



Land Use Committee Agenda

City of Newton In City Council

Wednesday, September 11, 2019

7:00 PM
Chamber

- #265-19** **Petition to allow multi-family dwelling unit at 12-14 Middle Street**
12-14 MIDDLE STREET, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a multi-family dwelling with three units, further extending the nonconforming frontage and to allow a retaining wall greater than four feet within a setback at 12-14 Middle Street, Ward 1, Newton, on land known as Section 12 Block 1 Lot 13, containing approximately 12,611 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.2.6, 7.8.2.C.2, 5.4.2, 3.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Please see the attached request for a continuance of the public hearing
- #201-17(2)** **Extension of Time to Exercise Special Permit for 386-394 Watertown St**
JLM REALTY TRUST petition for a two-year EXTENSION OF TIME to EXERCISE Special Permit Order #201-17 which granted the construction of a 14,313 sq. ft. mixed use development containing nine residential units, 2,714 sq. ft. of commercial space and no more than 16 on-site parking stalls at 386-394 Watertown Street, Ward 1, Newton, on land known as Section 14 Block 14 Lots 37-39. Said Extension of Time will run from November 6, 2018 to November 6, 2020. Ref: Sec. 7.3.3, 7.4 of the City of Newton Rev Zoning Ord, 2017.
- #263-19** **Petition to further extend nonconforming three-story at 28 East Boulevard Road**
SHIRA AND MICHAEL FISHMAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to further extend the nonconforming three-story dwelling by razing an existing deck and constructing a three-story side addition at 28 East Boulevard Road, Ward 7, Newton Centre, on land known as Section 73 Block 33 Lot 32, containing approximately 11,301 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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.

Note: The following item was referred back to the Land Use Committee after a motion to reconsider at the City Council meeting on September 3, 2019.

- #179-19** **Petition to amend Board Order #96-17 to allow bank use at Washington Place**
WASHINGTON PLACE OWNER, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #96-17 to allow modification of Condition #34 to allow the petitioner to lease commercial space to not more than one commercial bank with a total square footage not to exceed 3,800 sq. ft. at 845 Washington Street and 245 Walnut Street, Ward 2, Newtonville, Section 21 Block 29 Lot 10, containing approximately 123,956 sq. ft. of land in a district zoned MIXED USE DEVELOPMENT. Ref.: Sections 7.3, 7.4 of Chapter 30 of the City of Newton Revised Zoning Ordinances, 2017.
Land Use Approved Subject to Second Call 5-1-2 on 06/18/2019 (Laredo Opposed, Schwartz, Markiewicz abstaining); Public Hearing Closed 06/18/2019
Motion to amend to the last sentence of Condition 3 to:
This requirement ~~shall take effect upon~~ **must be met prior to, and remain in effect after,** the issuance of a certificate of occupancy for a commercial bank.
was Approved by Voice Vote.
Motion to Approve as amended Fails To Carry 15 yeas, 6 Nays (Councilors Baker, Brousal-Glaser, Kalis, Markiewicz, Norton & Laredo), 3 Absent (Councilors Danberg, Downs, Gentile) on August 12, 2019.
A Motion to Reconsider this item was filed by Councilor Kalis on August 13, 2019.
The Motion to Reconsider was Approved by Voice Vote, 1 Nay (Councilor Brousal-Glaser)
A Motion to add Personal Services was Approved 14 Yeas, 8 Nays (Councilors Baker, Brousal-Glaser, Leary, Markiewicz, Noel, Norton, Schwartz, Laredo), 2 Absent (Councilors Gentile & Kalis)
A Motion to Recommit this item to the Land Use Committee was Approved 21 Yeas, 1 Nay (Councilor Brousal-Glaser), 2 Absent (Councilors Gentile & Kalis)

Note: The Committee will hear an overview of the design guidelines, community benefits and the request to rezone the site for the following items. The Planning Department will also review the petitioner's responses to the questions raised relative to transportation at the hearing on August 6, 2019. The Committee may discuss other aspects of the petition. No public comment will be taken. The Public hearing remains open and there will be additional opportunities for public comment.

- #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, 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.

Respectfully Submitted,

Greg Schwartz, Chair

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

August 19, 2019

Nadia Khan, Clerk of Committee *By electronic transmission*
Newton City Council
City of Newton
1000 Commonwealth, Avenue
Newton, MA 02459

Re: 386-394 Watertown Street: Board Order #201-17
Extension of Special Permit

Dear Ms. Khan:

On November 6, 2017, the City Council granted a special permit (Council Order #217-17) for the above-referenced property. I am writing this letter to request an extension of time in which to exercise this special permit until November 6, 2020. This request is being made pursuant to Section 7.3.2.E of the zoning ordinance, which provides that “[t]he City Council may extend the period of time granted under this subsection for good cause, whether or not such period of time shall have expired, without the necessity of a further public hearing thereon”.

The reason for this request and basis for the good “cause” is the protracted effort required to resolve certain easement issues occasioned by construction within a densely built urban setting. Resolution of these matters was a necessary predicate to obtaining the financing for construction of the project. Those matters were not ultimately resolved until March 2019. Since that time the petitioner has experienced unforeseen difficulties obtaining the building permit. The project was originally approved as a “Design-build” project. However, during the application process Inspectional Services has required fully-engineered MEP/FP drawings, which has added several months to the process.

Thank you for your attention to this matter.

Sincerely,

Terrence P. Morris

Terrence P. Morris, Esq.
Counsel for JLM Realty Trust

Cc: John Mula, salvisbarbershop@gmail.com
Ron Jarek, rjarek@hotmail.com
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September 3, 2019

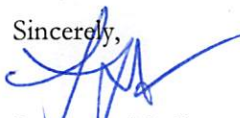
Gregory Schwartz, Chair
c/o Nadia Khan, Clerk Land Use Committee
City Council
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Re: 12-14 Middle Street, Newton

Dear Chairman Schwartz:

On behalf of 12-14 Middle Street, LLC, the owner of 12-14 Middle Street, please accept this letter as our formal request to open the public hearing of the Land Use Committee scheduled for September 11, 2019, and for a continuance of same without prejudice.

Please call or email me with any questions. As always, thank you, for your help.

Sincerely,

Laurance S.L. Lee

Enclosures
cc: Katie Whewell, Planner