



City Council Reports Docket

September 20: Land Use
September 21: Programs & Services, Public
Safety & Transportation and Public Facilities
September 28: Zoning & Planning and Finance

Page 232
7:45 p.m., Hybrid
To be reported on
Monday, October 3, 2022

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Monday, October 3, 2022, 7:45 pm To view this meeting on zoom use this link at the above date and time:

<https://us02web.zoom.us/j/81537877263>

One tap mobile

US: +13017158592 815 3787 7263#

Land line

US: +1 301 715 8592

Meeting ID: 815 3787 7263

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 Unfinished Council Business

#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 Approved 5-2-1 (Councilors Baker and Wright opposed) (Councilor Ryan abstaining)

City Council Voted to Postpone to a Date Certain of October 3rd; 22-0

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.

- #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.
Zoning & Planning Approved 8-0
City Council Voted to Postpone to a Date Certain of October 3rd; 22-0

Referred to Land Use Committee

Tuesday, September 20, 2022

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

- #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.
Land Use Held 8-0; Public Hearing Continued
- #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.
- #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.
Land Use Held 8-0; Public Hearing Continued

- #259-22 Request to Rezone 7 parcels to BU4**
CRAFTS DEVELOPMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone 7 parcels as follows: 34 Crafts Street (Section 23 Block 16 Lot 11), 36 Crafts Street (Section 23 Block 16 Lot 10), 38 Crafts Street Section 23 Block 16 Lot 09), 48 Crafts Street (Section 23 Block 16 Lot 08), and 50 Crafts Street (Section 23 Block 16 Lot 07) from MANUFACTURING TO BUSINESS 4; and 19 Court Street (Section 23 Block 16 Lot 12) and 21 Court Street (Section 23 Block 16 Lot 13) from MULTIRESIDENCE 1 TO BUSINESS 4.
- #260-22 Petition to construct elderly housing with services at 34, 36, 38, 48, 50 Crafts Street, 19-21 Court Street**
CRAFTS DEVELOPMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow an Elder Housing with Services facility, to allow a development in excess of 20,000 sq. ft., to allow a seven-story building, to allow a building 84 feet in height, to allow parking within the side setback, to reduce the required parking stall width, to reduce the required parking stall depth, to reduce the required parking stall depth for accessible stalls, to allow a reduced drive aisle width for two-way traffic and to waive the lighting requirements at 34, 36, 38, 48, 50 Crafts Street, 19-21 Court Street, Ward 2, Newton, on land known as Section 23 Block 16 Lots 7, 8, 9, 10, 11, 12 and 13, containing approximately 115,818 sq. ft. of land in districts zoned MAN and MR1 (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, 5.1.8.A.1, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.C, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.
Land Use Held 8-0; Public Hearing Continued
- #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.
Land Use Approved 7-0 (Councilor Laredo not voting); Public Hearing Closed 9/20/22
- #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.
Land Use Approved 7-0 (Councilor Laredo not voting); Public Hearing Closed 9/20/22
- 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.

Land Use Approved 7-0 (Councilor Laredo not voting); Public Hearing Closed 9/20/22

#417-22 Request to allow parking in the front setback and allow an additional front entrance at 154 Oliver Road

FRANK LASKI 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.

Land Use Approved 7-0 (Councilor Laredo not voting); Public Hearing Closed 9/20/22

Referred to Zoning & Planning Committee

Wednesday, September 28, 2022

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

#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)

Zoning & Planning Approved 5-0 (Councilors Leary and Ryan not voting)

#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 7-0

#39-22 Requesting discussion on state guidance for implementing the Housing Choice Bill

COUNCILOR CROSSLEY on behalf of the Zoning & Planning Committee requesting discussion on state guidance for implementing the Housing Choice element of the MA Economic Development legislation. (formerly #131-21)

Zoning & Planning Held 7-0

#400-22 Request for amendment to Section 1.5.2.G.1

TERRENCE 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.

Zoning & Planning Held 7-0

#83-22 Review and Amendment of Zoning Ordinance concerning requirements for electric vehicle charging station infrastructure

COUNCILORS LAREDO, OLIVER, KALIS, DOWNS, MALAKIE, NORTON, LUCAS, MARKIEWICZ, BOWMAN, LEARY, WRIGHT, LIPOF AND GROSSMAN requesting a review and, if

appropriate, amendment to our zoning code to increase the requirements for electric vehicle charging station infrastructure in new construction projects.

