



City Council Actions

In City Council

Monday, October 3, 2022

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

Absent: Councilors Laredo and Markiewicz

Clerk's Note: The full Council meeting can be viewed on the following link:

<https://newtv.org/recent-video/63-newton-city-council-meetings/7707-newton-city-council-october-3-2022>

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

Clerk's Note: *Councilor Baker Chartered the item with the support of Councilors Lucas, Malakie, Oliver, and Wright.*

- #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 Held 8-0 on 08/09/22

Recommendation from Planning & Development Board Pending

Zoning & Planning Approved 8-0

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

Motion to Approve 21 yes, 0 Nay, 3 absent (Councilors Gentile, Laredo and Markiewicz)

#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

#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

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

#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

#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)

#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
- #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
- #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

#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

#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

#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

#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

- #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
- #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
- #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
- #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
- #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

Motion to suspend the Rules to accept late filed items to be referred to Committee:

Referred to Zoning & Planning Committee

- #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)

Public Hearings were assigned for the following Items:

Public Hearing to be Assigned for October 25, 2022

- #455-22 Request to exceed FAR at 168-170 Warren Street**
AMY SURMAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to enclose an existing screen porch, further exceeding nonconforming FAR at 168-170 Warren Street, Newton, Ward 6, on land known as Section 61 Block 40 Lot 04, containing approximately 5,742 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.2.3, 3.2.11, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for October 25, 2022

- #456-22 Request to allow for-profit educational use at 49-51 Winchester Street**
CLARE SULLIVAN, SULLIVAN SCHOOL OF IRISH DANCE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit educational 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 1, 2022

- #457-22 Request to allow a 6-unit residential dwelling at 416 & 418 Langley Road**
416-418 LANGLEY ROAD, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze two dwellings, merge two-lots and construct a six-unit multifamily dwelling with below grade parking accommodating 12 vehicles in addition; to allow ground floor residential use with residential above; to allow a three-story structure with 36 feet in height; to extend a

nonconforming side setback; to extend a nonconforming rear setback; to allow an FAR of 1.47; to allow a reduced parking stall width; to allow restricted end stalls; to reduce the driveway width for two-way traffic and to allow a retaining wall exceeding four feet in height within a setback at 416 and 418 Langley Road, Ward 6, Newton, on land known as Section 65 Block 10 Lot 27 and Section 65 Block 10 Lot 28, containing approximately 11,176 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 7.4, 4.4.1, 4.1.2.B.3, 4.1.3, 7.8.2.C.2, 5.1.8.A.1, 5.1.13, 5.1.8.B.6, 5.1.8.D.1, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for October 12, 2022

#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.