



City Council Actions

In City Council

Monday, August 8, 2022

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

Absent: Councilors Bowman, Humphrey, and Oliver

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

<https://newtv.org/city-council>

The City Council discussed the following items on Second Call:

#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 Motion to Approve 20 Yeas, 0 Nay, 4 absent (Councilors Bowman, Gentile, Humphrey, Oliver)

Clerk's Note: Councilor Grossman wanted to clarify that Council action is concerning the election security and polling location details, it does not interfere with the Chief of Police in assessing any extra details needed for public safety.

The City Council voted without discussion 21 Yeas, 0 Nays, 3 Absent (Councilors Bowman, Humphrey, Oliver) to Accept the Committee Recommendations on the following items:

Referred to Land Use Committee

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

Referred to Zoning & Planning Committee

#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

#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 Facilities Committee

#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)

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 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)

The City Council voted without discussion 19 Yeas, 2 Nays (Councilors Gentile, Malakie, 3 absent (Councilors Bowman, Humphrey, Oliver) to Accept the Committee Recommendations on the following items:

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)

The City Council voted without discussion 20 Yeas, 0 Nay, 1 recusal (Councilor Lipof), 3 absent (Councilor Bowman, Humphrey, Oliver) to Accept the Committee Recommendations on the following items:

- #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

The City Council voted without discussion 20 Yeas, 1 Nay (Councilor Malakie), 3 absent (Councilor Bowman, Humphrey, Oliver) to Accept the Committee Recommendations on the following items:

- #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)

Public Hearings were assigned for the following Items:

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.