



## City Council Reports Docket

Page 382

7:45 p.m., Hybrid

To be reported on

Monday, April 3, 2023

March 21: Land Use

March 22: Programs & Services, Public Facilities  
and Public Safety & Transportation

March 27: Zoning & Planning and Finance

March 29: Zoning & Planning

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Monday, April 3, 2023, 7:45 pm. To view this meeting on Zoom use this link at the above date and time:

<https://us02web.zoom.us/j/86431859040>

One tap mobile

US: +13017158592, 864 3185 9040#

Land line

US: +1 301 715 8592

Meeting ID: 864 3185 9040

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

#### Unfinished Council Business

**#504-22 Request to allow six single-family attached dwellings at 71 Commonwealth Avenue and 15 Algonquin Road**

71 COMMONWEALTH, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing single-story dwelling at 15 Algonquin Rd and construct five single-family attached dwellings with reduced setbacks, which exceeds the maximum lot coverage, a retaining wall greater than 4 feet in height within a setback and to allow parking dimensional relief at 71 Commonwealth Ave, Newton, Ward 7, on land known as Section 63 Block 01 Lots 13 and 13A, containing approximately 32,980 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.1, 5.1.8.B.6, 5.1.13, 5.1.8.D.1, 6.2.3.B.2, 5.4.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 7-1 (Councilor Greenberg opposed)**

**City Council voted to postpone to a date certain of April 3, 2023; 21-0-3**

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](mailto: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.

**Referred to Land Use Committee**

Tuesday, March 21, 2023

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

- #88-23      Request for an extension of time for Special Permit #55-21 at 12 Cochituate Road**  
ALAN TAYLOR petition for an EXTENSION OF TIME to March 15, 2024, to EXERCISE Special Permit #55-21 to further extend the nonconforming FAR by constructing a second story addition within the existing footprint at 12 Cochituate Road, Ward 6, Newton Highlands, on land known as Section 54 Block 31 Lot 02, containing approximately 7,650 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2, 7.8.2.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 8-0**
- #61-23      Request for a nonconforming front setback at 80 Highland Avenue**  
JAMES GROSS AND KIKI BOGORAD-GROSS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to reconstruct a previously damaged one-car garage in a different configuration altering the nonconforming front setback at 80 Highland Avenue, Ward 2, Newtonville, on land known as Section 24 Block 11 Lot 30, containing approximately 7,386 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.2.3, 7.8.2.C.2, 3.4.3.A.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 8-0**
- #71-23      Request to extend a nonconforming two-family dwelling at 152-154 Lexington Street**  
TURNKEY REALTY GROUP, LLC, petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing one-story dwelling and construct a new two-family dwelling, altering and further extending the nonconforming use at 152-154 Lexington Steet, Ward 4, Auburndale, on land known as Section 44 Block 35 Lot 24, containing approximately 8,899 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 8-0**
- #62-23      Request to amend Special Permit #101-17 to convert an existing office space into two residential units at 46 Farwell Street**  
BRIAN MCDONALD, TRUSTEE, CONTINUOUS IMPROVEMENT REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #101-17 to convert the nonconforming office building into two residential units at 46 Farwell Street, Newtonville, Ward 3, on land known as Section 21 Block 01 Lot 14, containing approximately 8,529 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 8-0**

**Referred to Zoning & Planning Committee**

Monday, March 27, 2023

Present: Councilors Crossley (Chair), Albright, Danberg, Wright, Leary, Baker, Krintzman, and Ryan; also present: Councilors Humphrey, Lucas, Malakie, Greenberg, Oliver, Downs, and Laredo

- #227-22      Request for ordinance to regulate embodied carbon in new construction**  
COUNCILOR CROSSLEY, on behalf of the Climate & Sustainability Team, requesting a discussion with the Sustainability Team and Planning Department, and to amend the zoning ordinance (Section 5.13, notable 5.13.4.D Reserved) to regulate embodied carbon in large new construction, to further the objectives of the city’s Climate Action Plan.  
**Zoning & Planning Held 8-0; Public Hearing Set for 04/24/23**
- #94-23      Discussion and possible ordinance requiring electrification of all new construction and substantial renovations**  
COUNCILORS CROSSLEY, LIPOF, DOWNS, HUMPHREY, LAREDO, NORTON, MALAKIE, BOWMAN, DANBERG, WRIGHT, RYAN, LEARY, ALBRIGHT, GREENBERG, KELLEY, OLIVER, AND MARKIEWICZ requesting an update and discussion with the Sustainability Director on the requirements under the Ten Communities program, that would allow Newton to require electrification of all new construction and substantial renovations, and to consider adopting such an ordinance.  
**Zoning & Planning Held 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**
- #95-23      Reappointment of William Winkler to the Urban Design Commission**  
HER HONOR THE MAYOR reappointing William Winkler, 48 Holman Road, Newton as a member of the Urban Design Commission for a term of office to expire on June 1, 2026. (60 days: 05/19/2023)  
**Zoning & Planning Approved 7-0 (Councilor Baker Not Voting)**
- #96-23      Reappointment of James Doolin to the Urban Design Commission**  
HER HONOR THE MAYOR reappointing James Doolin, 104 Fairway Drive, Newton as a member of the Urban Design Commission for a term of office to expire on March 1, 2026. (60 days: 05/19/2023)  
**Zoning & Planning Approved 7-0 (Councilor Baker Not Voting)**

