



City Council Docket

January 17: Programs & Services, Public
Facilities and Public Safety & Transportation
January 22: Zoning & Planning
January 23: Land Use

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Continued
Tuesday, January 16, 2024
7:45PM, Hybrid
To be reported on
Monday, February 5, 2024

The City Council will hold this meeting as a hybrid meeting in the City Hall Chambers on Tuesday, January 16, 2024, 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/82961824602>

One tap mobile

US: +13092053325, 829 6182 4602#

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Webinar ID: 829 6182 4602

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

City Council Docket

Referred to Land Use Committee

#67-24

Request for Extension of Time to Exercise Special Permit #448-22 at 1 Jackson Street

345 BOYLSTON, LLC petition for Extension of Time to January 17, 2023 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 4 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.

Public Hearing 01-23-2024

- #68-24 **Request to amend Special Permit #40-97(2) and allow a free-standing sign at 269-287 Grove Street**
GREATLAND REALTY PARTNERS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow both a free-standing sign and advertisement of the on-site cafe at 269-287 Grove Street, Ward 4, Auburndale, on land known as Section 43 Block 29 Lot 24, containing approximately 489,460 sq. ft. of land in a district zoned BUSINESS4. Ref: Sec. 7.3.3, 5.2.13.A of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing 01-23-2024

- #69-24 **Request to allow a parking stall within five feet of the street and to waive parking stall depth at 113 Edinboro Street**
WILLIAM SWARTZ petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow for the creation of a parking stall in front of the dwelling, within five feet of the street and lacking the required depth at 113 Edinboro Street, Ward 2, Newtonville, on land known as Section 21 Block 23 Lot 04, containing approximately 3,250 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 5.1.7.A, 5.1.8.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing 01-23-2024

- #70-24 **Request to amend an approved Comprehensive Sign Package and Special Permit #218-22 at 1-55 Boylston Street**
CHESTNUT HILL SHOPPING CENTER LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #218-22 to allow an updated Comprehensive Sign package to include additional directory and wayfinding signs to provide more visibility for interior tenants, as well as an expansion of the existing sign band at 1-55 Boylston Street, Ward 7, Chestnut Hill, on land known as Section 63 Block 37 Lots 25 and 26, containing approximately 859,444 sq. ft. of land in a district zoned BUSINESS4. Ref: Sec. 7.3.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Referred to Zoning & Planning Committee

- #37-24 **Discussion and possible ordinance amendment to deal with grade changes created during construction causing stormwater runoff on neighboring properties**
COUNCILORS ALBRIGHT, LEARY, LIPOF, AND WRIGHT requesting a discussion with the Planning Department to address concerns relative to the trend of significantly raising grade elevations on lots, using retaining walls, terracing

and other means to add soil to conceal a raised basement, which can lead to new buildings that are significantly taller than nearby existing houses in the area and cause denuding of wooded areas and increase stormwater runoff. This discussion may result in an ordinance change to Chapter 30 section 5.4.2 which would require a special permit or other means of city review of all retaining walls over 4 feet on a site.

#41-24 Amend the setbacks in the MR zones to encourage preservation of existing buildings

COUNCILORS ALBRIGHT, DANBERG, KRINTZMAN, AND LEARY seeking a discussion with the Planning Department to consider ordinance amendments that would revise the metrics in the multi-residence (MR1, MR2 and MR3) zones, to regulate the size of new buildings better, enable a wider range of housing options close to public transit, and better incentivize preservation and renovation of existing housing stock.

#42-24 Request for Discussion and Ordinance to require energy use reporting

COUNCILORS ALBRIGHT, DANBERG and LEARY , on behalf of the Newton Citizens Commission on Energy (NCCE), requesting discussion and an ordinance that would require large property owners (campuses and large commercial buildings) to report energy use and associated greenhouse gas emissions annually to the city of Newton, to be used to encourage reductions in said energy use and greenhouse gas emissions in accordance and support of the goals set forth in the Newton Climate Action Plan.

