



## City Council Actions

### In City Council

**Monday, October 17, 2022**

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

**Absent:**

**Clerk's Note:** The full Council meeting can be viewed on the following link:  
<https://newtv.org/recent-video/63-newton-city-council-meetings/7724-newton-city-council-october-17-2022>

### **The City Council discussed the following items on Second Call:**

**#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 Held 7-0-1 (Councilor Baker abstaining) on 08/09/22**

**Recommendation from Planning & Development Board Pending**

**Zoning & Planning Approved 5-2-1 (Councilors Baker and Wright opposed) (Councilor Ryan abstaining)**

**Motion to Postpone to a Date Certain of October 3, 2022, 22 Yeas, 0 Nay, 2 absent (Councilors Downs and Kalis)**

**Item Chartered by Councilor Baker**

**Motion to Amend Failed 9 Yeas, 15 Nays (Councilors Bowman, Crossley, Danberg, Downs, Greenberg, Grossman, Humphrey, Kalis, Kelley, Krintzman, Leary, Lipof, Noel, Ryan, and Albright)**

**Motion to Amend Failed 6 Yeas, 18 Nays (Councilors Bowman, Crossley, Danberg, Downs, Greenberg, Grossman, Humphrey, Kalis, Kelley, Krintzman, Leary, Lipof, Markiewicz, Norton, Noel, Oliver, Ryan, and Albright)**

**Motion Amend (Friendly Amendment) Failed 12 Yeas, 12 Nays (Councilors Bowman, Crossley, Danberg, Downs, Grossman, Humphrey, Kelley, Laredo, Markiewicz, Noel, Ryan, and Albright)**

**Motion to Approve 19 Yeas, 4 Nays (Councilors Baker, Lucas, Malakie, and Wright), 1 absent (Councilor Gentile)**

**#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**

**Finance Approved 7-1 (Councilor Gentile Opposed)**

**Item Chartered by Councilor Gentile**

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

**#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**

**Motion of No Action Necessary 22 Yeas, 0 Nay, 2 absent (Councilors Bowman and Gentile)**

*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.

**Motion to Approve 23 Yeas, 0 Nays, 1 absent (Councilor Gentile)**

**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.

**Motion to Approve 23 Yeas, 0 Nays, 1 absent (Councilor Gentile)**

**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.

**Motion to Approve 23 Yeas, 0 Nays, 1 absent (Councilor Gentile)**

**The City Council voted without discussion 22 Yeas, 0 Nays, 2 Absent  
(Councilors Baker and Markiewicz) to Accept the Committee  
Recommendations on the following items:**

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

HER HONOR THE MAYOR reappointing Dante Capasso, 5 Lonia 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)**

**#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)**

**#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**

**#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**

**#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 grant 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 one 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**

**#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 Approved 7-0 on 10/12/22****Finance Approved 8-0**

#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 Approved 7-0 on 10/12/22****Finance Approved 8-0****Motion to suspend the Rules to accept late filed items 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

**Public Hearings were assigned for the following Items:*****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.

***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.

***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