



City Council Actions

In City Council

Monday, May 16, 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/7531-newton-city-council-may-16-2022>

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
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 Unanimously.

Clerk's Note: Councilor Krintzman made a motion to Amend Option 3 by substituting for Option 2 which produced a tie vote. The item was postponed to a date certain to be discussed at the next scheduled City Council Meeting with the understanding that if it needed to be held earlier due to a project deadline, a Special Meeting could be called.

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

Motion to Approve Passed 19 yeas, 2 nays (Councilors Greenberg, Malakie) Councilors Baker, Laredo, Markiewicz were absent

Clerk's Note: Councilors discussed the appropriateness of a Council Resolution concerning a state matter.

The City Council voted without discussion 24 Yeas, 0 Nays to Accept the Committee Recommendations on the following items:

Referred to Land Use Committee

#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

Referred to Zoning & Planning Committee

#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

#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)

Referred to Programs & Services

#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 Public Facilities Committee

#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 Finance Committee

#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

#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)

The City Council voted without discussion 22 Yeas, 2 Nays (Councilors Humphrey and Norton) to Accept the Committee Recommendations on the following items:

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)

The City Council voted without discussion 23 Yeas, 1 Nay (Councilor Ryan), to Accept the Committee Recommendations on the following item:

#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

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

Referred to Programs & Services and Public Facilities Committees

Public hearing to be assigned for June 16, 2022

#304-22 5-58 for the Lincoln-Eliot Elementary School at 150 Jackson Road

DESIGN REVIEW COMMITTEE petition, pursuant to 5-58, for schematic design and site plan approval at 150 Jackson Road for the demolition and replacement of the existing former chapel and convent structures with the design of a new 24,000 SF addition and to renovate the remainder of the former Aquinas Junior College to become the new location for the Lincoln-Eliot Elementary School

Referred to the Finance Committee

#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.

Referred to Programs & Services Committee

#306-22 Resolution opposing Ride-Hail Ballot Initiative

COUNCILORS NORTON, BOWMAN, DOWNS, HUMPHREY, LEARY, AND RYAN requesting a resolution urging the Massachusetts Legislature to oppose H. 1234 and the proposed 2022 state ballot initiative that would re-classify app-based delivery and ride-hailing drivers as independent contractors.

Referred to Zoning & Planning Committee

#307-22 Appointment of Councilor Bowman to the Affordable Housing Trust

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

Public Hearings were assigned for the following Items:***Public hearing to be Assigned for June 7, 2022*****#295-22 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**#296-22 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**#297-22 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.