



City Council Reports Docket

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7:45 p.m., Hybrid

To be reported on

Tuesday, February 21, 2023

February 7: Land Use

February 8: Public Safety & Transportation and
Public Facilities

February 13: Finance and Zoning & Planning

February 14: Land Use

February 16: Programs and Services

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Tuesday, February 21, 2023, 7:45 pm. To view this meeting on Zoom use this link at the above date and time:

<https://us02web.zoom.us/j/81591991348>

One tap mobile

US: +13017158592, 815 9199 1348#

Land line

US: +1 301 715 8592

Meeting ID: 815 9199 1348

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, February 7, 2023

Present: Councilors Lipof (Chair), Kelley, Bowman, Greenberg, Laredo, Lucas, and Markiewicz; Absent: Councilor Downs; Also present: Councilors Albright, Leary, Malakie, Norton, Oliver, and Wright

#559-22 Class 2 Auto Dealers License

KC AUTO

55 Farwell Street

Newton, MA 02460

Land Use Denied 7-0

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.

- #34-23 Request to exceed FAR and to allow parking within five feet of the street at 50 Elmore Street**
YANMEI LIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a detached garage structure exceeding FAR and to allow parking within five feet of the street at 50 Elmore Street, Ward 2, Newton Centre, on land known as Section 13 Block 31 Lot 06, containing approximately 7,733 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.3, 3.1.9, 5.1.7.B.2, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Held 7-0; Public Hearing Continued
- #35-23 Request to amend Special Permit #263-20 to further exceed FAR and to amend the approved site plan at 43 Prince Street**
JOHN AND MARGARET REICHBACH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #263-20 to enclose an existing porch and to alter the size and location of a proposed shed at 43 Prince Street, West Newton, Ward 3, on land known as Section 32 Block 10 Lot 06, containing approximately 27,800 sq. ft. of land in a district zoned SINGLE 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 7-0; Public Hearing Closed 02/07/23
- #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 Approved #23-23(1) 7-0
Land Use Approved #23-23(2) 7-0
Land Use Denied #23-23(3) 0-4-3 (Councilors Greenberg, Laredo, Lucas and Markiewicz opposed) (Councilors Bowman, Kelley, and Lipof abstained)
- #36-23 Request to amend Special Permit #48-16 to construct four rooftop solar arrays at 255-257 Newtonville Avenue**
CS SDP NEWTONVILLE, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #48-16 to construct a rooftop solar facility with four arrays at 255-257 Newtonville Avenue, Newtonville, Ward 2, on land known as Section 12 Block 16 Lot 08, containing approximately 76,000 sq. ft. of land in a district zoned MANUFACTURING.
Land Use Approved 6-0-1 (Councilor Lucas Abstained); Public Hearing Closed 02/07/23

#33-23 Request to allow a three-story structure with 32 feet in height, an FAR of 1.42 and to waive seven parking stalls at 296 Watertown Street

YOUNGSUN PARK petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a three-story structure with 32 feet in height; to allow an FAR of 1.42 and to reduce the number of required parking stalls at 296 Watertown Street, Ward 1, Newton, on land known as Section 11 Block 14 Lot 02, containing approximately 5,388 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 7.4, 4.1.2.B.3, 4.1.3, 5.1.4, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 4-3 (Councilors Bowman, Greenberg and Kelley); Public Hearing Continued

Referred to Land Use Committee

Tuesday, February 14, 2023

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

#43-23 Request for Extension of Time to Exercise Special Permit #320-20 at 1149-1151 Walnut Street

NEWTON WALNUT LLC petition for EXTENSION OF TIME to July 27, 2025 to EXERCISE Special Permit Council Order #320-20, to raze the existing buildings and construct a four-story mixed-use building up to 48' in height, containing 25 units and 23 parking stalls, to waive the minimum lot area per unit, to reduce the side setback requirement, to waive the requirement to use A-B+C formula to determine the parking requirement, to waive 24 parking stalls, to allow 1.25 parking stalls per unit, to allow parking in the side setback, to waive dimensional requirements for parking stalls, to allow restricted end stalls, to allow reduced aisle width , to waive perimeter landscaping requirements, to waive interior landscaping requirements and to waive lighting requirements at 1149-1151 Walnut Street, Ward 6, Newton Highlands, on land known as Section 52 Block 08 Lots 13 and 14, containing 13,200 sq. ft. in a district to be zoned MIXED USE 4. Ref: Sec. 7.3.3, 7.4, 4.2.2.B.1, 4.2.2.A.2, 4.2.5.A.3, 4.2.2.B.3, 4.2.5.A.2, 4.2.5.A.4.b, 4.2.5.A.4, 5.1.3.B, 5.1.13, 5.1.4, 5.1.4.A, 5.1.8.A.1, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.C.1, 5.1.9.A, 5.1.9.B, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 8-0; Public Hearing Closed 02/14/23

