



## Programs & Services Committee Agenda

### City of Newton In City Council

Wednesday, July 13, 2022

7:00 PM

The Programs & Services Committee will hold this meeting as a Zoom Meeting on Wednesday, July 13, 2022 at 7pm. To view this meeting using Zoom use this link: <https://us02web.zoom.us/j/88533625323> or call 1-646-558-8656 and use the Meeting ID: 885 3362 5323.

#### Items Scheduled for Discussion:

- #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.
- #381-22**      **Authorization to acquire the property at 47 Walnut Place**  
HER HONOR THE MAYOR requesting authorization to acquire whether by purchase or friendly eminent domain the property at 47 Walnut Place adjacent to the current Senior Center.

Respectfully Submitted,

Josh Krintzman, Chair

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The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the City of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

**#310-22**  
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**Barney S. Heath**  
Director

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**M E M O R A N D U M**

**DATE:** July 8, 2022  
**MEETING DATE:** July 13, 2022  
**TO:** City Council  
**FROM:** Barney Heath, Director of Planning and Development  
Jennifer Caira, Deputy Director of Planning and Development  
Katie Whewell, Chief Planner for Current Planning  
**CC:** Jonah Temple, Deputy City Solicitor

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**#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 Project.

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**Major Projects Criteria and Rules**

The 2022-2023 City Council Rules (**Attachment A; p. 27-28**) state that:

*“Due to the City Council’s reduced summer schedule for meetings as well as the need to afford the public an opportunity to participate at the public hearing, the City Clerk shall not accept for filing a completed application for a proposed project that is classified as a Major Project during the period from June 1st through July 20th in any year... (p.28)*

*...The purpose of this rule is to avoid scheduling public hearings during the months of July or August, or during the months of November or December in the last year of the Council’s term for Major Projects. Major Projects are projects that are likely to require the submission of Additional Information and which may involve significant land use issues either due to the location of the proposed use, the type of proposed use, or the size of the proposed use. Holding public hearings for Major Projects during the aforementioned months may not allow sufficient opportunity for public comment, review by the Land Use Committee and City departments or agencies, or deliberation by the City Council. This rule shall not apply to special permit/site plan projects that are not classified as Major Projects.”(p.27)*

Planning Staff have observed many projects which fall under the Major Projects Criteria file during the last week in May, guaranteeing a public hearing during the month of July. Due to noticing requirements and the requirement to open a public hearing within 65 days of filing, the Land Use Committee typically has to open the public hearing for these Major Projects in July. This is inconsistent with the intent of the Council Rules.

Smaller, simpler petitions such as an FAR request, or extension of a nonconformity filed after the deadline are scheduled around the major project petitions. Typically, smaller petitions can be scheduled for a public hearing in the month following the filing of the application. The city is finding it more difficult to schedule the smaller petitions in an efficient manner, often running right up against the 65 days due to the limited number of summer meetings and the influx of Major Projects prior to the blackout period. It becomes challenging to schedule these smaller items when the July and August agendas have several items as well as the need to account for the pending Major Projects.

City Staff believes the current time restriction does not achieve its intended purpose to *allow sufficient opportunity for public comment, review by the Land Use Committee and City departments or agencies, or deliberation by the City Council*. City Staff present three alternatives to the existing rule. The first two alternatives shift the dates to allow for flexibility to open the public hearing by September and reflects the current restriction of 50 days. Another alternative is to eliminate the time restriction entirely, which may allow for a more even distribution of projects and doesn't present a rush to file before a given deadline. The table below shows the 65-day window for hearings filed before the first date and after the latter date of an adjusted time restriction. For example, if a petition is filed May 15, the City would have until July 19 to open a public hearing under the preferred option. City Staff believes this would allow more major projects to open the public hearing in June than the existing rule allows. Under the same time restriction, if an application is filed July 15, the City has until September 18 to open the public hearing.

