



City Council Actions In City Council Monday, July 10, 2023

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

Absent: Councilors Danberg, Gentile, Kalis.

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

<https://www.youtube.com/watch?v=bnEERjvglCc&list=PLqJiDbsvfNjWDZBeyh6bGp4ZmOCnq-pDR&index=7>

The City Council discussed the following items on Second Call:

#225-23 **Request to allow parking in the front setback and reduced stall depth at 437 Parker Street**
EDISON ALMEIDA petition for SPECIAL PERMIT/SITE PLAN APPROVAL seeking to allow parking in the front setback by constructing a second parking stall off of Parker Street and to allow a parking stall with reduced stall depth off Howley Avenue at 437 Parker Street, Ward 8, Newton Centre, on land known as Section 81 Block 31 Lot 43, containing approximately 5,376 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 5.1.7.A, 5.1.13, 5.1.7.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Denied 6-0, Public Hearing Closed 6-0
City Council Approved the Motion to change status from Denied to Withdrawn
21 Yeas, 0 Nays, 3 Absent (Councilors Danberg, Gentile, Kalis)

Clerk's Note: Councilor Lipof informed the City Councilors that the petitioner has put in a request to withdraw without prejudice. Councilor Lipof made a Motion to change status from Denied to Withdrawn.

#218-23 **Request for temporary construction easements**
HER HONOR THE MAYOR requesting the approval of the taking of temporary construction easements for the Commonwealth Avenue Carriageway construction project in Auburndale.
Public Facilities Approved Subject to Second Call 4-0-1 (Councilor Norton and Kelley not voting and Councilor Gentile abstaining)
City Council Approved 20 Yeas, 0 Nays, 4 Absent (Councilors Danberg, Gentile, Kalis, Norton)

Clerk's Note: Councilor Leary put this item on Second Call so that City Council could be made aware. This is a federal project and is believed to be the first time that a "temporary taking" has come before the City Council. This temporary taking will be for the duration of the construction. The City of Newton must offer compensation to residents.

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

- #224-23** **Class 2 Auto Dealers License**
YES AUTO SALES GROUP INC
454 Watertown Street
Newton, MA 02460
Land Use Approved 4-0-1 (Councilor Kelley abstaining, and Councilor Downs not voting)
- #226-23** **Request to allow two attached garages accommodating four vehicles with more than 700 square feet total and an oversized dormer at 70 Suffolk Road**
FRANK VAN DEN BOSCH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct several additions to the dwelling which requires relief for a second attached garage, total garage area, and dimensions of the proposed dormers at 70 Suffolk Road, Ward 7, Chestnut Hill, on land known as Section 63 Block 16 Lot 07, containing approximately 151,183 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 3.4.4.E.1, 3.4.4.H.1, 1.5.4.G.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 6-0, Public Hearing Closed 6-0
- #195-23** **Request to allow ground floor residential use, to allow three stories and a 35.3-foot height, to alter and extend a nonconforming side setback, and to exceed FAR at 20 Clinton Street**
CLINTON STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing dwelling and construct four residential units in two buildings with dimensional waivers at 20 Clinton Street, Ward 1, Newton, on land known as Section 14 Block 22 Lot 12, containing approximately 10,404 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 4.4.1, 4.1.2.B.2, 4.1.2.B.3, 4.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Held 7-0; Public Hearing Opened on 06/06/23
Land Use Approved 6-0, Public Hearing Closed 6-0
- #227-23** **Request to allow a 4-unit multi-family dwelling, to extend a nonconforming front setback, dimensional waivers for parking and a retaining wall exceeding four feet in height at 107-109 Elliot Street**
107-109 ELLIOT STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the dwelling and construct a four-unit three-story multi-family dwelling with garage parking for seven vehicles at 107-109 Elliot Street, Ward 5, Newton Highlands, on land known as Section 51 Block 20 Lot 21, containing approximately 12,189 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 3.4.1, 3.2.6, 7.8.2.C.2, 5.1.8.B.1, 5.1.13, 5.1.8.B.6, 5.4.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 6-0, Public Hearing Closed 6-0
- #209-23** **Appointment of James Thompson to the Biosafety Committee**
PRESIDENT ALBRIGHT appointing James Thompson, 11 Byrd Ave, Newton as a member of

the Biosafety Committee for a term of office to expire on June 5, 2026. (60 Days: 08/04/2023)

Programs & Services Approved 6-0 (Councilors Noel and Baker Not Voting)

#145-23

Requesting a Home Rule Petition

HER HONOR THE MAYOR requesting a home rule petition and approval for extension of the lease term so that the City can extend its current ground lease with the Newton Community Development Foundation for Warren House for an additional 34 years.

