



# Land Use Committee Report

## City of Newton In City Council

**Thursday, October 3, 2019**

Present: Councilors Schwartz (Chair), Lipof, Laredo, Auchincloss, Markiewicz

City Staff Present: Associate City Solicitor Jonah Temple, Senior Planner Neil Cronin, Planning Associate Katie Whewell, Chief Planner Jennifer Caira

All Special Permit Plans, Plan Memoranda and Application Materials can be found at [http://www.newtonma.gov/gov/aldermen/special\\_permits/current\\_special\\_permits.asp](http://www.newtonma.gov/gov/aldermen/special_permits/current_special_permits.asp). Presentations for each project can be found at the end of this report.

### **#311-19      Petition to exceed FAR at 25-27 Oak Street**

NINA LEVIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 2.5 story, 1,298 sq. ft. side addition to #27 Oak Street, creating an FAR of .53 where .49 is allowed and .40 exists at 25-27 Oak Street, Ward 5, Newton Upper Falls, on land known as Section 51 Block 38 Lot 24, containing approximately 9,240 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Held 4-0 (Markiewicz not Voting); Public Hearing Continued**

**Note:**            It was noted that the public hearing for the special permit petition for 25-27 Oak Street required additional relief and would be re advertised for a public hearing on October 29, 2019. The Public Hearing was opened.

Diane DeLorie, 23 Cook Street, noted that there have been several additions at the property constructed without building permits. Ms. DeLorie noted that the petitioner has been operating a boarding house at 27 Oak Street and is renting bedrooms to four unrelated individuals. She expressed concern that there is insufficient egress from the second and third floors. Ms. DeLorie explained that her driveway is a shared right of way and noted that the petitioner had a gas line installed without her permission. Ms. DeLorie stated that she remains concerned that no code enforcement has occurred at the site.

Mark DeLorie, 23 Oak Street, questioned what a 2.5 story building is and stated that the current structure is a three-story building. He explained that code enforcement has been requested and the situation not remedied.

Committee members explained that the Land Use Committee does not have jurisdiction over code enforcement through the special permit process but encouraged Mr. and Mrs. DeLorie to contact their Ward Councilor for assistance with code enforcement. Councilor Laredo motioned to hold the item which carried unanimously.

**#309-19**      **Petition to extend nonconforming side setback and lot coverage at 14 Church St**  
ETHAN SOLOMON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story rear addition, further extending the non-conforming side setback and non-conforming lot coverage at 14 Church Street, Ward 7, Newton, on land known as Section 72 Block 22 Lot 03, containing approximately 4,200 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Approved 4-0 (Markiewicz not Voting); Public Hearing Closed 10/03/2019**

**Note:**          The petitioner, Mr. Ethan Solomon, 14 Church Street, presented the request for a special permit petition to construct a two-story rear addition at 14 Church Street. Mr. Solomon explained that the proposed addition will accommodate a bedroom and master bathroom. He confirmed that he has communicated the proposed plans to neighbors, who have expressed no concerns relative to the plans.

Senior Planner Neil Cronin reviewed the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. Mr. Cronin confirmed that the proposed addition will extend further into the rear of the lot but will not be wider than the existing structure. The addition will maintain the nonconforming side setbacks.

The public hearing was opened. No member of the public wished to speak. Councilor Laredo motioned to close the public hearing which carried unanimously. Councilor Laredo motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation. A Committee member asked for removal of the word “minor” from the findings and asked that the Council order quantify the change. Committee members expressed no concerns relative to the petition and voted unanimously in favor of approval.

**#310-19**      **Petition to extend nonconforming height at 67 Temple Street**  
JULIE HAYDU AND IRUN BHAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow construction of a rear addition, further extending the nonconforming height at 67 Temple Street, Ward 3, on land known as Section 32 Block 12 Lot 4, containing approximately 27,053 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 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.

