



City Council Reports Docket

July 12: Land Use
July 13: Programs & Services, Public Safety &
Transportation and Public Facilities
July 18: Zoning & Planning
July 19: Land Use
August 1: Finance

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7:45 p.m., Hybrid
To be reported on
Monday, August 8, 2022

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Monday, August 8 2022, 7:45 pm To view this meeting on zoom use this link at the above date and time:

<https://us02web.zoom.us/j/88084944227>

One tap mobile

US: +13017158592 880 8494 4227#

Land line

US: +1 301 715 8592

Meeting ID: 880 8494 4227

You may also:

1. Watch a live broadcast of the meeting on NewTV's government channel (Comcast 9, RCN 13, 614(HD), Verizon 33).
2. View a live stream on NewTV's Vimeo channel at: <https://vimeo.com/newtvgov>

City of Newton In City Council Items to be Acted Upon

Referred to Land Use Committee

Tuesday, July 12, 2022

Present: Councilors Lipof (Chair), Kelley, Bowman, Downs, Markiewicz, Laredo and Lucas; also present: Councilor Wright; absent: Councilor Greenberg

#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

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 or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

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.

Land Use Approved 7-0; Public Hearing Closed 7/12/22

#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.

Land Use Held 7-0; Public Hearing Continued

#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.

Land Use Approved 6-0 (Councilor Bowman not Voting); Public Hearing Closed 7/12/22

#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 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.

Land Use Approved 5-0-1 (Councilor Lipof Recusing; Councilor Bowman not Voting); Public Hearing Closed 7/12/22

#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.

Land Use Approved Withdrawal without Prejudice 7-0

Referred to Land Use Committee

Tuesday, July 19, 2022

Present: Councilors Lipof (Chair), Kelley, Bowman, Downs and Laredo; also present: Councilors Albright, Crossley, Malakie, Norton and Wright; absent: Councilors Greenberg, Lucas and Markiewicz

#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.

Land Use Approved 4-0-1 (Councilor Laredo Abstaining); Public Hearing Closed 7/19/22

#373-22 Petition to amend Deed Restriction and Order #276-68(3) at 120 Wells Ave

HARTFORD PROPERTIES, LLC petition to amend the deed restriction adopted by Board Order #276-68(3), dated November 18, 1963, as amended, to allow a day care center at 120 Wells Avenue, Ward 8, Newton, on land known as Section 84 Block 34A Lot 06, containing approximately 50,010 sq. ft. of land in a district zoned LIMITED MANUFACTURING.

Land Use Approved 5-0

#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.

Land Use Approved 5-0; Public Hearing Closed 7/19/22

#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.

Land Use Held 5-0; Public Hearing Continued

- #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.
Land Use Held 5-0; Public Hearing Continued
- #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.
Land Use Held 5-0; Public Hearing Continued
- #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.
Land Use Held 5-0; Public Hearing Continued

Referred to Zoning & Planning Committee

Monday, July 18, 2022

Present: Councilors Crossley (Chair), Albright, Danberg, Krintzman, Wright, Leary, Baker, and Ryan; also present: Councilors Downs, Bowman, Malakie, Oliver, and Lipof

- #192-22 Request for review and amendments to Section 6.7.1**
COUNCILORS CROSSLEY, DANBERG, LIPOF, KELLEY, ALBRIGHT, NORTON, BOWMAN, GREENBERG, HUMPHREY, LEARY, RYAN, AND KRINTZMAN requesting a review of and possible amendments to, Section 6.7.1 Accessory Apartments, to remove barriers to creating accessory apartments, such as to consider conditions under which detached ADUs may be allowed by right, and under which ADUs may be permitted as part of new construction.
Zoning & Planning Held 8-0
- #38-22 Discussion and review relative to the draft Zoning Ordinance regarding village centers**
ZONING & PLANNING COMMITTEE requesting review, discussion and possible ordinance amendments relative to Chapter 30 zoning ordinances pertaining to Mixed Use, business districts and village districts relative to the draft Zoning Ordinance. (formerly #88-20)
Zoning & Planning Held 8-0
- #379-22 Reappointment of Eliza Datta to the Community Preservation Committee**
HER HONOR THE MAYOR reappointing Eliza Datta, 40 Homer Street, Newton as a full member of the Community Preservation Committee for a term of office to expire on July 31, 2025. (60 Days: 09/09/2022)
Zoning & Planning Approved 8-0
- #380-22 Reappointment of Martin Smargiassi to the Community Preservation Committee**
HER HONOR THE MAYOR reappointing Martin Smargiassi, Newton as a full member of the Community Preservation Committee for a term of office to expire on July 10, 2025. (60 Days: 09/09/2022)
Zoning & Planning Approved 8-0

