



# **Land Use Committee Agenda**

## **City of Newton** **In City Council**

**Tuesday, July 9, 2019**

**7:00 PM**  
**Chamber**

- #104-19      Special Permit to allow attached dwelling units at 499 Winchester Street**  
ARTHUR ARBETTER AND GERRY WELCH/MARY AND DUANE HILLIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwellings in two buildings, allowing single-family attached dwellings with three stories and to allow retaining walls greater than 4' within a setback at 499 Winchester Street, Ward 8, Newton Highlands, on land known as Section 83 Block 35 Lot 08, containing approximately 43,567 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.1.4, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
***Please see the attached request to Withdraw without Prejudice***
- Request for a Consistency Ruling relative to Special Permit Board Order #89-74, #89-74(2), #364-75 to allow a solar carport at 181 Wells Avenue.**
- #211-19      Request to amend the deed restriction to allow a solar carport at 181 Wells Ave**  
ATLANTIC DESIGN ENGINEERS requesting an amendment to the restriction adopted by Board Order #276-68(3), dated November 18, 1968, and subsequent amendments be further amended to reflect a waiver of use restriction to permit a solar carport over the parking lot area at 181 Wells Avenue, Ward 8. *NOTE: Public Hearing not required.*
- #200-19      Petition to allow a parking space in the front setback at 30 Jacobs Terrace**  
RICHARD LEVEY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a parking stall within the front setback and five feet of the street at 30 JACOBS TERRACE, Newton Centre, Ward 8, on land known as SBL 82, 25, 23 containing approx. 18,110 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 5.1.7.A, 5.1.13, 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Ord, 2017.
- #360-14(3)      Amend Permit #360-14 to allow a free-standing sign at 112 Needham Street**  
112 NEEDHAM STREET, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #360-14 to allow for an 8.14 square foot freestanding sign

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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.



at the front of the property in a planting bed at 112 NEEDHAM STREET, Ward 8, NEWTON UPPER FALLS, on land known as SBL 83, 12, 7, containing approximately 7,500 sf of land in a district zoned MULTI USE 2. Ref: Sec. 5.2.13, 7.3, 7.4 of Chapter 30 of the City of Newton Rev Ord, 2017.

**Respectfully Submitted,**

**Greg Schwartz, Chair**



**SCHLESINGER<sup>AND</sup>  
BUCHBINDER, LLP**  
ATTORNEYS AT LAW

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

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

June 11, 2019

**BY HAND and BY EMAIL**

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

Re: Petition #104-19/Arthur Arbetter and Gerry Welch  
499 Winchester Street

Dear Nadia,

Our clients, Arthur Arbetter and Gerry Welch, hereby request leave to withdraw, without prejudice, the pending request for special permit relief referenced above. Kindly place this matter on the agenda to be heard before the Land Use Committee.

Sincerely,



Stephen J. Buchbinder

SJB/mer

cc: (By Hand and By Email)  
Councilor Richard A. Lipof  
Councilor David A. Kalis  
Councilor Cheryl Lappin  
Councilor Alison Leary  
Ms. Jennifer Caira  
(By Email)  
Mr. Arthur Arbetter  
Mr. Gerry Welch

RECEIVED  
NEWTON CITY CLERK  
2019 JUN 11 PM 4:23  
David A. Olson, Clerk  
Newton, MA 02459





June 28, 2019

Commissioner John Lojek  
Inspectional Services  
City of Newton, Room 202  
1000 Commonwealth Avenue  
Newton, MA 02459

**RE:      *Consistency Request Letter***  
***Proposed Solar Carport***  
***181 Wells Avenue Carport Solar Installation***

Dear Mr. Lojek:

Pursuant to Section 30 of the City of Newton Ordinances, notice is hereby being provided for a Special Permit consistency request that is being submitted for a proposed Carport Solar Installation over the existing asphalt parking lot area of the 181 Wells Avenue property (the Site). The following supporting documentation has been provided as part of this submission:

- Project Narrative (8 Copies)
- Site Plan (8 Copies)

Please feel free to give us a call at (508) 888-9282 if you have any questions,

Very truly yours,

**ATLANTIC DESIGN ENGINEERS, INC.**



Simon B. Thomas, PE, LSP  
Principal





June 28, 2019

Commissioner John Lojek  
Inspectional Services  
City of Newton  
100 Commonwealth Avenue  
Newton, MA 02459-1449

**Re:    *Project Narrative***  
          ***Proposed Solar Carport***  
          ***181 Wells Avenue, Newton, MA***

Dear Commissioner Lojek:

The proposed project locus is a  $\pm 3.0$ -acre lot located at 181 Wells Avenue in Newton Massachusetts ("Site") shown as Parcel 2S on the City of Newton Assessor Map 84034. The Site is located within the Limited Manufacturing (LMD) Zoning District. The property is located on the eastern side of Wells Avenue which currently serves multiple commercial/industrial buildings. The Site is currently utilized as an office building and associated parking lot.

The Applicant, Centrica Business Solutions, proposes to construct a carport-mounted solar photovoltaic system with a rated output of 0.200 MWAC (0.271 MWDC) which will provide clean electricity to the grid. The project proposes the installation of approximately 686 photovoltaic panels. The project will be situated over the existing 25,110 square foot asphalt parking lot and will require no tree clearing, removal of parking spaces or changes in drainage patterns. The proposed project equipment includes the solar array, carport structure, a transformer with inverters, and underground electric to the street. There are currently no wetland areas identified on the subject Site. Please note that the proposed lot coverage is anticipated to be 19.2% (this includes the existing building and proposed carport areas).

The project complies with all applicable zoning requirements and setbacks. There is no expected change to the existing parking lot lighting. The project is anticipated to be completed in two or three months once construction has commenced.

