



## City Council Actions

### In City Council

Tuesday, June 21, 2022

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

**Absent:** Councilor Ryan

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

<https://newtv.org/recent-video/63-newton-city-council-meetings/7585-newton-city-council-june-21-2022>

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

#### Referred to Public Safety & Transportation and Public Facilities Committees

- #279-22** Request for amendment to the Zoning Code to regulate certain signage  
HER HONOR THE MAYOR requesting amendments to the City of Newton Zoning Ordinance, Chapter 30, Section 5.2 Signs regarding regulation of noncommercial signs.  
**Zoning & Planning Held 7-0 (Councilor Albright not voting) on 05/09/22**  
**Zoning & Planning Approved 6-0-2 (Councilors Baker and Leary Abstaining); Public Hearing Closed on 06/13/22**  
**Motion to Amend Approved 15 yeas, 8 Nays (Councilors Bowman, Crossley, Humphrey, Kelley, Krintzman, Lucas, Malakie, Noel), 1 Absent (Councilor Ryan)**  
**Motion to Approve 22 Yeas, 1 Nay (Councilor Gentile), 1 absent (Councilor Ryan)**

Clerk's Note: Councilor Baker made a Motion to Amend to Restore "Section A. The face of the sign shall be no higher than and wider than 3 feet," after Council discussion, the motion was approved.

**The City Council voted without discussion 23 Yeas, 0 Nays, 1 Absent (Councilor Ryan) to Accept the Committee Recommendations on the following items:**

Referred to Land Use Committee

- #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.  
**Land Use Approved 7-0; Public Hearing Closed 6/7/22**
- #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.  
**Land Use Approved 7-0; Public Hearing Closed 6/7/22**
- #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.  
**Land Use Approved 7-0; Public Hearing Closed 6/7/22**
- #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.  
**Land Use Approved 7-0**
- #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.

**Land Use Approved 7-0**

**#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.

**Land Use Approved 7-0**

**#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.

**Land Use Approved 8-0; Public Hearing Closed 6/14/22**

**#314-22**

**Petition to amend special permits 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 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.

**Land Use Approved 8-0; Public Hearing Closed 6/14/22**

**#314-22(2)**

**Petition to amend a Restrictive Covenant at 148 California Street**

KF REALTY ASSOCIATES, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend the Restrictive Covenant recorded at Middlesex South Registry of Deeds at Book 30627, page 331 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.

**Land Use Approved 8-0; Public Hearing Closed 6/14/22**

- #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.  
**Land Use Approved 8-0; Public Hearing Closed 6/14/22**

**Referred to Zoning & Planning Committee**

- #281-22 Appointment of Lee Breckenridge to the Planning & Development Board**  
HER HONOR THE MAYOR appointing Lee Breckenridge, 173 Berkeley Street, Newton as a full member of the Planning and Development Board for a term of office to expire on February 1, 2027. Ms. Breckenridge is currently serving as an Alternate member from August 9, 2021 to July 31, 2026. (60 Days: 07/01/22)  
**Zoning & Planning Approved 7-0 (Councilor Leary not voting)**

- #282-22 Appointment of Amy Dain to the Planning & Development Board**  
HER HONOR THE MAYOR appointing Amy Dain, 9 Frederick Street, Newton as an Alternate member of the Planning and Development Board for a term of office to expire on July 31, 2026. (60 Days: 07/01/22)  
**Zoning & Planning Approved 7-0 (Councilor Leary not voting)**

- #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)  
**Zoning & Planning Approved 7-0 (Councilor Leary not voting)**

- #283-22 Reappointment of Paul Snyder to the Newton Upper Falls Historic District Commission**  
HER HONOR THE MAYOR reappointing Paul Snyder, 9 Ardmore Road, West Newton as a full member of the Newton Upper Falls Historic District Commission for a term of office to expire on July 1, 2025. (60 Days: 07/01/22)  
**Zoning and Planning Approved 7-0 (Councilor Leary Not Voting)**

**Referred to Programs & Services Committee**

- #263-22(3) Request for leaf blower ordinance discussion and amendments**  
COUNCILORS BAKER, HUMPHREY, AND NORTON recommending discussion of possible amendments to strengthen the ordinances relating to leaf blower activity, including clarification of alteration of the manufacturer's label as an offense.

**Programs & Services Approved #263-22(3) 7-0**

**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.

**Finance Approved 7-0 on 06/13/22**

**Programs & Services Approved 7-0**

**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.

**Finance Approved 7-0 on 06/13/22**

**Programs & Services Approved 7-0**

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

**Finance Approved 7-0 on 06/13/22**

**Programs & Services Approved 7-0**

#299-22

**Reappointment of Eileen Sandberg to the Commission on Disability**

HER HONOR THE MAYOR reappointing Eileen Sandberg, 260 Franklin Street, Newton as a member of the Commission on Disability for a term of office to expire on May 31, 2025. (60 days: 07/15/22)

**Programs & Services Approved 7-0**

- #300-22 Reappointment of Sharon Stout as a Newton Library Trustee**  
HER HONOR THE MAYOR reappointing Sharon Stout, 227 Washington Street, Apt. 2, Newton as a Newton Library Trustee for a term of office to expire on June 30, 2027. (60 days: 07/15/22)  
**Programs & Services Approved 7-0**
- #301-22 Reappointment of Jean Notis-McConarty as a Newton Library Trustee**  
HER HONOR THE MAYOR reappointing Jean Notis-McConarty, 122 Temple Street, West Newton as a Newton Library Trustee for a term of office to expire on June 30, 2027. (60 days: 07/15/22)  
**Programs & Services Approved 7-0**
- #302-22 Reappointment of Geline Williams as a Newton Library Trustee**  
HER HONOR THE MAYOR reappointing Geline Williams, 12 Hereford Road, Waban as a Newton Library Trustee for a term of office to expire on June 30, 2027. (60 days: 07/15/22)  
**Programs & Services Approved 7-0**

