



RECEIVED

By City Clerk at 11:57 am, Jun 02, 2022



City Council Reports Docket

Page 138

7:45 p.m., Hybrid

To be reported on

Monday, June 6, 2022

May 17: Land Use
May 24: Land Use
May 31: Finance
June 1: Zoning & Planning

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Monday, June 6, 2022, 7:45 pm To view this meeting on zoom use this link at the above date and time:

<https://us02web.zoom.us/j/87419358434>

One tap mobile

US: +13017158592 874 1935 8434 #

Land line

US: +1 301 715 8592

Meeting ID: 874 1935 8434

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 last no less than 6 months keeping the east bound lane open on the Carriageway 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 or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

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

Motion to substitute Option 2 for Option 3 in the Public Facilities and Public Safety & Transportation Committees vote Failed 12 yeas 12 nays (Councilors Bowman, Crossley, Danberg, Downs, Greenberg, Grossman, Humphrey, Kelley, Leary, Noel, Ryan, Albright)

Motion to postpone to a date certain of June 6, 2022 Approved 24-0

Referred to Land Use Committee

Tuesday, May 17, 2022

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

#277-22 Request to vertically extend nonconforming side setback at 9 Day Street

JAMES F. SMITH, JR. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct second-story rear addition over the existing footprint, vertically extending the nonconforming side setback at 9 Day Street, Ward 4, Newton, on land known as Section 43 Block 40 Lot 05, containing approximately 6671 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 the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 8-0; Public Hearing Closed 5/17/22

#33-21(3) Sustainability update for Special Permit #33-21(3) at 275 Grove Street

ALEXANDRIA REAL ESTATE EQUITIES, INC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Orders #40-97, #40-97(2) and #33-21 to amend the site plan, to allow a lab and research facility use and to allow height up to 96' and 8 stories at 275 Grove Street, Ward 4, Auburndale, on land known as Section 43 Block 29 Lot 24, containing approximately 487,578 sq. ft. of land in a district zoned BUSINESS USE 4. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.5.9.A, 4.1.3, 4.1.2.B.3 of the City of Newton Rev Zoning Ord, 2017.

Land Use voted No Action Necessary 8-0

#259-22 Request to Rezone 7 parcels to BU4

CRAFTS DEVELOPMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone 7 parcels as follows: 34 Crafts Street (Section 23 Block 16 Lot 11), 36 Crafts Street (Section 23 Block 16 Lot 10), 38 Crafts Street (Section 23 Block 16 Lot 09), 48 Crafts Street (Section 23 Block 16 Lot 08), and 50 Crafts Street (Section 23 Block 16 Lot 07) from MANUFACTURING TO BUSINESS 4; and 19 Court Street (Section 23 Block 16 Lot 12) and 21 Court Street (Section 23 Block 16 Lot 13) from MULTIRESIDENCE 1 TO BUSINESS 4.

Land Use Held 8-0; Public Hearing Continued

#260-22 Petition to construct elderly housing with services at 34, 36, 38, 48, 50 Crafts Street, 19-21 Court Street

CRAFTS DEVELOPMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow an Elder Housing with Services facility, to allow a development in excess of 20,000 sq. ft., to allow a seven-story building, to allow a building 84 feet in height, to allow parking within the side setback, to reduce the required parking stall width, to reduce the required parking stall depth, to reduce the required parking stall depth for accessible stalls, to allow a reduced drive aisle width for two-way traffic and to waive the lighting requirements at 34, 36, 38, 48, 50 Crafts Street, 19-21 Court Street, Ward 2, Newton, on land known as Section 23 Block 16 Lots 7, 8, 9, 10, 11, 12 and 13, containing approximately 115,818 sq. ft. of land in districts zoned MAN and MR1 (to be rezoned to BU4). Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.2.10, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 5.1.8.A.1, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.C, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 8-0; Public Hearing Continued

Referred to Land Use Committee

Tuesday, May 24, 2022

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

#35-22 Discussion with city departments regarding internal processes for special permit council orders

COUNCILORS LAREDO, LIPOF, DOWNS, RYAN, KALIS, NORTON, WRIGHT, LUCAS, DANBERG, MALAKIE, GROSSMAN, BOWMAN AND KELLEY requesting a discussion with the Planning and Inspectional Services Departments regarding the current internal processes for ensuring compliance with special permit council orders and the ways in which these processes can be improved.

Land Use Held 8-0

#36-22 Review and analysis with city departments regarding standard language and special permit council orders

COUNCILORS LAREDO, DOWNS, MALAKIE, LIPOF, ALBRIGHT, BOWMAN, WRIGHT, OLIVER, GREENBERG, KELLEY, NORTON, BAKER, LEARY, LUCAS AND DANBERG requesting a review and analysis with Planning, Inspectional Services and Law Departments regarding standard language and special permit council orders for the purpose of improving the language used in such orders including provisions regarding undergrounding utilities, bicycle storage, construction hours and other construction rules, vibrations, rodent control, electrification, landscaping and other similar provisions.

