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City Council Docket

June 7: Land Use

June 8: Programs & Services, Public Safety & Transportation
and Public Facilities

June 13: Zoning & Planning and Finance

June 14: Land Use

June 15: Real Property Reuse

June 16: Programs & Services and Public Facilities

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Monday, June 6, 2022

7:45 p.m, Hybrid

To be reported on
Tuesday, June 21, 2022

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 to be Accepted and Referred to Committees

Referred to Land Use Committee

Public hearing to be Assigned for June 7, 2022

#308-22 Request to amend Special Permit #372-94 and extend nonconforming height at 33 Industrial Place

MATERION NEWTON, INC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #372-94 to raise a portion of the roof and allow construction of a furnace, further extending the nonconforming height at 33 Industrial Place, Ward 8, on land known as Section 83 Block 28 Lot 79, containing approximately 43,740 sq. ft. of land in a district zoned MIXED USE 1. Ref: Sec. 7.3.3, 7.4, 4.2.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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.*

Public hearing to be Assigned for June 7, 2022

#309-22 Request to allow parking within a front setback at 326 Lake Avenue

KAREL MATYSKA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a new parking area allowing for parking stalls within the front setback at 326 Lake Avenue, Ward 6, Newton, on land known as Section 52 Block 22 Lot 02, containing approximately 9425 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 5.1.7.A, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.

Public hearing to be Assigned for June 7, 2022

#310-22 Petition to increase and extend nonconformities and amend variances at 128 Gibbs Street

ED ZIELINSKI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story side addition further exceeding: nonconforming FAR, nonconforming lot coverage and nonconforming open space at 128 Gibbs Street, Ward 6, Newton, on land known as Section 61, Block 28, Lot 05A, containing approximately 9555 sq. ft. of land in a district zoned SINGLE 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 June 7, 2022

#311-22 Petition to increase nonconforming FAR at 58 Greenlawn Avenue

JOHN SCHERRY and HYUNSUN LEE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second-story sunroom within the existing footprint, further increasing the nonconforming FAR at 58 Greenlawn Avenue, Ward 6, on land known as Section 64, Block 13, Lot 14, containing approximately 8130 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9, 3.1.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

Public hearing to be Assigned for June 14, 2022

#312-22 Petition to further extend nonconforming FAR at 73-75 Ripley Street

MARK and HEIDI INGERMAN and BERKAY AND MARIETA BAYKAL petition for SPECIAL PERMIT/SITE PLAN APPROVAL to reconstruct the roof and add front and rear dormers, further increasing nonconforming FAR at 73-75 Ripley Street, Ward 6, Newton, on land known as Section 65 Block 19 Lot 29, containing approximately 7200 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 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.

Public hearing to be Assigned for June 14, 2022

#313-22 Petition to extend nonconforming FAR at 34 Westbourne Road

SEAN ZHENG petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing garage and construct a new detached garage, further increasing nonconforming FAR at 34 Westbourne Road, Ward 7, Newton, on land known as Section 73 Block 44 Lot 12, containing approximately 7640 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 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public hearing to be Assigned for June 14, 2022

#314-22 Petition to amend special permits and a Restrictive Covenant and to waive required parking stalls at 148 California Street

KF REALTY ASSOCIATES, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Orders #162-88, #199-99(2) and 422-18; to amend the Restrictive Covenant recorded at Middlesex South Registry of Deeds at Book 30627, page 331; and to seek an additional waiver of parking stalls at 148 California Street, Ward 1, Newton, on land known as Section 11 Block 12 Lot 11, containing approximately 523,642 (231,486 in Newton) sq. ft. of land in a district zoned MANUFACTURING. Ref: 7.3.3, 7.4, 5.1.4, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.

Public hearing to be Assigned for June 14, 2022

#315-22 Request to allow free-standing signs and modifications to existing signs at 1210-1230 Washington Street

DIV WASHINGTON LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to install a free-standing sign and to allow exceptions to the number and size of secondary signs at 1210-1230 Washington Street, Ward 3, Newton, on land known as Section 31 Block 04 Lot 13, containing approximately 79,093 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 5.2.13.A, 5.2.13.B of the City of Newton Rev Zoning Ord, 2017.

