



City Council Actions
In City Council
Monday, December 4, 2023

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

Absent: Noel.

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

<https://www.youtube.com/watch?v=wPUUTCrAqR4>

The City Council did not discuss any Second Call items:

President Albright made a Motion to postpone discussion of the Second Call items 339-23, 359-23, 155-23, 411-22, until a date certain. President Albright then proposed that the Councilors use this time to take up the VCOD zoning plan, which was approved by a voice vote.

Referred to Zoning & Planning Committee

#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 Approved 5-1-1 (Councilor Wright Opposed) (Councilor Baker Abstained)

Item Chaired by Councilor Noel on November 6, 2023

City Council Voted to Postpone to a Date Certain of November 20th; 24-0

Motion to Approve the amendments

City Council Approved 22 Yeas, 1 Nay (Councilor Leary) 1 Absent (Councilor Noel)

Motion to approve the proposed VCOD zoning measure, as amended.

City Council Approved 21 Yeas, 2 Nays (Councilors Leary, Noel) 1 Absent (Councilor Ryan)

The City Council voted without discussion 23 Yeas, 1 Absent (Councilor Noel) to Accept the Committee Recommendations on the following:

#338-23 Request to exceed FAR at 538 Ward Street

GRACE AND SCOTT OFFEN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze a portion of the existing dwelling and construct two-story additions to the front, side and rear of the structure, exceeding maximum FAR at 538 Ward Street, Ward 2, Newton

Centre, on land known as Section 13 Block 32 Lot 05, containing approximately 16,575 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. 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 Kelley Not Voting); Public Hearing Closed 6-0; (Councilor Kelley Not Voting)

#340-23

Request to allow indoor vehicle sales and service at 32 Needham Street

SAFI BARQAWI AND STUART SMITH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to introduce vehicle sales in a 2,486 square foot indoor space formerly occupied by a retail showroom at 32 Needham Street, Ward 8, Newton Highlands, on land known as Section 83 Block 11 Lot 14, containing approximately 14,865 sq. ft. of land in a district zoned MIXED USE 2. Ref: Sec. 7.3.3, 4.4.1, 6.4.36 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 6-0 (Councilor Kelley Not Voting); Public Hearing Closed 6-0; (Councilor Kelley Not Voting)

#263-23

Request to change from a nonconforming two-family dwelling use to two single-family dwellings on one lot at 373 Lexington Street

JON HOLLINGSWORTH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the existing nonconforming two-family dwelling into a single-family dwelling and to convert the accessory building into a second single-family dwelling where the City Council determines the dimensional controls at 373 Lexington Street, Ward 4, Auburndale, on land known as Section 41 Block 17 Lot 12, containing approximately 10,030 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 3.4.1, 7.8.2.C.2, 3.1.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 8-0; Public Hearing Opened on 08/22/23

Land Use Held 6-0 (Councilor Laredo Not Voting); Public Hearing Continued on 10/17/23

Land Use Approved 4-0 (Councilors Downs, Lucas, and Lipof Not Voting); Public Hearing Closed (Councilors Downs, Lucas, and Lipof Not Voting)

#341-23

Appointment of James Miller to the Auburndale Historic District Commission

HER HONOR THE MAYOR appointing James Miller, 85C Seminary Ave, Auburndale as an alternate member of the Auburndale Historic District Commission for a term of office set to expire on June 6, 2024. (60 Days: 01/05/23)

Zoning & Planning Approved 7-0-1 (Councilor Wright Abstaining)

#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 Voted No Action Necessary 6-0

