



City Council Reports Docket

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7:45 p.m., Hybrid

To be reported on

Monday, October 17, 2022

October 6: Land Use

October 11: Zoning & Planning and Finance

October 12: Public Facilities

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Monday, October 17, 2022, 7:45 pm To view this meeting on zoom use this link at the above date and time:

<https://us02web.zoom.us/j/86900900659>

One tap mobile

US: +13017158592 869 0090 0659#

Land line

US: +1 301 715 8592

Meeting ID: 869 0090 0659

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

Item Chartered by Councilor Baker; joined by Councilors Lucas, Malakie, Oliver and Wright on October 3, 2022

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.

- #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)
Item Chartered by Councilor Norton on October 3, 2022
- #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)
Item Chartered by Councilor Gentile on October 3, 2022

Referred to Land Use Committee

Thursday, October 6, 2022

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

- #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 MULTI USE 4.
- #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 2.44 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 MULTI 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, 4.4.1, 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 7-0; Public Hearing Continued

#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.

Land Use Approved 6-0; (Councilor Lucas not voting) Public Hearing Closed 10/6/22

#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.

Land Use Approved 6-0; (Councilor Lucas not voting) Public Hearing Closed 10/6/22

#377-22 Petition to allow parking in the front setback at 344 Woodward Street

RAJEEV PATTNI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow parking in the front setback at 344 Woodward Street, Ward 5, Newton, on land known as Section 54 Block 08 Lot 24, containing approximately 8000 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 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 7-0; Public Hearing Closed 10/6/22

Referred to Zoning & Planning Committee

Tuesday, October 11, 2022

Present: Councilors Crossley (Chair), Albright, Danberg, Wright, Leary, Baker, and Krintzman; absent: Councilor Ryan; also present: Councilors Lucas, Bowman, Downs, Malakie, Oliver, Humphrey, Norton

#463-22 Appointment of Amy Dain to the Planning & Development Board

HER HONOR THE MAYOR appointing Amy Dain, 4 Woodhaven Road, Waban as a full member of the Planning & Development Board for a term of office to expire on February 1, 2025. (60 Days: 12/02/2022)

Zoning & Planning Approved 6-0 (Councilor Krintzman not voting)

#464-22 Appointment of Scott Friedman to the Newtonville Historic District Commission

HER HONOR THE MAYOR appointing Scott Friedman, 62 Hinckley Road, Waban as a member of the Newtonville Historic District Commission for a term of office to expire on October 31, 2025. (60 Days: 12/02/2022)

Zoning & Planning Approved 6-0 (Councilor Krintzman 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 6-0 (Councilor Albright not voting)

Referred to Zoning & Planning and Public Facilities Committees

#48-22 Requesting an update on the status of implementing the Climate Action Plan

PUBLIC FACILITIES and ZONING & PLANNING COMMITTEES requesting an update from the Sustainability Team and appropriate staff on the status of implementing Climate Action Plan measures, expanding municipal energy efficiency and renewable energy programs as follows:

Newton Power Choice participation rates, municipal power purchasing contracts for gas and electricity; Solar Power Purchase Agreement including operational and PV installations under construction, municipal energy consumption (DOER report) Green Communities grant funded efficiency projects to date, Energy Coach/ "4 our Future" program and zoning ordinances both to increase building energy efficiency/renewables in the private sector and foster sustainable development patterns. (formerly #324-21)

Zoning & Planning Held 6-0 (Councilor Albright not voting)

#227-22 Request for ordinance to regulate embodied carbon in new construction

COUNCILOR CROSSLEY, on behalf of the Climate & Sustainability Team, requesting a discussion with the Sustainability Team and Planning Department, and to amend the zoning ordinance (Section 5.13, notable 5.13.4.D Reserved) to regulate embodied carbon in large new construction, to further the objectives of the city's Climate Action Plan.

Zoning & Planning Held 6-0 (Councilor Albright not voting)

#458-22 Reappointment of Dante Capasso to the Auburndale Historic District Commission

HER HONOR THE MAYOR reappointing Dante Capasso, 5 Lonja Street, Auburndale as a full member of the Auburndale Historic District Commission for a term of office to expire on September 30, 2025 (60 Days: 12/02/2022)

Zoning & Planning Approved 6-0 (Councilor Albright not voting)

