



# Land Use Committee Agenda

## City of Newton In City Council

Tuesday, April 30, 2019

7:00 PM  
Chamber

*Note: Councilors will discuss the following two items as a continuation of the meeting relative to Transportation on April 9, 2019. No public comment will be taken for these items at this meeting. There will be additional opportunities for public comment at future meetings. The next meeting for these items will be on May 14, 2019.*

**#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,

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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.

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, 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.

**Request for a Consistency Ruling relative to 642 Centre Street as it relates to Special Permit Council Order #361-16.** Requesting an amendment to the site plan to allow substitute the approved crawl space with basement space.

***The following item will be postponed without discussion***

**#564-18(2) Petition to allow nine-unit multi-family dwelling at 19-31 and 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 (Lot 7), to allow off-site parking facilities (Lot 6), 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 a 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 Lots 6 and 7, 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, 5.4.2.B of the City of Newton Rev Zoning Ord, 2017.

**#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.

***Please see the attached Request to Withdraw Without Prejudice***

**7:30 PM  
Or Later**

**#41-19 Petition to amend Council Order #288-18 to allow adult use-sales at 24-26 Elliot St**  
CYPRESS TREE MANAGEMENT, INC petition 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, 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.

**Respectfully Submitted,**

**Greg Schwartz, Chair**

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#361-16  
642 Centre Street



2018 00187653

Bk: 71988 Pg: 445 Doc: DECIS  
Page: 1 of 4 12/10/2018 01:53 PM

CITY OF NEWTON

IN CITY COUNCIL

December 19, 2016

ORDERED:

That the City 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 the following SPECIAL PERMIT/SITE PLAN APPROVAL to increase the Floor Area Ratio (FAR) from 0.38 to 0.50, where 0.39 is the maximum allowed by-right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

2016 Dec 19 2:22 PM

1. The expanded structure resulting from the increase in the dwelling's FAR from 0.38 to 0.50, where 0.39 is the maximum allowed by-right, would not be in derogation of the size, scale, and design of other structures in the neighborhood as the proposed addition would meet all other relevant dimensional regulations and be lower than, and constructed in an architectural style complementary to, the existing dwelling (§3.1.9 and §7.3).

*Deed reference*

58709-553

PETITION NUMBER: #361-16

PETITIONERS: Lisa and Josh Schwarzberg

LOCATION: / 642 Centre Street, on land known as Section 72, Block 24, Lot 2, containing approximately 9,600 square feet of land

OWNERS: Lisa and Josh Schwarzberg /

ADDRESS OF OWNERS: 642 Centre Street  
Newton, MA 02458

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Brick

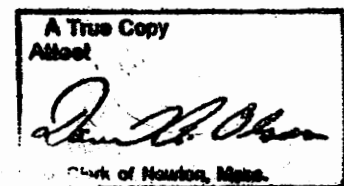
A True Copy  
Attest  
*John H. Olson*  
City Clerk of Newton, Mass.

**EXPLANATORY NOTES:** §3.1.96 to exceed the maximum floor area ratio (FAR) allowed by-right

**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 site plan entitled "Topographic Plan, 642 Centre Street, Newton, Massachusetts," showing the proposed addition, prepared by Essex Eng. & Survey, dated June 2, 2016, as revised through September 2, 2016, stamped and signed by Frank Iebba, Professional Land Surveyor.
  - b. A set of architectural plans entitled "Addition / Renovation for the Schwarzberg Residence, 642 Centre Street, Newton, MA," prepared by VW Builders Inc., dated April 8, 2016, as revised through August 11, 2016:
    - i. basement / foundation plan (A-0);
    - ii. proposed first floor plan (A-1);
    - iii. proposed second floor plan (A-2);
    - iv. proposed roof plan (A-3);
    - v. front elevation and right side elevation (A-4);
    - vi. existing first floor plan (D-1);
    - vii. existing second floor plan (D-2).
2. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have submitted to the Director of Planning and Development for review and approval a final site plan and architectural plans indicating a floor area ratio (FAR) consistent with the above referenced site plan.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
  - a. Recorded a certified copy of this order for the approved Special Permit/Site Plan Approval 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.

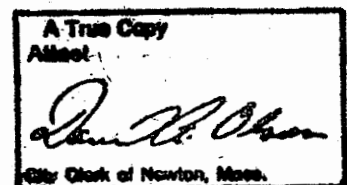


- d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Historic Commission staff approving the final plans.
  - e. Filed a Final Landscape Plan to the Director of Planning and Development for review and approval.
  - f. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
4. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1, including the floor area ratio (FAR) of the structure.
  - b. 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.
  - c. Filed with the Clerk of the Council, 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.
  - d. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials and landscape features.
5. Notwithstanding the provisions of Condition #4d above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provide that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.

Under Suspension of Rules  
Readings Waived and Approved  
22 yeas 0 nays 2 absent (Councilors Gentile and Sangiolo)

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 December 22, 2016. 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:

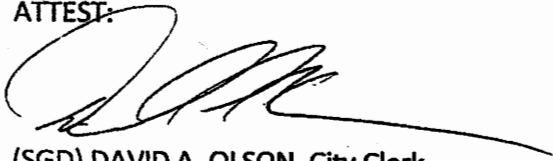




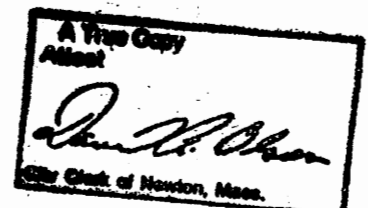
(SGD) DAVID A. OLSON, City Clerk  
Clerk of the City Council

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 12/22 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  
Clerk of the Council



*Terrence P. Morris, Esq.*  
*Law Offices of Terrence P. Morris LLC*  
*57 Elm Road*  
*Newton, MA 02460*  
*617 202-9132*

April 22, 2019

***By electronic transmission: nkhan@newtonma.gov***

Nadia Khan, Committee Clerk  
Newton City Council  
1000 Commonwealth Avenue  
Newton, MA 02459

Re: 10 Pillion Court  
Special Permit Petition #497-18

Dear Nadia:

On behalf of my client, Ten Pillion Court LLC, I am writing to request withdrawal of the above-referenced petition, without prejudice.

Thank you for your time and attention to this matter.

Sincerely,

*Terrence P. Morris*

Terrence P. Morris

Cc: *via email*

Charles Aggouras, Ten Pillion Court LLC  
Neil Cronin, Senior Planner