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## City Council Docket

June 22: Programs & Services, Public Safety & Transportation  
and Public Facilities  
June 27: Zoning & Planning and Finance  
June 28: Land Use  
July 5: Land Use  
July 11: Real Property Reuse

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Continued  
**Tuesday, June 21, 2022**  
7:45 p.m, Hybrid  
To be reported on  
Monday, July 11, 2022

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Tuesday, June 21, 2022, 7:45 pm To view this meeting on zoom use this link at the above date and time:

<https://us02web.zoom.us/j/81507538331>

One tap mobile

US: +13017158592, 815 0753 8331#

Land line

US: +1 301 715 8592

Meeting ID: 815 0753 8331

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

**#310-22**

**Discussion and possible amendment to the City Council Rules regarding the time restrictions for filing Special Permits for Major Projects**

COUNCILORS LIPOF, KELLEY, BOWMAN, DANBERG, DOWNS, GREENBERG, LAREDO, LUCAS, MARKIEWICZ and WRIGHT requesting a discussion with the Planning Department and possible amendment to the language in Article X, Section 5 of the City Council Rules and Orders pertaining to time restrictions for filing Special Permits for Major Projects.

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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](mailto:jfairley@newtonma.gov), or 617-796-1253. For Telecommunications Relay Service dial 711.

***Public hearing to be Assigned for July 12, 2022***

**#311-22 Request to allow retaining walls exceeding four feet within a setback at 10 Elberta Terrace**

JOHN UMINA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow retaining walls greater than 4' within side and rear setbacks at 10 Elberta Terrace, Ward 4, Newton, on land known as Section 41 Block 17 Lot 19, containing approximately 15,787 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

***Public hearing to be Assigned for July 12, 2022***

**#350-22 Special Permit Petition to allow marijuana research facility at 241-247 Riverview Avenue**

PACKARD COVE ASSOCIATES, LLP petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a marijuana research facility at 241-247 Riverview Avenue, Ward 3, Newton, on land known as Section 41 Block 32 Lot 01, containing approximately 49,214 sq. ft. of land in a district zoned MANUFACTURING. Ref: 7.3.3, 7.4, 6.10.3.D, 4.4.1 of the City of Newton Rev Zoning Ord, 2017.

***Public hearing to be Assigned for July 12, 2022***

**#351-22 Petition to exceed FAR and further reduce nonconformities at 4 Edgewood Road**

CARMINE SENATORE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an enclosed front vestibule and two-story side addition with a garage below, exceeding maximum FAR allowed and further reducing nonconforming front and rear setbacks at 4 Edgewood Road, Ward 3, Newton, on land known as Section 44 Block 18 Lot 04 containing approximately 4389 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 1.5.3.B, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

***Public hearing to be Assigned for July 12, 2022***

**#352-22 Request to amend Special Permit #285-20 to allow a medical office use and parking waiver 141-149 California Street**

MAZZI REALTY, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend and restate prior Special Permit Council Order #285-20 to allow a medical office use and to waive 17 additional parking stalls at 141-149 California Street, Ward 1, Newton, on land known as Section 11 Block 01 Lots 01A, containing approximately 65,568 sq. ft. of land in a district zoned MANUFACTURING. Ref: Sec. 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 July 12, 2022***

**#353-22 Request to amend Special Permit #179-21 to allow for an additional residential story with 31 additional dwelling units, and an additional underground parking level with 99 stalls at 333 Nahanton Street/677 Winchester Street**

2LIFE HOLDINGS LLC/2LIFE COLEMAN LIMITED PARTNERSHIP petition for SPECIAL PERMIT/SITE PLAN APPROVAL for the following: to construct and additional story resulting in an 8-story building, to determine density and dimensional controls for the project, to allow assigned parking, to allow reduced parking stall width and depth, to allow reduced accessible stalls, and to allow reduced aisle width, at 333 Nahanton Street and 677 Winchester Street, Ward 8, Newton Centre, on land known as Section 83 Block 35 Lots 04 and 04B, containing approximately 255,538 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 7.4, 3.1.2.A.3, 5.1.3.E, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.C.1, of the City of Newton Rev Zoning Ord, 2017.

***Public hearing to be Assigned for July 19, 2022***

**#354-22 Request to allow single-family attached dwellings, reduced lot area and parking waivers at 157 Langley Road**

HG CHESTNUT HILL LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing dwelling and construct three single family attached dwellings, to waive the required minimum lot area, to allow a driveway within 10 feet of a rear lot line; to allow parking within 20 feet of the front and rear lot lines, and to allow parking within front setbacks at 157 Langley Road, Ward 6, Newton on land known as Section 65 Block 20 Lot 01, containing approximately 14,886 sq. ft. of land in a district zoned MULTI RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 5.1.7.A, 5.1.13, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

***Public hearing to be Assigned for July 19, 2022***

**#355-22 Request to Rezone 2 parcels to BU4**

SELTZERS GARDEN CITY, INC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone 2 parcels as follows: 11 Florence Street (Section 82 Block 04 Lot 49) from MULTI RESIDENCE 1 to BUSINESS USE 4; and 318 Boylston Street (Section 82 Block 04 Lot 47) from BUSINESS USE 2 to BUSINESS USE 4.