Programs & Services Approved 6-0 (Councilors Noel and Baker Not Voting)

#231-23

Request to set Early Voting Hours for the September 12 Preliminary Election (if needed.)

THE CITY CLERK requesting to set early voting hours for the September 12, 2023 Preliminary Election, if needed, on the following dates, location, and times recommended by the Election Commission: A total of two days; Tuesday September 5, 2023 8:30a-5p and Wednesday September 6, 2023 9a-8p at Newton City Hall, 1000 Commonwealth Avenue, Newton, MA 02459.

Programs & Services Approved 6-0 (Councilors Noel and Baker Not Voting)

#232-23

Request to set Early Voting Hours for the November 7 Municipal Election

THE CITY CLERK requesting to set early voting hours for the November 7, 2023 Municipal Election on the following dates, location, and times recommended by the Election Commission: A total of Five days; Saturday October 28, 2023 11a-5p, Sunday October 29, 2023 11a-5p, Monday October 30, 2023 9a-8p, Tuesday October 31, 2023 8:30a-5p, and Wednesday November 1, 2023 8:30a-5p at Newton City Hall, 1000 Commonwealth Avenue, Newton, MA 02459.

Programs & Services Approved as amended 6-0 (Councilors Noel and Baker Not Voting)

#233-23

Request to move Ward 1, Precinct 4 Polling Location

THE CITY CLERK requesting that the Ward 1, Precinct 4 polling location, currently located at the Pellegrini Playground at 11 Hawthorn St be relocated to a new location.

Programs & Services Voted No Action Necessary 6-0 (Councilors Noel and Baker Not Voting)

#234-23

Request to move Ward 2, Precinct 1 Polling Location

THE CITY CLERK requesting that the Ward 2, Precinct 1 polling location, currently located at the Albemarle Field House at 250 Albemarle Rd be relocated to Scandinavian Living Center on 206 Waltham St.

Programs & Services Approved 6-0 (Councilors Noel and Baker Not Voting)

#74-23

Requesting a Home Rule Petition

COUNCILORS NORTON, HUMPHREY, MALAKIE, LEARY, BOWMAN, DOWNS, LUCAS, KELLEY, ALBRIGHT, RYAN, LAREDO, WRIGHT, LIPOF, AND MARKIEWICZ requesting a home rule petition so that the City can create an ordinance to prohibit the purchase or application of anti-coagulant rodenticides in Newton.

Programs & Services Approved 6-0 (Councilors Noel and Baker Not Voting)

