



City Council Docket

October 18: Land Use
October 19: Programs & Services, Public Safety
& Transportation and Public Facilities
October 24: Zoning & Planning and Finance

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Continued
Monday, October 17, 2022
7:45 p.m., Hybrid
To be reported on
Monday, November 7, 2022

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>

The City Council will be joined by Her Honor the Mayor after first call for the presentation of the FY24 FY28 Capital Improvement Plan and FY24-FY28 Financial Forecast.

City of Newton

In City Council to be Accepted and Referred to Committees

Referred to Land Use Committee

Public Hearing to be Assigned for November 1, 2022

#475-22

Request to amend Council Order #443-20 at 232 Boylston St

DACOS REALTY LLC, petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Council Order 443-20 to replace the Petitioner as stated in Council Order #443-20 from MME Newton Retail LLC to Pharmacannis Massachusetts Inc. d/b/a Verilife at 232 Boylston Street, Newton, Ward 7, on land known as Section 82 Block 02 Lot 09, containing approximately 16,570 sq. ft. of land in a district zoned BUSINESS 4. Ref: 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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.

Public Hearing to be Assigned for November 1, 2022

#476-22 Request to amend Special Permit #180-18 to allow an increase in the number of shuttles for the accessory parking shuttle service at 199 Boylston St

MALL at CHESTNUT HILL LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow an increase in the number of shuttles for the accessory parking shuttle service at 199 Boylston St, Newton, Ward 7, on land known as Section 65 Block 08 Lot 100, containing approximately 324,691 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Referred to Zoning & Planning Committee

#477-22 Request for discussion regarding new MA Building Energy Codes

COUNCILORS CROSSLEY, LEARY, ALBRIGHT, DANBERG, LIPOF, KELLEY, NORTON, LAREDO, BOWMAN, HUMPHREY, DOWNS, GREENBERG, WRIGHT, MALAKIE, MARKIEWICZ, AND GROSSMAN requesting discussion with the Sustainability Team and Planning Department about the new MA Building Energy Codes (Base code, Stretch code and Specialized code) which become effective beginning January 2023, and in particular to understand the specifics of the MA “Specialized code” which is optional, what it regulates beyond the Stretch code, and to consider adopting the Specialized code for Newton.

Referred to Programs & Services Committee

#478-22 Request for discussion and ordinance to prohibit deceptive advertising by limited-service pregnancy centers

COUNCILORS HUMPHREY, NOEL, BOWMAN, RYAN, NORTON, LEARY, LUCAS, MALAKIE, WRIGHT, AND DANBERG requesting discussion and to consider an ordinance to prohibit limited-service pregnancy centers from making deceptive advertisements concerning pregnancy-related services or the provision of pregnancy-related services.

Referred to Public Facilities Committee

Public Hearing to be Assigned for October 19, 2022

#479-22 Eversource petition for Grant of Location in Needham Street

EVERSOURCE ENERGY petitioning for a grant of location to install approximately 195± feet of conduit in Industrial Place, 1269± feet of conduit in Needham Street, 20± feet of conduit in Oak Street and 20± feet of conduit in Charlemont Street and 4 new manholes

Referred to Real Property Reuse Committee

#481-22 Reuse of parcel of land on Jackson Street

DIRECTOR OF PLANNING & DEVELOPMENT submitting on October 6, 2022 a letter stating that the 57 sq. ft. City owned parcel of land known as 181-183 Jackson Road, should be made available for sale or lease, pursuant to the City of Newton Ordinances Section 2-7.

The following items were late filed and require a Suspension of the Rules to be Referred to Committee:

Referred to Finance Committee

Public Hearing to be Assigned for November 21, 2022

- #480-22 Request for approval of FY 23 Property tax levy distribution percentages**
HER HONOR THE MAYOR submitting for City Council review and approval the FY 23 Municipal Property Tax Levy Distribution Percentages among residential, open space, commercial and industrial classes of Real Property.

Referred to Public Safety & Transportation and Finance Committees

- #483-22 Request to transfer \$800,000 from the June 30, 2022 Certified Free Cash**
HER HONOR THE MAYOR requesting authorization to transfer the sum of eight-hundred thousand dollars (\$800,000) from June 30,2022 Certified Free Cash to fund the replacement of Fire Engine 7

Pursuant to the Rules of the 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.