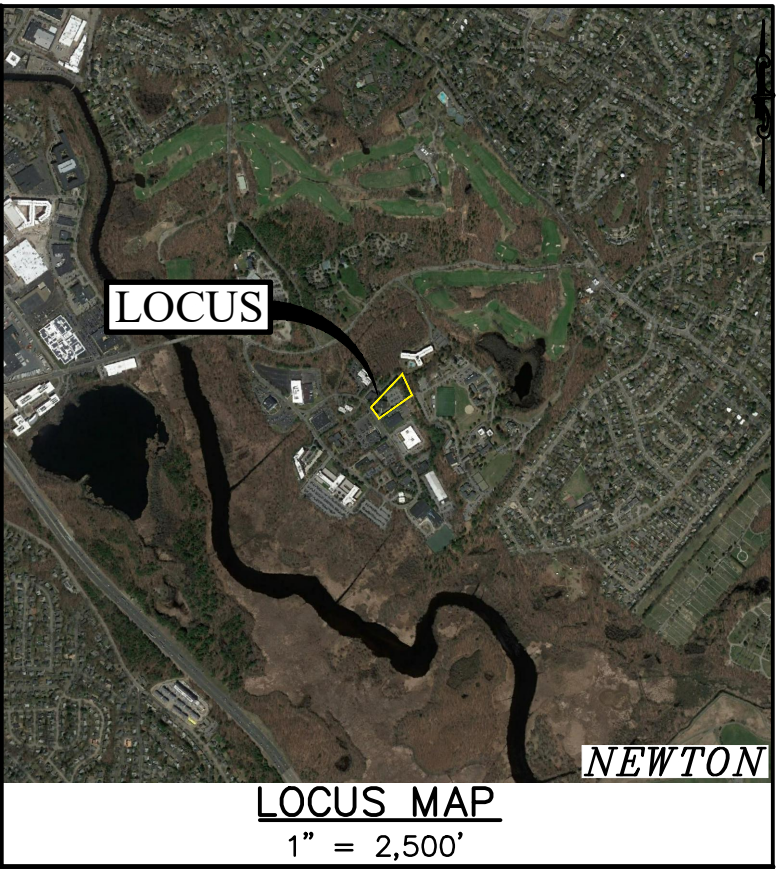
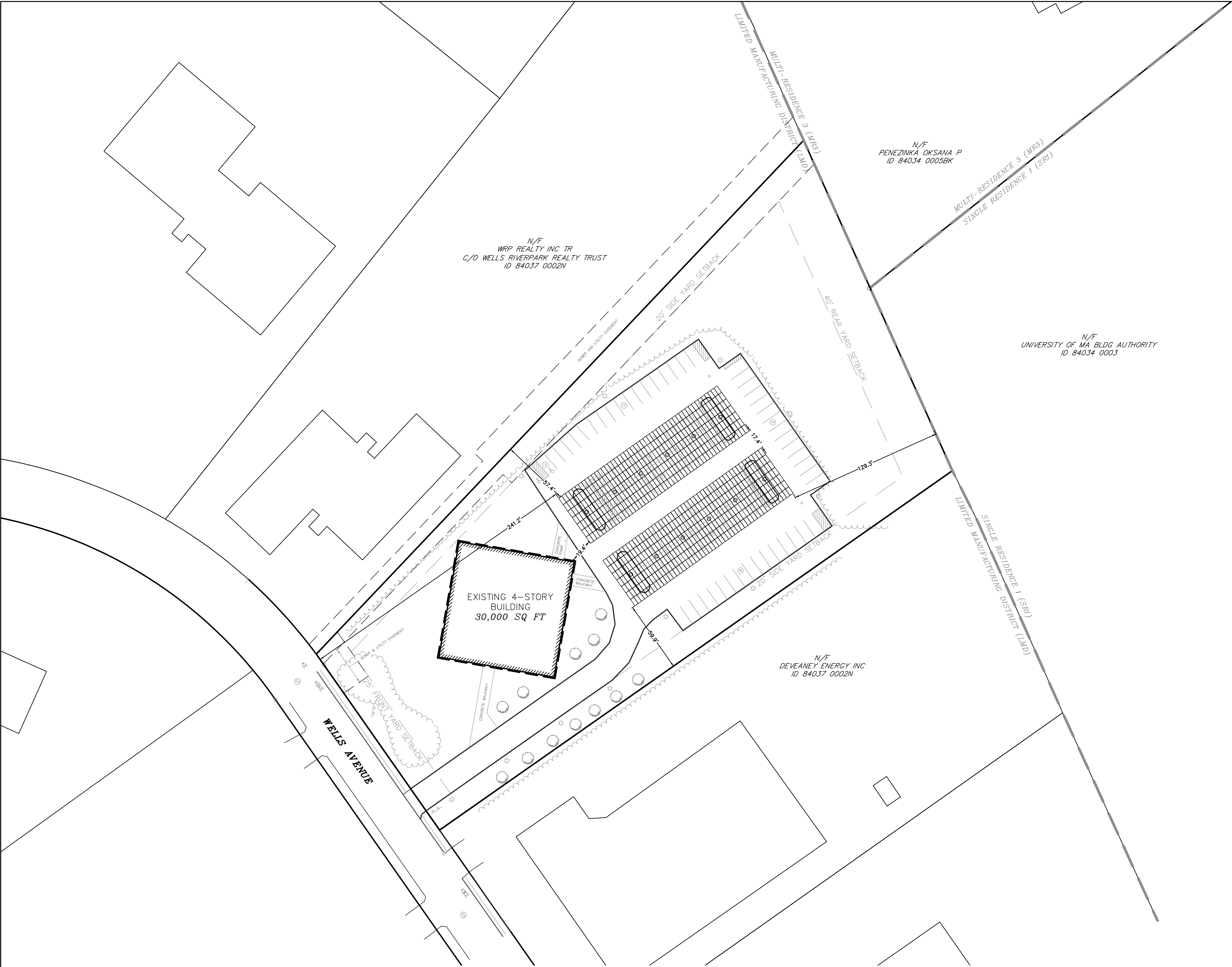
Very truly yours,