<b>Time Restriction for Major Projects</b>	<b>Deadlines to open the public hearing</b>
June 1- July 20 (current)	Before August 5 - after September 23
May 20 – July 9 (preferred)	Before July 24 - after September 12
June 15 – August 4	Before August 19 - after October 8
Remove Time Restriction Entirely	Potentially allow for a more spread-out schedule, however no mechanism to prevent Major Projects from filing for a July or August hearing.

By adjusting or eliminating the period of which Major Projects are allowed to file staff have more flexibility to schedule major projects in May, June, or September and make it easier to schedule smaller petitions more quickly in the summer.

## **ATTACHMENTS**

**Attachment A:** City Council Rules relative to Major Projects

where appropriate, to receive such additional or supplemental information. The Land Use Committee may consider the Director's comments on the adequacy of the information submitted in the application for a special permit or site plan approval in deciding whether to continue a public hearing for the receipt of additional or supplemental information.

### **Section 5. Time Restrictions for Filing Special Permits/Site Plan Projects for Major Projects**

#### **Purpose**

The purpose of this rule is to avoid scheduling public hearings during the months of July or August, or during the months of November or December in the last year of the Council's term for Major Projects. Major Projects are projects that are likely to require the submission of Additional Information and which may involve significant land use issues either due to the location of the proposed use, the type of proposed use, or the size of the proposed use. Holding public hearings for Major Projects during the aforementioned months may not allow sufficient opportunity for public comment, review by the Land Use Committee and City departments or agencies, or deliberation by the City Council. This rule shall not apply to special permit/site plan projects that are not classified as Major Projects.

#### **Criteria for Major Project Classification**

If any of the following criteria apply, the Director shall determine that a proposed project qualifies as a Major Project:

- Projects that require a waiver of more than five (5) parking stalls from the parking ordinance; seek to locate required parking off-site, or seek to locate a parking facility in a residential district that is accessory to business or manufacturing use.
- Projects that involve a multi-level parking structure constructed either above or below ground.
- Projects likely to generate more than 500 cars per day or 50 cars per peak hour.
- Projects that increase average daily traffic or peak hour traffic along the adjacent street(s) by more than 10%.
- Projects where the proposed use(s), principal or accessory, involve(s) activities that include designated pick-up/drop-off times.
- Projects that involve the construction of 20,000 or more square feet in gross floor area, or the renovation of 10,000 or more square feet in gross floor area.
- Projects that involve a non-residential use that immediately abuts a residential zone.

- Projects that exceed six (6) residential units and trigger the Inclusionary Zoning Ordinance (see Section 30-5.11).
- Projects that involve the construction of a tower associated with a radio or television transmission station.
- Projects that include a Newton Landmark Preservation Site (see Section 22-90 to Section 22-103).
- Projects that involve a use identified in G.L. c. 40A, §3.

### **Time Restrictions**

Due to the City Council's reduced summer schedule for meetings as well as the need to afford the public an opportunity to participate at the public hearing, the City Clerk shall not accept for filing a completed application for a proposed project that is classified as a Major Project during the period from June 1st through July 20<sup>th</sup> in any year.

Due to the expiration of the two-year term for councilors at the end of every odd-numbered calendar year and the need for sufficient time for the Land Use Committee to review proposed projects and the Council to reach a decision regarding such projects, the City Clerk shall not accept for filing a completed application for a proposed project that is classified as a Major Project after the second Tuesday after the first Monday in September through November 15<sup>th</sup> during the last year of any term of the City Council.

### **Suspension of Time Restrictions**

The time restrictions in this section of these Rules may be suspended by the Council pursuant to Article IX, Section 1 of the Council Rules at the request of a petitioner for a special permit or site plan review. Such requests must be made by filing such a request with the Clerk of the Council by the docketing deadline for the next regular Council meeting. The request must have appended to it the subject application, and provide summary information sufficient to indicate the nature of the Major Project and that the application for a special permit is otherwise complete for filing with the City Clerk under these Rules but for this time restriction. The request shall be presented for decision by the Council at Second Call at the beginning of the Land Use Committee Report, if any, and if this Rule is suspended, the item shall be deemed docketed and accepted by the City Clerk at that time. In such instance, the Chair of Land Use or his designee may then request an assignment of the item for a public hearing within 65 days of such acceptance. If this Rule is not so suspended then all the provisions of these Rules relating to time restrictions would continue to apply.