Referred to a Committee of the Whole

- #482-22 Authorization to present the levy limit override and debt exclusion ballot questions to the voters**

HER HONOR THE MAYOR requesting the following:

- (1) To present the following levy limit override and debt exclusion ballot questions to the voters in accordance with the procedure prescribed by Massachusetts General Law Chapter 59, Section 21C(g) and (k):
- Shall the City of Newton be allowed to assess an additional \$9,175,000 in real estate and personal property taxes for the fiscal year beginning July 1, 2023 for the purpose of funding municipal and school operating and capital expenses to support student needs, fund street and sidewalk paving and safety improvements, increase street tree planting and care efforts, improve park, athletic field, court and playground maintenance, address the space needs of the Horace Mann Elementary School, fund sustainability and climate resiliency actions, and increase Senior Services programming and operations?
Yes _____ No _____
 - Shall the City of Newton be allowed to exempt from the provisions of Proposition 2 1/2, so called, the amounts required to pay for the bonds issued in order to renovate or replace the Countryside Elementary School?
Yes _____ No _____
 - Shall the City of Newton be allowed to exempt from the provisions of Proposition 2 1/2, so called, the amounts required to pay for the bonds issued in order to renovate or replace the Franklin Elementary School?
Yes _____ No _____

- (2) A request to call a special election to present the levy limit override and debt exclusion ballot questions to the voters and set a date of March 14, 2023 for such special election.
- (3) A request to appropriate from Budget Reserve the sum of two hundred and ten thousand dollars (\$210,000) for the purpose of funding the costs of a special election to present the levy limit override and debt exclusion ballot questions to the voters.

Referred to Committee of the Whole

#484-22

Amendments to Sec. 27-10 to the City of Newton Ordinances

HER HONOR THE MAYOR requesting an amendment to City Ordinance Sec. 27-10 increasing the income limit of the tax deferral program to match the current maximum allowable circuit breaker amount of \$93,000 for the local M.G.L c. 59 sec. 5cl. 41A tax deferral program.

Referred to Committee of the Whole

#485-22

Requesting a Home Rule Petition

HER HONOR THE MAYOR requesting to seek Home Rule legislation allowing the City to increase the maximum real property tax exemptions and reductions for certain programs authorized under M.G.L c. 59 beyond that amount currently allowed by the state. The requested enhancements for the following tax assistance programs:

VETERAN - EXEMPTION - G.L. c. 59, sec. 5, cl. 22

Clause 22 authorizes an exemption for the real property taxes of qualifying veterans or spouses of veterans in the maximum amount of \$400. The maximum allowable exemption is requested to be increased to \$800.

VETERAN - EXEMPTION - G.L. c. 59, sec. 5, cl. 22

Clause 22 authorizes an exemption for the real property taxes of qualifying veterans or spouses of veterans in the maximum amount of \$500. The maximum allowable exemption is requested to be increased to \$1,000.

DISABLED VETERAN - EXEMPTION - G.L. c. 59, sec. 5, cl. 22E

Clause 22E authorizes an exemption for the real property taxes of qualifying veterans determined to have suffered total disability in the line of duty in the maximum amount of \$1,000. The maximum allowable exemption is requested to be increased to \$2,000.

BLIND PERSON - EXEMPTION - G.L. c. 59, sec. 5, cl. 37A

Clause 37A authorizes an exemption for the real property taxes of a blind person in the maximum amount of \$500. The maximum allowable exemption is requested to be increased to \$1,000.

SENIOR CITIZENS - EXEMPTION - G.L. c. 59, sec. 5, cl. 41C

Clause 41C authorizes an exemption for the real property taxes of seniors over the age of 65 in the maximum amount of \$1,000. The maximum allowable exemption is requested to be increased to \$2,000.

SENIOR CITIZENS - REDUCTION - G.L. c. 59, sec. 5K and VETERANS -REDUCTION - G.L. c. 59, sec. 5N

Section 5K and 5N, respectively, authorize a reduction for the real property taxes of seniors over the age of 60 or veterans in exchange for volunteer services to the city. The statute permits a maximum reduction based on either 125 volunteer service hours or \$1,500. The City currently allows a reduction based on the maximum 125 volunteer service hours. It is requested that the maximum reduction in exchange for volunteer services be increased to 200 volunteer services hours or \$3,000.

ELDERLY SURVIVING SPOUSE, MINOR CHILD -EXEMPTION - G.L. c. 59, sec. 5, cl. 17D

Clause 17D authorizes an exemption for the real property taxes of a surviving spouse, a minor child whose parent is deceased, or seniors over the age of 70, in the maximum amount of \$219. It is requested that the maximum be doubled, increasing the exemption amount to \$438.