

**Appropriation of \$1,500,000 for Transportation Network Improvement Program**

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one million five hundred thousand dollars (\$1,500,000) from June 30, 2021, Certified Free Cash for the Transportation Network Improvement Program to continue making progress on the City's roads, bike lanes, sidewalks and traffic calming efforts across the City.

**Public Facilities Approved 6-0 (Councilor Kalis not voting) on 05/04/22**

**Finance Approved 5-0-1 (Councilor Oliver abstaining)**

**Referred to Public Facilities and Finance Committees**

**#294-22**

**Appropriate \$3,200,000 for water main improvements in FY23**

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of three million two hundred thousand dollars (\$3,200,000) and authorize a general obligation borrowing of an equal amount for water main improvements in FY23 as part of the City's Water Capital Improvement Plan and authorization to apply any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing, and marketing them, and any accrued interest received upon the delivery of the bonds or notes to the costs of the project and to reduce the amount authorized to be borrowed for the project by like amount.

**Public Facilities Approved 7-0 on 05/04/22**

**Finance Approved 7-0**

**Referred to Public Facilities and Finance Committees**

**#291-22**

**Appropriation of \$500,000 to fund the design of the pilot program for Washington Street from Lowell Ave to Newton Corner**

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of five hundred thousand dollars (\$500,00) from June 30, 2021 Certified Free Cash, derived

from Host Community Agreement Funds, to fund the design of the pilot program/interim solution for Washington Street ~~from Lowell Ave to Newton Corner.~~

**Public Facilities Approved as Amended 5-0-2 (Councilors Kelley and Gentile abstaining) on 05/04/22**

**Finance Approved as Amended 7-0**

**Referred to Programs & Services and Finance Committees**

**#244-22**

**Resolution on the Fair Share Amendment**

COUNCILORS ALBRIGHT, RYAN, DOWNS, DANBERG, LIPOF, GREENBERG, BOWMAN, AND CROSSLEY a resolution asking the City Council to support the Fair Share Amendment which will be on the November Ballot.

**Programs & Services Approved 7-0 on 05/04/22**

**Finance Approved 4-0-2 (Councilors Oliver and Malakie abstaining and Councilor Gentile not voting)**