Zoning & Planning Held 7-0

#52-22 Discussion and possible ordinance amendments regarding the utilization of electric vehicle charging stations

COUNCILORS GROSSMAN, LAREDO, BOWMAN, NORTON, ALBRIGHT AND CROSSLEY requesting a discussion and possible ordinance amendments with the Planning Department and the Sustainability Directors regarding allowing the utilization of electric vehicle charging stations on private commercial parking lots BY CITY ORDINANCES, including but not limited to the use of digital advertising to pay for the stations and provide free charging to customers. (formerly #340-21)

Zoning & Planning No Action Necessary 6-0-1 (Councilor Baker recused)

#420-22 Reappointment of Leigh Gilligan to the Conservation Commission

HER HONOR THE MAYOR reappointing Leigh Gilligan, 16 Bradford Road, Newton as a full member of the Conservation Commission for a term of office to expire on November 1, 2025. (60 Days: 11/06/2022)

Zoning & Planning Approved 7-0

#421-22 Reappointment of Nancy Grissom to the Auburndale Historic District Commission

HER HONOR THE MAYOR reappointing Nancy Grissom, 7 Orris Street, Auburndale as a full member of the Auburndale Historic District Commission for a term of office to expire on July 10, 2025. (60 Days: 11/06/2022)

Zoning & Planning Approved 7-0

#422-22 Reappointment of Nancy Grissom to the Newton Historical Commission

HER HONOR THE MAYOR reappointing Nancy Grissom, 7 Orris Street, Auburndale as a full member of the Newton Historical Commission for a term of office to expire on July 10, 2024. (60 Days: 11/06/2022)

Zoning & Planning Approved 7-0

Referred to Programs & Services Committee

Wednesday, September 21, 2022

Present: Councilors Krintzman (Chair), Humphrey, Wright, Baker, Albright, Noel, Ryan, and Greenberg; also present: Councilors Malakie, Norton, Lipof, Lucas, Grossman, and Oliver

#427-22 Appointment of Petr Chovanec to the Commission on Disability

HER HONOR THE MAYOR appointing Petr Chovanec, 83 Westland Avenue, Newton as a full member of the Commission on Disability for a term of office to expire on October 3, 2025. (60 Days: 11/06/2022)

Programs & Services Approved 8-0

#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)

Programs & Services Approved 8-0

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, AND LAREDO 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.

Programs & Services Held 8-0

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.

Programs & Services Held 8-0

#405-22 Request for Amendment to Chapter 21 regarding tree protection and proposed one-year moratorium

COUNCILORS MALAKIE, NORTON, LUCAS, HUMPHREY, AND OLIVER requesting 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.

Programs & Services Denied 5-2-1 (Councilors Wright and Baker opposed) (Councilor Humphrey abstaining)

Referred to Public Safety & Transportation Committee

Wednesday, September 21, 2022

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

#450-22 Requesting six (6) renewal bus licenses for Mass General Brigham

MASS GENERAL BRIGHAM requesting **triennial renewals of six (6) bus licenses** for Mass General Brigham. There are no changes proposed from 2021.

Public Safety & Transportation Approved 7-0

#451-22 **Requesting four (4) new bus licenses for Brigham and Women’s Hospital**
BRIGHAM AND WOMEN’S HOSPITAL AND VPNE PARKING SOLUTIONS, LLC requesting
triennial new four (4) new bus licenses for Brigham and Women’s Hospital.
Public Safety & Transportation Approved 7-0

#452-22 **Discussion on recent police officer detail for State Primary and request for authorization on the number of police officers detailed at each polling place for all future elections**
THE CHIEF OF POLICE and CITY CLERK in accordance with MGL Chapter 54, section 72, 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 report on the State Primary details and 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 7-0

Referred to Public Facilities Committee

Wednesday, September 21, 2022

Present: Councilors Leary (Chair), Kelley, Laredo, Gentile and Crossley; absent: Councilors Kalis, Norton and Danberg

Referred to Public Facilities and Finance Committees

#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.
Public Facilities Held 5-0

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.
Finance Approved as Amended to \$4,127,000 8-0 on 09/28/222
Public Facilities Approved as Amended to \$4,127,000 5-0

Referred to Public Facilities and Finance Committees

#454-22

Amendments to Chapters 11 and 17 to the City of Newton Ordinances

HER HONOR THE MAYOR requesting amendments to the City of Newton Ordinances regarding trash and recycling (Chapter 11 and Chapter 17) to allow the City to create a mattress recycling program needed to comply with a significant upcoming change in MassDEP regulations for mattresses.