**Action:**      **Land Use Approved 4-0 (Markiewicz not Voting); Public Hearing Closed 10/03/2019**

**Note:**          Architect Peter Sachs, 20 Hunter Street, represented the petitioners Julie Haydu and Irun Bhan. Mr. Sachs presented the request for a special permit petition to extend the non-conforming height at 67 Temple Street. Mr. Sachs explained that the single-family dwelling is situated on a sloping site. The petitioners received a building permit to construct a mudroom and kitchen expansion at the rear of the site. Due to the regrading at the site to accommodate the mudroom and kitchen, the average grade is lowered, and the building height is artificially increased. Mr. Sachs noted that to remedy the increase in height due to grading, a retaining wall could be constructed to modify the grading average. Mr. Sachs explained that the wall to remedy the increased building height constricts the driveway and the petitioner is seeking a special permit to maintain the nonconforming height, rather than construct the retaining wall.

Mr. Sachs provided the attached illustration of the site with and without the retaining wall. He confirmed that he spoke to several residents on Temple Street who were supportive of the petition.

The public hearing was opened. No member of the public wished to speak. Councilor Lipof motioned to close the public hearing which carried unanimously. Councilor Lipof motioned to approve the petition. Committee members reviewed the draft findings and conditions. Committee members expressed no concerns relative to the petition and voted unanimously in favor of approval.

**#422-18(2) Petition to amend Special Permits to allow salon use at 148 California Street**

UNITED PROPERTIES GROUP/KF REALTY ASSOCIATES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Orders #162-88, #199-99(2), #175-12 and #422-18 to change the existing non-conforming office use to allow a non-conforming salon use in Ward 1, Newton, at 148 California Street/171 Watertown Street, Section 11 Block 12 Lot 11, containing approximately 523,642 sq. ft. of land in a district zoned MANUFACTURING. Ref: Sec. 7.3.3, 7.4, 4.4.1, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Approved 4-0 (Markiewicz not Voting); Public Hearing Closed 10/03/2019

**Note:** Attorney Frank Stearns, Holland and Knight, 10 St. James Street, Boston, represented the petitioners, United Properties Group and KF Realty Associates. Atty. Stearns presented the request to allow a salon in the manufacturing zoned development at 148 California Street. Atty. Stearns stated that the property at 148 California Street/171 Watertown Street is zoned manufacturing and contains a variety of non-conforming uses that include; office, retail, service, restaurant and a bank. He noted that each time a tenant is changed, a special permit amendment is required to permit the non-conforming use. Atty. Stearns noted that the petitioner proposes to lease existing office space facing California Street with a hair salon. He confirmed that the petitioner has reviewed the parking calculations and ample parking and zoning required parking is available at the site. No changes are proposed to the exterior of the structure.

A Committee member questioned whether there are any plans to redevelop the site at this time. It was confirmed that there are currently no plans to redevelop the site. Chief Planner Jennifer Caira reviewed the requested relief, criteria for consideration, land use, zoning and photos of the site as shown on the attached presentation.

The Public hearing was opened. No member of the public wished to speak. Councilor Laredo motioned to close the public hearing which carried unanimously. Councilor Laredo motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation. Ms. Caira confirmed that the Law Department has recommended maintaining separate Council Orders for the site. Committee members expressed no concerns relative to the petition and voted unanimously in favor of approval.

**#312-19 Petition to allow 24-unit multi-family dwelling at 20 Kinmonth Road**

20 KINMONTH ROAD INVESTMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a three-story 24-unit multi family dwelling greater than 20,000 sq. ft. of new gross

floor area, to allow ground floor residential units, to reconstruct and further extend nonconforming side setbacks, to allow an FAR of 1.4 in a three-story structure, to waive 24 parking stalls, to waive minimum stall depth requirements, to waive the maximum driveway width requirement and to allow a retaining wall greater than four feet in height within a setback at 20 Kinmonth Road, Ward 5, Waban, on land known as Section 53 Block 29 Lot 2, containing approximately 24,302 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.1, 4.1.2.B.3, 4.1.3, 7.8.2.C.2, 5.1.4.A, 5.1.13, 5.1.8.B.2, 5.1.8.D.2, 5.4.2.B of the City of Newton Rev Zoning Ord, 2017.

