



## City Council Reports Docket

April 4: Land Use  
April 10: Zoning & Planning and Finance  
April 12: Programs & Services, Public Facilities

Page 394  
7:45 p.m., Hybrid  
To be reported on  
Tuesday, April 18, 2023

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Tuesday, April 18, 2023, 7:45 pm. To view this meeting on Zoom use this link at the above date and time:

<https://newtonma-gov.zoom.us/j/88669760159>

One tap mobile

US: +13017158592, 886 6976 0159 #

Land line

US: +1 301 715 8592

Meeting ID: 886 6976 0159

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, April 4, 2023

Present: Councilors Lipof (Chair), Kelley, Bowman, Downs, Greenberg, Laredo, Lucas, and Markiewicz;  
Also present: Councilors Crossley and Humphrey

- #91-23 Request to amend Special Permit #178-15 to allow for construction of dormers which will further increase nonconforming FAR at 12 Lake Terrace**  
JOSEPH AND KELLY ROGERS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #178-15 to allow for construction of two Nantucket style dormers at 12 Lake Terrace, Newton Centre, Ward 6, on land known as Section 62 Block 01 Lot 08, containing approximately 14,628 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 8-0**

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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.

**#90-23 Request to further extend nonconforming FAR at 6 Ferncroft Road**  
KEN KRAFT AND REGINA KOZIYEVSKAYA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct additions to the front and rear of the dwelling which will further extend the nonconforming FAR at 6 Ferncroft Road, Ward 5, Waban, on land known as Section 53 Block 08 Lot 11, containing approximately 11,808 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, of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 8-0**

**#89-23 Request to exceed FAR at 49 Lenox Street**  
JOHN AND KYLIE MILLS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raise the ridgeline and increase the roof pitch and construct two-story additions to both sides of the dwelling at 49 Lenox Street, Ward 3, West Newton, on land known as Section 32 Block 47 Lot 08, containing approximately 9,738 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 8-0**

**#92-23 Request to amend Special Permit #480-18 to allow a retaining wall exceeding four feet in height in a setback at 44 Ballard Street**  
MELISSA FANG AND ANDREW HARGENS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #480-18 to allow a series of previously constructed retaining walls at 44 Ballard Street, Newton Centre, Ward 7, on land known as Section 73 Block 31 Lot 11, containing approximately 16,633 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 8-0**

**Referred to Zoning & Planning Committee**

Monday, April 10, 2023

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

**#93-23 Request for authorization to submit FY2024 Annual Action Plan**  
HER HONOR THE MAYOR requesting City Council authorization, pursuant to the 2020 Revised Citizen Participation Plan, to submit the FY2024 Annual Action Plan to the US Department of Housing and Urban Development (HUD) for the City of Newton Community Development Block Grant (CDBG) and Emergency Solution Grant (ESG) funds and the West Metro HOME Consortium.  
**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**

**Referred to Programs & Services Committee**

Wednesday, April 12, 2023

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

- #100-23      Appointment of James Cote to the Licensing Board**  
HER HONOR THE MAYOR appointing James Cote, 934 Watertown Street, West Newton as a member of the Licensing Board for a term of office to expire on June 3, 2024. (60 days: 05/19/2023)  
**Programs & Services Approved 5-0-1 (Councilor Humphrey Abstaining) (Councilors Ryan and Noel Not Voting)**
- #101-23      Appointment of Harry Meade to the Biosafety Committee**  
HER HONOR THE MAYOR appointing Harry Meade, 62 Grasmere Street, Newton as a member of the Biosafety Committee for a term of office to expire on April 18, 2025. (60 days: 05/19/2023)  
**Programs & Services Approved 7-0 (Councilor Noel Not Voting)**
- #102-23      Appointment of Bill Dain to the Human Rights Commission**  
HER HONOR THE MAYOR appointing Bill Dain, 199 Harvard Circle, Newton as a member of the Human Rights Commission for a term of office to expire on March 6, 2026. (60 days: 05/19/2023)  
**Programs & Services Approved 8-0**
- #103-23      Appointment of Maureen Sullivan to the Human Rights Commission**  
HER HONOR THE MAYOR appointing Maureen Sullivan, 23 High Street, Newton as a member of the Human Rights Commission for a term of office to expire on March 6, 2026. (60 days: 05/19/2023)  
**Programs & Services Approved 8-0**
- #171-22      Request for approval to proceed with the process of updating the City Seal**  
HER HONOR THE MAYOR requesting authorization to advance the City Seal Working Group's recommendation to update the City Seal.  
**Programs & Services Approved 8-0**
- Referred to Programs & Services and Finance Committees**
- #110-23      Request to transfer \$150,000 from Law Department Full Time Salaries**  
HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred fifty thousand (\$150,000) from Account #0110851-511001 Law Department Full Time Salaries to Account #0110851-530900 Law Department Legal Services to retain outside counsel to continue the work of Deputy City Solicitor Jeffrey Honig.  
**Programs & Services Approved 8-0**

**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**

**#114-23**

**Reappointment of Julie Winsett to Urban Tree Commission**

HER HONOR THE MAYOR reappointing Julie Winsett, 33 Alexander Road, Newton Highlands as a member of the Urban Tree Commission for a term of office to expire on March 1, 2026. (60 days: 06/02/2022)

