



City Council Docket

August 9: Land Use and Zoning & Planning

August 11: Finance Committee

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Monday, August 8, 2022

7:45 p.m, Hybrid

To be reported on

Wednesday, September 7, 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 to be Accepted and Referred to Committees

Referred to Land Use Committee

#387-22

Request for Extension of Time to Exercise Special Permit #284-20 at 1084 Chestnut Street ARIANA AND ALFRED URUCI petition for an EXTENSION OF TIME to August 10, 2023 to EXERCISE Special Permit Council Order #284-20 to enclose first- and second- floor decks to create additional living space, creating an FAR of .53 where .51 exists and .49 is required at 1084 Chestnut Street, Ward 5, Newton Upper Falls, on land known as Section 51 Block 41 Lot 06, containing approximately 9,086 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.9, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, *please contact Jini Fairley, at least two days in advance of the meeting:* jfairley@newtonma.gov, or 617-796-1253. For Telecommunications Relay Service dial 711.

Public Hearing to be Assigned for September 13, 2022

#254-22 Petition to allow marijuana retailer at 1185 Chestnut Street

NUESTRA, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a retail marijuana establishment, to allow parking within the side setback, to waive perimeter screening requirements, to waive lighting requirements, to waive the 500 ft. buffer for an existing kindergarten, and to waive the 25% façade transparency requirement at 1185 Chestnut Street, Ward 5, Newton, on land known as Section 51 Block 45 Lot 09, containing approximately 17,091 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 6.10.3.D, 4.4.1, 5.1.8.A.1, 5.1.13, 5.1.9.A, 5.1.13, 5.1.10, 6.10.3.F.1, 6.10.3.F.15 of the City of Newton Rev Zoning Ord, 2017.

Public hearing to be Assigned for September 13, 2022

#313-22 Petition to extend a nonconforming detached accessory structure and further increase nonconforming FAR at 34 Westbourne Road

SEAN ZHENG petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing garage and construct a new detached garage, further increasing nonconforming FAR, further extending a nonconforming side setback in a detached garage and further extending and reducing a nonconforming rear setback in a detached garage at 34 Westbourne Road, Ward 7, Newton, on land known as Section 73 Block 44 Lot 12, containing approximately 7640 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2, 3.4.3.A.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for September 13, 2022

#389-22 Request to alter and extend nonconforming rear setback at 6 Rotherwood Road

JOHN AND LISA BUTTS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story rear addition, vertically extending the nonconforming rear setback at 6 Rotherwood Road, Ward 6, Newton, on land known as Section 62 Block 16 Lot 50, containing approximately 8990 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.1.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for September 13, 2022

#390-22 Request to exceed FAR and further reduce nonconforming open space at 58 Valentine Park

SARAH AND PATRICK CAMMARATA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze and replace a one-story sunroom with a 2.5-story addition, as well as raze and replace an enlarged detached garage, exceeding allowable FAR and further reducing nonconforming open space at 58 Valentine Park, Ward 3, Newton, on land known as Section 32 Block 40 Lot 04 containing approximately 12,025 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for September 13, 2022

#391-22 Request to allow signs exceeding 10 square feet at 333 Nahanton Street
JEWISH COMMUNITY CENTER OF GREATER BOSTON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to replace two existing nonconforming signs with three signs, exceeding the maximum number and size of principal wall signs at 333 Nahanton Street, Ward 8, Newton, on land known as Section 83 Block 35 Lot 4Z, containing approximately 28.1 acres of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 5.2.7, 5.2.13.A of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for September 20, 2022

#392-22 Request to allow single-family attached dwellings in 2 buildings at 120 Norwood Avenue
120 NORWOOD REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing dwelling and allow four single-family attached dwellings in two buildings, to allow three stories, and to allow a driveway within 10 feet of the rear lot line and parking within 20 feet of the front and rear lot lines at 120 Norwood Avenue, Ward 2, Newtonville, on land known as Section 22 Block 09 Lot 05, containing approximately 24,897 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public hearing to be assigned for September 20, 2022

#393-22 Petition to extend nonconforming height at 1 Ridge Road
YAN YAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow additions to the basement, first and second stories of the existing dwelling, further extending the nonconforming height at 1 Ridge Road, Ward 5, on land known as Section 55 Block 36 Lot 01, containing approximately 15,000 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for September 20, 2022

#394-22 Request to Rezone 2 parcels to MR2
WALKER CENTER FOR ECUMENICAL EXCHANGE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone parts of the following 2 parcels: 136-144 Hancock Street (Section 43 Block 31 Lot 01) and 169 Grove Street (Section 43 Block 31 Lot 16) from SINGLE RESIDENCE 3 TO MULTI RESIDENCE 2.

