



**RECEIVED**

By City Clerk at 1:28 pm, Nov 07, 2022

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City Clerk

## City Council Docket

November 9: Programs & Services, Public Safety  
& Transportation and Public Facilities  
November 14: Zoning & Planning and Finance  
November 15: Land Use

**REVISED**

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Continued

**Monday, November 7, 2022**

7:45 p.m., Hybrid

To be reported on

**Monday, November 21, 2022**

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

<https://us02web.zoom.us/j/86569905963>

One tap mobile

US: +13017158592, 865 6990 5963#

Land line

US: +1 301 715 8592

Meeting ID: 865 6990 5963

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 to be Accepted and Referred to Committees

#### Referred to Land Use Committee

**#486-22**

**Request for Extension of Time to Exercise Special Permit #33-21(3) at 275 Grove Street**  
ALEXANDRIA REAL ESTATE EQUITIES, INC. petition for an EXTENSION OF TIME to November 15, 2024 to EXERCISE Special Permit Council Order #33-21(3) to amend Special Permit Council Orders #40-97, #40-97(2) and #33-21 to amend the site plan, to allow a lab and research facility use and to allow height up to 96' and 8 stories at 275 Grove Street, Ward 4, Auburndale, on land known as Section 43 Block 29 Lot 24, containing approximately 487,578 sq. ft. of land in a district zoned BUSINESS USE 4. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.5.9.A, 4.1.3, 4.1.2.B.3 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](mailto: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 15, 2022***

**#487-22 Request to allow for-profit educational use at 49-51 Winchester Street**

DAVE CARROLL, THE CONSERVATORY AT HIGHLANDS petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit education use at 49-51 Winchester Street, Ward 5, Newton, on land known as Section 51 Block 28 lot 30, containing approximately 79,500 sq. ft. in a district zoned MIXED USE 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 November 15, 2022***

**#488-22 Request to amend Special Permit #135-18 to convert office space into a dwelling unit at 429 Cherry St**

429 CHERRY STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert office space into a fourteenth residential unit at 429 Cherry St, Newton, Ward 3, on land known as Section 33 Block 12 Lot 12, containing approximately 13,617 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.

**#496-22 Request for discussion regarding the OpenGov System**

COUNCILORS MARKIEWICZ, BOWMAN, GREENBERG, KELLEY, LAREDO, AND LUCAS requesting a discussion with the Planning Department, Inspectional Services Department, Information Technology Department and the Chief Operating Officer regarding the use of the OpenGov system to record and track actions required by conditions specified in the Council special permit. These conditions are ones requiring follow-up and/or enforcement by City Departments.

**Referred to Zoning & Planning Committee**

**#489-22 Requesting review and discussion for the creation of as-of-right zoning for animal service establishments**

HER HONOR THE MAYOR requesting amendment to Chapter 30, Newton Zoning Ordinance, to allow animal service establishments by-right in BU1 and BU2 zones.

**#490-22 Reappointment of Michael Kaufman to the Urban Design Commission**

HER HONOR THE MAYOR reappointing Michael Kaufman, 24 Turner Terrace, Newtonville as a full member of the Urban Design Commission for a term of office to expire on December 31, 2025. (60 Days: 01/06/2023)

**#491-22 Reappointment of Visda Saeyan to the Urban Design Commission**

HER HONOR THE MAYOR reappointing Visda Saeyan, 7 Marcellus Drive Newton Centre as a full member of the Urban Design Commission for a term of office to expire on December 31, 2025. (60 Days: 01/06/2023)

**Referred to Public Facilities Committee**

***Public Hearing to be Assigned for November 9, 2022***

**#492-22 Eversource petition for Grant of Location in Hammond Street**

EVERSOURCE ENERGY petitioning for a grant of location to install 65'± of conduit in a northwesterly direction from manhole MH 11192, approximately 345' northwest of Essex Road to provide underground service to #393 Hammond Street (Ward 7)

***Public Hearing to be Assigned for November 9, 2022***

**#493-22 Eversource petition for Grant of Location in Walnut Street**

EVERSOURCE ENERGY petitioning for a grant of location to install one (1) JO pole #437/34 w/ anchor guy and remove one (1) JO pole #437/34 on the westerly side, near the intersection of Walnut Place. (Ward 2)

***Public Hearing to be assigned for November 9, 2022***

**#494-22 Request for water main extensions in Cross Hill Road**

Aurel Garban, on behalf of 45 Cross Hill LLC, 14 Rangely Rd, Brookline, MA 02467 petitioning for drain main extension in CROSS HILL ROAD. to extend the drain main from the point it terminates to +/- 85 feet up to the frontage of #45 Cross Hill Road.

**PETITIONER TO PAY ENTIRE COST**

**Referred to Finance Committee**

**#498-22 Appropriate \$33,333 from Transportation Mitigation funds**

HER HONOR THE MAYOR requesting approval to spend thirty-three thousand, three hundred thirty-three dollars (\$33,333) in transportation mitigation funds from the 15 Riverdale Avenue development for NewMo operations consistent with the transportation demand management plan set out in Special Permit #01-20 and the approved Request for Determination of Insubstantial Change dated 2/2/22.

**Referred to Public Safety & Transportation and Finance Committees**

**#495-22 Request to transfer \$55,000 from Financial Services Full Time Salaries**

HER HONOR THE MAYOR requesting authorization to transfer the sum of fifty-five thousand dollars (\$55,000) from Acct #0111049-511001 Financial Services Full Time Salaries to a Department 111-Non-Lapsing Police Technology Upgrade Account.

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

**Referred to Public Facilities and Finance Committees**

**#499-22 Appropriate \$150,000 from Certified Free Cash**

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one hundred and fifty thousand dollars (\$150,000) from June 30, 2022, Certified Free Cash for the purpose of purchasing the replacement of a 2004 trackless sidewalk clearing tractor.

*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 Committee of the Whole**

**#500-22**

**Accepting Massachusetts General Laws Chapter 59, Section 5C1/2**

HER HONOR THE MAYOR requesting to accept Massachusetts General Laws Chapter 59, Section 5C1/2, which provides for an additional real estate exemption for taxpayers who are granted personal exemptions on their domiciles under Massachusetts General Laws Chapter 59, Section 5, including certain blind persons, veterans, surviving spouses and seniors, and provide an additional exemption up to 100 percent of the personal exemption, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2023. This will double the current level of tax assistance that the City of Newton provides to eligible residents with these programs. A 100 percent increase is the maximum additional exemption permitted under Section 5C1/2.

**Referred to Committee of the Whole**

**#501-22**

**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 reductions for certain programs authorized under M.G.L c. 59 beyond that amount currently allowed by the state. Given the high cost of living in the metro Boston area, and specifically with the City of Newton, this is requesting the enhancements for the following tax assistance programs which will double the assistance available to eligible City of Newton residents:

**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 in exchange for volunteer services be increased to 200 volunteer services hours or \$3,000