Land Use Held 8-0

#81-22 Discussion with city departments regarding internal processes for special permit council orders

COUNCILORS MARKIEWICZ, LAREDO, LIPOF, DOWNS, WRIGHT, LUCAS, DANBERG, ALBRIGHT AND requesting a discussion with the Law and Planning and Development

Departments regarding how the City Council currently sets mitigation contributions and fees for special permit projects and the establishment of standards for such contributions and fees.

Land Use Held 8-0

Referred to Land Use and Zoning and Planning Committees:

#124-22

Request for amendment to Section 7.3 Special Permit Review of the Zoning Code

COUNCILORS LAREDO, LIPOF, DANBERG, GROSSMAN, LUCAS, MALAKIE, AND WRIGHT

requesting an amendment to Section 7.3 Special Permit Review of the Zoning Code to require the submission of designs for the placement of underground utility service lines for projects above a certain size.

Land Use Held 8-0

Referred to Zoning & Planning Committee

Wednesday, June 1, 2022

Present: Councilors Crossley (Chair), Albright, Danberg, Krintzman, Wright, Leary, and Baker; absent: Councilor Ryan; also present: Councilors Bowman, Markiewicz, Malakie, Laredo, Kalis, Lucas, Oliver, Downs, and Lipof

#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 Approved 6-0 (Councilor Baker Not Voting)

#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 Approved 6-0 (Councilor Baker Not Voting)

#307-22

Appointment of Councilor Bowman to the Affordable Housing Trust Fund

PRESIDENT ALBRIGHT appointing Councilor Alicia Bowman, 19 Chestnut Terrace, Newton, to the Newton Affordable Housing Trust Fund for a term of office to expire on December 31, 2023.

Zoning & Planning Approved 6-0 (Councilor Baker Not Voting)

#274-22

Request for authorization to submit FY2023 Annual Action Plan

HER HONOR THE MAYOR requesting City Council authorization, pursuant to the 2020 Revised Citizen Participation Plan, to submit the FY23 Annual Action Plan to the US Department of Housing and Urban Development (HUD) for the City of Newton Community Development Block Grant (CDBG) and Emergency Solutions Grant (ESG) funds and the WestMetro HOME Consortium.

Zoning & Planning Approved 6-0-1 (Councilor Baker Abstaining)

- #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

Referred to Finance Committee

Tuesday, May 31, 2022

Present: Councilors Grossman, Oliver, Kalis, Humphrey, Malakie, and Noel; also present: Councilor Albright, Leary, and Wright; Absent: Councilors Gentile and Norton

- #286-22** **Appointment to the Financial Audit Advisory Committee**
PRESIDENT OF THE CITY COUNCIL appointing MAX STOFF, 153 Oak Street, Newton, as a member of the FINANCIAL AUDIT ADVISORY COMMITTEE for a term to expire on May 2, 2025. (60 days: 07/01/22)
Finance Approved 4-0 (Councilor Malakie and Noel not voting)
- #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.
Finance Approved Subject Second Call 5-0 (Councilor Malakie not voting)
- #305-22** **Authorization to expend \$20,000 to settle a claim**
HER HONOR THE MAYOR requesting the authorization to expend twenty-thousand dollars (\$20,000) from the Law Department Account #0110841-572500 Legal Claims & Settlements to settle a claim of negligence against City.
Finance Approved 4-0 (Councilor Malakie and Humphrey not voting)
- #303-22** **Assessment of Curb Betterments**
COMMISSIONER OF PUBLIC WORKS requesting approval of the following mentioned sidewalk/driveway apron and/or curb betterments; said betterments to be levied under the provisions of MGL Chapter 83, Sec. 26, authorizing the assessments of betterments for construction. This is to replace Council Orders 383-19 and 279-21
Finance Approved 3-0-1 (Councilor Noel Recused and Councilor Malakie and Humphrey not voting)