- #353-23** **5-58 for the Countryside School Project at 191 Dedham St.**
DESIGN REVIEW COMMITTEE petition, pursuant to 5-58, for schematic design and site plan approval at 191 Dedham Street for the design of a new 76,000 SF Countryside School located on the corner of Dedham and Walnut Streets.
Public Facilities Approved 6-1 (Councilor Norton Opposed and Councilor Crossley Not Voting); Public Hearing closed 7-0 (Councilor Crossley Not Voting)
- #360-23** **Authorization to borrow \$74,730,950 for the construction of the Countryside School project**
HER HONOR THE MAYOR requesting authorization to borrow the sum of seventy-four million seven-hundred thirty thousand nine-hundred fifty dollars (\$74,730,950), for the construction of the Countryside School Project.
Finance Approved 6-1 (Councilor Norton Opposed)
Public Facilities Approved 6-1 (Councilor Norton Opposed and Councilor Crossley Not Voting)
- #361-23** **Authorization to reduce the bond authorization for the Lincoln-Eliot Elementary School project, in the amount of \$5,109,609**
HER HONOR THE MAYOR requesting authorization to reduce the bond authorization (CO#369-22) for the Lincoln-Eliot Elementary School project, in the amount of five-million one-hundred nine-thousand six-hundred nine dollars (\$5,109,609).
Finance Approved 7-0
Public Facilities Approved 7-0 (Councilor Crossley Not Voting)
- #379-23** **Class 2 Auto Dealers License**
REGANS INC.
2066 Commonwealth Avenue
Auburndale, MA 02466
- #380-23** **Class 2 Auto Dealers License**
NEWTON AUTO GROUP, INC.
182 Brookline Street
Newton, MA 02459
- #381-23** **Class 2 Auto Dealers License**
ROBERT'S TOWING, INC.
926r Boylston Street
Newton, MA 02461
- #382-23** **Class 2 Auto Dealer License**
NEWTON TRADE CENTER ASSOCIATES INC
103 Adams Street
Newton, MA. 02458
- #383-23** **Class 2 Auto Dealers License**
OLD TIME GARAGE

1960 Washington Street
Newton, MA 02462

- #384-23** **Class 2 Auto Dealer License**
AUCTION DIRECT PREOWNED, INC
1545 Washington Street
West Newton, MA 02465
- #385-23** **Class 2 Auto Dealers License**
YES AUTO SALES GROUP INC
D/B/A YES AUTO CENTER
454 Watertown Street
Newton, MA 02460
- #386-23** **Class 2 Auto Dealers License**
MAP DEVELOPMENT & INVESTMENTS INC
d/b/a CHRISTIAN TAPIA/MASTER USED CARS
175 North Street
Newton, MA 02460
- #387-23** **Class 1 Auto Dealer License**
MAG RETAIL HOLDINGS – CJ LLC.
D/B/A MCGOVERN CHRYSLER JEEP DODGE RAM
777 Washington Street
Newton, MA 02460
- #388-23** **Class 1 Auto Dealers License**
VILLAGE MOTORS GROUP INC D/B/A HONDA VILLAGE
371 Washington Street
Newton, MA 02458
- #389-23** **Class 1 Auto Dealer License**
NEWTON CENTRE SHELL INC
1365 Centre Street
Newton, MA 02459

The City Council voted without discussion 22 Yeas, 1 Nay (Councilor Malakie), 1 Absent (Councilor Noel) to Accept the Committee Recommendations on the following:

- #287-23(B)** **Request to amend Condition #3 of Special Permit #179-19 at 839-853 Washington Street**
WASHINGTON PLACE OWNER LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to modify the definition of “formula business” as it relates to Condition #3 at 839-853 Washington Street, Ward 2, Newtonville, on land known as Section 21 Block 29 Lot 10, containing approximately 123,628 sq. ft. of land in a district zoned MIXED USE 4. Ref: 7.3.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Land Use Held 8-0; Public Hearing Opened 8-0 on 09/19/23

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

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

Referred to Zoning & Planning Committee

#419-23

Request for discussion regarding rezoning certain manufacturing districts

COUNCILORS GENTILE, MALAKIE, WRIGHT, LAREDO, MARKIEWICZ, NORTON, AND OLIVER

requesting a discussion with the Zoning & Planning Committee, the Planning Department and the Public Works Department, to consider re-zoning certain manufacturing districts, including but not limited to Border Street, adjacent to West Newton, to appropriate uses and scale, relative to the proximity to the village center.