### **Section 6. Additional Notification Requirements**

Any applicant for site plan approval or a special permit shall be required to erect and maintain in legible condition, one or more public notification panels at the site for which the site plan approval or special permit relief is requested. The panels shall be secured by the applicant from the Department and shall be paid for by the applicant. For Major Projects, the method of



Ruthanne Fuller  
Mayor

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Office of the Mayor

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June 30, 2022

Honorable City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

Honorable City Councilors:

I am excited to submit this docket item to the Honorable Council requesting authorization to acquire, whether by purchase or “friendly” eminent domain, the property at 47 Walnut Place in Newtonville adjacent to the current Senior Center. The acquisition of the property will create open space to support and benefit the Newton Center for Active Living (NewCAL) and Newtonville.

This purchase is the result of a partnership with the Germani family who have owned the property for more than 52 years. Working with the Germanis, terms of this acquisition are structured as a life estate which means Giosina Germani will remain in her home for the rest of her life.

We began speaking to the Germani family about this acquisition in late 2020. At the request of the current owner, we kept these negotiations private until the agreement was finalized.

We have been confident for a few years now that we would reach an amicable solution and, as such, the land at 47 Walnut Place has been part of creating an optimal site plan, and a solution to providing meaningful open space, for the new Senior Center.

This land will result in the creation of more than twice the open space that exists on the current Senior Center site today.

We are excited to move forward with the design and construction of NewCAL which our older residents very much need as soon as possible. Once the Germanis are no longer living in the home, the small two-family building built in 1960 will be removed to allow for additional wonderful green space for Newtonville and NewCAL.

The approval of this acquisition by the City Council is required pursuant to M.G.L. Chapter 79. The City will use \$1.5 million of American Rescue Plan Act (ARPA) funds for the acquisition. The purchase price resulted from a negotiation between the City and the Germani family after examination of appraisals.

Please see the attached memo from Commissioner of Public Buildings Josh Morse. Also attached is an image providing a visual representation of the new total site area for the Newton Center of Active Living Project once we assume control of the property.

Thank you for your consideration of this matter.

Sincerely,

Mayor Ruthanne Fuller

1000 Commonwealth Avenue Newton, Massachusetts 02459

[www.newtonma.gov](http://www.newtonma.gov)



# CITY OF NEWTON, MASSACHUSETTS

## PUBLIC BUILDINGS DEPARTMENT

52 ELLIOT STREET, NEWTON HIGHLANDS, MA 02461

Ruthanne Fuller,  
Mayor  
Josh Morse

Telephone (617) 796-1600  
Facsimile (617) 796-1601  
TDD/tty # (617) 796-1608

June 29th, 2022

Ruthanne Fuller, Mayor  
Newton City Hall  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

RE: Request to Expand the Site of the Current Senior Center at 345 Walnut Street by Acquisition of Abutting Property

Dear Mayor Fuller,

I am requesting that you seek authorization from the City Council to acquire by purchase one property abutting the Newton Senior Center located at 345 Walnut Street. The property is located at 47 Walnut Place, and the land will benefit the Newton Center for Active Living, NewCAL, project.

The owner of this property has been contacted by City staff and has expressed a willingness to work with the City in terms of the acquisition of their property. If approved, the terms of this acquisition will be a life estate, and as such the owner will continue to occupy the property for the rest of her life. This land will allow for the creation of open space, a more ideal site plan, and a variety of other opportunities to benefit our older residents and Newtonville.