Public hearing to be Assigned for June 28, 2022

#316-22 Request to extend nonconforming two-family use and allow a retaining wall within a setback at 117 Cypress Street

PATRICK POWDERMAKER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend a nonconforming two-family use by converting a detached garage into a detached accessory apartment and to construct a retaining wall exceeding 4' within a setback at 117 Cypress Street, Ward 6, Newton, on land known as Section 65 Block 15 Lot 05, containing approximately 14,383 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 5.4.2.B, of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

#317-22 Request for Extension of Time for Special Permit #257-20 at 449 Commonwealth Avenue

RAQUEL OLIVA ALENCAR petition for a TWO-YEAR EXTENSION OF TIME to EXERCISE SPECIAL PERMIT #257-20 to allow expansion of a garage to create a two-car a detached garage, in excess of 700 sq. ft. and to allow dormers with widths exceeding 50% of the length of the wall plane below at 449 Commonwealth Avenue, Ward 7, Chestnut Hill, on land known as Section 73 Block 41 Lot 01. Said Extension of Time to run from June 22, 2021 to June 22, 2023. Ref: 7.3.3, 7.4, 3.4.2.B.1, 1.5.4.G.2.b of the City of Newton Rev Zoning Ord, 2017.

#318-22 Request for Extension of Time for Special Permit #257-19 at 956 Walnut Street

956 WALNUT STREET, LLC. petition for an EXTENSION OF TIME to July 23, 2023 to EXERCISE SPECIAL PERMIT #257-19 to raze the existing single-family dwelling and construct seven

single-family attached dwellings in three buildings, to reduce the frontage requirement, to reduce the side setback requirement, to allow three-stories, to exceed maximum lot coverage, to allow a retaining wall greater than 4' in the setback and to allow a driveway in the side setback at 956 Walnut Street, Ward 6, Newton Highlands, on land known as Section 62 Block 04 Lot 05, containing approximately 32,274 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 5.4.2.B, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

#319-22

Request for Extension of Time to Exercise Special Permit #623-18 at 20-22 Circuit Ave

ARTHUR KALOTKIN petition for an EXTENSION OF TIME to May 27, 2023 to EXERCISE Special Permit Council Order #623-18 to convert a two-family dwelling into a three-unit multi-family dwelling by converting the existing attic space, allow parking within 5' of residential dwelling units, to waive the minimum aisle width requirements, to waive driveway width, and to waive lighting requirements at 20-22 Circuit Avenue, Ward 5, Newton Highlands, on land known as Section 51 Block 20 Lot 39, containing approximately 12,353 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Referred to Zoning & Planning Committee

#320-22

Appointment of Harvey Schorr to the Newton Historical Commission

HER HONOR THE MAYOR appointing Harvey Schorr, 106 Bellevue Street, Newton as a full member of the Newton Historical Commission for a term of office to expire on June 21, 2025. Mr. Schorr is currently serving as an Alternate member from February 22, 2022 to March 30, 2025. (60 days: 08/05/22)

Referred to Zoning & Planning and Land Use Committees

#321-22

Request for a discussion on complex excavation projects

COUNCILORS KALIS, LIPOF, AND RYAN requesting a discussion on how to weigh neighbors' rights vs. developers with regard to complex excavation projects.

Referred to Public Safety & Transportation Committee

#322-22

Appointment of Greg Gentile as Newton's Fire Chief

HER HONOR THE MAYOR requesting the confirmation of Greg Gentile as Newton's Fire Chief pursuant to Section 3-3 of the City Charter.

#323-22

Requesting new public auto license

KIKUYU DANIELS, 250 Austin Street, Newton, MA 02465 requesting **one (1) new public auto license** for Mindful Livery LLC.

- #324-22** **Four (4) Bus Licenses renewals for VPNE Parking Solutions, LLC.**
VPNE PARKING SOLUTIONS, LLC. requesting triennial renewal of the four bus licenses for VPNE Parking Solutions, LLC. There are no changes proposed from 2021.
- #325-22** **Two (2) Bus Licenses renewals for Boston College Bus**
BOSTON COACH TRANSPORTATION, requesting triennial renewal of the two bus licenses for Boston College. There are no changes proposed from 2021.
1) Boston College Law School Routes
2) Boston College Main Campus to Boston Route
- #326-22** **Requesting language modification to the Traffic and Parking Regulations**
COUNCILOR DOWNS requesting to modify the language of Section 19-28 and Chapter 19-30(g), to allow for administrative changes to be made to the Traffic and Parking Regulations (TPR), and to present the administrative changes made each year to City Council as part of the annual report of the work of the Traffic Council.
- Referred to Finance Committee**
- #327-22** **Authorization to provide a supplemental appropriation to the Newton Public Schools**
HER HONOR THE MAYOR requesting authorization to provide a supplemental appropriation to the Newton Public Schools in the amount of five hundred thirty-eight thousand five hundred and eighty-nine dollars (\$538,589) which is equal to the reimbursement that the City has received to the General Fund from the Massachusetts COVID-19 Emergency Paid Sick Leave.
- #328-22** **Appropriate \$106,520 to cover the cost of FY22 Non-Contributory Retirement System**
HER HONOR THE MAYOR requesting authorization to appropriate and expend the following amounts to cover the full cost of FY22 Non-Contributory Retirement System appropriation for each of the Water, Sewer, and Stormwater Enterprise.
- #329-22** **Acceptance of a \$41,760.50 grant from the Massachusetts Department of Public Health**
HER HONOR THE MAYOR requesting the authorization to accept, appropriate and expend the sum of forty-one thousand seven hundred sixty dollars and fifty cents (\$41,460.50) from the Massachusetts Department of Public Health to be used in the City's efforts to enhance the COVID-19 public health response
- #330-22** **Transfer \$50,000 for the Library HVAC System**
HER HONOR THE MAYOR requesting authorization to transfer the sum of fifty thousand dollars from Acct # 0160110-511001 Main Library Full Time Salaries to Acct #0160112-

