



City Council Actions

In City Council

Monday, June 6, 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/7556-newton-city-council-june-6-2022>

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.

Motion to Approve Option #3, with an updated traffic signal installed, unless MassDOT is precluded from updating, then City Council approves Option #3 Approved 13 yeas, 11 nays (Councilors Baker, Gentile, Kalis, Krintzman, Laredo, Lucas, Malakie, Markiewicz, Norton, Oliver, Wright)

Motion to Approve Passed 23 yeas, 1 nay (Councilor Markiewicz)

Motion for Reconsideration Failed 0 yeas, 24 nays

Clerk's Note: Councilor Krintzman made a motion to Amend to approve option #3, with an updated traffic signal installed; provided, however that if MassDOT determines that MassDOT is legally precluded from updating the intersection of Commonwealth Avenue and Ash Street and maintaining a traffic signal, then, in that instance, the city council approves option #2. The Motion was amended by Councilor Grossman to substitute Option #2 for Option #3 which passed.

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

Referred to Land Use Committee

#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

Referred to Zoning & Planning Committee

#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)

#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)**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 Finance Committee**

#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)

#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)

The City Council voted without discussion 22 Yeas, 0 Nays, 1 absent (Councilors Norton), 1 recusal (Councilor Bowman) to Accept the Committee Recommendations on the following items:

#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)

The City Council voted without discussion 23 Yeas, 0 Nay, 1 Recusal (Councilor Danberg), to Accept the Committee Recommendations on the following item:

#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 7-0 (Councilor Norton not voting)

The City Council voted without discussion 23 Yeas, 0 Nay, 1 Recusal (Councilor Noel), to Accept the Committee Recommendations on the following item:

#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 (Rec. Land)	52-12-11	\$2,560.00
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

Motion to suspend the Rules to accept late filed items 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 Finance Committee

#308-22

Transfer \$220,000 to the Building Demolition/Other Repairs

HER HONOR THE MAYOR requesting authorization to transfer the sum of two-hundred thousand twenty dollars (\$220,000) from Acct #0160110-51101, Main Library – Full Time Salaries, to 01C2202-524130 Building Demolition/Other Repairs for the emergency demolition of a residential structure located at 91 Newtonville Avenue.

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).

Referred to Finance Committee

- #309-22** **Transfer \$200,000 to the Newton Communications Access Center, Inc. (NewTV)**
HER HONOR THE MAYOR requesting authorization to transfer and expend a sum of two hundred thousand dollars (\$200,000) from the PEG Access and Cable Related Fund to the Newton Communications Access Center, Inc (NewTV) to be used by NewTV to maintain a high level of services, including governmental services at City Hall during this period of declining cable TV revenues.

Public Hearings were assigned for the following Items:

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.