#43-24 Quarterly update on projects using the VCOD overlay district

COUNCILORS ALBRIGHT AND DANBERG requesting updates on any potential projects brought to the Planning Department under the new Village Center Overlay District. The updates should include indications of interest and actual permits filed; for which villages and under which zoning districts; number of stories and units.

#44-24 Requesting re-evaluation and possible amendments to Inclusionary Zoning Ordinance

COUNCILORS DANBERG, ALBRIGHT, KALIS, WRIGHT, OLIVER, MALAKIE, LIPOF, LUCAS, AND GETZ requesting a discussion with the Planning and Development Department and the Newton Housing Partnership about the City's Inclusionary Zoning Ordinance and possible amendments to the ordinance to include 4-6 units, including raising the requirements for the number of affordable units in large developments.

- #45-24 **Discussion and Possible Amendment to Inclusionary Zoning Ordinance to include Training**
COUNCILORS DANBERG, BIXBY, MALAKIE, DOWNS, WRIGHT, AND GETZ requesting discussion and possible amendment to require that developers and property managers provide training for their employees regarding bias toward residents of the IZ units and how to mitigate this bias.
- #49-24 **Discussion and possible adoption of an ordinance requiring electrification of all new construction and substantial renovations**
HER HONOR THE MAYOR AND COUNCILORS ALBRIGHT, DANBERG, LEARY, HUMPHREY, KALIS, DOWNS, LIPOF, WRIGHT, MICLEY, BIXBY, AND GETZ requesting discussion and possible adoption of an Electrification Ordinance that would require all new construction and substantial renovations in Newton to be all-electric. This is in conjunction with the City's recent conditional approval by the State Department of Energy Resources (DOER) for participation in the Ten Communities Program.
- #71-24 **Appointment of Councilor Albright to the Newton Affordable Housing Trust Fund**
PRESIDENT LAREDO appointing Councilor Susan Albright, 1075 Commonwealth Ave, Newton as a member of the Newton Affordable Housing Trust for a term of office to expire on December 31, 2025.
- #72-24 **Requesting updates on the Municipal Affordable Housing Trust**
COUNCILORS DANBERG, ALBRIGHT, HUMPHREY, LUCAS, LIPOF, FARRELL, GETZ, BIXBY, KALIS, WRIGHT, GROSSMAN, AND KELLEY requesting periodic progress reports on establishing the Municipal Affordable Housing Trust.

Referred to Public Facilities & Zoning & Planning Committee

- #63-24 **Requesting an update on the status of implementing the Climate Action Plan**
COUNCILOR ALBRIGHT requesting an update from the Sustainability Team and appropriate staff on the status of implementing Climate Action Plan measures, expanding municipal energy efficiency and renewable energy programs as follows: Newton Power Choice participation rates, municipal power purchasing contracts for gas and electricity; Solar Power Purchase Agreement including operational and PV installations under construction, municipal energy consumption (DOER report) Green Communities grant funded efficiency projects to date, Energy Coach/ "4 our Future" program and zoning ordinances both to increase building energy efficiency/renewables in the private sector and foster sustainable development patterns.

