



# Land Use Committee Agenda

## City of Newton In City Council

Tuesday, February 26, 2019

7:00 PM  
Chamber

- #26-18(2) Request for an Extension of Time to Exercise Special Permit #26-18**  
SCOTT ROSS petition for an EXTENSION OF TIME to EXERCISE Special Permit Council Order #26-18, creating two attached dwelling units, allowing waivers to the lot area requirements and lot area per unit requirements, to reduce the side setback requirement, to reduce the lot coverage requirement, to allow a driveway within 10' of a side lot line and to allow parking within 20' of a side lot line at 20 Dale Street/19 Simpson Terrace, Ward 2, Newtonville, on land known as Section 22, Block 14, Lot 03, containing approximately 5,968 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.2.4, 6.2.3.B.2 of the City of Newton Rev Zoning Ord, 2015.
- #130-17(2) Request for an Extension of Time to Exercise Special Permit at 164 Highland Avenue**  
ROBERT AND CINDY LAUGHREA petition for an EXTENSION OF TIME to EXERCISE Special Permit Council Order #130-17 for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish a portion of the rear dwelling, front porch and detached garage and construct a two-story rear addition and attached garage for more than three vehicles and in excess of 700 sq. ft. increasing the FAR to .28 where .27 is allowed and .19 exists at 164 Highland Avenue, Ward 2, on land known as Section 24, Block 12, Lot 20, containing approximately 22,230 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3, 7.4, 3.1.9, 3.4.2.C.1 of the City of Newton Rev Zoning Ord, 2015.
- #41-19(2) Extension of Time to Open Public Hearing for Special Permit at 24-26 Elliot St**  
CYPRESS TREE MANAGEMENT, INC agrees to an EXTENSION OF TIME to open the public hearing until MARCH 26, 2019 for Special Permit petition #41-19 for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #288-18 to allow retail marijuana sales in conjunction with as the approved RMD (Registered Medical Dispensary), to waive the 25% façade transparency requirement, to waive minimum stall dimensions, to waive minimum aisle width for two-way traffic, to waive perimeter screening requirements, to waive interior landscaping requirements and to waive lighting requirements at 24-26 Elliot Street, Ward 5, Newton Highlands, on land known as Section 51 Block 25 Lot 01, containing approximately 25,320 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec 7.3.3, 7.4,

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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](mailto: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.

6.10.3.D, 4.4.1, 6.10.3.E.15, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.C.1, 5.1.8.C.2, 5.1.13, 5.1.9.A, 5.1.9.B, 5.1.10.A, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

***The following item will be postponed to March 26, 2019***

- #497-18**      **Petition to allow single-family attached dwellings at 10 Pillion Court**  
MICHAEL MOSKOWITZ/TEN PILLION, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an attached dwelling unit to the existing single-family structure, reduce lot area, frontage and lot coverage requirements, to reduce front and side setback requirements and to allow a driveway along the side lot line, requiring an amendment to Variance #99442 at 10 Pillion Court, Ward 2, on land known as Section 22 Block 7 Lot 46, containing approximately 10,559 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2, of the City of Newton Rev Zoning Ord, 2017.  
**Public Hearing Opened on November 8, 2019**

- #624-18**      **Review of compliance with the Hancock Estates Special Permit #102-06(12)**  
COUNCILORS LAPPIN, LAREDO, GREENBERG, GENTILE, KELLEY, ALBRIGHT, NORTON, CICCONE, LEARY, DANBERG, NOEL, KALIS & GROSSMAN requesting a review by Law, Planning and ISD of the compliance of the current Hancock Estates project with the approved special permit. Questions to be addressed: Are the “dens” legally considered bedrooms? Is the short-term rental guest suite one of the 88 units? What calculations were used to determine habitable space. What calculations were used to determine the percentage of affordable units. Is the project that was built (unit size, bedroom mix, short term rental guest suite, distribution of units, unit square footage, habitable space, crosswalk and ped. light, etc.) the same project the City Council approved? Is CHR in violation of our Inclusionary Zoning Ordinances?

**7:45 PM  
Or Later**

- #566-18**      **Petition to allow multi-family dwellings at 424-432 Cherry Street**  
DENNIS CAMERON/CRM MANAGEMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert an existing single-family dwelling to construct a six-unit residential dwelling ~~with~~, to construct a second three-story 34.5’ residential dwelling with three units, to allow ground floor units, to allow a reduction in the parking requirements to 1.25 per dwelling unit, to waive minimum stall width requirements, to reduce the minimum aisle width requirements, to waive the minimum driveway width, to waive perimeter landscape screening requirements and to waive lighting requirements in Ward 3, West Newton, at 424-432 Cherry Street, Section 33 Block 11 Lot 2, containing approximately 14,204 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.4.1, 4.1.2.B.3, 4.1.3, 5.1.4.A, 5.1.13, 5.1.8.C, 5.1.8.B.1, 5.1.8.D.1, 5.1.9.A, 5.1.10.A of the City of Newton Rev Zoning Ord, 2017.  
**Public Hearing Opened on January 8, 2019**
- #564-18**      **Petition to allow nine-unit multi-family dwelling at 39 Herrick Road**