#39-23 Request to Rezone 29 Hunter Street to MR3

CHRISTOPHER NOBLE petition for SPECIAL PERMIT/SITE PLAN APPROVAL for a change of zone to Multi Residence 3 for a parcel of land located at 29 Hunter Street (currently zoned Multi Residence 2), also identified as Section 32, Block 06, Lot 05.

Land Use Denied 8-0; Public Hearing Closed 02/14/23

- #40-23** **Request to allow a multi-family dwelling, extend nonconforming use, waive parking stalls and allow dimensional waivers to parking at 29 Hunter Street**
CHRISTOPHER NOBLE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a multi-family dwelling, to extend a nonconforming side setback, to waive two parking stalls, to allow parking in the front and side setbacks, and to reduce stall width and depth at 29 Hunter Street, Ward 3, West Newton, on land known as Section 32, Block 06, Lot 05, containing approximately 5,185 sq. ft. of land in a district zoned MULTI RESIDENCE 2 (rezone to MULTI RESIDENCE 3 proposed). Ref: 7.3.3, 7.4, 3.4.1, 3.2.6, 7.8.2.C.2, 5.1.4, 5.1.13, 5.1.7.A, 5.1.7.B.1, 5.1.7.B.2 of the City of Newton Rev Zoning Ord, 2017.
Land Use voted No Action Necessary 8-0; Public Hearing Closed 02/14/23
- #41-23** **Request to allow a three-story single-family dwelling at 616 Boylston Street**
DAURO AQUINO, ACS GROUP INC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second story addition as well as an expansion of an existing garage at 616 Boylston Street, Ward 6, Newton Centre, on land known as Section 81 Block 37 Lot 10, containing approximately 8,674 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 8-0; Public Hearing Closed 02/14/23
- #37-23** **Request to amend Special Permit #360-22 to exceed FAR at 336 Cabot Street**
336 Cabot Street, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend the approved FAR granted under Special Permit #360-22 at 336 Cabot Street, Ward 2, Newtonville, on land known as Section 22 Block 19 Lot 09, containing approximately 9817 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. 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 02/14/23
- #38-23** **Request to construct a five-unit dwelling and parking waiver at 194 Adams Street**
LAKE PRIDE HOMES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing nonconforming three-unit multifamily dwelling and construct a five-unit residential dwelling with ground level garage parking and associated dimensional, parking, and use waivers at 194 Adams Street, Ward 1, Newton, on land known as Section 14 Block 14 Lot 18, containing approximately 6,000 sq. ft. of land in a district zoned BUSINESS 2. Ref: 7.3.3, 7.4, 4.4.1, 4.1.2.B.3, 7.8.2.C.3, 5.1.4, 5.1.13, 5.1.8.B.1, 5.1.8.C.1, 5.1.8.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 5-0-3 (Councilors Laredo, Lucas and Markiewicz Abstained); Public Hearing Closed 02/14/23
- #42-23** **Request to allow rear-lot subdivision at 176 River Street**
176 RIVER STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to subdivide the current lot into two, with one single-family dwelling each at 176 River Street, Ward 3, West Newton, on land known as Section 44 Block 17 Lot 64, containing approximately 25,202 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.5, 3.1.10 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 7-0-1 (Councilor Downs not voting); Public Hearing Closed 02/14/23

Referred to Zoning & Planning Committee

Monday, February 13, 2023

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

#32-23 Request for amendment to Sections 5.1.4, 6.4.29, and 7.8.2
HER HONOR THE MAYOR requesting amendments to Sections 5.1.4, 6.4.29, and 7.8.2 to make on-street dining permanent.
Zoning & Planning Approved 8-0