Referred to Programs & Services Committee

- #46-24 **Discussion on the Ban of Single Use Plastic Water Bottles in Newton**
COUNCILORS DANBERG, ALBRIGHT, KALIS, WRIGHT, AND DOWNS requesting discussion and possible ordinance change regarding the ban on the purchase or sale of single use plastic water bottles in Newton.
- #48-24 **Resolution on avoiding PFAS in Newton purchasing**
COUNCILORS DOWNS, LEARY, MALAKIE, LOBOVITS, FARRELL, KALIS, HUMPHREY, MICLEY, DANBERG, BIXBY, AND WRIGHT requesting a resolution urging the City to avoid the purchase or use of products containing PFAS.
- #51-24 **Proposed Amendment to Sec. 21-85 Tree Replacement concerning invasive species**
COUNCILORS KALLEY AND LEARY requesting discussion and proposed amendments to allow removal of invasive species without requiring replacement or fee, fine or penalty and to prohibit the planting of an invasive species as a replacement tree.
- #52-24 **Proposed Amendment to Sec. 21-81 and Sec. 21-85 Tree Replacement regarding single and two family residential**
COUNCILORS KELLEY AND LEARY requesting discussion and proposed amendments to exempt trees from within by-right build areas on a single- and two-family residential lot.
- #55-24 **Requesting Update Regarding City Seal Redesign**
HER HONOR THE MAYOR requesting to provide the Programs & Services Committee with an update regarding the City Seal redesign.
- #56-24 **Appointment of Eliza Spaulding to the Human Rights Commission**
HER HONOR THE MAYOR appointing Eliza Spaulding, 160 Pine Street, Newton as a member of the Human Rights Commission for a term of office set to expire on March 6, 2026. (60 Days: 03/17/24)
- #57-24 **Reappointment of Jane Brown to the Human Rights Commission**
HER HONOR THE MAYOR reappointing Jane Brown, 104 Atwood Avenue, Newtonville as a member of the Human Rights Commission for a term of office set to expire on January 1, 2027. (60 Days: 03/17/24)

- #58-24 **Discussion concerning Programs & Services Committee workplan for the new term**
COUNCILORS KRINTZMAN AND HUMPHREY requesting a discussion with the Programs & Services Committee concerning the work plan of the Programs & Services Committee for the new 2024-2025 term.
- #73-24 **Discussion and possible creation of a Newton City Poet Laureate.**
COUNCILORS DANBERG, ALBRIGHT, BIXBY, DOWNS, HUMPHREY, GROSSMAN, AND LIPOF requesting the discussion and possible creation of a Newton City Poet Laureate designation. Twenty-two municipalities in the State of Massachusetts already have this designation.
- #75-24 **Request to set Early Voting Hours for the March 5th Primary Election**
THE CITY CLERK requesting to set early voting hours for the March 5, 2024 Presidential Primary on the following dates, location, and times recommended by the Election Commission: A total of seven days; Saturday February 24th: 11am-5pm, Sunday February 25th: 11am-5pm, Monday February 26th: 8:30am-5pm, Tuesday February 27th: 8:30am-5pm, Wednesday February 28th: 8:30am-8pm, Thursday February 29th: 8:30am-5pm, Friday March 1st: 8:30am-5pm at Newton City Hall, 1000 Commonwealth Avenue, Newton, MA 02459.

Referred to Public Safety & Transportation Committee

- #40-24 **Allow play on minor streets**
COUNCILORS DOWNS, GROSSMAN, BIXBY, WRIGHT, HUMPHREY, MICLEY AND LIPOF requesting to amend Chapter 26-19 of Newton Ordinances to allow play and other community activities on minor streets, as is the practice currently.
- #50-24 **Providing the Annual Report of the work of Traffic Council for 2023**
DAVID KOSES, TRAFFIC COUNCIL CHAIR providing the Annual report of the work of the Traffic Council for 2023.
- #53-24 **Discussion concerning PS&T Committee workplan for the new term**
COUNCILOR GROSSMAN requesting a discussion with the Public Safety & Transportation Committee concerning the work plan of the PS&T Committee for the new 2024-2025 term.

- #54-24 **Request to change the number of Deputy Chiefs in the Fire Department**
HER HONOR THE MAYOR requesting to amend Chapter 10-28 of Newton Ordinances to change the number of Deputy Chiefs in the Fire Department from five to six.