**Programs & Services Approved 8-0**

**#115-23**

**Reappointment of James Harper to the Farm Commission**

HER HONOR THE MAYOR reappointing James Harper, 59 Westminster Road, Newton Centre as a member of the Farm Commission for a term of office to expire on March 31, 2026. (60 days: 06/02/2022)

**Programs & Services Approved 8-0**

**#116-23**

**Reappointment of Gary C. du Moulin to the Biosafety Committee**

PRESIDENT ALBRIGHT reappointing Gary C. du Moulin, 24 Myerson Lane, Newton Centre, as a member of the Biosafety Committee for a term of office to expire on May 4, 2026. (60 days: 06/02/2022)

**Programs & Services Approved 8-0**

**Referred to Public Facilities Committee**

Wednesday, April 12, 2023

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

**#120-23 Appointment of David R. Gane to the Design Review Committee**

PRESIDENT ALBRIGHT appointing David R. Gane, 83 Oakdale Road, Newton Center as a community representative of the Design Review Committee for the Countryside School Project for a term set to expire upon completion of the building project.

**Public Facilities Approved 6-0**

**#128-23 Request for a grant of location in Valentine Street**

NATIONAL GRID petition for a grant of location to install and maintain gas main in Valentine Street as follows:

- 1905' ± of 8" plastic main in Valentine Street from #85 Valentine Street to #240 Valentine Street to replace 1180' ± of 8" cast iron and 25' ± of 8" plastic main
- 40' ± of 6" plastic main in the intersection of Howland Road and Valentine Street to replace 40' ± of 6" cast iron main
- 40' ± of 6" plastic main in the intersection of Bonad Road and Valentine Street to replace 40' ± of 6" cast iron main
- 50' ± 6" plastic main in the intersection of Wauwinet Rd to replace 40' ± 6" cast iron and 10' ± 6" plastic main
- 80' ± 8" plastic main in the intersection of Bigelow Road and Valentine Street to replace 80' ± of 6" cast iron main
- 435' ± 6" plastic main in Ellis Road from Valentine Street to the existing 8", plastic main at #38 Ellis Road to replace 420' of 6" Cast Iron and 15' ± 6" plastic gas main
- 80' ± 8" plastic main in the intersection of Valentine Street and Oak Cliff Road to replace 40' of 8" Cast Iron and 40' ± 6" cast iron main

**Public Facilities Held; Public Hearing Closed 6-0**

**#119-23 Discussion on the Sustainable Materials Management Division**

DEPARTMENT OF PUBLIC WORKS requesting to provide an update to the Public Facilities Committee on the Sustainable Materials Management Division.

**Public Facilities Held 6-0**

**#122-23 Discussion on the Countryside School Project**

HER HONOR THE MAYOR requesting for the Public Buildings Department to update the Public Facilities Committee on the Countryside School Project.

**Public Facilities Held 5-0 (Councilor Norton not voting)**

**Referred to Public Facilities and Finance Committees**

- #126-23**      **Appropriate \$1.15 million for Franklin Elementary School**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend one million one hundred and fifteen thousand dollars (\$1,150,000) and authorize a general obligation borrowing of an equal amount for the feasibility study at the Franklin Elementary School 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 5-0 (Councilor Norton not voting)**

**Referred to Finance Committee**

Monday, April 12, 2023

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

- #56-23**      **Requesting a discussion regarding the Use of Revolving Accounts**  
COUNCILORS ALBRIGHT, GROSSMAN, AND OLIVER requesting a discussion with the Law Department and each City department regarding the use of revolving accounts with possible ordinance amendments if needed.  
**Finance Held 8-0**
- #247-22**      **Establishing a departmental revolving account within the Department of Public Works Fleet Division**  
HER HONOR THE MAYOR requesting the authorization to establish a departmental revolving account within the Department of Public Works Fleet Division per MGL Chapter 44, Section 53E1/2. The revenue is being generated from the sale of surplus Public Works equipment and parts through government auction. The Department would like to request an annual spending limit of \$200,000.  
**Finance Held 8-0 on 04/11/22**  
**Finance Approved Subject to Second Call 8-0**
- #124-23**      **Reappointment of Carl F. Valente to the Financial Audit Advisory Committee**  
PRESIDENT ALBRIGHT reappointing Carl F. Valente, 84 Sumner Street, Newton as a member of the Financial Audit Advisory Committee for a term of office to expire on April 21, 2026. (60 days: 06/02/2022)  
**Finance Approved 8-0**
- #435-22**      **Appropriate \$60,826.31 for McKinney-Vento Homeless Student Transportation**  
SCHOOL COMMITTEE requesting that the City Council approve authorizing the Mayor to appropriate the state reimbursement of sixty thousand eight hundred twenty-six dollars and thirty-one cents for McKinney-Vento and Foster Care Transportation funds from the general fund to the School Department.  
**Finance voted No Action Necessary 8-0**

**Referred to Committee of the Whole**

Thursday, April 6, 2023

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

**Referred to a Committee of the Whole**

**#129-23 Discussion on the percentage growth rate to fully fund the Pension Trust and impact on the City Budget**

COUNCILORS ALBRIGHT, LIPOF, GROSSMAN, AND MARKIEWICZ requesting a meeting with the City Council's Committee of the Whole to discuss our study (with School Committee Member Chris Brezski) of the Newton Retirement Board's plan that increases funding to the pension trust annually by 9.6%, its request for Cost of Living (COLA) increase, and its impact on our city and school services annually until full funding is achieved.

**Committee of the Whole Held 24-0**