524070 Library Building Repairs and Maintenance to fund the emergency repairs to the Library HVAC system

- #331-22 Acceptance of \$198,605 from MassDOT's Shared Streets and Spaces Grant Program**
HER HONOR THE MAYOR requesting the authorization to accept and expend a one hundred ninety-eight thousand six hundred and five dollar (\$198,605) grant from the MassDOT's Shared Streets and Spaces Grant program for the Albemarle Traffic Calming and Bike Lanes project.
- #332-22 Acceptance of \$48,000 from MassDOT's Shared Streets and Spaces Grant Program**
HER HONOR THE MAYOR requesting the authorization to accept and expend a forty-eight thousand dollar (\$48,000) grant from the MassDOT's Shared Streets and Spaces Grant program for the installation of four Rectangular Rapid Flashing Beacons
- #333-22 Transfer \$24,000 for Public Building Maintenance Overtime**
HER HONOR THE MAYOR requesting authorization to transfer the sum of twenty-four thousand dollars from Acct # 0111502-582500 Municipal Building Maintenance Building Improvements to Acct # 1011502-513010 Public Building Maintenance Overtime
- #334-22 Appropriate \$106,520 to cover the cost of FY22 Non-Contributory Retirement System**
HER HONOR THE MAYOR requesting authorization to appropriate and expend the following amounts to cover the full cost of FY22 Non-Contributory Retirement System appropriation for each of the Water, Sewer, and Stormwater Enterprise.

<u>Acct Description</u>	<u>From Acct #</u>	<u>To Acct #</u>	<u>Amount</u>
Current Year Reserve - Water	60A10498-579000	60A10491-570700	\$ 69,095
Current Year Reserve - Sewer	61A10498-579000	61A10491-570700	\$ 32,225
Current Year Reserve – Storm	62A10498-579000	62A10491-570700	\$ 5,200

- #335-22 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:

<u>Now or Formerly</u>	<u>Address</u>	<u>Book/Page</u>	<u>SBL</u>	<u>Estimate</u>
Raffaella Witkin & Roger Witkin	271 Crafts Street	69807/350	23-02-01	\$2,792.00
Daniel A. Kostyk & Brenda Mary O'Sullivan Kostyk	29 Kewadin Road	48475/87	55-51-09	\$2,608.00
Fergus O'Donoghue & Carolyn Mansfield	92 Reservoir Avenue	77149/112	63-27-06	\$5,744.00

Referred to Zoning & Planning and Finance Committees

#336-22

CPC Recommendation to appropriate \$133,002 in CPA funding

COMMUNITY PRESERVATION COMMITTEE recommending appropriation of one hundred thirty-three thousand and two dollars (\$133,002) in Community Preservation Act funding be appropriated from the Unrestricted Prior Year Funds to the control of the Planning & Development Department for the completion of the 100% design of the Commonwealth Avenue Carriageway Redesign project in Auburndale.

Referred to Programs & Services and Finance Committees

#337-22

Appropriation of \$4,632,500 from June 30, 2021 Certified Free Cash

HER HONOR THE MAYOR requesting authorization to appropriate the sum of four million six hundred thirty-two thousand five hundred dollars (\$4,632,500) from June 30, 2021 Certified Free Cash to Acct # 01C10701-576300 ATB Interest to hold in reserve for a potential liability for an Appellate Tax Board Case filed by Eversource.

Referred to Programs & Services and Finance Committees

#338-22

Appropriation of \$161,502.03 for the Newton Lease Settlement Assessment

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one hundred sixty-one thousand five hundred two dollars and three cents (\$161,502.03) from Acct # 0110851-511001 Law Dept Full Time Salaries to an account that will cover the Newton Lease Settlement Assessment that has been charged to the Newton Public Schools as part of the dissolution costs incurred by the EDCO Collaborative.