- #459-22 Reappointment of Philip Plottel to the Economic Development Commission**
HER HONOR THE MAYOR reappointing Philip Plottel, 50 Roslyn Road, Waban as a member of the Economic Development Commission for a term of office to expire on October 30, 2025 (60 Days: 12/02/2022)
Zoning & Planning Approved 6-0 (Councilor Albright not voting)
- #460-22 Reappointment of Marcela Merino to the Economic Development Commission**
HER HONOR THE MAYOR reappointing Marcela Merino, 66 Cloverdale Road, Newton as a member of the Economic Development Commission for a term of office to expire on October 30, 2025 (60 Days: 12/02/2022)
Zoning & Planning Approved 6-0 (Councilor Albright not voting)
- #461-22 Reappointment of Kathryn Kubie to the Newton Historical Commission**
HER HONOR THE MAYOR reappointing Kathryn Kubie, 48 Holman Road, Auburndale as a full member of the Newton Historical Commission for a term of office to expire on August 1, 2025 (60 Days: 12/02/2022)
Zoning & Planning Approved 6-0 (Councilor Albright not voting)
- #462-22 Reappointment of Paul Dudek to the Auburndale Historic District Commission**
HER HONOR THE MAYOR reappointing Paul Dudek, 30 Williston Road, Auburndale as a member of the Auburndale Historic District Commission for a term of office to expire on September 30, 2025 (60 Days: 12/02/2022)
Zoning & Planning Approved 6-0 (Councilor Albright not voting)
- #474-22 Reappointment of William McLaughlin to the Zoning Board of Appeals**
HER HONOR THE MAYOR reappointing William McLaughlin, 117 Hammond Street, Newton as a member of the Zoning Board of Appeals for a term of office to expire on April 30, 2025 (60 Days: 12/02/2022)
Zoning & Planning Approved 6-0 (Councilor Albright not voting)

Referred to Public Facilities Committee

Wednesday, October 12, 2022

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

- #469-22 Comcast petition for Grant of Location in Lake Ave**
COMCAST OF MASSACHUSETTS petitioning for a grant of location to underground utilities starting at UP 504/1 on Kenmore Street to Lake Ave and continuing on Lake Ave to the location between 162 and 170 Lake Ave and will be placing the vault on the property line to feed building 162 and 170 Lake Avenue.
Public Facilities Approved 6-0 (Councilor Kalis not voting)

Referred to Public Facilities and Finance Committees

#472-22

Request to transfer \$100,000 from the Energy Stabilization Fund

HER HONOR THE MAYOR requesting authorization to transfer the sum of hundred thousand dollars (\$100,000) from the City's Energy Stabilization Fund for the design of a new HVAC system to replace the aging 30+ year old systems at the Newton Free Library. The project will replace the existing chiller, cooling towers and boilers with a heat pump chiller to convert the building to be fully electric.

Finance Approved 8-0 on 10/11/22

Public Facilities Approved 7-0

Referred to Public Facilities and Finance Committees

#473-22

Request to transfer \$65,000 from the Energy Stabilization Fund

HER HONOR THE MAYOR requesting authorization to transfer the sum of sixty-five thousand dollars (\$65,000) from the City's Energy Stabilization Fund for the design of a new HVAC system that will convert the existing fuel system at Pierce Elementary School to a fossil free fuel HVAC system.

Finance Approved 8-0 on 10/11/22

Public Facilities Approved 7-0

#468-22

Request to rename a portion of Brandeis Road to Lion Drive

HER HONOR THE MAYOR requesting approval of the renaming of a portion of Brandeis Road to Lion Drive. The limits of this name change would begin at a line east of #131 and #132 Brandeis Road to the intersection of Greenwood

Public Facilities Approved 7-0

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 on 09/21/22

Public Facilities Approved 7-0

Referred to Finance Committee

Tuesday, October 11, 2022

Present: Councilors Grossman (Chair), Gentile, Kalis, Malakie, Oliver, Norton, Noel and Humphrey

#470-22

Acceptance of \$67,272 .72 for Newton Fire Department Training

HER HONOR THE MAYOR requesting authorization to accept and expend the sum of sixty-seven thousand two hundred seventy-two dollars and seventy-two cents (\$67,272.72) from an Assistance to Firefighter Grant through the Department of Homeland Security. The grand funding awarded is going to be used by the Newton Fire Department to conduct training on

structural collapse props and to purchase a structural collapse prop structure.

Finance Approved 8-0

#471-22

Acceptance of \$131,952.38 from a Fire Prevention & Safety grant

HER HONOR THE MAYOR requesting authorization to accept and expend the sum of some hundred thirty-one thousand nine hundred fifty-two dollars and thirty-eight cents (\$131,952.3800 from a Fire Prevention & Safety grant through the Department of Homeland Security. The grant funding awarded is going to be used by the Newton Fire Department to conduct training for 30 members on Arson/Fire Investigation and to purchase fire investigation kits which include tools and PPE.

Finance Approved 8-0

Referred to Public Facilities and Finance Committees

#472-22

Request to transfer \$100,000 from the Energy Stabilization Fund

HER HONOR THE MAYOR requesting authorization to transfer the sum of hundred thousand dollars (\$100,000) from the City's Energy Stabilization Fund for the design of a new HVAC system to replace the aging 30+ year old systems at the Newton Free Library. The project will replace the existing chiller, cooling towers and boilers with a heat pump chiller to convert the building to be fully electric.

Public Facilities 7-0 on 10/12/22

Finance Approved 8-0

Referred to Public Facilities and Finance Committees

#473-22

Request to transfer \$65,000 from the Energy Stabilization Fund

HER HONOR THE MAYOR requesting authorization to transfer the sum of sixty-five thousand dollars (\$65,000) from the City's Energy Stabilization Fund for the design of a new HVAC system that will convert the existing fuel system at Pierce Elementary School to a fossil free fuel HVAC system.

Public Facilities 7-0 on 10/12/22

Finance Approved 8-0