**Referred to Zoning & Planning Committee**

Wednesday, March 29, 2023

Present: Councilors Crossley (Chair), Albright, Wright, Leary, Baker, Krintzman, and Ryan; absent:

Councilor Danberg; also present: Councilors Kalis, Greenberg, Lucas, Markiewicz, Laredo, Malakie, Humphrey, Downs, Norton, and Oliver

**#39-22**      **Requesting discussion on state guidance for implementing the Housing Choice Bill**  
COUNCILOR CROSSLEY on behalf of the Zoning & Planning Committee requesting discussion on state guidance for implementing the Housing Choice element of the MA Economic Development legislation. (formerly #131-21)  
**Zoning & Planning Held 6-0 (Councilor Albright Not Voting)**

**#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 6-0 (Councilor Albright Not Voting)**

**Referred to Programs & Services Committee**

Wednesday, March 22, 2023

Present: Councilors Krintzman (Chair), Humphrey, Wright, Baker, Albright, Ryan, Noel, and Greenberg; also present: Councilors Leary, Danberg, Kalis, Crossley, Gentile, Kelley, Laredo, Norton, Malakie, Downs, and Oliver

**Referred to Programs & Services and Public Facilities Committees**

**#104-23**      **Requesting update regarding Gath pool design**  
COUNCILORS ALBRIGHT, KRINTZMAN, KELLEY, AND LEARY requesting an update from Commissioner Banks regarding the Gath pool design.  
**Public Facilities Held 8-0 on 3/22/23**  
**Programs & Services Held 8-0**

**#66-23**      **Discussion and possible amendment to Sec. 12-72**  
COUNCILORS DANBERG, LEARY, GREENBERG, ALBRIGHT, NORTON, KELLEY, MALAKIE, WRIGHT, MARKIEWICZ, CROSSLEY, DOWNS, NOEL, BOWMAN, RYAN, KALIS, LIPOF, OLIVER, HUMPHREY, AND LUCAS requesting discussion and possible amendment to Section 12-72 "Sustainable Containers, Packaging and Single Use Ordinance" to further reduce the amount of single use plastic in Newton.  
**Programs & Services Held 7-0 (Councilor Noel Not Voting)**

**#67-23**      **Amendments to Sec. 11-5 on Requirements for Permitted Haulers to Provide Bundled Trash & Recycling service**  
COUNCILORS LEARY, CROSSLEY, GREENBERG, BOWMAN, AND DANBERG requesting an amendment to City Ordinance Sec. 11-5 to protect public health and the environment and ensure that all persons transporting trash or recycling from places within or to destinations within the city adhere to the Massachusetts Waste Bans 310 CMR 19.017 and uniformly comply with permit requirements established by the City of Newton.  
**Programs & Services Approved 7-0 (Councilor Noel Not Voting)**

**Referred to Programs & Services and Public Facilities Committee**

#109-22

**Requesting an Ordinance to require universal recycling services**

COUNCILORS LEARY, DOWNS, GROSSMAN, HUMPHREY, KALIS, KRINTZMAN, MALAKIE, AND NORTON requesting an Ordinance to require universal recycling. Newton does not currently require universal recycling. This item will make changes to Sec.11.5 of the city ordinances to require all property owners of both residential and commercial properties to ensure that recyclable materials are separated from trash and each is collected separately. All property owners and managers of buildings that do not receive City trash and recycling collection services shall provide their tenants access to separate trash and recyclable materials collection containers.

**Programs & Services Voted No Action Necessary 7-0 (Councilor Noel Not Voting)**

**Referred to Programs & Services and Finance Committees**

#528-22

**Request for discussion and ordinance to prohibit deceptive advertising by limited-service pregnancy centers**

COUNCILORS HUMPHREY, NOEL, BOWMAN, RYAN, NORTON, LEARY, LUCAS, MALAKIE, WRIGHT, AND DANBERG requesting discussion to prohibit limited-service pregnancy centers from making deceptive advertisements concerning pregnancy-related services or the provision of pregnancy-related services, including implementing a penalty for violation of the ordinance.

