



City Council Reports Docket

January 18: Programs & Services, Public Safety &
Transportation and Public Facilities
January 23: Zoning & Planning
January 24: Land Use

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7:45 p.m., Hybrid
To be reported on
Monday, February 6, 2023

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Monday, February 6, 2023, 7:45 pm. To view this meeting on Zoom use this link at the above date and time:
<https://us02web.zoom.us/j/86484283887>

One tap mobile
US: +13017158592, 864 8428 3887#

Land line
US: +1 301 715 8592
Meeting ID: 864 8428 3887

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 Items to be Acted Upon

Referred to Land Use Committee

Tuesday, January 10, 2023

Present: Councilors Lipof (Chair), Kelley, Bowman, Downs, Greenberg, Laredo, Lucas, and Markiewicz;
also present: Councilor Wright

- #23-23 Request to amend Special Permit #289-18 at 697 Washington Street**
697 WASHINGTON STREET REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #289-18 to update signage and on-site parking at 697 Washington Street, Newton, Ward 2, on land known as Section 23 Block 19 Lot 1B, containing approximately 16,678 sq. ft. of land in a district zoned BUSINESS 2. Ref: 7.3.3, 7.4, 5.2.13.A, 5.2.13.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Held 8-0; Public Hearing Continued

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.

- #6-23** **Request for Extension of Time to Exercise Special Permit #122-21 at 9-11 Noble Street**
JOHN CARUSO petition for an EXTENSION OF TIME to September 9, 2024, to EXERCISE Special Permit Council Order #122-21 to construct dormers in the attic level, extending the nonconforming two-family use and extending the nonconforming FAR at 9-11 Noble Street, Ward 3, West Newton, on land known as Section 44 Block 4 Lot 19, containing approximately 6,258 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 8-0
- #5-23** **Request for Extension of Time to Exercise Special Permit #299-21 at 131 Rumford Avenue**
PHARMACANNIS MASSACHUSETTS INC. D/B/A/ VERILIFE petition for an EXTENSION OF TIME to December 20, 2024 to EXERCISE Special Permit Council Order #299-21, allow a retail marijuana establishment, to allow parking facility requirements to be met off-site, to waive the minimum driveway width requirement, to waive perimeter screening requirements, to waive lighting requirements and to waive the 25% façade transparency requirement at 131 Rumford Avenue, Ward 4, Auburndale, on land known as Section 41 Block 31 Lot 50, containing approximately 20,443 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 6.10.3.D, 4.4.1, 5.1.6.A, 5.1.6.B, 5.1.8.D.1, 5.1.13, 5.1.9.A, 5.1.10, 6.10.3.E.15 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 7-0-1 (Councilor Lipof Recused)
- #21-23** **Request to allow marijuana retailer at 131 Rumford Avenue**
SSG LEXINGTON NEWTON, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend special Permit #299-21 to replace the operator to Community Care Collective, Inc. at 131 Rumford Avenue, Ward 4, Auburndale, on land known as Section 41 Block 31 Lot 50, containing approximately 20,443 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 6.10.3.D, 4.4.1, 5.1.6.A, 5.1.6.B, 5.1.8.D.1, 5.1.13, 5.1.9.A, 5.1.10, 6.10.3.E.15 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 7-0-1 (Councilor Lipof Recused); Public Hearing Closed 01/24/23
- #22-23** **Request to exceed FAR and to allow a garage exceeding 700 square feet at 4 Garrison Street**
SUSAN AND ARNOLD SERVAIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing attached single-car garage and construct a two-car garage with living space above at 4 Garrison Street, Ward 7, Chestnut Hill, on land known as Section 61 Block 11 Lot 08, containing approximately 9,780 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 8-0; Public Hearing Closed 01/24/23