| Address | Owner Name | Book/Page | Sec/Block/Lot | Total Cost |
|--|--|---|---------------|------------|
| 1000 Walnut Street | Joseph M. Sanroma and Christine R. Sanroma | 31200/421 (Rec. Land) | 52-16-08 | \$2,240.00 |
| 53 Ober Road | Joan Posternak and Fredric Posternak | 30295/84 (Rec. Land) | 82-15-106 | \$2,448.00 |
| 1057 Walnut Street (on Dunklee Only) | Jennifer B. Evans and Philip T. Evans | 54394/576 (Rec. Land) | 52-12-11 | \$2,432.00 |
| 15 Hancock Ave | Ian Douglas Swett and Vanessa Swett | 76473/85 (Rec. Land) | 64-26-02 | \$2,888.00 |
| 25 Leslie Road | Jeffrey A. Levinson and Lisa L. Gianelly | 32638/126 (Rec. Land) | 43-42-01 | \$3,856.00 |
| 17 Bunker Lane | Jonathan S Dietz & Lauren J Dietz | 1461/1 Cert. No. 257787 Doc. No. 1682303 (Reg. Land) | 31-24-19 | \$2,064.00 |
| 138 Waban Avenue | Howard A Cyker & Julie Cyker TRS | 29634/451 (Rec. Land) | 55-39-48 | \$2,000.00 |
| 47 Lombard Street | Adam E Sulesky & Karen L Sulesky | 67023/304 (Rec. Land) | 13-12-09 | \$2,165.00 |
| 20 Woodchester Drive | Guilherme Maredei and Danielle Costa Simao Maradei | 1543/152 Cert. No. 270406 Doc. No. 1812967 (Reg. Land) | 73-38-10A | \$3,984.00 |
| 175 Parmenter Road | Peter T Giang | 51304/488 (Rec. Land) | 44-03-31 | \$2,112.00 |
| 1065 Walnut Street (on Duncklee Street only) | Arnold Stephen Freedman & Lori Melody Kahn TRS | 36585/431 (Rec. Land) | 52-11-06 | \$4,304.00 |
| Address | Owner Name | Book/Page | Sec/Block/Lot | Total Cost |
| 151 Pine Ridge Road | Virginia A Rice | 7631/261 (Rec. Land) | 53-28-07 | \$2,894.00 |
| 59 Lakewood Road | John B Gaines & Mary K Gaines | 61303/304 (Rec. Land) | 52-16-07 | \$4,064.00 |
| 57 Taft Avenue | Montgomery Haddon Cagwin & Emily Grace Cagwin | 71940/424 (Rec. Land) | 34-11A-22 | \$2,320.00 |
| 11 Cushing Street | Matthew W Gore & Anya V Gore | 69781/381 (Rec. Land) | 52-27-09 | \$2,800.00 |
| 209 Mt. Vernon Street | Peter A. Warren and Gretchen H Warren | 28551/166 (Rec. Land) | 31-02-05 | \$2,048.00 |
| 2 Hope Street, AKA 41 Day Street | Michael J Pacinda and Elizabeth Gomperz | 1351/21 Cert. No. 241423 Doc. No. 1467258 (Reg. Land) | 43-41-06 | \$3,616.00 |
| 1025 Walnut Street | Dean Fairchild and Brenda Noel | 54777/146 (Rec. Land) | 52-12-07 | \$2,944.00 |
| 1093 Walnut Street | Leslie H. Brail a/k/a Les H. Brail, Trustee | 68706/594 (Rec. Land) | 52-09-10 | \$2,560.00 |
| 1057 Walnut Street | Jennifer B. Evans and Phillip T. Evans | 54394/576 | 52-12-11 | \$2,560.00 |

| | | | | |
|---------------------|--|--|----------|------------|
| | | (Rec. Land) | | |
| 802 Walnut Street | Jonathan Rosario and Marni Deborah Allen | 57043/312 (Rec. Land) | 64-06-05 | \$2,208.00 |
| 810 Walnut Street | Kenneth A. Schwartz and Sarah Boorstyn Schwartz | 20323/352 (Rec. Land) | 64-06-04 | \$2,272.00 |
| 1036 Walnut Street | Martine Claremont and Christopher James Bennett | 64510/122 (Rec. Land) | 52-18-17 | \$2,560.00 |
| 1105 Walnut Street | Andy H. Levine and Lisa J. Monahan as Trustee | 74527/114 (Rec. Land) | 52-09-12 | \$2,432.00 |
| 1048 Walnut Street | Glenn R. Johnson and Susan M. Johnson | 12477/731 (Rec. Land) | 52-20-13 | \$2,176.00 |
| 22 Agawam Road | David A. Kenney, III and Amy Roberts Kenney | 1404/100 Cert. No. 249470 Doc. No. 1574539 (Reg. Land) | 42-06-04 | \$2,672.00 |
| 100 Franklin Street | John W. Slocum and Shuchi S. Pandya | 67606/565 (Rec. Land) | 72-35-09 | \$4,752.00 |
| 310 Waverley Avenue | Eric Bosco and Elizabeth Bosco | 56720/437 (Rec. Land) | 73-09-15 | \$3,824.00 |
| 51 Devon Road | Alexandra Vozick Thatcher | 12966/314 (Rec. Land) | 61-03-12 | \$2,160.00 |