



City Council Actions

In City Council

Monday, July 11, 2022

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

Absent: Councilor Noel

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

<https://newtv.org/recent-video/63-newton-city-council-meetings/7613-newton-city-council-july-11-2022>

The City Council discussed the following items on Second Call:

#326-22 **Requesting language modification to the Traffic and Parking Regulations**
COUNCILOR DOWNS requesting to modify the language of Section 19-28 and Chapter 19-30(g), to allow for administrative changes to be made to the Traffic and Parking Regulations (TPR), and to present the administrative changes made each year to City Council as part of the annual report of the work of the Traffic Council.
Public Safety & Transportation Approved Subject to Second Call 6-0, Oliver not voting Motion to Approve 23 Yeas, 0 Nays, 1 absent (Councilor Noel)

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

#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.
Land Use Approved 7-0-1 (Councilor Kelley Abstaining); Public Hearing Closed 6/28/22

Referred to Zoning & Planning and Finance Committees

#290-22

Appropriation of \$890,000 of the City's Inclusionary Housing Funds

HER HONOR THE MAYOR requesting the appropriation of eight hundred ninety thousand dollars (\$890,000) of the City's Inclusionary Housing Funds to Metro West Collaborative Development/ Civico Development to support the redevelopment of the West Newton Armory into 43 units of permanently affordable housing

Finance Approved 6-0 on 06/27/22

Zoning & Planning Approved 8-0

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: 08/20/2022)

Zoning & Planning Approved 7-0 (Councilor Baker Not Voting)

#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: 08/20/2022)

Zoning & Planning Approved 7-0 (Councilor Baker Not Voting)

#298-22

Appointment of Fred Brustman to the Auburndale Historic District Commission

HER HONOR THE MAYOR appointing Fred Brustman, 85A Seminary Avenue, Auburndale as an Alternate member of the Auburndale Historic District Commission for a term of office to expire on June 6, 2024. (60 days: 07/15/22)

Councilor Crossley reported without a written report Zoning & Planning Approved 7-0 (Councilor Albright Not Voting)

Referred to Programs & Services Committee

#284-22

Resolution supporting the AAPI Community

COUNCILORS LUCAS, DOWNS, GREENBERG, HUMPHREY, KALIS, KRINTZMAN, LAREDO, LIPOF, NORTON, WRIGHT, DANBERG AND BOWMAN on behalf of Newton resident Betty Chan, requesting a resolution supporting the Asian American Pacific Islander (AAPI) community.

Programs & Services Approved 7-0

Referred to Public Safety & Transportation Committee

#324-22

Four (4) Bus Licenses renewals for VPNE Parking Solutions, LLC.

VPNE PARKING SOLUTIONS, LLC. requesting triennial renewal of the four bus licenses for VPNE Parking Solutions, LLC. There are no changes proposed from 2021.

Public Safety & Transportation Approved 6-0, Lucas not voting

#325-22

Two (2) Bus Licenses renewals for Boston College Bus

BOSTON COACH TRANSPORTATION, requesting triennial renewal of the two bus licenses for Boston College. There are no changes proposed from 2021.

- 1) Boston College Law School Routes
- 2) Boston College Main Campus to Boston Route

Public Safety & Transportation Approved 6-0, Lucas not voting

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.

Finance Approved 6-0 on 06/27/22

Public Facilities Approved 5-0 (Councilor Kelley not voting)

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

Finance Held 6-0 on 06/27/22

Public Facilities Approved 4-0-1 (Councilor Kelley not voting and Councilor Laredo abstaining)

Referred to Zoning & Planning and Finance Committees

#289-22

CPC Recommendation to appropriate \$3,000,000 in CPA funding

COMMUNITY PRESERVATION COMMITTEE recommending appropriation of three million dollars (\$3,000,000) in Community Preservation Act funding, with \$2,373,470.71 coming from the FY22 Unrestricted Funds and the remaining \$626,529.29 to come from the Prior Year Undesignated Funds to the control of the Planning & Development Department for a grant to the project team of Metro West Community Development and Civico

Development for the development and construction of 43 units of 100% affordable housing at the former West Newton Armory site.