Referred to Zoning & Planning Committee

Monday, January 23, 2023

Present: Councilors Crossley (Chair), Albright, Danberg, Wright, Leary, Baker, Krintzman, and Ryan; also present: Councilors Lucas, Norton, Malakie, Markiewicz, Gentile, Laredo, Oliver, Bowman, Lipof, Kalis, Humphrey, Greenberg

#38-22 **Discussion and review relative to the draft Zoning Ordinance regarding village centers**
ZONING & PLANNING COMMITTEE requesting review, discussion and possible ordinance amendments relative to Chapter 30 zoning ordinances pertaining to Mixed Use, business districts and village districts relative to the draft Zoning Ordinance. (formerly #88-20)
Zoning & Planning Held 8-0

#24-23 **Reappointment of Laurie Malcom to the Newton Upper Falls Historic District Commission**
HER HONOR THE MAYOR reappointing Laurie Malcom, 95 Algonquin Road, Chestnut Hill as a member of the Newton Upper Falls Historic District Commission for a term of office to expire on December 24, 2025. (60 Days: 03/18/2023)
Zoning & Planning Approved 8-0

Referred to Programs & Services Committee

Wednesday, January 18, 2023

Present: Councilors Krintzman (Chair), Humphrey, Wright, Baker, Albright, Noel, Ryan, and Greenberg; also present: Councilors Malakie, Laredo, and Oliver

#25-23 **Appointment of Dr. Michael Richardson to the Parks and Recreation Commission**
HER HONOR THE MAYOR appointing Dr. Michael Richardson as the Ward 1 member of the Parks and Recreation Commission for a term of office to expire on February 20, 2026. (60 Days: 03/18/2023)
Programs & Services Approved as Amended 7-0 (Councilor Baker Not Voting)

#26-23 **Request to set Early Voting Hours for the March 14, 2023 Special Election**
THE CITY CLERK requesting to set early voting hours for the March 14, 2023 Special Election on the following dates, location, and times recommended by the Election Commission: A total of Five days; Friday March 3rd, 2023 8:30a-5p, Saturday March 4th, 2023 11a-5p, Sunday March 5th, 2023 11a-5p, Monday March 6th, 2023 8:30a-5p, Tuesday March 7th, 2023 8:30a-5p at Newton City Hall, 1000 Commonwealth Avenue, Newton, MA 02459.
Programs & Services Approved 7-0 (Councilor Baker Not Voting)

#27-23 **Request to move Ward 2, Precinct 3 Polling Location**
THE CITY CLERK requesting that the Ward 2, Precinct 3 polling location, currently located at the Newton Senior Center at 345 Walnut Street be temporarily relocated to Cabot Elementary School on 229 Cabot Street as the Senior Center is being rebuilt.
Programs & Services Approved 7-0 (Councilor Baker Not Voting)

#28-23

Request to move Ward 3, Precinct 2 Polling Location

THE CITY CLERK requesting that the Ward 3, Precinct 2 polling location, currently located at the Peirce School at 170 Temple Street, be relocated to Temple Shalom, 175 Temple Street.

Programs & Services Approved 8-0

Referred to Programs & Services and Finance Committees

#453-22

Discussion and Creation of Strategic and Operational Plan for Capital Improvements

COUNCILORS LAREDO, OLIVER, NORTON, LUCAS, WRIGHT, MALAKIE, GENTILE, AND ALBRIGHT requesting a discussion with the Parks, Recreation and Culture Department regarding the creation of a strategic and operational plan for capital improvements to our athletic fields, athletic facilities, and playgrounds. In order to facilitate a productive discussion, ask that we be provided with a single document that lists all of the currently planned capital work (both as set forth in the city's capital improvement plan (CIP) and in the department's annual budgets) prior to the item being discussed. The document should include the following categories: (a) project; (b) anticipated start date; (c) anticipated date of completion; (d) estimated cost; (e) funding source and the anticipated amount from each source; and (f) status of applying for funding.

