



City Council Actions

In City Council Monday, March 20, 2023

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

Absent: Councilors Danberg, Markiewicz, Oliver

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

[Newton City Council March 20, 2023 \(newtv.org\)](http://newtv.org)

The City Council discussed the following items on Second Call:

#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

City Council to Vote on Supporting the Denial by Land Use

City Council Approved postponing to March 20, 2023

Approved 19 Yeas, 0 Nays 5 Absent

City Council Approved the Motion to Deny With Prejudice 21 Yeas 0 Nays 3 Absent (Danberg, Markiewicz, Oliver)

Clerk's Note: Councilor Lipof reminded everyone that both items #39-23 and #40-23 were denied on Land Use, however, the City Council was required to wait for the Planning Board's recommendation first, before taking a vote. The Planning Board gave their report on March 7, and agreed with the Land Use Committee's denial. There was a short discussion on whether to deny with prejudice or without prejudice. Councilor Laredo noted that it is rare for City Council to deny with prejudice, however, this zoning change is inappropriate, and the City Council should remain firm on this.

- #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
City Council Approved postponing to March 20, 2023
Approved 19 Yeas, 0 Nays 5 Absent
City Council Approved the Motion to Amend the Report 21 Yeas 0 Nays 3 Absent
City Council Approved the Motion to allow petitioner to Withdraw Without Prejudice 21 Yeas 0 Nays 3 Absent (Danberg, Markiewicz, Oliver)

Clerk's Note: Councilor Lipof noted that the original vote was No Action Necessary, however, the law department has let him know since that this is not appropriate in this instance. Moreover, they have received a letter from the petitioner's attorney with a request to Withdraw Without Prejudice. In this instance, there must be a vote to allow the Report to be Amended, and there must be a vote on whether to approve a Withdraw Without Prejudice from the petitioner.

- #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 Approved Motion to Postpone to a Date Certain April 3, 2023 with 21 Yeas 0 Nays 3 Absent (Danberg, Markiewicz, Oliver)

**The City Council voted without discussion 21 Yeas, 0 Nays, 3 Absent
(Danberg, Markiewicz, Oliver) to Accept the Committee Recommendations
on the following:**

- #61-23** **Request for Extension of Time to Exercise Special Permit #157-22 at 4 Clarendon Street**
VENKATESA RAVI petition for EXTENSION OF TIME to March 7, 2025 to EXERCISE Special Permit Council Order #157-22 to construct a second-story addition, vertically extending the nonconforming front setbacks on a corner lot at 4 Clarendon Street, Ward 2, Newton, on land known as Section 22 Block 09 Lot 01, containing approximately 5823 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 8-0
- #65-23** **Request for Extension of Time to Exercise Special Permit #406-21 at 229 Bellevue Street**
DAVID AND SUSAN WAKEFIELD petition for EXTENSION OF TIME to December 17, 2024 to EXERCISE Special Permit Council Order #406-21 to allow a garage accommodating more than three vehicles with ground floor area exceeding 700 sq. ft., to vertically extend a nonconforming side setback, to allow a system of retaining walls exceeding four feet within the setback at 229 Bellevue, Ward 1, Newton, on land known as Section 12 Block 17 Lot 29, containing approximately 9,700 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.3.A.1, 7.8.2.C.2, 3.4.3.A.4, 3.4.4.E, 3.4.4.H, 5.4.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 8-0
- #64-23** **Request for Extension of Time to Exercise Special Permit #28-22 at 383-387 Boylston Street**
50 JACKSON STREET, LLC, petition for EXTENSION OF TIME to March 7, 2025 to EXERCISE Special Permit Council Order #28-22, to allow a three story, 12-unit multi-family dwelling with an FAR of 1.5 and 36' in height, ground floor residential use, a building with more than 20,000 sq. ft., to alter and extend a nonconforming side setback, to waive six parking stalls, to reduce the width of parking stalls, to reduce the driveway width for two-way traffic, to allow a loading facility which may impede traffic, and to allow a retaining wall greater than four feet in height within the setback at 50 Jackson Street/383-387 Boylston, Ward 6, Newton, on land known as Section 65 Block 11 Lot 04, containing approximately 14,866 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.4.1, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 7.8.2.C.2, 5.1.4, 5.1.8.B.1, 5.1.8.D.1, 5.1.12.D.5, 5.1.13, 5.4.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 8-0