STUART ROTHMAN/HERRICK ROAD REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 36' three-story nine-unit multi-family dwelling with accessory parking for nine cars, to allow multi-family residential use on the ground level in a BU1 district, to allow a reduction to one parking stall per unit, to waive 18 stalls on the parcel associated with the multi-family dwelling located on the adjacent parcel, to allow off-site parking facilities, ~~to~~ ~~waive~~ to allow parking in the side setback, to allow a reduced minimum aisle width, to waive maneuvering space required of restricted stalls, to allow a retaining wall greater than 4' in the setback, to waive perimeter screening requirements and to waive lighting and surfacing requirements at 39 Herrick Road, Ward 6, on land known as Section 61 Block 36 Lot 7, containing approximately 12,979 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.4.1, 4.1.2.B.3, 5.1.4, 5.1.13, 5.1.6.A, 5.1.6.B, 5.1.8.A, 5.1.8.B.6, 5.1.8.C.2, 5.1.9.A, 5.1.10, 5.4.2.B of the City of Newton Rev Zoning Ord, 2017.

**Public Hearing Opened on January 8, 2019**

**Respectfully Submitted,**

**Greg Schwartz, Chair**

26-18(2)

January 25, 2019

Nadia Khan  
Clerk, Land Use Committee  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

RECEIVED  
NEWTON CITY CLERK  
2019 JAN 25 AM 11:58  
DAVID A. O'CONNOR, Clerk  
Newton, MA 02459

Re: Extension Request for Special Permit Order # 26-18,  
20 Dale Street  
Newton, MA 02460

Dear Nadia,

I am writing to request an extension to the above referenced special permit that was approved by the City Council and filed with the Newton City Clerk on February 22, 2018. Due to extenuating circumstances, we will not be able to commence the work prior to the expiration of its current term.

Please let me know what, if any, additional steps are necessary to process this extension request and notify me of when this request may be brought before the Land Use Committee.

Please also feel free to contact me directly by my cell phone with any questions.

Sincerely,



D. Scott Ross  
20 Dale Street  
Newton, MA 02460

Cell: (617) 694-2457

Cc: Neil Cronin

Sent via email

164 Highland Ave  
Newton, MA 02465

February 6, 2019

Clerk of City Council  
1000 Commonwealth Ave, Suite #101  
Newton, MA 02459

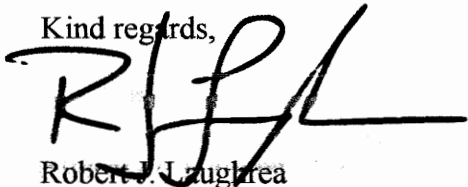
Dear Clerk of City Council:

I am writing to request an extension of the special permit petition #130-17 granted to us for our home located at 164 Highland Ave., Newton, MA. The permit has unfortunately expired. Our unforeseen delay was due to a legal dispute we had with our civil engineering company. We recently settled this dispute out of court; however, as part of our settlement agreement, the civil engineering company was not required to finalize our drawings. We, of course, will need these drawings to be approved by Newton Engineering before we may submit them for a Newton building permit.

We have contracted with a new civil engineer who will reinitiate the drawing process for us. We would like your approval to proceed with the project and extend the special permit. We appreciate your understanding and look forward to hearing from you.

Thank you in advance for your assistance.

Kind regards,



Robert J. Laughrea

Cell # 408.242.5882

Email: blaughrea@gmail.com

STEPHEN J. BUCHBINDER  
ALAN J. SCHLESINGER  
LEONARD M. DAVIDSON  
A. MIRIAM JAFFE  
SHERMAN H. STARR, JR.  
JUDITH L. MELIDEO-PREBLE  
BARBARA D. DALLIS  
PAUL N. BELL  
KATHERINE BRAUCHER ADAMS  
FRANKLIN J. SCHWARZER  
RACHAEL C. CARVER  
ADAM M. SCHECTER

1200 WALNUT STREET  
NEWTON, MASSACHUSETTS 02461-1267  
TELEPHONE (617) 965-3500  
www.sab-law.com

Email: [sjbuchbinder@sab-law.com](mailto:sjbuchbinder@sab-law.com)

February 14, 2019

**BY HAND**

Ms. Nadia Khan  
Committee Clerk  
Land Use Committee  
Newton City Council  
1000 Commonwealth Avenue  
Newton, MA 02459-1449

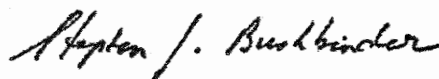
Re: Petition #41-19/Cypress Tree Management, Inc./24-26 Elliot Street

Dear Ms. Khan,

This letter will serve as my client's assent to an extension of time within which the City Council may hold an initial public hearing on the above matter from March 5, 2019 to March 26, 2019.

If you require any further information, please let me know.

Very truly yours,



Stephen J. Buchbinder

SJB/mer

cc: (By Email)  
Mr. Neil Cronin  
Mr. Todd Finard  
Mr. Victor Chiang  
Mr. Eric Liebman

RECEIVED  
Newton City Clerk  
2019 FEB 14 PM 12:34  
David A. Olson, Clerk  
Newton, MA 02459