**Referred to Programs & Services and Public Facilities Committees**

- #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  
**Public Facilities Approved 5-0 on 06/16/22**  
**Programs & Services Approved 6-0 on 06/16/22**

**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.  
**Public Safety & Transportation Approved 6-0, Councilor Malakie not voting**
- #238-22 Request to amend Chapter 19, Sec. 19-1. Definitions**  
CAPTAIN BOUDREAU requesting to amend Chapter 19, MOTOR VEHICLES AND TRAFFIC, Sec. 19-1. Definitions to include *Live Parking: The parking of a vehicle with a driver or operator in attendance.*  
**Public Safety & Transportation Approved 6-0, Councilor Malakie not voting**
- #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.

**Public Safety & Transportation Approved 6-0, Councilor Malakie not voting**

**#264-22**

**Two (2) Bus Licenses renewals for 128 Business Council**

TRANSACTION CORPORATE SHUTTLES requesting triennial renewal of the two Needham Shuttle Bus Licenses currently being operated by the 128 Business Council. There are no changes proposed from 2019.

**Public Safety & Transportation Approved 6-0, Councilor Malakie not voting**

**#265-22**

**Semi-annual taxi license/public auto inspections**

POLICE DEPARTMENT submitting reports of semi-annual taxi license/public auto inspections for review.

**Public Safety & Transportation Approved 6-0, Councilor Malakie not voting**

**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.

**Finance Approved 5-2 (Councilors Noel and Humphrey opposed) on 06/13/22**

**Public Safety & Transportation Approved 7-0**

**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

**Finance Approved 7-0 on 06/13/22**

**Public Facilities Approved 6-0 (Councilor Gentile not voting)**

**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.

**Finance Approved 7-0 on 06/13/22**  
**Public Facilities Approved 6-0 (Councilor Gentile not voting)**

**Referred to Finance Committee**

**#329-22**      **Acceptance of a ~~\$41,760.50~~ \$58,239.50 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 (\$41,760.50) 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 as Amended to \$58,239.50 6-0 (Councilor Gentile not voting)**

**#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

**Finance Approved 7-0**

**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.

**Public Safety & Transportation Approved 7-0 on 06/08/22**

**Finance Approved 5-2 (Councilors Noel and Humphrey opposed)**

**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

**Public Facilities Approved 6-0 (Councilor Gentile not voting) on 06/08/22**

**Finance Approved 7-0**



**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.

**Public Facilities Approved 6-0 (Councilor Gentile not voting) on 06/08/22**

**Finance Approved 7-0**

**#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:

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

**Finance Approved 7-0**

**#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

**Finance Approved 7-0**

**#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

**Finance Approved 7-0**

**#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.

**Finance Approved 7-0**

**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.

**Program & Services Approved 7-0 on 06/08/22**

**Finance Approved 7-0**

**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.

**Program & Services Approved 7-0 on 06/08/22**

**Finance Approved 7-0**

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

**Program & Services Approved 7-0 on 06/08/22**

**Finance Approved 7-0**

**#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.

**Finance Approved 6-0 (Councilor Gentile not voting)**

**#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.

**Finance Approved 7-0**

**#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.

| <b><u>Acct Description</u></b> | <b><u>From Acct #</u></b> | <b><u>To Acct#</u></b> | <b><u>Amount</u></b> |
|--------------------------------|---------------------------|------------------------|----------------------|
| 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             |

**Finance Approved 6-0 (Councilor Gentile not voting)**

**#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.

**Finance Approved 7-0**

**#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.

**Finance Approved 7-0**

**The City Council voted without discussion 22 Yeas, 1 Nays (Councilor Noel), 1 absent (Councilor Ryan) to Accept the Committee Recommendations on the following items:**

**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.

**Public Safety & Transportation Approved 6-0 (Councilor Malakie not voting) on 06/08/22**

**Finance Approved 6-1 (Councilor Noel opposed)**

**The City Council voted without discussion 21 Yeas, 2 Nay (Councilors Markiewicz, Oliver), 1 Absent (Councilor Ryan), to Accept the Committee Recommendations on the following item:**

**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

**Program & Services Approved 7-0 on 06/08/22**

**Finance Approved 6-0-1 (Councilor Oliver abstaining)**

**The City Council voted without discussion 22 Yeas, 1 Nay (Councilor Oliver), 1 Absent (Councilor Ryan), to Accept the Committee Recommendations on the following item:**

**Referred to Finance Committee**

**#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.

**Finance Approved 5-0-2 (Councilor Malakie and Gentile abstaining)**

**Motion to suspend the Rules to accept late filed items 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.

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

#### ***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.

***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.

***Public Hearing to be assigned for July 11, 2022*****#272-22 Reuse of parcel of land on Whitlowe Road**

DIRECTOR OF PLANNING & DEVELOPMENT submitting on April 5, 2022 a letter stating that the 1157 sq. ft. City owned parcel of land known as Section 44 Block 14 Lot 60 on Whitlowe Road, should be made available for sale or lease, pursuant to the City of Newton Ordinances Section 2-7.

**Real Property Reuse Held 5-0 (Councilor Markiewicz not voting)**