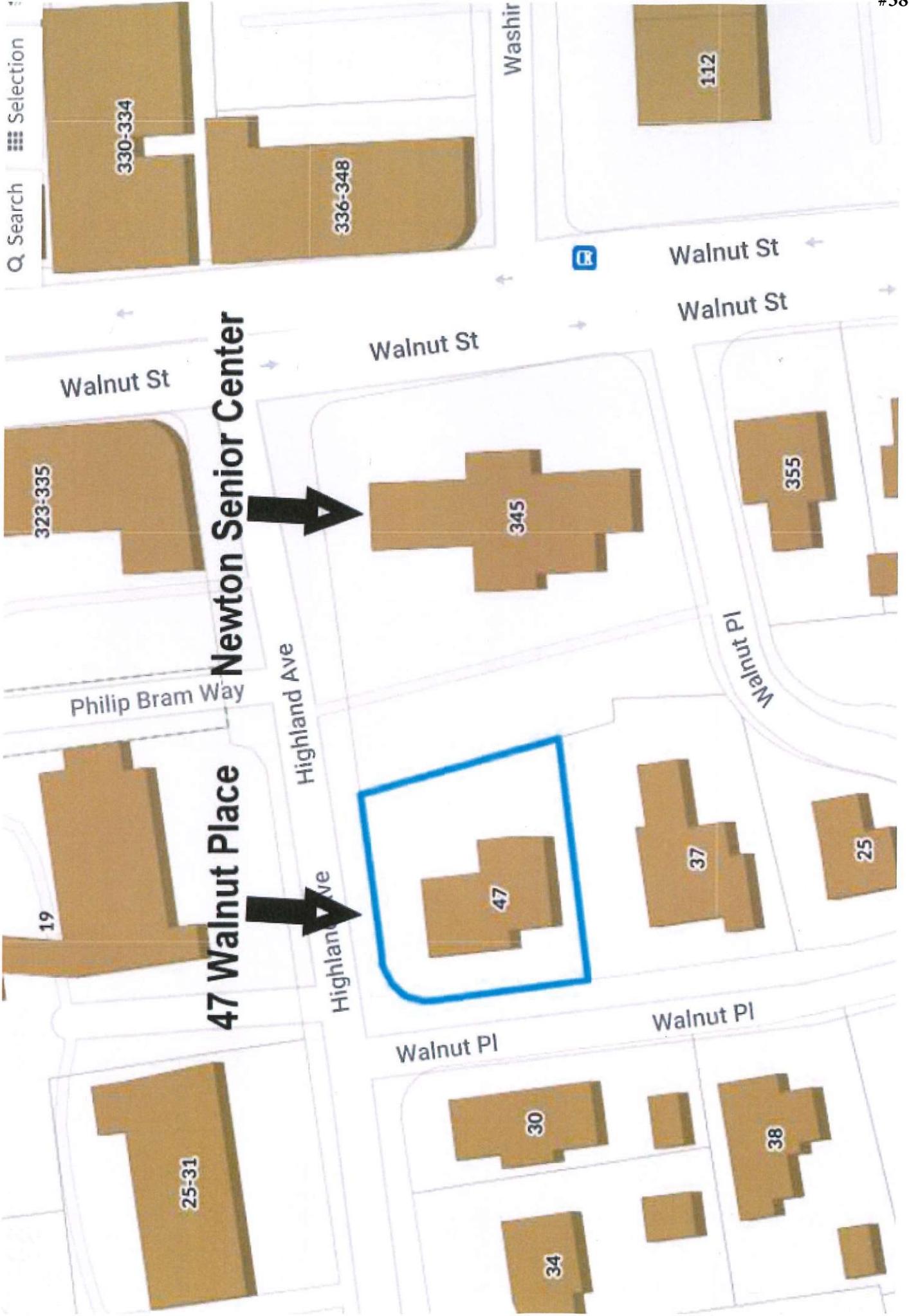
Accordingly, I would ask that authorization to acquire this property be brought to the City Council as soon as possible.