**Programs & Services Held 7-0 (Councilor Noel Not Voting)**

#97-23

**Reappointment of Susan Lunin to the Conservation Commission**

HER HONOR THE MAYOR reappointing Susan Lunin, 22 Shaw Street, Newton as a member of the Conservation Commission for a term of office to expire on May 31, 2026. (60 days: 05/19/2023)

**Programs & Services Approved 7-0 (Councilor Noel Not Voting)**

#98-23

**Reappointment of Jeffrey Zabel to the Conservation Commission**

HER HONOR THE MAYOR reappointing Jeffrey Zabel, 54 Oak Avenue, Newton as a member of the Conservation Commission for a term of office to expire on May 31, 2026. (60 days: 05/19/2023)

**Programs & Services Approved 7-0 (Councilor Noel Not Voting)**

#99-23

**Reappointment of Elizabeth Wilkinson to the Urban Tree Commission**

HER HONOR THE MAYOR reappointing Elizabeth Wilkinson, 14 Trowbridge Street, Newton as a member of the Urban Tree Commission for a term of office to expire on May 1, 2026. (60 days: 05/19/2023)

**Programs & Services Approved 7-0 (Councilor Noel Not Voting)**

**Referred to Public Safety & Transportation Committee**

Wednesday, March 22, 2023

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

- #76-23** **Requesting authorization to petition the General Court to allow the Mayor to appoint retired Firefighters, to be able to perform fire details and to perform dispatch duties**  
HER HONOR THE MAYOR requesting authorization to petition the General Court for special legislation to allow the Mayor of the City of Newton to appoint retired Newton Firefighters, as the Fire Chief deems necessary, to be able to perform fire details and to perform dispatch duties in the Emergency Communications Center, two essential services that sometimes require additional staffing.  
**Public Safety & Transportation Approved 7-0**

**Referred to Public Safety & Transportation and Finance Committees**

- #109-23** **Request to transfer \$450,000 to Traffic Safety – Regular Salaries**  
HER HONOR THE MAYOR requesting authorization to transfer the sum of four hundred fifty thousand dollars (\$450,000) to Account # 0120102-511001 Traffic Safety – Regular Salaries to fulfil the City of Newton’s two 3-year agreements with AFSCME 2913 spanning FY2019-2021 and FY2022-2024.  
**Finance Approved 7-0 on 03/27/23**  
**Public Safety & Transportation Approved 7-0**
- #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 on 01/18/23 (Councilor Grossman not voting)**  
**Public Safety & Transportation Held 7-0**

**Referred to Public Facilities Committee**

Wednesday, March 22, 2023

Present: Councilors Lear (Chair), Kalis, Laredo, Danberg, Crossley, Gentile, Norton, and Kelley; also present: Councilors Krantzman, Albright, Humphrey, Wright, Ryan, Greenberg, Noel, Baker, Malakie, Downs, and Oliver

**Referred to Programs & Services and Public Facilities Committees**

- #104-23** **Requesting update regarding Gath pool design**  
COUNCILORS ALBRIGHT, KRINTZMAN, KELLEY, AND LEARY requesting an update from Commissioner Banks regarding the Gath pool design.  
**Programs & Services Held 8-0 on 03/22/23**  
**Public Facilities Held 8-0**

**Referred to Finance Committee**

Monday, March 27, 2023

Present: Councilors Grossman (Chair), Kalis, Oliver, Malakie, Gentile, Noel and Humphrey; absent: Councilor Norton; also present: Councilors Laredo and Lucas

**#106-23      Appropriate \$244,821.31 for Homeless Student Transportation**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of two hundred forty four thousand eight hundred twenty one dollars and thirty one cents (\$244,821.31) from June 30, 2022 Certified Free Cash to Newton Public Schools for homeless student transportation.  
**Finance Committee Approved 7-0**

**#107-23      Request to transfer \$125,000 to Human Resources Department Consultants**  
HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred twenty five thousand dollars (\$125,000) from Account # 01109520-511001 Human Resources Department Full Time Salaries to Account # 0110952-530100 Human Resources Full Time Consultants.  
**Finance Committee Approved 7-0**

**Referred to Public Safety & Transportation and Finance Committees**

**#109-23      Request to transfer \$450,000 to Traffic Safety – Regular Salaries**  
HER HONOR THE MAYOR requesting authorization to transfer the sum of four hundred fifty thousand dollars (\$450,000) to Account # 0120102-511001 Traffic Safety – Regular Salaries to fulfil the City of Newton’s two 3-year agreements with AFSCME 2913 spanning FY2019-2021 and FY2022-2024.  
**Public Safety & Transportation Approved 7-0 on 03/22/23**  
**Finance Committee Approved 7-0**

**#108-23      Requesting a discussion regarding the Rainy-Day Fund Investment Strategy**  
COUNCILORS GENTILE, GROSSMAN, KALIS, LAREDO, AND LIPOF requesting a discussion with the administration, specifically the Treasurer, to understand the City’s rainy day fund investment strategy and how rainy-day fund investment decisions are made.  
**Finance Committee Held 7-0**