Referred to Programs & Services and Finance Committees

#339-22

Transfer \$125,000 from the Current Year Budget Reserve

HER HONOR THE MAYOR requesting authorization to transfer the sum of \$125,000 from Acct # 0110498-579000 Current Year Budget Reserve to fund engineering consultants required for the design of the turf fields at the high schools.

Referred to Programs & Services and Finance Committees

#340-22

Appropriation of \$184,244 from June 30, 2021 Certified Free Cash

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one hundred eighty-four thousand two hundred and forty-four dollars (\$184,244) from June 30, 2021 Certified Free Cash to resurface the tennis court complex at Newton North High School comprising of 10 courts.

Referred to Programs & Services and Finance Committees

#341-22

Transfer \$80,000 from the PRC Public Grounds Maintenance Full Time Wages

HER HONOR THE MAYOR requesting authorization to transfer the sum of eighty thousand dollars (\$80,000) from Acct #1060252-511002, PRC Public Grounds Maintenance Full Time Wages to the following accounts:

Beaut-Grounds Maint (0160238-546000).....	\$12,000
Public Grounds Maint (0160252-546000).....	\$13,000
Public Grounds Maint (0160252-546000).....	\$30,000
Rec Bldg's- Electricity (0160237-521000).....	\$15,000
Rec Vehicles- Gas/Diesel (0160236-548000).....	\$10,000

Referred to Programs & Services and Finance Committees

#342-22

Transfer \$360,000 to a Parks, Recreation and Culture Account

HER HONOR THE MAYOR requesting authorization to transfer and expend a sum of three hundred sixty thousand dollars (\$360,000) from the below accounts to a Parks, Recreation and Culture project account to fund the resurfacing of the Newton Centre Playground.

Financial Services-Savings from Attrition (0111049-511001).....	\$280,000
I.T.- Savings from Attrition (0111154-511001).....	\$80,000

Referred to Public Safety & Transportation and Finance Committees

#343-22

Appropriation of \$1,625,000 for Fire Rescue Overtime

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one million six hundred twenty-five thousand dollars (\$1,625,000) from the June 30, 2021 Certified Free Cash to Acct # 0121022-513010 Fire Rescue Overtime.

Referred to Public Safety & Transportation and Finance Committees

#344-22

Transfer \$75,000 to the Newton Police Department

HER HONOR THE MAYOR requesting authorization to transfer the sum of seventy-five thousand dollars (\$75,000) from Acct #0110952-511001 Human Resources Full Time Salaries, to a project account to provide technical support to the Newton Police Department.

Referred to Public Facilities and Finance Committees

#345-22

Appropriate \$19.5 million for the Newton Center for Active Living

HER HONOR THE MAYOR requesting authorization to appropriate and expend nineteen million and five hundred thousand dollars (\$19,500,000) and authorize a general obligation borrowing of an equal amount for the Newton Center for Active Living (NewCAL) 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.

Referred to Public Facilities and Finance Committees

#346-22

Transfer \$175,000 to the Snow & Ice Rental/Contractors Account

HER HONOR THE MAYOR requesting authorization to transfer and expend a sum of one hundred seventy-five thousand dollars (\$175,000) from the below accounts to Acct# 0140123-527300 Snow & Ice Vehicle Rental/Contractors:

Snow & Ice Overtime

(0140123-513010)..... \$45,000

June 30, 2021 Free Cash

(0001-3240)..... \$130,000

Referred to Public Facilities and Finance Committees

#347-22

Transfer \$1 million to Transportation Network/Roads Program

HER HONOR THE MAYOR requesting authorization to transfer the sum of one million dollars (\$1,000,000) from Acct # 0140120-511002 DPW Street Division Full Time Wages to Acct. # 01C40112-553100 to support the continuation of the improvement of the City's Transportation Network/Roads Program.

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

Referred to Zoning and Planning Committee

#348-22

Appointment of Scott Aquilina to the Chestnut Hill Historic District Commission

HER HONOR THE MAYOR appointing Scott Aquilina, 1253 Commonwealth Avenue, Newton as a regular member of the Chestnut Hill Historic District Commission for a term of office to expire on July 1, 2023. (60 days: 08/05/22)

Referred to Public Facilities Committee

#349-22

Discussion regarding the maintenance of the gas turn-off valve covers

PUBLIC FACILITIES COMMITTEE AND COUNCILORS LIPOF, BOWMAN, GREENBERG, AND WRIGHT requesting a discussion with the Gas utility, National Grid, the Fire Department and DPW regarding the maintenance of the gas turn-off valve covers (curb or gate boxes).