Referred to Programs & Services Committee

#420-23

Discussion and possible amendment to the City Council Rules to add an Ethics Commission or Committee

COUNCILORS NOEL, HUMPHREY, BOWMAN, GREENBERG, ALBRIGHT, LIPOF, LUCAS, KALIS, AND WRIGHT

requesting a discussion and possible amendment to the City Council Rules to add an Ethics Commission or Committee for the purpose of creating and enforcing a City Council Code of Ethics.

Public Hearings were assigned for the following Items:

Referred to Zoning & Planning Committee

Public Hearing Assigned for December 11, 2023

#376-23

Petition to rezone lot on Dedham Street

KATHERINE ADAMS petitioning to amend the City of Newton's Zoning Map by changing the current zoning of the property known and numbered 0 Dedham St Off, Newton, MA, and shown on the City of Newton Assessor's database as Section 83, Block 36, Lot 3A, currently zoned PUBLIC USE to SINGLE RESIDENCE 1.

Zoning & Planning Held 8-0; Public Hearing Set for 12/11/2023

Referred to Public Facilities Committee

Public Hearing Assigned for December 6th, 2023

#413-23

Request for water main extensions and granting of water easement in Tower Road

NORTHLAND PATTERN DISTRICT LLC is petitioning for the extension of the City's water main from Tower Road which includes a variable width easement from Tower Road to Oak Street, and to the Greenway. A section of new main will be installed from the Northland campus through the greenway and connected to Mechanic Street.

Public Hearing Assigned for December 12, 2023

#390-23

Request to allow for-profit educational use at 84-94 Rowe Street

72-94 ROWE STREET LLC C/O CALARE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert 7,972 square feet of vacant office space into an adult day health center at 84-94 Rowe Street, Ward 4, Auburndale, on land known as Section 44 Block 23 Lot 01, containing approximately 163,426 sq. ft. of land in a district zoned MANUFACTURING. Ref: Sec. 7.3.3, 4.4.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Assigned for December 12, 2023

#391-23 Request to exceed FAR, to allow an oversized detached accessory apartment, reduced setbacks for the apartment and to allow oversized dormers at 16 Everett Street
IFAT AND YANIV BEJERANO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the detached garage and construct a new larger detached garage with an accessory apartment with oversized dormers and reduced setbacks and to construct a one-story rear addition to the principal dwelling which exceeds the FAR at 16 Everett Street, Ward 6, Newton Centre, on land known as Section 61 Block 25 Lot 06, containing approximately 10,658 sq. ft. of land in a district zoned Single Residence 2. Ref: Sec. 7.3.3, 3.1.3, 3.1.9, 6.7.1.E.5, 1.5.4.G.2.b of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Assigned for December 12, 2023

#392-23 Request to further extend a nonconforming side setback, and to allow a dormer greater than 50% of the wall next below, within three feet of the end wall and with an uninterrupted wall plane at 66 Allison Street
Robert Davis petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct dormer additions to the attic level of the dwelling, vertically extending a nonconforming side setback and exceeding by-right dormer dimensions at 66 Allison Street, Ward 1, Newton, on land known as Section 11 Block 11 Lot 04, containing approximately 4,713 sq. ft. of land in a district zoned Single Residence 2. Ref: Sec. 7.3.3, 3.2.3, §1.5.4.G.2, §1.5.4.G.2.a, §1.5.4.G.2.b, §1.5.4.G.2.c, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing Assigned for December 12, 2023

#393-23 Request to allow reduced setbacks for a detached accessory apartment at 599 Commonwealth Avenue
PADMINI PILLAI AND PIOTR BIELECKI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to legalize an accessory apartment in its current placement, and to allow reduced setbacks at 599 Commonwealth Avenue, Ward 7, Newton Centre, on land known as Section 73 Block 50 Lot 05, containing approximately 5,408 sq. ft. of land in a district zoned Single Residence 2. Ref: Sec. 7.3.3, 6.7.1.E.5 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.