



City Council Reports Docket

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7:45 PM, Hybrid

To be reported on

Monday, October 16, 2023

October 3: Land Use

October 4: Programs & Services, and Public
Facilities, and Public Safety & Transportation

October 10: Zoning & Planning and Finance

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Monday, October 16, 2023, at 7:45 PM. To view this meeting on Zoom use this link at the above date and time:

<https://newtonma-gov.zoom.us/j/85348381311>

One tap mobile

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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 Youtube channel at:

<https://www.youtube.com/channel/UCQvNeCJkA3PftuLLvfAh3cQ>

City of Newton

In City Council Items to be Acted Upon

Referred to Land Use Committee

Tuesday, October 10, 2023

Present: Councilors Lipof (Chair), Kelley, Bowman, Greenberg, Laredo, Lucas, and Markiewicz; absent: Councilor Downs; also present: Councilor Malakie

#315-23 Request for Extension of Time to Exercise Special Permit #260-22 at 34, 36, 38, 48, 50 Crafts Street, 19-21 Court Street

CRAFTS DEVELOPMENT, LLC AND SRG HOLDCO INVESTMENTS, LLC petition for EXTENSION OF TIME to November 6, 2025 to EXERCISE Special Permit Council Order #260-22 to allow an Elder Housing with Services facility, to allow a development in excess of 20,000 sq. ft., to allow a seven-story building, to allow a building 84 feet in height, to allow parking within the side setback, to reduce the required parking stall width, to reduce the required parking

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 or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

stall depth, to reduce the required parking stall depth for accessible stalls, to allow a reduced drive aisle width for two-way traffic and to waive the lighting requirements at 34, 36, 38, 48, 50 Crafts Street, 19 Court Street and 21 Court Street, Ward 2, Newton, on land known as Section 23 Block 16 Lots 7, 8, 9, 10, 11, 12 and 13, containing approximately 115,818 sq. ft. of land in districts zoned MAN and MR1 (to be rezoned to BU4). Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.2.10, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 5.1.8.A.1, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.C, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 5-0-1 (Councilor Laredo Abstaining and Councilor Markiewicz Not Voting)

#262-23

Request to waive the separation requirement for a historic detached accessory apartment, to further extend nonconforming height and footprint and to exceed FAR at 193 Lake Avenue

ROBERT AND LAURA KAY HUGHES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to renovate and expand the detached accessory building for use as an accessory apartment with dimensional waivers at 193 Lake Avenue, Ward 6, Newton Highlands, on land known as Section 52 Block 17 Lot 05, containing approximately 26,818 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 6.7.1.E.7.B, 3.4.3.A.3, 3.4.3.A.4, 7.8.2.C.2, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 8-0; Public Hearing Opened on 8/22/23

Land Use Approved 7-0; Public Hearing Closed 7-0

#309-23

Request to exceed FAR at 93 Ruane Road

RYAN MCALLISTER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a one-story addition to the right side and rear of the dwelling exceeding the maximum FAR at 93 Ruane Road, Ward 3, West Newton, on land known as Section 32 Block 21 Lot 30, containing approximately 17,860 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 6-0 (Councilor Markiewicz Not Voting): Public Hearing Closed 6-0 (Councilor Markiewicz Not Voting)

#310-23

Request to allow parking in the front setback at 70 Kingswood Road

LARRY SMITH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing attached garage and construct first and second story additions, and to construct a second parking stall within the front setback at 70 Kingswood Road, Ward 4, Auburndale, on land known as Section 41 Block 27 Lot 19, containing approximately 10,528 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 5.1.7.A, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 6-0 (Councilor Markiewicz Not Voting): Public Hearing Closed 6-0 (Councilor Markiewicz Not Voting)

#312-23

Request to allow a two-story building on an undersized MAN lot at 0 Rumford Avenue

LANCASTER MANAGEMENT LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a storage warehouse for their tree removal business on the undersized lot which extends the nonconforming use and requires dimensional waivers at 0 Rumford, Ward 4,

Auburndale, on land known as Section 41 Block 35 Lot 12, containing approximately 8,302 sq. ft. of land in a district zoned MANUFACTURING. Ref: 7.3.3, 4.4.1, 7.8.2.C.2, 7.8.3.F.6, 7.8.3.B, 7.8.3.C, 5.1.8.D.1, 5.1.13, 5.1.8.D.2, 5.1.8.E.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 6-0 (Councilor Markiewicz Not Voting): Public Hearing Closed 6-0 (Councilor Markiewicz Not Voting)

#313-23

Request to add 48 patio seats and remove eight parking stalls, and to amend Special Permit #172-98(2) at 9-13 Kenneth Street, 29 Kenneth Street, 118 Needham Street, and 122 Needham Street

