



City Council Actions

In City Council

Tuesday, January 17, 2023

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

Absent: None

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

[Newton City Council January 17, 2022 \(newtv.org\)](https://www.newtv.org)

The City Council discussed the following items on Second Call:

#481-22 Reuse of parcel of land on Jackson Road

DIRECTOR OF PLANNING & DEVELOPMENT submitting on October 6, 2022 a letter stating that the 57 sq. ft. City owned parcel of land known as 181-183 Jackson Road, should be made available for sale or lease, pursuant to the City of Newton Ordinances Section 2-7.

Real Property Reuse Approved 6-0

Item Chartered by Councilor Malakie on January 3, 2023

City Council Approved 24-0

Clerk's Note: Councilor Malakie expressed concern about heat islands, the loss of green space, and setting a precedent for these types of easements--while at the same time, wanted to balance her concerns with the needs of this family, who have a child with a disability. This easement would provide easier access to their parking space--important for transportation to hospital visits.

#17-23 Appropriation of \$3,240,000 for Newton South High School Fields and Track

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of three million, two hundred forty thousand (\$3,240,000) in FY2022 Free Cash for synthetic turf carpet and infill materials, installation, and construction oversight to replace the two (2) synthetic turf fields at Newton South High School and to resurface the perimeter track at the school's Winkler Stadium.

Finance Approved 6-1-1 (Councilor Norton opposed) (Councilor Malakie abstaining) on 1/9/23

Programs & Services Approved 6-1-1 (Councilor Wright opposed) (Councilor Baker abstaining)

Clerk's Note: Councilor Krintzman gave some background: turf has an 8-10 year life span, and these turf surfaces have been in place for 13 years. They do possibly contain PFAS, which is considered to be a toxic "forever chemical". A citizen's petition, which has not yet been successfully submitted, is underway, and has over 50 signatures, which meets the signature threshold to require the City Council to act within 3 months (or at least begin taking action), and to have a public hearing. Councilor Downs proposed a motion to postpone the vote to a date certain, which will allow the citizen's petition to be filed and docketed, and to hold a public hearing first—before voting on this item. Councilors had a discussion regarding delaying a vote versus voting tonight and then possibly reversing the decision late (after the public hearing had been held). Councilors were concerned about the safety issues, both from re-doing tge turf surface, and also from not re-doing the turf surface. Some Councilors felt that the newer materials had less chemical content and were less toxic and more environmentally-friendly; other Councilors were extremely concerned about the toxicity of PFAS.

City Council Motion on the call to question was Approved 17-7

(Nays: Councilors Downs, Kelley, Lucas, Malakie, Markiewicz, Norton, Wright)

City Council Approved 19-5

(Nays: Councilors Downs, Kelley, Malakie, Norton, Wright)

City Council Motion to Reconsider Failed (24-0)

Clerk's Note: The item titled Appropriate \$150,000 from Certified Free Cash, was incorrectly numbered as #19-23 on the Docket Report; the correct number is #570-22. The item #19-23 refers to Increase Curbside Mattress Recycling Fees, to which Councilor Ryan voted Nay.

Note: The Council Actions Report of January 17, 2023 has been corrected to reflect accurate numbers for both items #19-23 and #570-22.

The City Council voted without discussion 24 Yeas, 0 Absent to Accept the Committee Recommendations on the following

#554-22 **Class 1 Auto Dealers License**
 VILLAGE MOTORS GROUP INC D/B/A HONDA VILLAGE
 371 Washington Street
 Newton, MA 02458
Land Use Approved 7-0

#555-22 **Class 2 Auto Dealer License**
 AUCTION DIRECT PREOWNED, INC
 1545 Washington Street
 West Newton, MA 02465
Land Use Approved 7-0

- #556-22** **Class 2 Auto Dealers License**
OLD TIME GARAGE LTD.
1960 Washington Street
Newton, MA 02462
Land Use Approved 7-0
- #557-22** **Class 2 Auto Dealers License**
STAN'S AUTOMOTIVE INC.
249 Centre Street
Newton Corner, MA 02458
Land Use Approved 7-0
- #558-22** **Class 2 Auto Dealers License**
MOTORCARS OF BOSTON INC.
1191 Washington Street
West Newton, MA 02465
Land Use Approved 7-0
- #3-23** **Class 1 Auto Dealer License**
NEWTON CENTRE SHELL
1365 Centre Street
Newton, MA 02459
Land Use Approved 7-0
- #4-23** **Class 2 Auto Dealers License**
UNITED AUTO CENTER INC
454 Watertown Street
Newton, MA 02460
Land Use Approved 7-0
- #561-22** **Request to change from a nonconforming personal service use (spa) to a different nonconforming personal service use (commercial prep kitchen) at 624-628 Commonwealth Avenue**
ALICE SPECK petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow the conversion of an existing spa to a commercial prep kitchen at 624-628 Commonwealth Avenue Street, Ward 7, Newton, on land known as Section 61 Block 01 Lot 05, containing approximately 3,164 sq. ft. of land in a district zoned MULTI RESIDENCE 1. 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 7-0; Public Hearing Closed 01/10/23
- #564-22** **Request to allow a free-standing sign at 2345 Washington Street**
PAMELA JAGIELLO, SIGNS BY J, INC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to

replace an existing sign with a 26 square foot free-standing sign at 2345 Washington Street, Newton, Ward 4, on land known as Section 42 Block 30 Lot 08, containing approximately 12,017 sq. ft. of land in a district zoned BUSINESS 1. 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 7-0; Public Hearing Closed 01/10/23