#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

#44-23 Reappointment of Peter Doeringer to the Planning and Development Board
HER HONOR THE MAYOR reappointing Peter Doeringer, 35 Pulsifer Street, Newtonville as a member of the Planning & Development Board for a term of office to expire on February 1, 2028. (60 Days: 04/07/2023)
Zoning & Planning Approved 8-0

#45-23 Reappointment of Robert Imperato to the Chestnut Hill Historic District Commission
HER HONOR THE MAYOR reappointing Robert Imperato, 145 Washington Street, Newton as a member of the Chestnut Hill Historic District Commission for a term of office to expire on November 15, 2025. (60 Days: 04/07/2023)
Zoning & Planning Approved 8-0

Referred to Programs & Services Committee

Thursday, February 16, 2023

Present: Councilors Krintzman (Chair), Greenberg, Albright, Wright, Humphrey, Baker, and Ryan; absent: Councilor Ryan; also present: Councilors Norton, Malakie, Lucas, and Kelley

#370-22 Discussion on Field Maintenance Plan
COUNCILORS KRINTZMAN, BOWMAN, KELLEY, LIPOF, KALIS, LAREDO, CROSSLEY, ALBRIGHT, HUMPHREY, LUCAS, MALAKIE, WRIGHT, MARKIEWIZ, NOEL, DOWNS, LEARY, NORTON, OLIVER AND DANBERG requesting a discussion with the Commissioner of Parks, Recreation and Culture about the maintenance plan for our parks, recreation and culture resources, including recreational fields. This discussion should include an articulation of how additional funds based upon a budget increase and newly collected user group field fees in the upcoming fiscal year will be utilized. Time permitting, the discussion should also include a description of the capital projects on recreational fields that the department intends to complete in the upcoming fiscal year.
Programs and Services Held 7-0

#47-23 **Citizens Group Petition for moratorium on new or replacement artificial turf in Newton**
MELISSA BROWN ET AL., petitioning pursuant to Article 10, Sec. 10-2 of the City of Newton Charter, for the City Council to pass a measure postponing any immediate action for new or replacement artificial turf anywhere in Newton pending the completion, public presentation, and public hearing for the following: comprehensive study of demand for playing fields and adequacy of field scheduling system; incorporating health and medical guidelines for physical activity on artificial turf into definition of playability; development of sustainable and organic management plan for existing and future natural grass playing fields' and a comparative analysis by independent researchers of total cost of natural grass fields versus artificial turf.

Programs and Services voted No Action Necessary 6-1 (Councilor Wright Opposed)

Referred to Public Facilities Committee

Wednesday, February 8, 2023

Present: Councilors Leary (Chair), Kalis, Laredo, Crossley, Norton, Kelley, Danberg, and Gentile; also present: Councilors Bowman, Greenberg, Humphrey, and Malakie

#49-23 **Eversource petition for Grant of Location in Centre St**
EVERSOURCE ENERGY petitioning for a grant of location to install one (1) hip guy and anchor and remove one (1) tree guy from pole 73/78 on the westerly side, at #912 Centre St. (Ward 7)

Public Facilities Approved 6-0 (Councilors Danberg and Norton Not Voting)

#50-23 **Request for a grant of location in Pleasant St and Tyler Tr**
NATIONAL GRID petition for a grant of location to install and maintain gas main in Pleasant St and Tyler Tr as follows:

- 75' ± of 6" plastic main extending from the existing 6" cast iron (1916) main in Tyler Tr for new service at #75 Pleasant St.
- 60' ± of 2" plastic service line at #75 Pleasant St extending from the new 6" plastic main extension. (Ward 3)

Public Facilities Approved 6-0 (Councilors Danberg and Norton Not Voting)

#51-23 **Resolution for a Future without Gas and for Clean Heat**
COUNCILORS LEARY, HUMPHREY, BOWMAN, DOWNS, CROSSLEY, KALIS, GREENBERG, LIPOF, RYAN, LUCAS, KELLEY, WRIGHT, NORTON, ALBRIGHT, AND DANBERG presenting a Resolution supporting the creation of a city-wide plan to equitably achieve efficiencies, reduce emissions and risks of gas infrastructure and expediting electrification.

