



Land Use Committee Agenda

City of Newton In City Council

Tuesday, April 9, 2019

7:00 PM
Chamber

The development team for the following two items will provide updates to the Transportation Demand Management Plan as well as Traffic and Parking Data.

#425-18 Request to Rezone three parcels for Northland Development

NEEDHAM STREET ASSOCIATES, NORTHLAND TOWER ROAD INVESTORS, NORTHLAND OAK STREET, LLC petition for a change of zone to BUSINESS USE 4 for land located at 156 Oak Street (Section 51 Block 28 Lot 5A), 275-281 Needham Street (Section 51, Block 28, Lot 6) and 55 Tower Road (Section 51 Block 28 Lot 5), currently zoned MU1.

#426-18 Special Permit to allow mixed use development

NEEDHAM STREET ASSOCIATES, NORTHLAND TOWER ROAD INVESTORS, LLC, NORTHLAND OAK STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a mixed-use development greater than 20,000 sq. ft. with building heights of up to 96' consisting of 822 residential units, with ground floor residential units, with restaurants with more than 50 seats, for-profit schools and educational uses, stand-alone ATMs drive-in businesses, open air businesses, hotels, accessory multi-level parking facilities, non-accessory single-level parking facilities, non-accessory multi-level parking facilities, places of amusement, radio or TV broadcasting studios, and lab and research facilities, to allow a waiver of 1,600 parking stalls, to allow a reduction in the overall parking requirement to not less than 1900 stalls, to waive dimensional requirements for parking stalls, to waive end stall maneuvering requirements, to allow driveway entrances and exits in excess of 25', to waive perimeter landscaping requirements, to waive interior landscaping requirements, to waive lighting requirements for parking lots, to waive general lighting, surfacing and maintenance requirements, to waive off-street loading facilities requirements, to waive sign requirements relative to number, size, location or design, to waive the number of signs allowed at 156 Oak Street (Section 51 Block 28 Lot 5A), 275-281 Needham Street (Section 51, Block 28, Lot 6) and 55 Tower Road (Section 51 Block 28 Lot 5), Newton Upper Falls, Ward 5, on 22.6 acres of land in a proposed BU4 district. Ref: Sec. 7.3.3, 7.4, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 7.8.2.C, 5.4.2, 4.4.1, 5.1.4, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.6,

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.

5.1.8.D.2, 5.1.9.A, 5.1.9.B, 5.1.10.A.1, 5.1.10, 5.1.12, 5.1.13, 5.2, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

#177-18(2) Request for Extension of Time to Exercise Special Permit at 36 Cummings Road
ANNAMARIA MARIANI/BILL FABRIZIO petition for an EXTENSION OF TIME to EXERCISE Special Permit Council Order #177-18 to construct a two-story addition to the rear and side of the house, extending the existing non-conforming structure at 36 Cummings Road, Ward 2, Newton Centre, on land known as Section 64 Block 03 Lot 47, containing approximately 18,866 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017. Said extension will run from April 17, 2019 to April 17, 2020.

#88-19(2) Extension of Time to Open a Public Hearing at 41 Washington Street
JANE O'CONNOR agrees to an EXTENSION OF TIME to open the public hearing until May 14, 2019 for Special Permit #88-19 for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a rear lot subdivision to create two lots, abandon the two-family use in the existing structure and creating a second single-family on the rear lot, extending the existing non-conforming side setback at 41 Washington Street, Ward 1, Newton, on land known as Section 71 Block 29 Lot 07, containing approximately 25,964 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3, 7.4, 3.5, 3.1.10, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Respectfully Submitted,

Greg Schwartz, Chair

March 13, 2019

177-18(2)

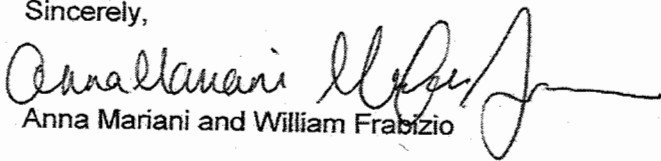
To whom it may concern,

We are writing to request an extension of our special permit for 36 Cummings Road, Newton MA 02459 (#177-18). Our special permit was approved on 4/19/18. While we are making progress on the project, we are requesting an extension to ensure we have enough time to complete the full permitting process as required.

RECEIVED
NEWTON CITY CLERK
2019 MAR 14 PM 1:14
David A. O'Connell
City Clerk
Newton, MA

Please let us know if you have any questions. Thank you for your consideration for our request.