#562-22 Request to exceed FAR at 28 Putnam Street

TREVOR AND LUBA STRICKER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a first-floor study and accessory apartment with additional living space above at 28 Putnam Street, Ward 3, Newton, on land known as Section 32 Block 07 Lot 18, containing approximately 11,747 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. 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 01/10/23

#563-22 Request to raze and construct a two-unit dwelling at 219 Melrose Street

FOX AND TOBY, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing two-family dwelling and construct a two-unit dwelling at 219 Melrose Street, Ward 4, Newton, on land known as Section 41 Block 18 Lot 26, containing approximately 16,976 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, 3.1.2.A.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 7-0; Public Hearing Closed 01/10/23

#448-22 Request to extend nonconforming parking structure to construct six dwelling units above at 1 Jackson Street

345 BOYLSTON, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a three-story structure with 36 feet in height; to allow an FAR of 1.48; to vertically extend a nonconforming front setback; to waive 8 parking stalls and to allow assigned parking at 1 Jackson Street, Ward 6, Newton, on land known as Section 65 Block 10 Lot 19, containing approximately 12,512 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 7.4, 4.1.2.B.3, 4.1.3, 7.8.2.C.2, 5.1.4, 5.1.13, 5.1.3.E of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 6-0-1 (Councilor Lucas Abstained); Public Hearing Closed 01/10/23

#513-22 Appointment of Spencer Solcoff to the Youth Commission

HER HONOR THE MAYOR appointing Spencer Solcoff of Newton South High School as a member of the Youth Commission for a term of office to expire on December 5, 2025. (60 Days: 01/20/2023)

Programs & Services Approved 7-0 (Councilor Baker not voting)

- #514-22 Appointment of Shivani Gulati to the Youth Commission**
HER HONOR THE MAYOR appointing Shivani Gulati of Nobel and Greenough School, Dedham as a member of the Youth Commission for a term of office to expire on December 5, 2025. (60 Days: 01/20/2023)
Programs & Services Approved 7-0 (Councilor Baker not voting)
- #515-22 Appointment of Lily Siegelman to the Youth Commission**
HER HONOR THE MAYOR appointing Lily Siegelman of Newton North High School as a member of the Youth Commission for a term of office to expire on December 5, 2025. (60 Days: 01/20/2023)
Programs & Services Approved 7-0 (Councilor Baker not voting)
- #516-22 Appointment of Audrey Wei to the Youth Commission**
HER HONOR THE MAYOR appointing Audrey Wei of Newton South High School as a member of the Youth Commission for a term of office to expire on December 5, 2025. (60 Days: 01/20/2023)
Programs & Services Approved 7-0 (Councilor Baker not voting)
- #566-22 Appointment of Mignonne Murray as Director of Senior Services**
HER HONOR THE MAYOR appointing MIGNONNE MURRAY as DIRECTOR OF SENIOR SERVICES pursuant to Sec 3-3 of the City Charter. (30 Days: 1/18/23)
Programs & Services Approved 7-0 (Councilor Baker not voting)
- #18-23 Acceptance of \$2,027,000 MassWorks Program Grant**
HER HONOR THE MAYOR requesting authorization to accept and expend the sum of two million and twenty-seven thousand dollars (\$2,027,000) in grant funding from the MassWorks Program for the Pettee Square Improvement Project (Oak Street at Chestnut Street) in order to reimburse the City for final engineering design, engineering services during construction, resident repudiation services, and construction services of the intersection improvements at Pettee Square.
Public Facilities Approved 8-0
- #9-23 Reappointment of Howard Goldberg to the Designer Selection Committee**
PRESIDENT ALBRIGHT reappointing Howard Goldberg, 27 Theodore Road, Newton Centre 02459 to the Designer Selection Committee for a term of office to expire December 31, 2023. (60 days: 3/4/23)
Public Facilities Approved 8-0
- #10-23 Reappointment of Amy L. Mackrell to the Designer Selection Committee**

PRESIDENT ALBRIGHT reappointing Amy L. MacKrell, 12 Dexter Road, Newtonville 02460 to the Designer Selection Committee for a term of office to expire December 31, 2023. (60 days: 3/4/23)

Public Facilities Approved 8-0

#11-23 Reappointment of Carol S. Schein to the Design Review Committee

PRESIDENT ALBRIGHT reappointing Carol S. Schein, 82 Garland Road, Newton 02459 to the Design Review Committee for a term of office to expire December 31, 2023. (60 days: 3/4/23)

Public Facilities Approved 8-0

#14-23 Acceptance of \$35,000 Grant from the Executive Office of Public Safety and the Department of Fire Services

HER HONOR THE MAYOR requesting authorization to accept and expend the sum of thirty-five thousand dollars (\$35,000) in grant funding from the Executive Office of Public Safety and the Department of Fire Services to reimburse Newton Fire Department for the purchase of mobile radios for fire vehicles and apparatus.