Public Facilities Approved 7-1 (Councilor Gentile Opposed)

Referred to Public Facilities and Finance Committees

#58-23

Appropriate \$280,000 to Complete Phase 1 of the City's Phosphorus Control Plan

HER HONOR THE MAYOR requesting authorization to appropriate and expend one hundred sixty thousand dollars (\$160,000) from Stormwater- Full-time Wages Acct # 62A40101-511002 and one hundred twenty thousand dollars (\$120,000) from Stormwater – Drainage System Acct # 62A40101 -586004 for a total of two hundred eighty thousand dollars (\$280,000) to cover the completion of Phase 1 of the City's Phosphorus Control Plan.

Finance Approved 6-0 on 2/13/23

Public Facilities Approved 8-0

Referred to Finance Committee

Monday, February 13, 2023

Present: Councilors Grossman (Chair), Noel, Kalis, Malakie, Norton, and Humphrey; Absent: Councilors Oliver and Gentile

#54-23

Acceptance of \$2,677 from the Executive Office of Public Safety and Security Senior SAFE Grant.

HER HONOR THE MAYOR requesting authorization to accept and expend the sum of two thousand six hundred and seventy seven dollars (\$2,677) in grant funding from the Executive Office of Public Safety for a Senior SAFE Grant that has been awarded to the Fire Department to purchase smoke and carbon monoxide detectors for Newton's seniors.

Finance Approved 6-0

#53-23

Acceptance of \$25,600 from a Massachusetts Emergency Management Association Emergency Preparedness Grant

HER HONOR THE MAYOR requesting authorization to accept and expend the sum of twenty-five thousand six hundred dollars (\$25,600) in grant funding from a Massachusetts Emergency Management Association (MEMA) Emergency Management Preparedness Grant (EMPG) that has been awarded to the Fire Department for technology and protective gear.

Finance Approved 6-0

#569-22

Acceptance of \$10,610.01 from Audrey M. Cooper Estate

HER HONOR THE MAYOR requesting authorization to accept and expend the sum of ten thousand six hundred ten dollars and one cent (\$10,601.01) bequest from the estate of Audrey M. Cooper for the purpose of supporting the programs and services of the Newton Senior Center.

Finance Approved 6-0

Referred to Public Facilities and Finance Committees

- #58-23** **Appropriate \$280,000 to Complete Phase 1 of the City’s Phosphorus Control Plan**
HER HONOR THE MAYOR requesting authorization to appropriate and expend one hundred sixty thousand dollars (\$160,000) from Stormwater- Full-time Wages Acct # 62A40101-511002 and one hundred twenty thousand dollars (\$120,000) from Stormwater – Drainage System Acct # 62A40101 -586004 for a total of two hundred eighty thousand dollars (\$280,000) to cover the completion of Phase 1 of the City’s Phosphorus Control Plan.
Public Facilities Approved 8-0 on 2-8-23
Finance Approved 6-0
- #52-23** **Reappointment of James Shaughnessy to the Board of Assessors**
HER HONOR THE MAYOR reappointing James Shaughnessy, 1000 Commonwealth Avenue, Newton 02459 as a member of the Board of Assessors for a term of office to expire February 1, 2026. (60 days: 3/31/23)
Finance Approved 6-0
- #55-23** **Appropriate \$1,500 from Handicapped Parking Fines for Me2/ Orchestra Concert**
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one thousand five hundred dollars (\$1,500) from Handicapped Parking Fines to Law Department Grants to engage the Me2/ Orchestra to give a concert to the Newton community.
Finance Approved as amended to Account # 0110320571600 6-0

Referred to Committee of the Whole

Wednesday, February 15, 2023

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

Referred to Zoning & Planning Committee

- #477-22** **Request for discussion regarding new MA Building Energy Code amendments and adoption of the Specialized Energy Code**
COUNCILORS CROSSLEY, LEARY, ALBRIGHT, DANBERG, LIPOF, KELLEY, NORTON, LAREDO, BOWMAN, HUMPHREY, DOWNS, GREENBERG, WRIGHT, MALAKIE, MARKIEWICZ, AND GROSSMAN requesting discussion with the Sustainability Team and Planning Department about the new Massachusetts Building Energy Code amendments (Base code and Stretch code), and to consider adopting the Specialized Energy Code pursuant to the entirety of 225 CMR 22 and 23 including Appendices RC and CC.
Zoning & Planning Held 7-0 (Councilor Baker not voting)
Zoning & Planning Approved 6-0-2 abstaining (Councilor Baker and Wright)