Sincerely,

Josh Morse  
Public Buildings Commissioner

cc: Jonathan Yeo, Chief Operating Officer  
Maureen Lemieux, Chief Financial Officer  
Alex Valcarce, Deputy Buildings Commissioner

Q Search Selection



**Newton Senior Center**

**47 Walnut Place**

Walnut St

Walnut St

Walnut St

Walnut St

Philip Bram Way

Highland Ave

Highland Ave

Walnut Pl

Walnut Pl

Walnut Pl

25-31

19

330-334

336-348

112

Washir

323-335

345

355

47

37

25

30

34

38

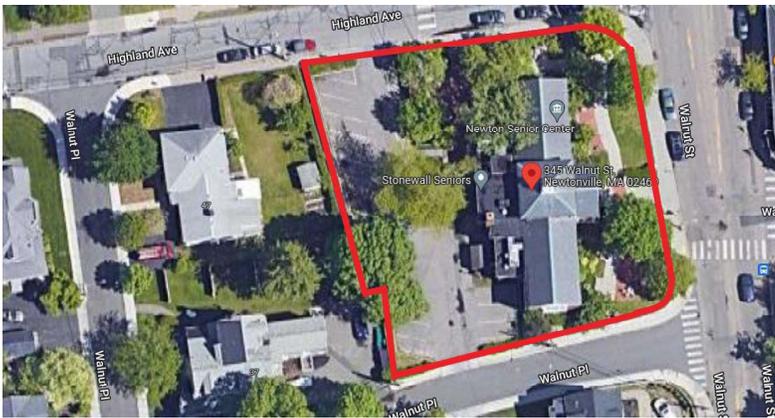


# NewCAL - Acquisition of 47 Walnut Place

A wonderful partnership with the Germani Family,  
and a tremendous opportunity for Newton's older  
adults.

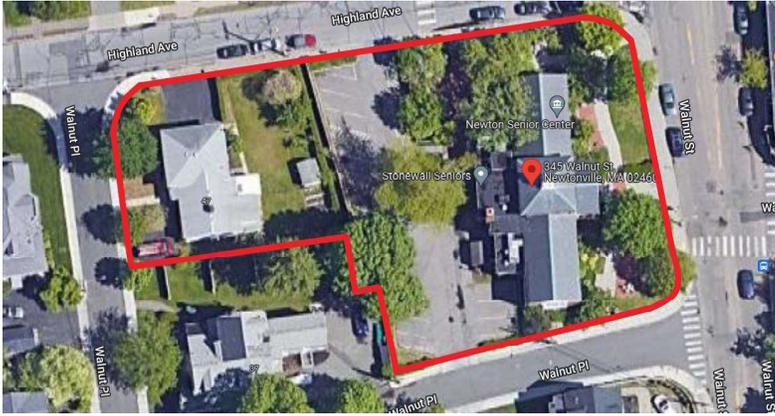
## Current NewCAL Site

Not an official site plan.



# New NewCAL Site

Not an official site plan.



# NewCAL Site Potential







## What Opportunities Could This Create?

- As much as a twice the onsite green space from what exists today
- Creation of a cohesive community gathering space
- Net increase in onsite parking potential
- Net reduction in heat island effect
- Increased tree plantings and landscaping
- Increased passive recreation
- Net reduction in impervious surface and improved stormwater resiliency
- Increased opportunity for outdoor programs for older adults
- Opportunities for expanded pollinator gardens

## A Huge Thank You!

- ▶ Giosina Germani has lived at 47 Walnut Place for over 52 years. She and her late husband, **Umberto**, are lifelong Newton residents. Giosina is a wonderful neighbor and user of the Senior Center. The acquisition of their home is a great opportunity for the City of Newton, and it is the culmination of more than two years of hard work and collaboration with the Germani family. The terms of the acquisition are structured such that Giosina will stay in her home for the rest of her life. We wish Giosina many happy years to come in her home.