Referred to Programs & Services Committee

Wednesday, July 13, 2022

Present: Councilors Krintzman (Chair), Humphrey, Wright, Baker, Ryan, and Greenberg; absent: Councilor Noel; also present: Councilors Downs, Malakie, and Lipof

- #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.
Programs & Services Approved 7-0

- #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.
Programs & Services Approved 4-1-2 (Councilor Ryan Opposed) (Councilors Krintzman and Albright abstain)

Referred to Public Safety & Transportation Committee

Wednesday, July 13, 2022

Present: Councilors Downs (Chair), Markiewicz, Malakie, Oliver, Lucas, Lipof and Grossman; absent: Councilor Bowman

- #382-22 Request for authorization on the number of police officers detailed at each polling place for elections**
CITY CLERK, in accordance with MGL Chapter 54, section 72, recently amended by "The VOTES Act" (6/2022), which changed the responsibility for detailing a sufficient number of police officers for each polling place from the Chief of Police to City Council; requesting approval of a detail of a sufficient number of police officers and staffing hours for each polling place to preserve order and to protect the election officers from any interference with their duties and to aid in enforcing the laws relating to elections. The Chief of Police, in consultation with the City Clerk, will provide a plan for providing police officers at polling locations in the number required by the City Clerk to meet this obligation.
Public Safety & Transportation Approved 5-2, Councilors Lucas and Grossman opposed

Referred to Public Facilities Committee

Wednesday, July 13, 2022

Present: Councilors Leary (Chair), Norton, Danberg, Kelley, Laredo, Gentile and Crossley; also present: Councilors Lucas, Lipof, Albright, Malakie, Greenberg, Wright, Krintzman and Oliver; absent: Councilor Kalis

- #385-22 Appointment of Jay Snyder to the Citizens Commission on Energy**
HER HONOR THE MAYOR appointing Jay Snyder, 2117 Commonwealth Avenue, Newton to the Citizens Commission on Energy for a term of office to expire June 15, 2024. (60 days: 09/09/22)
Public Facilities Approved 6-0 (Councilor Gentile not voting)
- #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.
Public Facilities Approved 6-0 (Councilor Gentile not voting)

#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 Facilities Approved 6-0-1 (Councilor Gentile abstaining)

Referred to Public Facilities and Finance Committees

#345-22 **Appropriate \$19.5 million for the Newton Center for Active Living**
HER HONOR THE MAYOR requesting authorization to appropriate and expend nineteen million and five hundred thousand dollars (\$19,500,000) and authorize a general obligation borrowing of an equal amount for the Newton Center for Active Living (NewCAL) 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 6-0-1 (Councilor Malakie abstaining) on 08/01/22

Public Facilities Approved 6-0-1 (Councilor Gentile abstaining)

Referred to Finance Committee

Monday, August 1, 2022

Present: Councilors Grossman (Chair), Noel, Kalis, Oliver, Norton, Gentile and Malakie; also present: Councilors Albright, Lucas, Wright, Downs and Leary; absent: Councilor Humphrey

Referred to Public Facilities and Finance Committees

#345-22 **Appropriate \$19.5 million for the Newton Center for Active Living**
HER HONOR THE MAYOR requesting authorization to appropriate and expend nineteen million and five hundred thousand dollars (\$19,500,000) and authorize a general obligation borrowing of an equal amount for the Newton Center for Active Living (NewCAL) 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 6-0-1 (Councilor Gentile abstaining) on 07/13/22

Finance Approved 6-0-1 (Councilor Malakie abstaining)

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.

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

voting) on 06/22/22

Finance Held 6-0 on 06/27/2022

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