Referred to Programs & Services and Finance Committees

- #207-23** **Citizens Group Petition on Chapter 21, Art. III, Division 3**
PAT IRWIN ET AL., petitioning pursuant to Article 10, Sec. 10-2 of the City of Newton Charter, that the Newton City Council amend the City's Tree Preservation Ordinance (Chapter 21, Article 3, Division 3) to apply the following protection regulations to all healthy, not dangerous trees 6 inches DBH (diameter at breast height) and larger on all properties in the City not owned by the State or Federal Government: require planting replacement or cash payment to mitigate the environmental and health damages to abutters from tree removal; waiver of the payment or replacement requirement only if the application process provides acceptable certification that the protected tree is dead, diseased, dangerous, or that removal of the tree will improve the overall health of the tree canopy; protection of trees on lots adjacent to construction sites; and owners of abutting properties shall be notified of each tree-removal application.
Programs & Services Voted No Action Necessary 5-1 (Councilor Wright Opposed)
(Councilor Noel Not Voting)
- #149-23** **Discussion regarding the residential parking program**
COUNCILOR DOWNS, LEARY, BOWMAN, MARKIEWICZ, LUCAS AND DANBERG requesting a discussion of the residential parking permit program costs, convenience and pricing.
Public Safety & Transportation No Action Necessary 5-0 (Councilors Lipof, Oliver and Lucas not voting)
- #237-23** **Eversource petition for Grant of Location in Nevada Street**
EVERSOURCE ENERGY petitioning for a grant of location to install 154'± of conduit in a westerly direction from new pole #308/30 to the property at #323 Nevada Street. (Ward 1)
Public Facilities Approved 6-0 (Councilor Norton not voting)
- #211-23** **Appointment of Jon K Slote to the Citizens Commission on Energy**
PRESIDENT ALBRIGHT appointing Jon K Slote, 117 Garland Road, Newton Centre to the Citizens Commission on Energy for a term of office to expire June 5, 2026. (60 days: 08/04/23)
Public Facilities Approved 6-0 (Councilor Norton not voting)
- #181-23** **Appointment of Vincent McKay to the Sustainable Materials Management Commission**
HER HONOR THE MAYOR appointing Vincent McKay, 67 Canterbury Road, Newton 02461 to the Sustainable Materials Management Commission for a term of office to expire June 12, 2026. (60 days: 07/14/23)
Public Facilities Approved 6-0 (Councilor Norton not voting)
- #217-23** **Appropriate \$1,000,000 for Wash Bay Project at the Crafts Street yard**
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one million dollars (\$1,000,000) from both the Sewer and Water funds to complete the Wash Bay Project at the Crafts Street yard. The total project cost will be \$1,500,000 which includes the \$500,000 that the City Council approved in 2018.
Public Facilities Approved 5-0 (Councilor Norton and Kelley not voting)

- #238-23 Appointment to the Financial Audit Advisory Committee**
PRESIDENT ALBRIGHT appointing Alexander B. Jablon, 114 Pearl St, Newton, as a member of the FINANCIAL AUDIT ADVISORY COMMITTEE for a term to expire on June 20, 2026. (60 days: 08/19/23)
Finance Approved 8-0
- #217-23 Appropriate \$1,000,000 for Wash Bay Project at the Crafts Street yard**
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one million dollars (\$1,000,000) from both the Sewer and Water funds to complete the Wash Bay Project at the Crafts Street yard. The total project cost will be \$1,500,000 which includes the \$500,000 that the City Council approved in 2018.
Public Facilities Approved 5-0 (Councilors Kelley and Norton not voting) on 06/21/23
Finance Approved 8-0
- #212-23 Appropriate \$11,847.54 for the full and final settlement of Eastern Bus Company Inc. v. City of Newton**
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of eleven thousand eight hundred forty-seven dollars and fifty-four cents (\$11,847.54) from the Stormwater Operating Fund for the full and final settlement Eastern Bus Company Inc. v. City of Newton.
Finance Approved 8-0
- #155-23 Appropriate \$90,000 to a Parks, Recreation & Culture Account**
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of ninety thousand dollars (\$90,000) from acct # 5503R602-590001 B.A.A. Marathon to a Parks, Recreation & Culture Account to fund playground improvements.
Programs & Services Approved 7-1 (Councilor Noel Opposed) on 06/21/23
Finance Approved 7-0-1 (Councilor Kalis abstaining)

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

Referred to Land Use Committee

Public Hearing Assigned August 8, 2023

- #261-23 Request to amend Special Permit #113-23 to allow expanded hours of operation for the patio 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 condition 8 of Special Permit 113-23 to allow expanded hours of operation for the patio until 10 PM 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 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearings were assigned for the following Items:

Referred to Land Use Committee

Public Hearing Assigned for July 11, 2023

#228-23 Request to further extend a nonconforming 3.5 story single-family dwelling and to exceed FAR at 35 Oak Cliff Road

NELSON AND SALLY DUPERE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a dormer addition in the half story of the nonconforming 3.5-story structure, extending the nonconforming number of stories and exceeding the maximum FAR at 35 Oak Cliff Road, Ward 2, Newtonville, on land known as Section 24 Block 26 Lot 11, containing approximately 6,859 sq. ft. of land in a district zoned Single Residence 2. Ref: 7.3.3, 3.1.3, 7.8.2.C.2, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Assigned July 11, 2023