**ATLANTIC DESIGN ENGINEERS, INC.**



Simon B. Thomas, PE, LSP  
Principal





ZONING REQUIREMENTS		
CITY OF NEWTON		
ZONING BYLAWS, DECEMBER 11, 2018		
LIMITED MANUFACTURING DISTRICT (LMD)	REQUIRED	PROVIDED
MINIMUM LOT SIZE	0 SF	130,680 SF
MINIMUM LOT FRONTAGE	0 FEET	180 FEET
MINIMUM YARDS:		
FRONT YARD	25 FEET <sup>(1)</sup>	241.2 FEET
SIDE YARD	20 FEET <sup>(1)</sup>	57.4 FEET
REAR YARD	20 FEET	129.3 FEET
MAXIMUM % LOT COVERAGE	25%	19.2%

(1) 40' ABUTTING RESIDENTIAL DISTRICT

GENERAL NOTES:

- OWNER OF RECORD:  
EAST-WEST ENTERPRISES  
CO LTD  
10 KEARNEY RD STE 303  
NEEDHAM, MA 0249  
BOOK 041934 PAGE 0169
- THE SUBJECT PROPERTY IS SHOWN AS PROPERTY ID 840340002S ACCORDING TO THE CITY OF NEWTON ASSESSOR CARD. THE LAND AREA IS APPROXIMATELY 3± ACRES.
- THE PROPERTY LIES WITHIN A LIMITED MANUFACTURING ZONING DISTRICT (LMD) BASED UPON A REVIEW OF THE CITY OF NEWTON ZONING MAP AND PROPERTY CARDS.
- THE PROPERTY LINES SHOWN HEREON, ARE COMPILED FROM A TITLE PLAN OF LAND COMPLETED BY CULLINAN ENGINEERING CO. INC. ON MARCH 26, 1993 AND RECORDED WITHIN THE SOUTH MIDDLESEX SOUTH REGISTRY OF DEEDS AS BOOK 23022, PLAN 604. ADDITIONALLY, A BOUNDARY SURVEY WAS COMPLETED BY ATLANTIC DESIGN ENGINEERS, INC. ON JANUARY 28, 2019.
- EXISTING CONDITIONS DEPICTED HEREON ARE BASED UPON THE MASSACHUSETTS GEOGRAPHIC INFORMATION SYSTEM, THE NEWTON GEOGRAPHIC INFORMATION SYSTEM, INFORMATION OBTAINED FROM PUBLIC RECORDS, AND EXISTING CONDITIONS SURVEY PERFORMED BY ATLANTIC DESIGN ENGINEERS, INC. ON JANUARY 28, 2019.
- THE PROPERTY IS LOCATED WITHIN A FLOOD ZONE X BASED UPON A REVIEW OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 2501700562E, DATED JUNE 4, 2010. THE LOCATION OF THE FLOOD ZONE IS AN APPROXIMATION AND SHOULD BE CONFIRMED FOR FURTHER ACCURACY.
- THE PROPERTY IS NOT LOCATED WITHIN A ZONE II OR INTERIM WELLHEAD PROTECTION AREA BASED UPON A REVIEW OF THE MASSACHUSETTS GEOGRAPHIC INFORMATION SYSTEM.
- THE PROPERTY IS NOT LOCATED WITHIN AN ESTIMATED HABITAT OF RARE WILDLIFE AND A PRIORITY HABITAT OF RARE SPECIES BASED UPON A REVIEW OF THE NATURAL HERITAGE AND ENDANGERED SPECIES PROGRAM MAPS OBSERVED ON THE PEMBROKE GEOGRAPHIC INFORMATION SYSTEM.
- THE PROPERTY DOES NOT LIE WITHIN AN AREA OF CRITICAL ENVIRONMENTAL CONCERN (ACEC) BASED UPON A REVIEW OF THE MASSACHUSETTS GEOGRAPHIC INFORMATION SYSTEM.