***Public hearing to be Assigned for July 19, 2022***

**#356-22 Request to construct elderly housing with services at 11 Florence and 318 Boylston St**

SELTZERS GARDEN CITY, INC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow Elder Housing with services, to allow a development in excess of 20,000 sq. ft., to allow a five-story building, to allow a retaining wall greater than 4' in height within a setback, to allow free-standing signs, to allow parking within the front setback, and to waive lighting requirements at 11 Florence Street and 318 Boylston Street, Ward 8, Newton, on land known as Section 82 Block 04 Lots 47 and 49, containing approximately 82,946 sq. ft. of land in a district zoned BU2 (318 Boylston Street, to be rezoned to BU4) and MR1 (11 Florence Street, 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, 5.4.2.B, 5.1.8.A.1, 5.1.13, 5.1.10.A, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

***Public hearing to be Assigned for July 19, 2022***

**#357-22 Request to Rezone 3 parcels to MU4**

HQ, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone 3 parcels as follows: 1314 Washington Street (Section 33 Block 10 Lot 01), 31 Davis Street (Section 33 Block 10 Lot 11) and 33 Davis Street (Section 33 Block 10 Lot 12) from BUSINESS 1 TO MIXED USE 4.

***Public hearing to be Assigned for July 19, 2022***

**#358-22 Special Permit Petition to allow development at 1314 Washington Street and 31, 33 Davis Street**

HQ, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a building in excess of 20,000 sq. ft., to allow a mixed-use residential building with five stories and 60 feet in height, to allow reduced lot area per unit, to exceed the maximum front setback, to allow a FAR of 2.45 in a five-story building, to waive the setback requirement for the portions of the building exceeding 40 ft. in height, to waive entrance and façade transparency requirements, to allow a restaurant with more than 50 seats with extended hours of operation, to allow ground floor residential use, to waive the requirement of using the A+B+C parking formula, to waive 115 parking stalls, to allow assigned parking, to allow reduced parking stall width and depth, to allow reduced accessible stall depth, to waive end stall maneuvering space requirements, to allow reduced aisle width at 1314 Washington Street and 31, 33 Davis Street, Ward 3, Newton, on land known as Section 33 Block 10 Lots 01, 11, 12 containing approximately 30,031 sq. ft. of land in a district zoned BUSINESS USE 1 (rezone to MIXED USE 4 proposed). Ref: Sec. 7.3.3, 7.4, 4.2.2.A.2, 4.2.5.A.3, 4.2.2.B.1, 4.2.3, 4.2.5.A.4, 4.2.2.B.3, 4.2.5.A.2, 4.2.5.A.4.c, 4.2.5.A.6.a, 4.2.5.A.6.b, 4.4.1, 6.4.29.B.1, 6.4.29.C.6, 6.2.4, 5.1.3.B, 5.1.13, 5.1.4, 5.1.3.E, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.B.6, 5.1.8.C.1, 5.1.8.C.2 of the City of Newton Rev Zoning Ord, 2017.

***Public hearing to be Assigned for July 19, 2022***

**#359-22 Request to allow a detached accessory apartment with reduced setbacks, oversized dormers which further exceed the nonconforming FAR at 33 Berkeley Street**

KEVIN AND ELIZABETH BRAMSON BOUDREAU petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow construction of a detached garage with an accessory apartment that does not meet principal setbacks, to allow oversized dormers, and further exceed the nonconforming FAR at 33 Berkeley Street, Newton, Ward 3, on land known as Section 32 Block 31 Lot 04, containing approximately 11,097 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 7.4, 6.7.1.E.1.a, 6.7.1.E.4, 1.5.4.G.2.b, 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 August 9, 2022***

**#360-22 Request to extend nonconforming two-family use at 336 Cabot Street**

336 CABOT STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct first and second story additions at the front and rear of the dwelling, further extending the

nonconforming two-family residential dwelling use at 336 Cabot Street, Ward 2, Newton, on land known as Section 22 Block 19 Lot 09, containing approximately 9817 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.1, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

**Referred to Zoning & Planning Committee**

- #361-22      Reappointment of Judith Hepburn to the Conservation Commission**  
HER HONOR THE MAYOR reappointing Judith Hepburn, 132 Stanley Road, Newton as a full member of the Conservation Commission for a term of office to expire on May 31, 2024. (60 Days: 07/11/2022)
- #362-22      Reappointment of Ellen Katz to the Conservation Commission**  
HER HONOR THE MAYOR reappointing Ellen Katz, 31 Williams Street, Newton Upper Falls as a full member of the Conservation Commission for a term of office to expire on May 31, 2025. (60 Days: 07/11/2022)