Sincerely,


Anna Mariani and William Frabizio



2018 00132822

Bk: 71541 Pg: 126 Doc: DECIS
Page: 1 of 5 08/29/2018 08:48 AM

(For Registry Use Only)



The Commonwealth of Massachusetts

Registry of Deeds

Southern Middlesex District
208 Cambridge Street, P.O. Box 68
Cambridge, MA 02141-0001

Maria C. Curtatone
Register of Deeds

Document Cover Sheet

Document Type:

Special Permit / site plan approval

of pages:
(Including Cover)

5

Property Address:

36 CUMMINGS RD

NEWTON MA 02459

Marginal References:

Submitter:

Annamaria Martani

Submitter's phone:

Return to:

Annamaria Martani

36 Cummings Rd

NEWTON MA 02459

Date:

8/20/18

CITY OF NEWTON

IN CITY COUNCIL

April 17, 2018

2018 APR 19 PH 3:38
CITY CLERK

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of a SPECIAL PERMIT/SITE PLAN APPROVAL to extend the existing nonconforming use of the subject parcel for two single family dwellings, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The proposed extension of the existing nonconforming use by expanding one of the two single family dwellings on the subject parcel, 36 Cummings Road, will not be substantially more detrimental than the existing nonconforming two single family dwellings use is to the neighborhood as said expanded single family dwelling will be in conformance with relevant dimensional requirements, including floor area ratio (FAR), height, setbacks, open space and lot coverage regulations; further, the proposed addition will have limited visibility from adjoining public ways (§7.8.2.C.2).

PETITION NUMBER: #177-18

BK-45087
PG-281


PETITIONER: Annamaria Mariani and Bill Frabizio

LOCATION: 36-40 Cummings Road, Ward 2, Newton Centre, on land known as Section 64 Block 03 Lot 47, containing approximately 18,866 sq. ft. of land

OWNERS: Annamaria Mariani and Bill Frabizio

ADDRESS OF OWNER: 36-40 Cummings Road
Newton, MA 02459

TO BE USED FOR: One of two single-family dwellings on the subject parcel

A True Copy
Attest

 John A. Olson
 City Clerk of Newton, Mass.

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: §7.8.2.C.2, to extend the existing nonconforming use of the subject parcel for two single family dwellings

ZONING: Single Residence 2 (SR2) District

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:
 - a. A plan entitled "Topographic Site Plan, Newton, Massachusetts, Showing Existing Conditions at #36-40 Cummings Road," prepared by VTP Associates Inc., dated July 18, 2017, signed and stamped by Joseph R. Porter, Professional Land Surveyor.
 - b. A plan entitled "Topographic Site Plan, Newton, Massachusetts, Showing Proposed Conditions at #36-40 Cummings Road, Sheet 1 of 2," prepared by VTP Associates Inc., dated August 23, 2017, signed and stamped by Joseph R. Porter, Professional Land Surveyor.
 - c. A plan entitled "Detail Sheet, Newton, Massachusetts, Showing Proposed Conditions at #36-40 Cummings Road, Sheet 2 of 2," prepared by VTP Associates Inc., dated August 23, 2017, signed and stamped by Joseph R. Porter, Professional Land Surveyor.
 - d. An architectural plan entitled "Fabrizio Residence, 36-40 Cummings Road, Revere (sic), MA, Elevations Existing/Proposed" prepared by Commercial Residence Hospitality, dated November 2017.
 - e. A document entitled "Floor Area Ratio Worksheet, 36-40 Cummings Road," signed and stamped by Joseph R. Porter, Professional Land Surveyor.
2. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
3. Prior to the issuance of any Building Permit, the petitioner shall provide documentation authorizing and facilitating the proposed use of land to increase the size of the condominium unit identified as 36 Cummings Road for the purposes permitted by this order for review and approval by the Department of Planning and Development and the Law Department.
4. If so required by the City Engineer, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval prior to the issuance of any Building Permit. Once approved, the O&M must be adopted by the applicant, incorporated into the deeds and

A True Copy
Attest

John V. Olson

recorded at the Middlesex Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.

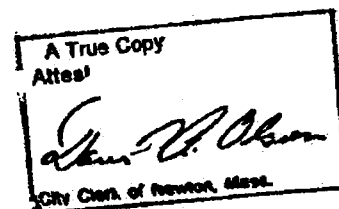
5. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this order for the approved Special Permit/Site Plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
6. No Final Inspection and/or Occupancy Permit for the buildings covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. Filed with the Clerk of the Board, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.
 - c. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.

Under Suspension of Rules

Readings Waived and Approved

20 yeas 0 nays 4 absent (Councilors Auchincloss, Lipof, Norton, and Schwartz)

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on April 19, 2018. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.



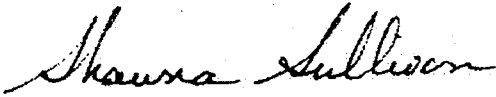
ATTEST:



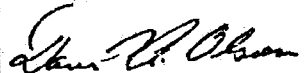
(SGD) DAVID A. OLSON, City Clerk
Clerk of the City Council

I, David A. Olson, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on 4/19/18 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
acting Clerk of the Council

A True Copy
Attest

City Clerk of Newton, Mass.

Nadia Khan

From: Peter F. Harrington
Sent: Friday, March 22, 2019 3:54 PM
To: Nadia Khan
Subject: 41 Washington Street; Docket No. 88-19

Good afternoon, Nadia:

With respect to the above-referred matter (Docket No. 88-19), we would like to request to extend the amount of time to open the public hearing until May 14, 2019.

Thank you.

Peter F. Harrington, Esq.
Harrington & Martins
505 Waltham Street
West Newton, MA 02465
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