Programs & Services Held 8-0

Referred to Programs & Services and Public Facilities Committee

#134-22

Discussion with City Staff regarding how to integrate a year-round pool into the CIP

COUNCILORS KELLEY, LIPOF, LAREDO, NORTON, BOWMAN, CROSSLEY, MALAKIE, LUCAS, DOWNS, DANBERG, GREENBERG, RYAN, KRINTZMAN, KALIS, MARKIEWICZ, NOEL, OLIVER, ALBRIGHT, HUMPHREY, BAKER, AND GROSSMAN requesting a discussion with the Mayor, Public Buildings Department, and Parks, Recreation and Culture about how to integrate a year-round pool into the CIP and comprehensive planning for public recreational opportunities, specifically in the Albemarle area.

Programs & Services voted No Action Necessary 8-0

Referred to Programs & Services Committee

Thursday, February 2, 2023

Present: Councilors Krintzman (Chair), Humphrey, Wright, Baker, Albright, Noel, Ryan, and Greenberg; also present: Councilors Markiewicz, Lucas, Malakie, Leary, Norton, Oliver, and Lipof

Referred to Programs & Services and Finance Committees

#411-22

Request for Amendment to Chapter 21, Art III Trees to extend tree protection and update permits

COUNCILORS MALAKIE, NORTON, LEARY, RYAN, WRIGHT, LUCAS, HUMPHREY, BOWMAN, MARKIEWICZ, OLIVER, DOWNS, LAREDO, AND GROSSMAN requesting revisions and amendments to Chapter 21, Art. III Trees (sec. 21-60 through 21-89) to extend tree protection to all trees 6 inches DBH (diameter at breast height) and greater within the City (with no exempt lots); to update tree removal permits, fees, and compensation; and to strengthen protection for existing and replacement trees.

Programs & Services Held 8-0

Referred to Programs & Services and Finance Committees

#412-22

Request for Review and Amendments to Chapter 21, Art. III, Division 3

HER HONOR THE MAYOR requesting review and amendments to Chapter 21, Art. III, Division 3, Tree Preservation to increase replacement requirements for larger trees, add protections for smaller trees, limit removal of trees without replacement, enhance procedures for protecting trees, increasing payment required for trees cut without replacement, protect trees on lots adjacent to construction, provide Tree Warden with additional professional input on trees on private properties.

Programs & Services Held 8-0

Referred to Public Safety & Transportation Committee

Wednesday, January 18, 2023

Present: Councilors Downs (Chair), Malakie, Lucas, Markiewicz, Oliver, Lipof, Grossman and Bowman

#8-23

Annual Report of the work of the Traffic Council for 2022

DAVID KOSES, TRAFFIC COUNCIL CHAIR providing the Annual Report of the work of the Traffic Council for 2022.

Public Safety & Transportation voted No Action Necessary 7-0 (Councilor Grossman not voting)

#67-22

Requesting regular discussion with the Police Department

COUNCILOR DOWNS requesting regular discussion with the Police Department of police data, including crashes, types of calls, numbers and dispositions.

Public Safety & Transportation Held 8-0 on 01/05/22

Public Safety & Transportation Held 6-0 on 03/23/22 (Councilor Oliver not voting)

Public Safety & Transportation Held 6-0 on 09/08/22

Public Safety & Transportation Held 7-0 on 12/07/22

Public Safety & Transportation Held 7-0 (Councilor Grossman not voting)

#525-22

Request for an amendment to City Ordinances regarding outdoor dining

HER HONOR THE MAYOR requesting a discussion and amendment to City Ordinances necessary to continue outdoor dining on a permanent basis.

Public Safety & Transportation Held 7-0 on 12/07/22

Public Safety & Transportation Approved 8-0

Referred to Public Safety & Transportation and Public Facilities Committee

#137-22

Granting administrative authority to seasonably approve the use of on-street parking for outdoor dining

HER HONOR THE MAYOR requesting to grant administrative authority to the Commissioner of Public Works, the Director of Planning and Development, and the Police Chief to seasonably approve the use of on-street parking spaces for restaurant outdoor dining.