WOLCOTT CORPORATION petition for SPECIAL PERMIT/SITE PLAN APPROVAL to remove eight parking stalls to be used for 48 outdoor dining seats in front of 9-13 Kenneth Street, requiring an amendment to the most recent special permit, a waiver of additional parking stalls and an amendment to the approved site plan at 9-13 Kenneth Street, 29 Kenneth Street, 118 Needham Street, and 122 Needham Street, Ward 8, Newton Highlands and Newton Upper Falls, on land known as Section 83 Block 12 Lots 03, 04, 05, and 06 containing approximately 35,000 sq. ft. of land in a district zoned MIXED USE 2. Ref: 7.3.3, 5.1.4, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 4-0-1 (Councilor Kelley Abstaining and Councilors Bowman and Markiewicz Not Voting); Public Hearing Closed 5-0 (Councilors Bowman and Markiewicz Not Voting)

#311-23

Request to allow four single-family attached dwellings, to waive lot area and lot area per unit requirements and to allow a driveway and parking within setback distances at 2202 Commonwealth Avenue

2202 COMMONWEALTH AVENUE LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing dwelling and construct four single-family attached dwellings with dimensional waivers, and to allow a driveway and parking within setback distances at 2202 Commonwealth Avenue, Ward 4, Auburndale, on land known as Section 41 Block 13 Lot 06, containing approximately 13,696 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 3.4.1, 3.2.4, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 5-0 (Councilors Bowman and Markiewicz Not Voting); Public Hearing Opened

Referred to Zoning & Planning Committee

Tuesday, October 10, 2023

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

#38-22

Request for discussion and amendments to the Zoning Ordinance and Zoning Map regarding village center districts

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

#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 8-0

#205-23 **Petition to rezone lots on Charles Street**

TERRENCE P. MORRIS, ESQ. petitioning to amend the City of Newton's Zoning Map by changing the current zoning of the property known as and numbered 132 Charles Street, Newton, Ma, and shown on the City of Newton Assessor's database as Section 41, Block 06, Lots 14, currently zoned MULTI-RESIDENCE 1 and MANUFACTURING, and Section 41, Block 06, Lot 26, currently zoned MANUFACTURING, to MIXED USE 1.

Zoning & Planning Held 8-0; Public Hearing Set for 11/13/23

Referred to Programs & Services Committee

Wednesday, October 4, 2023

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

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 7-0 (Councilor Noel Not Voting)

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 7-0 (Councilor Noel Not Voting)

Referred to Public Safety & Transportation Committee

Wednesday, October 4, 2023

Present: Councilors Downs (Chair), Markiewicz, Lipof, Oliver, Lucas, Malakie, Bowman and Grossman; also present: Councilors Baker, Albright and Kelley

#148-23 Discussion regarding the security measures and any incidents during the 2023 Boston Marathon
COUNCILORS LUCAS, NORTON, LIPOF, MALAKIE, NOEL, WRIGHT, BOWMAN AND OLIVER requesting a discussion with the Chief of Police on security measures taken for the Boston Marathon, not limited to but including personnel hours and equipment used by the Police Department. Also requesting updates on any incidents, disturbances, interrogations, calls to dispatch, and/or arrests along the marathon route on April 17th.
Public Safety & Transportation Held 8-0 on 06/21/23
Public Safety & Transportation voted No Action Necessary 7-0 (Councilor Oliver not voting)

#319-23 Petition request to repeal overnight winter parking ban
JEREMY FREUDBERG, ET AL., Petition to amend Motor Vehicles and Traffic Ordinance Chapter 19 Sec-174 (b) of the City of Newton Ordinances. To be amended by deletion of “(b) Other vehicles: From December 1st through March 31st, it shall be unlawful for any vehicle, other than one acting in an emergency, to be parked on any street, way, highway, road parkway, or private way dedicated or open to the use of the public for a period of time longer than one hour between the hours of 2:00 am and 6:00 am” as appearing in Sec. 19-174 in the Revised Ordinances of 2017 as amended. (30 Days: 11/01/2023)
Public Safety & Transportation Motion to Approve Failed 0-7 (Councilor Bowman not voting)

Referred to Public Facilities Committee

Wednesday, October 4, 2023

Present: Councilors Leary (Chair), Kalis, Crossley, Kelley, Laredo, Norton, Danberg, and Gentile

#320-23 Request for a grant of location in Grove Street
VERIZON NEW ENGLAND INC. requests permission to lay and maintain underground conduits, with the wires and cables to be placed therein, under the surface of the following public way or ways:

- Place one new four- inch (4”) conduit approximately 4’ westerly from existing pole, P.185/34 to private property. Said pole is located on the westerly side of Grove Street.
- Place two new four- inch (4”) conduits approximately 1132’ southwesterly from existing pole, P.185/34 to the City/DOT jurisdiction line. Said pole is located on the westerly side of Grove Street.
- This petition is necessary to relocate facilities for the MBTA.