**Referred to Programs & Services Committee**

- #363-22      Request for Amendment to Chapter 21 regarding tree protection and proposed one-year moratorium.**  
COUNCILORS MALAKIE, NORTON, LUCAS, HUMPHREY, AND OLIVER requesting revisions and amendments to Chapter 21 to extend tree protection to all trees 6 inches DBH (diameter at breast height) and greater within the City, with no exempt lots, and to suspend tree removal permits effective immediately, for one year, unless sooner repealed or amended by the City Council. This moratorium shall not apply to emergency removal of trees determined by the tree warden to be dead or hazardous, or causing significant disruption of public utility service.
- #364-22      Request for Amendment to Chapter 21, Art III Trees to extend tree protection and update permits.**  
COUNCILORS MALAKIE, NORTON, LEARY, RYAN, WRIGHT, GREENBERG, LUCAS, HUMPHREY, BOWMAN, MARKIEWICZ, OLIVER, DOWNS, LAREDO, AND GROSSMAN requesting revisions and amendments to Chapter 21, Art. III Trees (sec. 21-60 through 21-89) to extend tree protection to all trees 6 inches DBH (diameter at breast height) and greater within the City (with no exempt lots); to update tree removal permits, fees, and compensation; and to strengthen protection for existing and replacement trees.

**Referred to Public Facilities Committee**

***Public Hearing to be assigned for June 22, 2022***

**#365-22 Request for a grant of location in Josselyn Place**

NATIONAL GRID petition for a grant of location to install and maintain 85'± of 4" plastic main extending from the existing 4" bare steel main to serve two new duplex units at #16-18 Josselyn Place for the installation of (2) services 60'± of 2" plastic service to serve #16 Josselyn Place and #18 Josselyn Place

***Public Hearing to be assigned for June 22, 2022***

**#366-22 Request for a grant of location in Westfield Road**

NATIONAL GRID petition for a grant of location to install and maintain a 4" plastic gas main to be extended 40'± east to provide service to #39 Westfield Road

**Referred to Finance Committee**

**#367-22 Mayor's reappointment of Edward Gourdeau, Jr. as a Constable**

HER HONOR THE MAYOR reappointing EDWARD GOURDEAU, JR., 94 Clearwater Road, Newton Lower Falls as a Constable for the City of Newton for a term of office to expire April 30, 2025. (60 days: 7/11/22)

**#368-22 Appointment of Councilor Humphrey to the Emerson Community Center Trust**

PRESIDENT ALBRIGHT appointing Councilor Bill Humphrey, 712 Chestnut Street, Newton as a Trustee of the EMERSON COMMUNIITY CENTER TRUST for a term of office to expire December 31, 2023.

**#263-22(2) Request for Discussion and Amendments to the Noise Ordinance**

COUNCILORS BAKER, HUMPHREY, NORTON, RYAN, AND WRIGHT recommending discussion of possible amendments to strengthen the ordinances relating to leaf blower activity, including adjustment of fines to \$300 after a warning, [and consolidation of leaf blower violation fines in one section].

**Programs & Services voted to recommit this item back to the City Council 7-0 on 06/08/2022**

**Referred to Public Facilities and Finance Committees**

**#369-22 Appropriate \$49.3 million for the renovation/addition for 150 Jackson Road**

HER HONOR THE MAYOR requesting authorization to appropriate and expend forty-nine million three hundred thousand dollars (\$49,300,000) and authorize a general obligation borrowing of an equal amount for the renovation/addition to the 150 Jackson Road, the new home of the Lincoln Eliot Elementary School 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**

**#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.

**Zoning and Planning voted to recommit this item back to the City Council 7-0 (Councilor Leary not voting) on 06/13/22**

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

**Referred to Programs & Services Committee**

**#370-22**

**Discussion on Field Maintenance Plan**

COUNCILORS KRINTZMAN, BOWMAN, KELLEY, LIPOF, KALIS, LAREDO, CROSSLEY, ALBRIGHT, HUMPHREY, LUCAS, MALAKIE, WRIGHT, MARKIEWIZ, NOEL, DOWNS, LEARY, NORTON, OLIVER AND DANBERG requesting a discussion with the Commissioner of Parks, Recreation and Culture about the maintenance plan for our parks, recreation and culture resources, including recreational fields. This discussion should include an articulation of how additional funds based upon a budget increase and newly collected user group field fees in the upcoming fiscal year will be utilized. Time permitting, the discussion should also include a description of the capital projects on recreational fields that the department intends to complete in the upcoming fiscal year.

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

**#371-22**

**Request for salary increase for City Clerk/Clerk of the City Council**

COUNCILORS ALBRIGHT AND LIPOF requesting an increase in the salary of the City Clerk/Clerk of the City Council to \$131,313 effective July 1, 2022 to match the percentage increase included in the FY23 budget for H-grade employees.