



City Council Actions

In City Council

Wednesday, September 7, 2022

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

Absent: Councilor Lipof

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

<https://newtv.org/recent-video/63-newton-city-council-meetings/7663-newton-city-council-september-7-2022>

The City Council discussed the following items on Second Call:

#443-22 Discussion on Regulating Building Energy Reporting and Reduction

CLIMATE & SUSTAINABILITY TEAM will join the Council to present an update on their current work progress on the climate action plan and BERDO (Building Energy Reporting and Reduction).

Motion to Approve 23 Yeas, 0 Nay, 1 absent (Councilor Lipof)

Clerk's Note: Pursuant to the Rules of Council, items which are within the jurisdiction of the six standing committees which are referred to a Committee of the Whole, must be placed on Second Call and the decision of the referral shall be subject to a majority vote of the Council.

#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)~~ two million dollars (\$2,000,000) from Acct # 0110498-519700 Current Year Wage Reserves to fund the recently reach agreement with the NPSOA (Newton Police Superior Officers Association)

Motion to Amend the sum to \$2,150,000 Approved 22 Yeas, 1 Nay (Councilor Humphrey), 1 absent (Councilor Lipof)

Motion to Approve 22 Yeas, 1 Nay (Councilor Humphrey), 1 absent (Councilor Lipof)

Clerk's Note: Finance Committee Chair Grossman explained the need to amend the sum of the agreement to \$2,150,000. Council discussed the years included in the agreement.

#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.

Motion to Postpone to a Date Certain 23 Yeas, 0 Nay, 1 absent (Councilor Lipof)

Clerk's Note: *Land Use Committee Vice-Chair Kelley explained that the plans should have been amended to one curb cut from two, but the Committee had not been provided the updated plans as of the Council Meeting. Councilor Markiewicz motioned to postpone this item to a date certain of September 23.*

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

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.

Land Use Approved 7-0; Public Hearing Closed 8/9/22

#360-22 Request to extend nonconforming two-family use at 336 Cabot Street
336 CABOT STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct first and second story additions at the front and rear of the dwelling, further extending the nonconforming two-family residential dwelling use at 336 Cabot Street, Ward 2, Newton, on land known as Section 22 Block 19 Lot 09, containing approximately 9817 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.1, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 7-0; Public Hearing Closed 8/9/22

#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.
Land Use Approved 7-0; Public Hearing Closed 8/9/22

#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.
Land Use Approved 7-0; Public Hearing Closed 8/9/22

#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.
Land Use Approved 7-0; Public Hearing Closed 8/9/22

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)
Zoning & Planning Approved 8-0

#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)
Zoning & Planning Approved 8-0

Motion to suspend the Rules to accept late filed items to be referred to Committee:

Referred to Programs & Services Committee

- #444-22** Request to petition the General Court for special legislation regarding special police HER HONOR THE MAYOR requesting authorization to petition the General Court for special legislation to amend the provisions of the Acts 2014, c. 96 *An Act Relative to the Appointment of Special Police Officers in Newton*, as most recently amended by Acts 2016, c. 266, by raising the age limit for service on the special retiree police detail patrol from age 70 to age 75.

Referred to Finance Committee

- #445-22** Acceptance of a \$60,000 donation from UMASS Amherst-Mount Ida HER HONOR THE MAYOR requesting the authorization to accept, appropriate and expend the sum of sixty thousand dollars as a donation to the City of Newton for the NewMo program by UMass Amherst-Mount Ida

Public Hearings were assigned for the following Items:

Public Hearing to be Assigned for September 8, 2022

- #429-22** Request for a grant of location in Commonwealth Avenue NATIONAL GRID petition for a grant of location to install and maintain gas main in Commonwealth Avenue as follows:
- 2036' ± of 12" plastic main in Commonwealth Avenue from Woodbine Road to #2104 Commonwealth Avenue to replace 1987' of 12", 8" and 6" cast iron main and 49' ± of 6" plastic gas main
 - 263' ± of 6" plastic main in Woodbine Street from Commonwealth Avenue to the end to replace 223' ± of 4", 6" and 8" cast iron main and 40 feet of 3" coated steel gas main
 - 110' ± 8" plastic main in the intersection of Islington Road and Commonwealth Avenue to replace 72" ± 8" cast iron and 38' ± of 8' plastic main
 - 115' ± 8" plastic main in the intersection of Ash Street and Commonwealth Avenue to replace 95" ± 8' cast iron and 20" ± 8' coated steel gas main
 - 100' ± 12" plastic main in the intersection of Melrose St and Commonwealth Avenue to replace 100' ± of 8" and 6" cast iron gas main
 - 390" ± 12" plastic main in the carriage of Commonwealth Avenue from Melrose Street to Lexington Street to replace 318" of 6' Cast Iron and 72" ± 6' plastic gas main

Public Hearing to be assigned for September 8, 2022

- #430-22** Request for a grant of location in Lowell Ave, Commonwealth Ave, Homer Street NATIONAL GRID petition for a grant of location to install and maintain gas main in Lowell

Avenue, Commonwealth Avenue, and Homer Street as follows:

- 400' ± of 12" plastic main in in Lowell Avenue from 525 Lowell Avenue to Commonwealth Ave to replace 400' ± of 12" of cast iron gas main
- 935' ± of 12" plastic main in Homer Street from Commonwealth Avenue to the existing 12" cast iron at City Hall Drive to replace 935' ± of 12" cast iron main
- 610' ± 12" plastic main in Commonwealth Avenue from Lowell Avenue to Valentine St to replace 610' ± 12" of cast iron main

Public Hearing to be assigned for September 8, 2022

#431-22 Request for a grant of location in Ward Street

NATIONAL GRID petition for a grant of location to install and maintain gas main in Ward Street as follows:

- 1270' ± of 8" plastic main in Ward Street from Westbourne Road to Waverly Avenue to replace 1270" ± of 12', 6' and 4' cast iron gas main
- 10' ± of 6" plastic in the intersection of Westbourne Road and Ward Street to replace 10' ± 6" of cast iron gas main
- 10' ± 6" plastic main in intersection of Coolidge Rd and Ward Street to replace 10' ± 6' cast iron gas main
- 30' ± 6" plastic main in in the intersection of Eastbourne Road and Ward St to replace 30' ± 4" cast iron gas main
- 10' ± 6" plastic in the intersection of Avondale Rd and Ward St to replace 10' ± 4" of cast iron gas main
- 30" ± 6" plastic main in the intersection of Exmoor Rd and Ward St to replace 30" ± 6" of cast iron gas main
- 10" ± 6" plastic main in the intersection of Grant Ave and Ward Street to replace 10" ± of 12' and 6' cast iron gas main

Public Hearing to be assigned for September 8, 2022

#432-22 Eversource petition for Grant of Location in Farlow Road and Waverly Ave

EVERSOURCE ENERGY petitioning for a grant of location to install 50" ± of conduit easterly from pole 9/31 at Farlow Road and to install 790" easterly at Waverly to pole 149/9 and install 48" of conduit northwesterly from pole 148/17 at Chamberlain Road

Public Hearing to be assigned for September 8, 2022

#433-22 Request for a main drain extension at 29 Westgate Road

Richard Saris, 183 Oak Street 503C, Newton, petitioning for a main drain extension that begins at an end of the line drain manhole in front of #45 Westgate Road and extends +/- 91 feet southeasterly to a new drain manhole from which a lateral connection will extend onto the property. This will provide a means for an overflow connection to the proposed on site infiltration system that was designed for the new dwelling.

PETITIONER TO PAY ENTIRE COST

Public Hearing to be Assigned for September 13, 2022**#414-22 Request to further extend nonconforming FAR, side setback and accessory building separation at 35 Bracebridge Road**

ANDREA ROMAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze and construct a new detached garage as well as replace the rear deck further extending nonconforming FAR, further reducing and extending a nonconforming a side setback for an accessory structure and further reducing nonconforming separation between the accessory and principal buildings at 35 Bracebridge Road, Ward 6, Newton, on land known as Section 64 Block 16 Lot 16, containing approximately 11,425 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, 3.4.3.A.2 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for September 20, 2022**#415-22 Request to allow for-profit educational use at 1221-1227 Centre Street**

CENTRE-PELHAM REALTY TRUST, JUDITH LOCKE & SCOTT BERNSTEIN TRUSTEES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit education use at 1221-1227 Centre Street, Ward 6, Newton, on land known as Section 64 Block 28 lot 22, containing approximately 2,829 sq. ft. in a district zoned BUSINESS 1. Ref: 7.3.3, 7.4, 4.4.1, 6.3.14.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public hearing to be Assigned for September 20, 2022**#416-22 Request to further extend nonconforming front setback at 39 Floral Street**

CELIA IVANOV petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow the construction of an attached garage with living space above, further extending the nonconforming front setback and further reducing the nonconforming open space at 39 Floral Street, Ward 6, Newton, on land known as Section 52 Block 38 Lot 13, containing approximately 7,589 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for September 20, 2022**#417-22 Request to allow parking in the front setback and allow an additional front entrance at 154 Oliver Road**

FRANK LINSKI and NANCY ZOLLERS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow parking in the front setback and to allow a second front entrance at 154 Oliver Road, Ward 5, Newton, on land known as Section 54 Block 01 Lot 18, containing approximately 6,343 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, 6.7.1.D.4 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for October 6, 2022**#418-22 Request to exceed FAR and to allow three stories at 53 Neshobe Road**

RONALD and CARYN HARDING petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an attached two-car garage resulting in three stories, exceeding allowable FAR at 53 Neshobe Road, Ward 5, Newton, on land known as Section 42 Block 07 Lot 06, containing

approximately 17,173 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for October 6, 2022

#419-22 Request to extend nonconforming front setbacks at 148 Auburndale Avenue

CHRISTOPHER and GRETCHEN RUTAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct two-story additions to the front and rear of the dwelling further reducing and vertically extending the nonconforming front setbacks at 148 Auburndale Avenue, Ward 3, Newton, on land known as Section 33 Block 18 lot 03, containing approximately 6,616 sq. ft. in a district zoned SINGLE RESIDENCE 3. Ref: 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.

SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9 of the City of Newton Rev Zoning Ord, 2017.