Finance Approved 8-0 on 09/28/22

Public Facilities Approved 5-0

Referred to Public Facilities and Finance Committees

#442-22

Transfer \$250,000 for the under \$75,000 projects

HER HONOR THE MAYOR requesting authorization to transfer the sum of two hundred fifty thousand dollars (\$250,000) from Acct #0111502-582500 Building Improvements, (Under \$75K projects) to a new 01C115 account.

Finance Approved 8-0 on 09/28/22

Public Facilities Approved 5-0

Referred to Public Facilities and Finance Committees

#440-22

CPC Recommendation to appropriate \$75,000 in CPA funding

COMMUNITY PRESERVATION COMMITTEE recommending appropriation of seventy five thousand dollars (\$75,000) in Community Preservation Act funding from the FY23 Historic Resource Reserve Fund to the control of the Planning & Development Department to complete the first phase of the Jackson Homestead Basement Restoration Project by hiring a preservation consultant to develop plans to remediate the existing water and humidity issues in order to preserve the historic structure and protect its important collections.

Public Facilities Held 8-0 on 09/08/22

Finance Approved 8-0 on 09/28/22

Public Facilities Approved 5-0

Referred to Finance Committee

Wednesday, September 28, 2022

Present: Councilors Grossman (Chair), Kalis, Norton, Gentile, Humphrey, Malakie, Oliver and Noel; also present: Councilor Laredo

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.

Public Facilities Approved as Amended to \$4,127,000; 5-0 on 09/21/22

Finance Approved as Amended to \$4,127,000 8-0

Referred to Public Facilities and Finance Committees

#454-22

Amendments to Chapters 11 and 17 to the City of Newton Ordinances

HER HONOR THE MAYOR requesting amendments to the City of Newton Ordinances regarding trash and recycling (Chapter 11 and Chapter 17) to allow the City to create a mattress recycling program needed to comply with a significant upcoming change in MassDEP regulations for mattresses.

Public Facilities Approved 5-0 on 09/21/22

Finance Approved 8-0

Referred to Public Facilities and Finance Committees

#442-22

Transfer \$250,000 for the under \$75,000 projects

HER HONOR THE MAYOR requesting authorization to transfer the sum of two hundred fifty thousand dollars (\$250,000) from Acct #0111502-582500 Building Improvements, (Under \$75K projects) to a new 01C115 account.

Public Facilities Approved 5-0 on 09/21/22

Finance Approved 8-0

Referred to Public Facilities and Finance Committees

#440-22

CPC Recommendation to appropriate \$75,000 in CPA funding

COMMUNITY PRESERVATION COMMITTEE recommending appropriation of seventy five thousand dollars (\$75,000) in Community Preservation Act funding from the FY23 Historic Resource Reserve Fund to the control of the Planning & Development Department to complete the first phase of the Jackson Homestead Basement Restoration Project by hiring a preservation consultant to develop plans to remediate the existing water and humidity issues in order to preserve the historic structure and protect its important collections.

Public Facilities Held 8-0 on 09/08/22

Public Facilities Approved 5-0 on 09/21/22

Finance Approved 8-0

Referred to Zoning & Planning and Finance Committees

#436-22

CPC Recommendation to appropriate \$1,948,056 in CPA funding

COMMUNITY PRESERVATION COMMITTEE recommending appropriation of one million nine hundred forty eight thousand fifty six dollars (\$1,948,056) in Community Preservation Act funding, with \$556,588 to come from the FY23 Community Housing Reserve Account and \$1,391,468 to come from FY23 Unrestricted Funding Account, to the control of the Planning & Development Department to provide funding to the Newton Affordable Housing Trust for future projects that meet one or more of the CPA's eligible funding categories for Community Housing projects.

Zoning & Planning Approved 8-0 on 09/12/22

Finance Approved 7-1 (Councilor Gentile Opposed)

#386-22

Discussion with Administration regarding Consultants, including the process of selection, project oversight, billing, and contract negotiation

COUNCILORS LAREDO, OLIVER, MARKIEWICZ, GROSSMAN, KALIS, HUMPHREY, WRIGHT, MALAKIE, BAKER, NORTON, GENTILE, LIPOF, AND LUCAS requesting a discussion with the Administration regarding the process for selecting and overseeing the work of consultants

retained by the city including (a) the criteria for when consultants are selected without a bidding process; (a) how contracts with consultants are negotiated; (c) the process for creating change orders in consulting contracts; (d) what detail is expected in bills submitted by consultants and the process for review and approval of such bills; and (e) whether bills submitted by consultants have ever been rejected or challenged and the reasons for such rejections or challenges.

Finance voted No Action Necessary 8-0