Zoning & Planning Approved 8-0 on 06/27/22

Finance Approved 6-0

Referred to Zoning & Planning and Finance Committees

#290-22

Appropriation of \$890,000 of the City's Inclusionary Housing Funds

HER HONOR THE MAYOR requesting the appropriation of eight hundred ninety thousand dollars (\$890,000) of the City's Inclusionary Housing Funds to Metro West Collaborative Development/ Civico Development to support the redevelopment of the West Newton Armory into 43 units of permanently affordable housing

Zoning & Planning Approved 8-0 on 06/27/22

Finance Approved 6-0

Referred to Finance Committee

#364-22

CPC Recommendation to reallocate unused CPA funds

COMMUNITY PRESERVATION COMMITTEE to reallocate the \$475,876.14 in unused CPA funds remaining in the Covid-19 Emergency Housing Assistance Project Account (Account # 58C11413-579700) to the CPA Program's Unrestricted Prior Year Funding Account (Account# 5800 3599) for use in another CPA eligible project in the future.

Finance Approved 6-0

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~~ \$130,810 effective July 1, 2022 to match the percentage increase included in the FY23 budget for H-grade employees.

Programs & Services Approved 7-0 on 06/22/22

Finance Approved as Amended to \$130,810 6-0

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.

Public Facilities Approved 5-0 (Councilor Kelley not voting)

Finance Approved 6-0

Referred to Public Safety & Transportation and Finance Committees

#293-22

Review and potential amendment to the Tiger Permit Program

COUNCILORS BOWMAN, ALBRIGHT, DOWNS, NORTON, OLIVER, AND DANBERG seeking a review and potential amendment to the Tiger Parking Permit Program (Sec. TPR-204. Newton North High School Tiger Parking Permits) including a review of the number of permits issued, the lottery process for permits and locations included in the Tiger Parking Permit Program and potential amendment to the fees associated with the Tiger Parking Permit Program.

Finance Held 6-0 on 06/06/22

Public Safety & Transportation Held 7-0 on 06/06/22

Public Safety & Transportation voted No Action Necessary (Councilor Oliver not voting) on 06/22/22

Finance Approved the fee amount of \$60 6-0

Referred to Programs & Services and Finance Committee

#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 Approved 7-0 item #263-22(2) and voted to recommit to the City Council, to be jointly referred to the Finance Committee on 06/08/22

Finance Approved 6-0

#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: 08/20/22)

Finance Approved 6-0

The City Council voted without discussion 22 Yeas, 0 Nay, 1 recusal (Laredo), 1 absent (Councilor Noel) to Accept the Committee Recommendations on the following items:

Referred to Public Safety & Transportation and Finance Committees

#293-22

Review and potential amendment to the Tiger Permit Program

COUNCILORS BOWMAN, ALBRIGHT, DOWNS, NORTON, OLIVER, AND DANBERG seeking a review and potential amendment to the Tiger Parking Permit Program (Sec. TPR-204. Newton North High School Tiger Parking Permits) including a review of the number of permits issued, the lottery process for permits and locations included in the Tiger Parking Permit Program and potential amendment to the fees associated with the Tiger Parking

Permit Program.

Finance Held 6-0 on 06/06/22

Public Safety & Transportation Held 7-0 on 06/06/22

Finance Approved the fee amount of \$60 6-0 on 06/27/22

Public Safety & Transportation No Action Necessary 6-0, Oliver not voting

- #181-22** **Seeking a review and potential amendment to the Tiger Parking Permit Program**
COUNCILORS BOWMAN, ALBRIGHT, DOWNS, NORTON, OLIVER AND DANBERG seeking a review and potential amendment to the Tiger Parking Permit Program (Sec. TPR-204, Newton North High School Tiger Parking Permit) including review of the number of permits issued, the lottery process for permits and locations included in the Tiger Permit program.
Public Safety & Transportation No Action Necessary 6-0 (Councilor Oliver not voting) on 06/22/2022
Programs and Services No Action Necessary 7-0
- #306-22** **Resolution opposing Ride-Hail Ballot Initiative**
COUNCILORS NORTON, BOWMAN, DOWNS, HUMPHREY, LEARY, AND RYAN requesting a resolution urging the Massachusetts Legislature to oppose H. 1234 and the proposed 2022 state ballot initiative that would re-classify app-based delivery and ride-hailing drivers as independent contractors.
Programs and Services No Action Necessary 7-0