Public Hearing to be Assigned for September 20, 2022

#395-22 Special Permit Petition to allow single- and multi-family development at 136-144 Hancock Street and 169 Grove Street
WALKER CENTER FOR ECUMENICAL EXCHANGE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow multi-family dwellings, to allow single-family attached dwellings, to allow a reduced rear setback, to allow reduced lot area per unit, to alter and extend a nonconforming side setback, to waive parking stalls, to waive perimeter screening

requirements and to waive lighting requirements at 136-144 Hancock Street and 169 Grove Street Ward 4, Newton, on land known as Section 43 Block 31 Lots 01 and 16 containing approximately 58,492 sq. ft. of land in a district zoned SINGLE RESIDENCE 3 (rezone to MULTI RESIDENCE 2 proposed). Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 4.1.3, 7.8.2.C.2, 5.1.4, 5.1.13, 5.1.9.A.1.ii, 5.1.10.A of the City of Newton Rev Zoning Ord, 2017.

Referred to Zoning & Planning Committee

- #396-22** **Reappointment of Rick Wetmore to the Chestnut Hill Historic District Commission**
HER HONOR THE MAYOR reappointing Rick Wetmore, 131 Suffolk Road, Chestnut Hill as a full member of the Chestnut Hill Historic District Commission for a term of office to expire on August 1, 2025. (60 Days: 10/07/2022)
- #397-22** **Reappointment of Susanna Lannik to the Chestnut Hill Historic District Commission**
HER HONOR THE MAYOR reappointing Susanna Lannik, 25 Essex Road, Chestnut Hill as a full member of the Chestnut Hill Historic District Commission for a term of office to expire on July 15, 2025. (60 Days: 10/07/2022)
- #398-22** **Appointment of Scott Friedman to the Newton Historical Commission**
HER HONOR THE MAYOR appointing Scott Friedman, 62 Hinckley Road, Waban as an alternate member of the Newton Historical Commission for a term of office to expire on March 30, 2025. (60 Days: 10/07/2022)
- #399-22** **Appointment of Elizabeth Sweet to the Zoning Board of Appeals**
HER HONOR THE MAYOR appointing Elizabeth Sweet, 281 Lexington Street, Auburndale as an full member of the Zoning Board of Appeals for a term of office to expire on September 19, 2025. (60 Days: 10/07/2022)
- #400-22** **Request for amendment to Section 1.5.2.G.1**
TERRANCE P. MORRIS, ESQ. requesting possible amendment to Section 1.5.2.G.1 Rear Lots, to substitute the word “or” for the words, “which” and “and” as they appear in the 1st sentence of the “Rear Lot” definition.
- #401-22** **Request for review and amendment to Section 5.11.5.E**
HER HONOR THE MAYOR requesting possible amendment to Section 5.11.5.E to specify that the Affordable Housing Trust will be the entity to receive and distribute one half of new Inclusionary Zoning funds, rather than having these funds go to a separate City account.