- #60-23 Request to further extend nonconforming front and rear setbacks and parking waivers at 43 River Avenue**
DINA ONUR petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing dwelling and construct a two-family dwelling that will alter and extend a nonconforming front setback, further reduce and extend a nonconforming rear setback, allow reduced parking stall depth and allow parking within five feet of a street at 43 River Avenue, Ward 5, Newton Upper Falls, on land known as Section 51 Block 43 Lot 03, containing approximately 12,050 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, 5.1.7.B.2, 5.1.13, 5.1.7.A of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 8-0
- #33-23 Request to allow a three-story structure with 32 feet in height, an FAR of 1.25 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 1.25 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 Approved 7-0 (Councilor Markiewicz not voting)
- #72-23 Appointment of Jyothsna Buddharaju to the Planning & Development Board**
HER HONOR THE MAYOR appointing Jyothsna Buddharaju, 1175 Chestnut Street, Newton as an alternate member of the Planning & Development Board for a term of office to expire on July 31, 2026. (60 Days: 05/05/2023)
Zoning & Planning Approved 8-0
- #48-23 Appointment of Ruth Goldman to the Urban Tree Commission**
HER HONOR THE MAYOR appointing Ruth Goldman, 117 Cypress Street, #2, Newton as a member of the Urban Tree Commission for a term of office to expire on March 6, 2026. (60 Days: 04/07/2023)
Programs & Services Approved 8-0
- #75-23 Requesting authorization to bring the City's ordinances relating to special officers (i.e. retired police officers) in conformance with the State law**
HER HONOR THE MAYOR requesting authorization to bring the City's ordinances relating to special officers (i.e. retired police officers) in conformance with the State law governing the Massachusetts Peace Officer Standards and Training (POST).
Public Safety & Transportation Approved 6-0 (Councilors Bowman and Oliver not voting)

- #86-23** **Acceptance of \$190,000 from MassDOT's Community Transit Grant Program SFY23**
HER HONOR THE MAYOR requesting authorization to accept and expend the sum of one hundred ninety thousand dollars (\$190,000) in grant funding from MassDOT's Community Transit Grant Program SFY23 for the Newton in Motion (NewMo) Senior Transportation microtransit program.
Finance Approved 8-0 on 03/13/23
Public Safety & Transportation Approved 6-0 (Councilors Bowman and Oliver Not Voting)
- #85-23** **Acceptance of \$712,459 from MassDOT Community Connections Program FY23-25**
HER HONOR THE MAYOR requesting authorization to accept and expend the sum of seven hundred twelve thousand four hundred fifty nine dollars (\$712,459) in grant funding from MassDOT's Community Connections Program FY23-25 for the Newton in Motion (NewMo) microtransit program.
Finance Approved 8-0 on 03/13/23
Public Safety & Transportation Approved 6-0 (Councilors Bowman and Oliver Not Voting)
- #77-23** **Discussion of short-term prevention strategies at Crafts/Albemarle/North Streets**
COUNCILOR DOWNS, LEARY, NORTON, BOWMAN, MALAKIE, WRIGHT AND LUCAS requesting a discussion of possible short-term prevention strategies at Crafts/Albemarle/North Streets and surrounding areas to address safety and recent crashes.
Public Safety & Transportation voted No Action Necessary 7-0 (Councilor Lipof not voting)
- #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 voted No Action Necessary 7-0
- #78-23** **Request for a grant of location in California St @ Bridge St intersection**
NATIONAL GRID petition for a grant of location to relocate an existing regulator station located at the intersection of California St. and Bridge St. along with a traffic box and three vent poles. (Ward 1) as follows:
- Installation of a below grade vault within the public right of way at California St and Bridge St
 - Installation of one (1) traffic box and three (3) vent poles
- Public Facilities Approved 7-0**

