



## City Council Actions

### In City Council

Monday, May 2, 2022

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

**Not Present:** Councilors Grossman and Noel

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

<https://newtv.org/recent-video/63-newton-city-council-meetings/7500-newton-city-council-may-2-2022>

**The City Council discussed the following items on Second Call:**

#### 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)**  
**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**

Clerk's Note: Councilor Leary provided an overview of the Committee reports and votes for the Carriageway project and the rationale to remove the trial period from the approved option. Councilor Gentile spoke about the concerns of the resident on Islington and neighboring streets about the removal of the stop light at the Ash Street intersection. Councilor Gentile made a motion to Amend Option 3 by substituting for Option 2 which produced a tie vote. The item was charted to be discussed at the next scheduled City Council Meeting.

### Referred to Committee of the Whole

**#293-22** **Review and potential amendment to the Tiger Permit Program**  
COUNCILORS BOWMAN, ALBRIGHT, DOWNS, NORTON, OLIVER, AND DANBERG seeking a review and potential amendment to the Tiger Parking Permit Program (Sec. TPR-204. Newton North High School Tiger Parking Permits) including a review of the number of permits issued, the lottery process for permits and locations included in the Tiger Parking Permit Program and potential amendment to the fees associated with the Tiger Parking Permit Program.

**Not referred to the Committee of the Whole**

Clerk's Note: Pursuant to the Rules of the Council, items which are within the jurisdiction of the six standing committees which are referred to a Committee of the Whole, must be placed on second call and the decision of the referral shall be subject to a majority vote of the Council. Councilor Baker objected to the referral and after a brief discussion with the Councilor Krinztman, Chair of the Programs & Services Committee, the item was not accepted to that committee, therefore the Committee of the Whole referral was unnecessary.

**The City Council voted without discussion 22 Yeas, 0 Nays, 2 absent (Councilors Grossman and Noel) to Accept the Committee Recommendations on the following items:**

### Referred to Land Use Committee

**#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**

**#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**

**Referred to Zoning & Planning Committee**

**#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**

**#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 Facilities Committee**

**#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 term 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)**

**Referred to Public Facilities Committee**

#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**

#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**

**The City Council voted without discussion 21 Yeas, 0 Nay, 1 recusal (Councilor Crossley) to Accept the Committee Recommendations on the following item:**

- #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**

**The City Council voted without discussion 19 Yeas, 3 Nays (Councilors Greenberg, Leary, Oliver), to Accept the Committee Recommendations on the following item:**

- #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**

**The City Council voted without discussion 21 Yeas, 0 Nay, 1 recusal (Councilor Downs) to Accept the Committee Recommendations on the following item:**

- #213-22(4) Proposed Water, Sewer and Stormwater Rates**

HER HONOR THE MAYOR submitting recommended Fiscal Year 2023 (FY23) Water/Sewer/Storm Water Rates for implementation on July 1, 2022 as follows:

**FY23 Tiers & Rates for Water and Sewer**

<u>HCF Per Quarter</u>	<u>Water Rate Per HCF</u>	<u>Sewer Rate Per HCF</u>
0-10	\$7.40	\$11.41
11-25	\$8.55	\$13.35
26-60	\$9.83	\$14.34
>60	\$12.26	\$16.49
Irrigation	\$13.51	n/a

**FY 2023 Stormwater Fees**

1-4 family dwellings \$104.00

**Commercial Stormwater Fees:** based on impervious area - \$0.05 per impervious square foot.

**Committee of the Whole Approved 21-0-1 recusal (Councilor Downs); Public Hearing Closed 05/02/22**

**Motion to suspend the Rules to accept late filed items to be referred to Committee:**

**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 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 Hearings were assigned for the following Items:**

***Public Hearing to be Assigned for May 17, 2022***

**#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.

***Public Hearing to be Assigned for June 7, 2022***



**#278-22 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.

***Public Hearing to be Assigned for May 4, 2022***

**#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)