Referred to Programs & Services Committee

- #402-22** **Reappointment of Karen Haywood to the Jackson Homestead**
HER HONOR THE MAYOR reappointing Karen Haywood, 69 Walker Street, Newtonville as a Trustee of the Jackson Homestead for a term of office to expire on May 31, 2025. (60 Days: 10/07/2022)
- #403-22** **Appointment of Shawn Fitzgibbons to the Licensing Board**
HER HONOR THE MAYOR appointing Shawn Fitzgibbons, 300 Homer Street, Newton as a member of the Licensing Board for a term of office to expire on June 2, 2025. (60 Days: 10/07/2022)
- #404-22** **Discussion on Athletic Field Surfaces, Natural, and Artificial Turf**
COUNCILORS KELLEY, OLIVER, LEARY, ALBRIGHT, GROSSMAN, LUCAS, MARKIEWICZ, AND BAKER requesting a meeting with the Parks, Recreation and Culture Department to discuss best practices and materials used for athletic field surfacing, both natural, and synthetic. Topics to be covered include playability, safety, durability, environmental impacts, replacement, maintenance, and cost over time
- #405-22** **Request for Amendment to Chapter 21 regarding tree protection and proposed one-year moratorium**
COUNCILORS MALAKIE, NORTON, LUCAS, HUMPHREY, AND OLIVER request revisions and amendments to Chapter 21 to extend tree protection to all trees 6 inches DBH (diameter at breast height) and greater within the City, with no exempt lots, and to suspend tree removal permits effective immediately, for one year, unless sooner repealed or amended by the City Council. This moratorium shall not apply to emergency removal of trees determined by the tree warden to be dead or hazardous, or causing significant disruption of public utility service.

Referred to Finance Committee

- #406-22** **Request to transfer \$1,500,000 from Current Year Wage Reserve**
HER HONOR THE MAYOR requesting authorization to transfer the sum of one million five hundred thousand dollars (\$1,500,000) from Acct # 0110498-519700 Current Year Wage Reserves to fund the recently reach agreement with the NPSOA (Newton Police Superior Officers Association)
- #407-22** **Appropriate \$50,000 from Special Permit Fees, Austin Street and Lowell Ave**
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of fifty thousand dollars (\$50,000) from Acct #5568R401-432017 Special Permit fees, Austin and Lowell, to improve safety for all users by constructing traffic flow changes at two intersections on Lowell Ave, which is consistent with the intent of Special Permit #175-21, Condition 6.

#408-22 Appropriate \$12,000 from Special Permit Fees, Langley Road
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of twelve thousand (\$12,000) from Acct # 5553R401-432017 Special Permit Fees, Langley for the installation of two speed feedback signs on Langley Road, consistent with the intent of Special Permit #285-17, Condition 9

#409-22 Appropriate \$25,000 from Special Permit Fees, Langley Road
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of twenty-five thousand dollars (\$25,000) from Acct #5551R401-432017 Special Permit Fees, Langley Streetscape to make repairs to ADA ramps, curbing and sidewalks on Langley Path, consistent with the intent of Special Permit #285-17, Condition 17

#410-22 Reappointment of Shawn Murphy as a Constable
HER HONOR THE MAYOR reappointing SHAWN MURPHY, 11 Morrill Street, West Newton 02465 as a CONSTABLE for a term of office to expire on September 15, 2025. (60 days: 10/08/2022)

Referred to Programs & Services and Finance Committees

#411-22 Request for Amendment to Chapter 21, Art III Trees to extend tree protection and update permits
COUNCILORS MALAKIE, NORTON, LEARY, RYAN, WRIGHT, LUCAS, HUMPHREY, BOWMAN, MARKIEWICZ, OLIVER, DOWNS, LAREDO, AND GROSSMAN requesting revisions and amendments to Chapter 21, Art. III Trees (sec. 21-60 through 21-89) to extend tree protection to all trees 6 inches DBH (diameter at breast height) and greater within the City (with no exempt lots); to update tree removal permits, fees, and compensation; and to strengthen protection for existing and replacement trees.

Referred to Programs & Services and Finance Committees

#412-22 Request for Review and Amendments to Chapter 21, Art. III, Division 3
HER HONOR THE MAYOR requesting review and amendments to Chapter 21, Art. III, Division 3, Tree Preservation to increase replacement requirements for larger trees, add protections for smaller trees, limit removal of trees without replacement, enhance procedures for protecting trees, increasing payment required for trees cut without replacement, protect trees on lots adjacent to construction, provide Tree Warden with additional professional input on trees on private properties.

Referred to Public Facilities and Finance Committees

#413-22

Appropriate \$4,120,000 for the Pump Station Rehabilitation CIP Projects

HER HONOR THE MAYOR requesting authorization to appropriate and expend four million one hundred twenty thousand dollars (\$4,120,000) and authorize a general obligation borrowing of an equal amount for the construction and engineering services for the City of Newton Pump Station Rehabilitation CIP Project 1 and design for Project 2 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.