- #87-23** **Authorization for MWRA grant/loan program**
HER HONOR THE MAYOR requesting authorization to appropriate and expend three million two hundred fifty five thousand dollars (\$3,255,000) in grant funding and authorization to borrow one million eighty five thousand dollars (\$1,085,000) in an interest free loan from the Massachusetts Water Resources Authority (MWRA) Sewer Infiltration/Inflow Local Financial Assistance Program Phase 14, 25% loan/75% grant program for a total of four million three hundred and forty thousand dollars (\$4,340,000) for the design and construction of Sewer CIP Project 9.
Finance Approved 8-0 on 03/13/23
Public Facilities Approved 7-0
- #79-23** **Reappointment of Meryl Kessler to the Sustainable Materials Management Commission**
HER HONOR THE MAYOR reappointing Meryl Kessler, 147 Prince St, West Newton 02465 to the Sustainable Materials Management Commission for a term of office to expire March 15, 2026. (60 days: 4/30/2023)
Public Facilities Approved 7-0
- #80-23** **Reappointment of Carl Valente to the Sustainable Materials Management Commission**
HER HONOR THE MAYOR reappointing Carl Valente, 84 Sumner St, Newton 02459 to the Sustainable Materials Management Commission for a term of office to expire March 15, 2026. (60 days: 4/30/2023)
Public Facilities Approved 7-0
- #81-23** **Acceptance of \$11,939 from National Environmental Health Association**
HER HONOR THE MAYOR requesting authorization to accept and expend the sum of eleven thousand nine hundred thirty nine dollars (\$11,939) from the National Environmental Health Association (NEHA). The award consists of a four thousand four hundred thirty-nine dollar (\$4,439) base grant and a seven thousand five hundred dollar (\$7,500) training add-on grant. The funds will be used to improve the City's conformance with the US Food and Drug Administration's Retail Program Standards.
Finance Approved 8-0
- #82-23** **Acceptance of \$100,000 from Massachusetts Department of Energy Resources**
HER HONOR THE MAYOR requesting authorization to accept and expend the sum of one hundred thousand dollars (\$100,000) in Green Communities Grant funding from the Massachusetts Department of Energy Resources for LED lighting and controls at Newton South High School and completing insulation, weatherstripping, and installation of heat pumps at Fire Station 1.

Finance Approved 8-0

- #83-23 Appropriate \$33,289 from the Energy Stabilization Fund**
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of thirty three thousand two hundred eighty nine dollars (\$33,289) from the Energy Stabilization Fund to complete the replacement of thermostats and control valves at Fire Station 1.

Finance Approved 8-0

- #84-23 Acceptance of \$69,878.60 from MassDEP's Electric Vehicle Incentive Program**
HER HONOR THE MAYOR requesting authorization to accept and expend the sum of sixty nine thousand eight hundred seventy eight dollars and sixty cents (\$69,878.60) in grant funding from MassDEP's Electric Vehicle Incentive Program – Public Access Charging for 5 EV chargers with 10 total ports.

Finance Approved 7-0-1 (Councilor Malakie abstaining)

- #86-23 Acceptance of \$190,000 from MassDOT's Community Transit Grant Program SFY23**
HER HONOR THE MAYOR requesting authorization to accept and expend the sum of one hundred ninety thousand dollars (\$190,000) in grant funding from MassDOT's Community Transit Grant Program SFY23 for the Newton in Motion (NewMo) Senior Transportation microtransit program.

Public Safety & Transportation Approved 6-0 on 03/08/23 (Councilors Bowman and Oliver Not Voting)

Finance Approved 8-0

- #85-23 Acceptance of \$712,459 from MassDOT Community Connections Program FY23-25**
HER HONOR THE MAYOR requesting authorization to accept and expend the sum of seven hundred twelve thousand four hundred fifty nine dollars (\$712,459) in grant funding from MassDOT's Community Connections Program FY23-25 for the Newton in Motion (NewMo) microtransit program.

Public Safety & Transportation Approved 6-0 on 03/08/23 (Councilors Bowman and Oliver Not Voting)

Finance Approved 8-0**Public Hearings were assigned for the following Items:**

Public Hearing to be Assigned for April 4, 2023

#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.

Public Hearing to be Assigned for April 4, 2023**#90-23 Request to further extend nonconforming FAR at 6 Ferncroft Road**

KEN KREFT 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.

Public Hearing to be Assigned for April 4, 2023**#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.

Public Hearing to be Assigned for April 4, 2023**#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.