



City Council Actions

In City Council

Monday, November 7, 2022

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

Absent: Councilor Norton

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

<https://newtv.org/recent-video/63-newton-city-council-meetings/7757-newton-city-council-november-7-2022>

The City Council discussed the following items on Second Call:

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.

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

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.

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

#29-22 Petition to allow a drive-in business and associated perimeter parking and lighting waivers at 940 Boylston Street

MILDRED K. MCMULLEN, TRUSTEE OF MIL MAC TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze a portion of the existing building and reconfigure the existing parking to allow for a construction of a drive-in and relief for a free-standing sign at 940 Boylston, Ward 5, Newton, on land known as Section 51 Block 26 Lot 03, containing approximately 12,060 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.4.11, 5.1.9.A, 5.1.13, 5.2.13, 5.10.A of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Denied 5-1-2 (Councilor Lucas Nay) (Councilors Greenberg and Markiewicz Abstained); Public Hearing Closed 11/1/22

Motion to Withdraw Approved 23 Yeas, 0 Nay, 1 absent (Councilor Norton)

The City Council voted without discussion 23 Yeas, 0 Nays, 1 Absent (Councilor Norton) to Accept the Committee Recommendations on the following items:

#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.

Land Use Approved 8-0; Public Hearing Closed 10/25/22

#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 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.

5.1.8.A.2, 5.1.8.B.6, 5.1.8.C, 5.1.8.D.1, 5.1.9, 5.1.10 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 8-0; Public Hearing Closed 10/25/22

- #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.
Land Use Approved 8-0; Public Hearing Closed 11/1/22
- #465-22 Reappointment of Randall Johnson to the Parks and Recreation Commission**
HER HONOR THE MAYOR reappointing Randall Johnson, 267 Upland Road, Newton as an alternate member of the Parks and Recreation Commission for a term of office to expire on September 30, 2025. (60 Days: 12/02/2022)
Programs & Services Approved 8-0
- #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
Public Facilities Approved 5-0

The City Council voted without discussion 22 Yeas, 1 Nay (Councilor Downs), 1 Absent (Councilor Norton) to Accept the Committee Recommendations on the following items:

- #449-22 Request to amend Special Permit #234-10 to construct sport courts, warming hut and parking at 1897 Washington Street**
WOODLAND GOLF CLUB OF AUBURNDALE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #234-10 to extend a nonconforming use; to allow the construction of sport courts, a warming hut and associated parking; to determine appropriate dimensional requirements; to determine appropriate setbacks relative to parking; to waive perimeter screening; to waive interior landscaping; to waive lighting and to waive bike parking facilities at 1897 Washington Street, Ward 4, Newton, on land known as Section 43 Block 46 Lot 11, containing approximately 2,291,142 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.1.2.A.3, 5.1.8.B.2, 5.1.13, 5.1.9.A, 5.1.9.B, 5.1.10.A, 5.1.11 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Held 6-0 on 10/18/22
Land Use Approved 7-0-1 (Councilor Downs Abstained); Public Hearing Closed 10/25/22

The City Council voted without discussion 20 Yeas, 3 Nays (Councilors Malakie, Oliver, Ryan), 1 Absent (Councilor Norton) to Accept the Committee

Recommendations on the following items:

- #260-22** **Petition to construct elderly housing with services at 34, 36, 38, 48, 50 Crafts Street, 19-21 Court Street**
CRAFTS DEVELOPMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow an Elder Housing with Services facility, to allow a development in excess of 20,000 sq. ft., to allow a seven-story building, to allow a building 84 feet in height, to allow parking within the side setback, to reduce the required parking stall width, to reduce the required parking stall depth, to reduce the required parking stall depth for accessible stalls, to allow a reduced drive aisle width for two-way traffic and to waive the lighting requirements at 34, 36, 38, 48, 50 Crafts Street, 19-21 Court Street, Ward 2, Newton, on land known as Section 23 Block 16 Lots 7, 8, 9, 10, 11, 12 and 13, containing approximately 115,818 sq. ft. of land in districts zoned MAN and MR1 (to be rezoned to BU4). Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.2.10, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 5.1.8.A.1, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.C, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 8-0; Public Hearing Closed 10/25/22

The City Council voted without discussion 20 Yeas, 3 Nays (Councilor Kelley, Malakie, Wright), 1 Absent (Councilor Norton) to Accept the Committee Recommendations on the following items:

- #467-22** **Appeal of Traffic Council Decision TC46-22 Exeter Street at Berkeley Street**
THOMAS RILEY, 66 Berkeley Street, West Newton AND COUNCILOR KELLEY appealing the approval of Traffic Council petition TC46-22 on September 15, 2022, requesting to add a stop sign at the end of Exeter Street at Berkeley Street. (Ward 3)
Public Safety & Transportation Denied 6-1, Councilor Malakie opposed

The City Council voted without discussion 22 Yeas, 0 Nay, 1 Recusal (Councilor Noel), 1 Absent (Councilor Norton) to Accept the Committee Recommendations on the following items:

- #466-22** **Appointment of Cynthia Arcate to the Newton Commonwealth Foundation**
HER HONOR THE MAYOR appointing Cynthia Arcate, 4 Woodhaven Road, Waban as a member of the Newton Commonwealth Foundation for a term of office to expire on June 30, 2025. (60 Days: 12/02/2022)
Programs & Services Approved 7-0-1 (Councilor Noel abstaining)

The City Council voted without discussion 20 Yeas, 3 Nays (Councilors Lucas, Markiewicz, Wright), 1 Absent (Councilor Norton) to Accept the Committee

Recommendations on the following items:

- #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.
Land Use Approved 6-0-2 (Councilors Laredo and Lucas Abstained); Public Hearing Closed 11/1/22

The City Council voted without discussion 22 Yeas, 1 Nay (Councilor Gentile), 1 Absent (Councilor Norton) to Accept the Committee Recommendations on the following items:

- #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 on 10/12/22
Finance Approved 5-1-2 (Councilor Gentile opposed and Councilors Kalis and Malakie abstaining)

The City Council voted without discussion 22 Yeas, 0 Nay, 1 Recusal (Councilor Lipof), 1 Absent (Councilor Norton) to Accept the Committee Recommendations on the following items:

- #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.

Land Use Approved 7-0-1 (Councilor Lipof Recused); Public Hearing Closed 11/1/22

The City Council voted without discussion 22 Yeas, 1 Nay (Councilor Ryan), 1 Absent (Councilor Norton) to Accept the Committee Recommendations on the following items:

- #259-22 Request to Rezone 7 parcels to BU4**
CRAFTS DEVELOPMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone 7 parcels as follows: 34 Crafts Street (Section 23 Block 16 Lot 11), 36 Crafts Street (Section 23 Block 16 Lot 10), 38 Crafts Street Section 23 Block 16 Lot 09), 48 Crafts Street (Section 23 Block 16 Lot 08), and 50 Crafts Street (Section 23 Block 16 Lot 07) from MANUFACTURING TO BUSINESS 4; and 19 Court Street (Section 23 Block 16 Lot 12) and 21 Court Street (Section 23 Block 16 Lot 13) from MULTIRESIDENCE 1 TO BUSINESS 4.
Land Use Approved 8-0; Public Hearing Closed 10/25/22

Motion to suspend the Rules to accept late filed items 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.

Public Hearings were assigned for the following Items:

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.

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