Public Safety & Transportation Held 7-0 on 12/07/22

Public Safety & Transportation voted No Action Necessary 8-0

Referred to Public Facilities Committee

Wednesday, January 18, 2023

Present: Councilors Leary (Chair), Kalis, Laredo, Crossley, Norton, Kelley, Danberg; Absent: Councilor Gentile

#546-22 Request for a grant of location in Paulson RoadNATIONAL GRID petition for a grant of location to install and maintain gas main in Paulson Road, Ferncroft Road, Evelyn, Helene Road, and Cotter Road, as follows:

- 1125' ± of 6" plastic main in Ferncroft Road from Paulson Road to the existing 8", cast iron at #1 Ferncroft Road to replace 1125' ± of 4", bare steel.
- 710' ± of 4" plastic main in Helene Road from Paulson Road to the existing 6" plastic in Cotter Road to replace 215' ± 4" cast iron, and 25' ± of 4" plastic and 470' ± of 4" bare steel
- 90' ± 6" plastic main in Evelyn Road from Paulson Road to #64 Evelyn Road to replace 5' ± 8" cast iron main, 90' ± of 4" bare steel
- 1040' ± of 6" plastic main in Paulson Road from Gordon Road to 145 Paulson Road and install 120' ± of 6" plastic in Paulson Road between the gap between #145 Paulson Road and #155 Paulson Road to replace 905' of 4" bare steel and 135' ± of 4" cast iron. (Ward 5)

Public Facilities Held 6-0 on (Councilor Norton not voting) on 12/07/22**Public Facilities Approved 3-2-1 (Councilors Kelley and Norton Opposed) (Councilor Leary abstaining) (Councilor Laredo not voting)****#29-23 Request for a grant of location in Elliot St, Boylston St, Circuit Ave, Josselyn Pl, Frances St, Charles St, and Margaret Rd**NATIONAL GRID petition for a grant of location to install and maintain gas main in Elliot St, Boylston St, Circuit Ave, Josselyn Pl, Frances St, Charles St, and Margaret Rd. as follows:

- 1850' ± of 8" plastic main in Elliot St from the existing 10" main in Elliot St from the existing 24" in Boylston St to the new 6" in the intersection of Circuit Ave and Elliot St to replace 1840' ± of 10" cast iron and 10' ± of 8" cast iron.
- 335' ± of 2" plastic main in to #978 Boylston St to replace 35' ± of 3" coated steel and 300' ± 4" coated steel.
- 245' ± 4" plastic main in Josselyn Pl from the new 8" plastic in Elliot St to the end of main at #16 Josselyn Pl to replace 110' ± of 4" bare steel main and 135' ± of 4" cast iron.
- 285' ± 4" plastic main in Frances St from the new 8" plastic in Elliot St to the end of main at #22 Frances St to replace 220' ± LP cast iron and 65' ± of 6" plastic.
- 50' ± 4" plastic stub in Charles St from the new 6" plastic. Cast iron in Elliot St. (cut and cap the existing 6" cast iron in Charles St)
- 50" ± 2" plastic main in the intersection of Pattern Circle and Countryside Road to replace 35" ± of 6" coated steel main

- 275" ± 4" plastic stub in the intersection of Elliot St and Margaret Rd from the new 8" plastic in Elliot St. (Ward 5)

**Public Facilities Approved 4-1-1 Subject to Second Call (Councilor Kelley Opposed)
(Councilor Norton Abstaining) (Councilor Laredo Not Voting)**

#30-23

Reappointment of Peter J. Barrer to the Design Review Committee

PRESIDENT ALBRIGHT reappointing Peter J, Barrer, 60 Endicott St, Newton 02459 to the Design Review Committee for a term of office to expire December 31, 2023. (60 days: 3/10/23)

Public Facilities Approved 6-0 (Councilor Laredo not voting)