



City Council Actions

In City Council Monday, April 3, 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 April 3, 2023 \(newtv.org\)](https://www.newtv.org)

The City Council discussed the following items on Second Call:

#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

Councilor Greenberg made the Motion to send back to the committee which Failed with 4 Yeas, 20 Nays

City Council Approved 20 Yeas, 4 Nays (Councilors Greenberg, Leary, Malakie, Ryan)

Clerk's Note: Councilor Greenberg put this on Second Call, with the belief that this project does not align with Newton's stated goals of re combatting climate change and housing affordability. Councilors Leary, Malakie and Ryan concurred with Councilor Greenberg. The stated objections were as follows: The high number of parking spaces (over 3 per unit) for a project that is extremely close to the Green Line. The fact that because it is only 6 units, it does not meet the threshold required to include any affordable units. And finally, the intrinsic unfairness to Newton residents in that Newtonville, Nonantum, and West Newton are asked to understand the expanded development to meet the climate change and affordability goals, however, wealthier villages (e.g., Chestnut Hill) are not asked to do so.

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

- #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

- #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)
- #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)
- #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)

Clerk's Note re #97-23 and #98-23:

Councilor Krintzman presented that #97-23 and #98-23 were improperly referred to Programs and Services and Finance, and in fact, should have been referred to Zoning and Planning. However, Councilor Krintzman has full confidence that these appointments were handled very effectively by Programs and Services, and asked for a Suspension of the Rules today, so that Programs and Services can be accepted as the committee to make these appointments, instead of Zoning and Planning.

#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)

City Council Approved the Motion of the Suspension of the Rules to Accept Programs and Services as the Committee to Make the Reappointments of #97-23 and #98-23 with a Voice Vote with All Yeas and 0 Nays

#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

#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

- #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
- #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

Public Hearings were assigned for the following Items:

Public Hearing to be assigned for April 12th, 2023

- #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 Hearing to be Assigned for April 24, 2023

- #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

Public Hearing to be Assigned for April 25, 2023

- #111-23 Request to allow four single-family attached dwellings in two buildings, to waive certain dimensional requirements and one parking stall at 77 Hartford Street**
ADELINE ELMEUS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow an additional unit within the existing dwelling, to allow attached single-family dwellings; to reduce the required lot area per unit; to reduce the minimum front setback; to reduce the minimum side setback; to reduce the minimum rear setback; to exceed 36 feet in height; to allow three stories; to waive one parking stall and to allow a driveway within 10 feet of the side lot line and parking within 20 feet of the side lot line at 77 Hartford Street, Ward 6, Newton Highlands, on land known as Section 52 Block 43 Lot 5A, containing approximately 15,950 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 3.4.2, 5.1.4, 5.1.13, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for April 25, 2023

- #112-23 Request to further increase nonconforming FAR, to allow an accessory building with a footprint exceeding 700 square feet, and for a dormer within three feet of the intersecting wall at 20 Norwood Avenue**
PAUL WONG petition for SPECIAL PERMIT/SITE PLAN APPROVAL requesting to further extend nonconforming FAR; to allow an oversized detached accessory apartment and to allow a dormer within three feet of the intersection of the roof and main building wall at 20 Norwood Avenue, Ward 6, Newton Centre, on land known as Section 62 Block 10 Lot 06, containing approximately 11,689 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, 6.7.1.E.2, 1.5.4.G.2.c of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for April 25, 2023**#113-23 Request to add 40 patio seats and to remove six parking stalls, and to amend Special Permit #501-94(2) at 344-346 Elliot Street**

SEANA GAHERIN AND ROBERT DUNN, TRUSTEES OF D&G REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend the prior Special Permit with site plan modifications to remove six parking stalls to be used for outdoor dining seats and to waive 20 parking stalls at 344-346 Elliot Street, Ward 5, Newton Upper Falls, on land known as Section 51 Block 41 Lot 10, containing approximately 9,676 sq. ft. of land in a district zoned BUSINESS 1. Ref: Sec. 7.3.3, 7.4, 5.1.4, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Referred to a Committee of the Whole**#125-23 Appropriate \$1,400,000 from FY22 Free Cash**

HER HONOR THE MAYOR requesting authorization to appropriate and expend one million four hundred thousand dollars (\$1,400,000) from FY22 Free Cash to provide a “bridge grant” to Newton Public Schools for the expected significant increase in student out-of-district cost in FY24

City Council Approved for a Committee of the Whole meeting 24 Yeas, 0 Nays

#127-23 Appropriate \$10,000,000 from FY22 Free Cash

HER HONOR THE MAYOR requesting authorization to appropriate and expend ten million dollars (\$10,000,000) in FY22 Free Cash for the Lincoln-Eliot Elementary School construction project

City Council Approved for a Committee of the Whole meeting 24 Yeas, 0 Nays

Clerk’s Note: Councilor Grossman asked that #125-23 and #127-23 be presented together as one package.

#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.

City Council Approved for a Committee of the Whole meeting 24 Yeas, 0 Nays

Clerk’s Note: President Albright stated that this Committee of Whole meeting will be an information session on these complex issues.

#123-23 Request for postponement of further financial commitments on future artificial turf projects.

COUNCILORS MALAKIE, DOWNS, NORTON, WRIGHT AND KELLEY requesting a postponement of any further financial commitments or contracts to replace or add new artificial turf, not already approved by the City Council as of March 27, 2023, until the completion, and review by the City Council, of a comparative analysis by independent researchers of the total costs of natural grass field vs. artificial turf, including: acquisition, preparation & installation, maintenance & repair, potential liability for hazardous material contamination, and disposal under alternate future regulatory scenarios for hazardous vs non-hazardous materials.

City Council Approved a Motion to Reject this Item 15 Yeas to Reject and 9 Nays (Councilors Gentile, Kelley, Laredo, Leary, Lucas, Malakie, Markiewicz, Norton, Wright)

Clerk's Note: Councilor Krintzman presented and recommended that it be rejected and deemed "No Action Necessary" because discussion about artificial turf will be covered in another docket item. Councilors who voted Nay did not agree that this would be redundant.