The City Council voted without discussion 22 Yeas, 0 Nay, 1 recusal (Councilor Humphrey), 1 absent (Councilor Noel) to Accept the Committee Recommendations on the following items:

- #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 COMMUNITY CENTER TRUST for a term of office to expire December 31, 2023.
Finance Approved 5-0-1 (Councilor Humphrey recused)

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

- #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 Facilities Approved 4-0 (Councilors Danberg and Norton not voting)

#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 Facilities Approved 4-0 (Councilors Kelley and Norton not voting)

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

#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)

Councilor Crossley reported without a written report. Zoning & Planning Approved 7-1 (Councilor Ryan opposed)

Public Hearings were assigned for the following Items:

Public Hearing to be Assigned for August 9, 2022

#374-22

Request to further extend a nonconforming detached accessory building, to allow reduced separation distance from an abutting dwelling, and to further increase FAR at 199 Church Street

199 CHURCH STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to: construct a two-story rear addition to the principal dwelling, further increasing nonconforming FAR; to convert an existing detached structure into an accessory apartment and allow a reduced separation distance between the detached accessory structure and abutting dwelling; and to further extend a nonconforming two-story detached accessory building at 199 Church Street, Ward 1, Newton, on land known as Section 12 Block 13 Lot 16, containing approximately 10,688 sq. ft. in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 6.7.1.E.7.b, 3.4.3.A.3, 7.8.2.2, 3.2.3, 3.2.11 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for August 9, 2022

#375-22

Request to allow oversized dormers and exceed FAR at 1198 Chestnut Street

SALWA ELARABI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct shed dormers on two sides of the dwelling closer than 3 ft. to the end walls and exceeding 50% of the wall planes, and to exceed allowable FAR at 1198 Chestnut Street, Ward 5, Newton, on land known as Section 51 Block 40 Lot 20, containing approximately 11,146 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 1.5.4.G.2.b, 1.5.4.G.2.c, 3.2.3, 3.2.11 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for August 9, 2022**#376-22 Petition to extend non-conforming two-family use and to exceed FAR at 1766-1768 Commonwealth Avenue**

JOE DESOUZA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to combine two parcels and eliminate the interior lot line, and to construct additions to the existing dwelling, exceeding allowable FAR and further extending the nonconforming use at 1766-1768 Commonwealth Avenue, Ward 4, Newton, on land known as Section 43 Block 08 Lot 04, containing approximately 12,880 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.1.3, 3.1.9 of the City of Newton Rev Zoning Ord, 2017

Public Hearing to be Assigned for August 9, 2022**#377-22 Petition to allow parking in the front setback at 344 Woodward Street**

RAJEEV PATTNI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow parking in the front setback at 344 Woodward Street, Ward 5, Newton, on land known as Section 54 Block 08 Lot 24, containing approximately 8000 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 5.1.7.A, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for August 9, 2022**#378-22 Request to further extend nonconforming FAR at 17 Jerome Avenue**

DAN AND JULES MYUNG petition for SPECIAL PERMIT/SITE PLAN APPROVAL to partially enclose a porch and construct a two-story addition within the existing footprint, further increasing nonconforming FAR at 17 Jerome Avenue, Ward 3, Newton, on land known as Section 34 Block 39 Lot 13, containing approximately 2640 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. 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 July 13, 2022**#383-22 5-58 for the Newton Center for Active Living at 345 Walnut Street**

DESIGN REVIEW COMMITTEE petition, pursuant to 5-58, for schematic design and site plan approval at 345 Walnut Street for the design of the new 33,000 SF facility to replace the current Senior Center located at 345 Walnut Street in Newtonville to meet the needs and interests of Newton's older adults.

Public hearing to be assigned for July 13, 2022**#384-22 Eversource petition for Grant of Location in Kinmonth Road**

EVERSOURCE ENERGY petitioning for a grant of location to install 145' ± of conduit in Windsor Road southerly from pole 469/5 and install 145' ± of conduit in Kinmonth Road westerly from Windsor Road thence turning southerly.