Public Facilities Held 6-0 (Councilors Danberg and Laredo Not Voting); Public Hearing Opened

#321-23

Request for a grant of location in Chestnut Hill Road

NATIONAL GRID petition for a grant of location to install and maintain gas main in Chestnut Hill Road as follows:

- 325' + of 8" plastic in Chestnut Hill Road from the existing 12" Cast Iron in Beacon St to replace 325' of 6" cast iron.
- 420' + of 4" plastic main in Chestnut Hill Ter from Chestnut Hill Rd and Gate House Rd to replace 420' of 6" cast iron.
- 40' + of 8" plastic in the intersection of Chestnut Hill Rd and Gate House Rd to replace 40' of 6" cast iron.

Public Facilities Held 7-0 (Councilor Danberg Not Voting); Public Hearing Opened

#322-23

Request for a grant of location in Ward Street

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

- 1470' + of 8" plastic main in Ward St from Centre St to West Bourne Rd to replace 1470' + of 8" plastic
- 30' + of 6" plastic main in the intersection of Loring St/Ward St to replace 30' of 8"/6"/4" plastic.
- 24' + of 6" plastic main in the intersection of Sumner St/Ward St to replace 24' of 8"/6"/4" plastic.
- 35' + of 6" plastic main in the intersection of Ballard St/Ward St to replace 35' of 8"/6"/4" plastic.
- 23' + of 6" plastic main in the intersection of Wessex Rd/Ward St to replace 23' of 8"/6"/4" plastic.
- 45' + of 6" plastic main in the intersection of Ashford Rd/Ward St to replace 28' of 8"/6" plastic and 17' of 6" cast iron.
- 15' + 6" plastic main in the intersection of Irving St/Ward St to replace 15' of 8"/6"/4" plastic.
- 20' + of 6" plastic main in the intersection of Francis St/Ward St to replace 20' of 8"/6"/4" plastic.
- 60' + of 6" plastic main in the intersection of W. Boulevard Rd/Ward St to replace 60' of 8"/6"/4" plastic.

Public Facilities Approved 7-0 (Councilor Danberg Not Voting); Public Hearing Closed 7-0 (Councilor Danberg not voting)

#308-23

Discussion Regarding Stormwater Program

COUNCILORS LEARY, CROSSLEY, NORTON, ALBRIGHT, LAREDO, LUCAS, MARKIEWICZ, KELLEY, DANBERG, BOWMAN, KALIS, GREENBERG, HUMPHREY, WRIGHT, DOWNS AND RYAN requesting a discussion with Public Facilities Commissioner, the Director of Utilities, the Engineering Department and our stormwater consultants on a review of our stormwater program to assess current capacity, identify and prioritize investments in critical infrastructure in order to better prepare and respond to the increasing intensity and frequency of precipitation events as a result of climate change.

Public Facilities Held 7-0 (Councilor Gentile Not Voting)

- #324-23 Requesting a Discussion with DPW regarding the Phosphorus Control Plan and NPDES Permit**
COUNCILOR LEARY requesting an update from the Public Works Department on the City's Phosphorus Control Plan, as well as an update on the City's NPDES Permit.
Public Facilities Held 7-0 (Councilor Gentile Not Voting)

Referred to Public Facilities and Finance Committees

- #57-23 Ordinance amendment to increase number of units eligible for 2nd meters**
COUNCILOR NORTON proposing an ordinance amendment to Chapter 29, Section 24(c) to amend the number of residential dwelling units eligible for outdoor meters from no more than four dwelling units to no more than twenty dwelling units.
Public Facilities Held 7-0 (Councilor Danberg Not Voting)

Referred to Finance Committee

Tuesday, October 10, 2023

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

- #306-23 Establish and Appropriate funds to an Operations Booster Stabilization Fund**
HER HONOR THE MAYOR requesting authorization to Establish an "Operations Booster Stabilization Fund" to pay for a portion of the annual general fund appropriations for the City's pension system; appropriate the sum of \$20,500,000 Overlay Surplus as declared by the City's Board of Assessors to the Operations Booster Stabilization Fund; and transfer the sum of \$5,513,000 from Acct 01C10701-576300 Appellate tax Board Interest and Penalties Fund to the Operations Booster Stabilization Fund.
Finance Denied Motion to Approve Subject to Second Call 3-4-1 (Councilors Humphrey, Malakie, Oliver and Noel Opposed, Councilor Gentile Abstaining) on 9/11/2023
City Council voted to recommit to the Finance Committee 22-2-2 (Councilors Grossman and Kalis opposed and Councilors Markiewicz and Norton Absent) on 09/18/2023
Finance Held 5-2 (Councilors Grossman and Norton Opposed) on 09/28/23
Finance Denied 5-3 (Councilors Grossman, Norton and Kalis Opposed)
- #325-23 Request to transfer \$50,000 from Water Services Connections – Full Time Wages**
HER HONOR THE MAYOR requesting authorization to transfer and expend the sum of fifty thousand dollars (\$50,000) from Acct # 60A40105-511002, Water Services Connections – Full-Time Wages, to Acct #67A109D2-572500, Workers Compensation Water – Claims and Settlements, in order to settle Worker's Compensation claim # WC003360.
Finance Approved 8-0