#229-23 Request to waive seven parking stalls at 12 Austin Street

JP COMELLA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to combine two units currently occupied by retail and personal services uses to operate a 42-seat restaurant which requires a waiver of seven parking stalls at 12 Austin Street, Ward 2, Newtonville, on land known as Section 24 Block 09 Lot 16, containing approximately 5,695 sq. ft. of land in a district zoned Business1. Ref: 7.3.3, 5.1.4, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Referred to Land Use Committee

Public Hearing Assigned July 11, 2023

#239-23 Request to allow parking in the front setback at 213 Jackson Street

THEODORE AND STEPHANIE SILVERSTEIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the existing attached garage into living space and construct two parking stalls within the front setback at 213 Jackson Street, Ward 6, Newton Centre, on land known as Section 62 Block 25 Lot 15, containing approximately 5,135 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.

Public Hearing Assigned August 8, 2023

#240-23 Request to allow ground floor residential use, to exceed by right height and stories, and a parking waiver at 290 Watertown Street

290 Watertown St LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing dwelling and detached garage and construct five residential dwelling units in three buildings with dimensional waivers and allow for a waiver from the required number of parking stalls at 290 Watertown Street, Ward 1, Newton, on land known as Section 11 Block 14 Lot 03, containing approximately 11,473 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 4.4.1, 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.

Public Hearing Assigned August 8, 2023

- #241-23 Request to allow three single-family attached dwellings at 236 Chapel Street**
Omar Youssef petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing dwelling and construct three single-family attached dwellings with dimensional waivers and parking dimensional waivers at 236 Chapel Street, Ward 1, Newton, on land known as Section 12 Block 01 Lot 18, containing approximately 24,897 sq. ft. of land in a district zoned MULTI RESIDENCE 2. 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.

Public Hearing Assigned August 8, 2023

- #242-23 Request to allow parking in the front setback and within five feet of the front lot line at 97 Waban Hill Road North**
Edison Almeida petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second driveway on the eastern lot line, resulting in two vehicles within the front setback at 97 Waban Hill Road North, Ward 7, Chestnut Hill, on land known as Section 63 Block 04 Lot 26, containing approximately 6,887 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 5.1.7.A, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Referred to Public Facilities Committee***Public Hearing to be Assigned for July 19th, 2023***

- #255-23 Eversource petition for Grant of Location in Boylston Street**
EVERSOURCE ENERGY petitioning for a grant of location to install 1350'+ of conduit east of Hammond Pond Parkway and relocate pole 418/8-S approximately 3 feet west of current location to support road construction in the area. (Ward 7)

Referred to Zoning & Planning Committee***Public Hearing to be Assigned for July 24, 2023***

- #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.

Public Hearing Assigned August 8, 2023

- #240-23 Request to allow ground floor residential use, to exceed by right height and stories, and a parking waiver at 290 Watertown Street**
290 Watertown St LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing dwelling and detached garage and construct five residential dwelling units in three buildings with dimensional waivers and allow for a waiver from the required number of parking stalls at 290 Watertown Street, Ward 1, Newton, on land known as Section 11 Block 14 Lot 03, containing approximately 11,473 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 4.4.1, 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.

Public Hearing Assigned August 8, 2023

#241-23 Request to allow three single-family attached dwellings at 236 Chapel Street

Omar Youssef petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing dwelling and construct three single-family attached dwellings with dimensional waivers and parking dimensional waivers at 236 Chapel Street, Ward 1, Newton, on land known as Section 12 Block 01 Lot 18, containing approximately 24,897 sq. ft. of land in a district zoned MULTI RESIDENCE 2. 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.

Public Hearing Assigned August 8, 2023

#242-23 Request to allow parking in the front setback and within five feet of the front lot line at 97 Waban Hill Road North

Edison Almeida petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second driveway on the eastern lot line, resulting in two vehicles within the front setback at 97 Waban Hill Road North, Ward 7, Chestnut Hill, on land known as Section 63 Block 04 Lot 26, containing approximately 6,887 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 5.1.7.A, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.