Finance Approved 8-0

#13-23 Request to transfer \$30,000 from Health and Human Services, Youth Services/Personnel/Other Stipends

HER HONOR THE MAYOR requesting authorization to transfer the sum of thirty thousand dollars (\$30,000) from Acct # 0150106-514309 (Health and Human Services, Youth Services/Personnel/Other Stipends) to Acct # 0150106-530100 (Health – Awareness/Expenses/Consultants).

Finance Approved 8-0

#12-23 Acceptance of \$68,000 MassDEP Recycling Dividends Grant

HER HONOR THE MAYOR requesting authorization to accept and expend the sum of sixty-eight thousand dollars (\$68,000) in grant funding from MassDEP Recycling Dividends to be used for grant-eligible recycling services at the Resource Recovery Center, equipment to improve the City's recycling and composting infrastructure, educational materials, and outreach activities.

Finance Approved 8-0

#570-22 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 1998 trackless sidewalk clearing tractor.

Finance Approved 8-0 on 1/3/23

Public Facilities Approved 7-0 (Councilor Norton not voting)

- #16-23 Acceptance of \$140,000 Grant from the Massachusetts Community Compact Cabinet's Information Technology Grant Program.**
HER HONOR THE MAYOR requesting authorization to accept and expend the sum of one hundred forty thousand (\$140,000) from the Massachusetts Community Compact Cabinet's (CCC) Information Technology grant program to contract with a document management system provider to scan, OCR (optical character recognition), and index municipal documents currently stored in paper form from multiple City departments and to establish a web-based portal to allow for public access.
Finance Approved 8-0

The City Council voted without discussion 23 Yeas, 1 Nay (Councilor Humphrey) to Accept the Committee Recommendations on the following

- #20-23 Appropriate \$258,524.10 from Free Cash for Four Police Cruisers**
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of two hundred fifty-eight thousand, five hundred twenty-four dollars and ten cents (\$258,524.10) from June 30, 2022 Certified Free Cash to the Police Department for the purchase of four (4) Hybrid Ford Police Interceptor Cruisers.
Finance Approved as Amended \$258,524.00 7-0-1 (Councilor Humphrey abstaining) on 01/09/23
Public Safety & Transportation Approved as Amended \$258,524.00 8-0 on 01/09/23

The City Council voted without discussion 19 Yeas, 5 Nays (Councilors Laredo, Lucas, Malakie, Markiewicz, Wright) to Accept the Committee Recommendations on the following

- #571-22 Appropriate \$225,000 from Transportation Mitigation funds**
HER HONOR THE MAYOR requesting approval for the use of two hundred twenty-five thousand (\$225,000 in transportation mitigation funds from the Trio transportation demand management plan for NewMo operations consistent with Special Permit #96-17 and the approved Consistency Ruling dated 8/31/22.
Finance Approved 7-1 (Councilor Malakie opposed)

The City Council voted without discussion 23 Yeas, 1 Nay (Councilor Ryan) to Accept the Committee Recommendations on the following

#19-23 Increase Curbside Mattress Recycling Fees

HER HONOR THE MAYOR requesting an increase in the curbside mattress recycling fee from the current \$50 to \$60 in order to make the City whole to cover the cost being charged by the service provider, GGY Transport LLC dba Tough Stuff Recycling, for curbside collection service.

Public Facilities Approved 8-0

Motion to suspend the Rules to accept late filed items to be referred to Committee:

Referred to Zoning & Planning Committee

#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.

Referred to a Committee of the Whole

Public Hearing to be Assigned for February 15, 2023

#477-22 Request for discussion regarding new MA Building Energy Codes

COUNCILORS CROSSLEY, LEARY, ALBRIGHT, DANBERG, LIPOF, KELLEY, NORTON, LAREDO, BOWMAN, HUMPHREY, DOWNS, GREENBERG, WRIGHT, MALAKIE, MARKIEWICZ, AND GROSSMAN questing discussion with the Sustainability Team and Planning Department about the new MA Building Energy Codes (Base code, Stretch code and Specialized code) which become effective beginning January 2023, and in particular to understand the specifics of the MA "Specialized code" which is optional, what it regulates beyond the Stretch code, and to consider adopting the Specialized code for Newton.

Public Hearings were assigned for the following Items:

Public Hearing to be assigned for January 18, 2023

#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.

Public Hearing to be Assigned for January 24, 2023

#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.

Public Hearing to be Assigned for January 24, 2023

#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.

Public Hearing to be Assigned for January 24, 2023

#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.

Public Hearing to be Assigned for February 15, 2023

#477-22 Request for discussion regarding new MA Building Energy Codes

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 MA Building Energy Codes (Base code, Stretch code and Specialized code) which become effective beginning January 2023, and in particular to understand the specifics of the MA “Specialized code” which is optional, what it regulates beyond the Stretch code, and to consider adopting the Specialized code for Newton.