Referred to Public Facilities Committee

Public Hearing 01-17-2024

- #31-24 **Request for water main extension and main drain extension, and granting of water easement and main drain easement in Chapin Road**
EVERETT M. BROOKS CO. on behalf of the property owners, is petitioning for the extension of the City's water main and main drain on Chapin Road, and associated easements, which is required as part of the approved subdivision Certificate of Action.
- #38-24 **Discussion regarding the ongoing work of the Water, Sewer, Stormwater Working Group**
COUNCILORS LAREDO, ALBRIGHT, LEARY, MICLEY, WRIGHT, OLIVER, MALAKIE, GETZ and LIPOF requesting a discussion with the Administration regarding the ongoing work of the Water, Sewer, Stormwater Working Group
- #39-24 **Discussion regarding reducing gas leaks and transition away from methane gas**
COUNCILORS LAREDO, ALBRIGHT and LEARY a discussion with the Administration's Sustainability Team and the Department of Public Works on (a) a plan to more effectively reduce methane gas leaks in the city and (b) how to best coordinate with NGRID regarding the transition away from methane gas to electric heating and cooling solutions.
- #47-24 **Requesting a discussion with the Department of Public Works, Parks, Recreation & Culture, and the Conservation Commission regarding the condition of Edmands Park**
COUNCILORS LUCAS, GROSSMAN, FARRELL, LAREDO, MALAKIE, WRIGHT, GETZ, DOWNS, MICLEY and LOBOVITZ Requesting a discussion with the Department of Public Works, the Department of Parks, Recreation & Culture and the Conservation Commission regarding the condition of, and potential improvements to the stormwater infrastructure in Edmands Park. This discussion should also include (a) which city department(s) are responsible for the Park; (b) flooding issues from the Park to neighboring properties; (c) the condition of the Parks infrastructure, including the liner that was installed in the pond in the 1970s; and (d) how improvements to the Park could be part of the city's phosphorus reduction plan.

- #59-24 **Requesting approval for a Conceptual Design for the Washington Street Pilot project**
HER HONOR THE MAYOR requesting approval for a Conceptual Design for the Washington Street Pilot project, which will allow the City to advance the preferred concept in close coordination with the project working group, and with City Departments, including Fire, Public Works, Planning, and Parks, Recreation and Culture, and to develop cost estimates within the project construction budget.
- #65-24 **Discussion with Public Works about Residential Water Bills**
COUNCILORS KRINTZMAN, ALBRIGHT AND GROSSMAN requesting a discussion with Public Works about what the department has done to prepare residents for unanticipated water bills. The discussion should include actions the city has taken to prepared residents who may receive unusually high bills, actions the city is taking on behalf of residents who receive unanticipated bills, and options that residents have who receive unusually high bills. The discussion may also lead to recommendations of additional actions that the city may take.
- #66-24 **Discussion on non-working water meter transponders and billing issues**
COUNCILORS MALAKIE, KELLEY, WRIGHT, BIXBY, HUMPHREY, LAREDO, OLIVER, FARRELL and LUCAS requesting discussion with Utilities Division on issues related to non-working water meter transponders including past and current billing procedures, and potential improvements for remainder of new meter installation period.

Referred to Finance Committee

- #60-24 **Reappointment of Allan S. Cohen to the Board of Assessors**
HER HONOR THE MAYOR reappointing Allan S. Cohen, 12 Philmore Road, Newton as a member of the Board of Assessors for a term of office set to expire on February 1, 2027. (60 Days: March 16, 2024)
- #61-24 **Requesting approval to accept and expend \$500 in a donation from the Newton Highlands Congregational Church**
HER HONOR THE MAYOR requesting approval to accept and expend \$500 in a donation from the Newton Highlands Congregational Church for LGBTQ+ celebrations. The city expects to use the funds to support Pride programs, especially in the month of June.

- #62-24 **Requesting authorization to accept and expend \$18,720 in a grant from the State 911 Department for the Emergency Medical Dispatch Grant Program**
HER HONOR THE MAYOR requesting authorization to accept and expend \$18,720 in a grant from the State 911 Department for the Emergency Medical Dispatch Grant Program to cover the cost of quality assurance for EMD services.

The following items were filed after the close of the docket and requires a suspension of the Rules to be referred to Committee:

Referred to Zoning & Planning Committee

- #74-24 **Discussion Regarding 40B Process Post 'Safe Harbor' Designation**
COUNCILORS OLIVER, BAKER, AND WRIGHT requesting a discussion with the Law and Planning departments regarding the process going forward for 40B projects since meeting the 10% 'Safe Harbor' designation. The discussion should address the different parameters that can or will be used to accept, deny and modify projects and the criteria allowed to be used by ZBA or any other approving authority.