**Action:** **Land Use Held 5-0; Public Hearing Continued**

**Note:** Attorney Terry Morris, offices at 57 Elm Road, and project architect Michael McKay, represented the petitioner, 20 Kinmonth Road Investment, LLC. Atty. Morris presented the request for a special permit to allow a multi-family dwelling on the 24,302 sq. ft. lot at 20 Kinmonth Road. The petitioner proposes to raze the existing structure and replace it with a 3-story, 24-unit multi-family dwelling. The proposed dwelling is 34.5' and will have 24 underground parking stalls. The petitioner proposes landscaping around the site, patio space and amenities for residents and an 8' fence on the side adjacent to the Brae Burn Country Club. The petitioner is seeking a parking wavier of 24 parking stalls. Atty. Morris noted that the site is located close to the Waban MBTA station and stated that the petitioner intends to provide a 100% subsidy for MBTA passes for two years for each initial property owner. Additionally, the petitioner proposes to install a sidewalk along the frontage of Kinmonth Road. Atty. Morris stated that the petitioner has committed to expanding the sustainability measures and confirmed that additional information will be provided prior to a second public hearing. He noted that the petitioner conducted community meetings and performed outreach and received support from the Waban Area Council, Brae Burn Country Club and members of the public.

Planning Associate Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed elevation at the site as shown on the attached presentation. Ms. Whewell noted that the proposed petition includes four inclusionary units. The Zoning Ordinance requires three units. The petitioner has opted to use a density bonus to allow a decrease in the lot area per unit to 1,013 sq. ft. per unit (1200 sq. ft. is required). As such, one additional unit is proposed. Ms. Whewell stated that the Planning Department is supportive of the petition given its proximity to public transportation and Transportation Demand Management (TDM) measures, the mixed-use nature of the neighborhood and the improvements proposed. She noted that the petitioner has modified the project based on staff recommendations and confirmed that the proposed plan is aligned with the housing and transportation strategies stated in the Comprehensive Plan. Ms. Whewell noted that further review is necessary for the Inclusionary Housing Plan, the proposed sustainability measures, updated site plans and the plans to construct the sidewalk.

Committee members noted that the two-year transit subsidy represents an investment of approximately \$50,000. Committee members expressed appreciation for the petitioners willingness to contribute the subsidy to encourage public transportation but questioned whether the investment might be better used to facilitate other, possibly permanent, improvements in the neighborhood.

The Public Hearing was opened.

Rena Getz, noted that she has not seen a construction management plan and stated that a construction manager should be available for residents 24 hours a day. Ms. Getz noted that the Suzuki School is located across the street and they have requested a clearly marked pedestrian crossing or raised crosswalk. She noted that there are plans to change the road from a private way to a public way.

Atty. Morris noted that an abutter is interested in having the road accepted as a public way. He noted that the petitioner has agreed to pursue acceptance of the road as a public way through a separate process.

Franklin Schwarzer and Sean McLaughlin spoke on behalf of Brae Burn Country Club. Atty. Schwarzer confirmed that Brae Burn is supportive of the petition and submitted the attached letter. Sean McLaughlin, Brae Burn Country Club, reiterated that the Board of Directors is supportive of the petition and improvements to the site. Mr. McLaughlin stated that it is believed that new use will reduce traffic in the area as compared with the prior use and expressed appreciation for the decrease in impervious surface at the site.

A Committee member noted that the building will be razed and replaced and questioned why the setback is not improved. Mr. McKay explained that the project was initially planned as a renovation project and was not intended to be smaller. He noted that when the project was presented to the community, it was understood that the building would remain the same size. Mr. McKay also noted that the program is driving the building size. Regarding sustainability measures Mr. McKay stated that the proposed building will be all electric and will include; a or some portions of a blue roof, some solar facilities and heat pumps. Mr. McKay noted that the building will be LEED silver certifiable and will take 14 months to construct. Councilor Lipof motioned to hold the item pending additional information and Committee members voted unanimously in favor of holding the item.

**#620-18(2) Petition to amend Special Permits to allow additional uses at 55-71 Needham St**  
NEEDHAM STREET VILLAGE SHOPS, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Orders #213-12(1), #213-12(2) and #620-18 to permit a for profit education use as well as other uses which could include animal services, dry cleaners and ground floor health clubs at 55-71 Needham Street, Ward 5, Newton Highlands, on land known as Section 51 Block 28 Lot 20, containing approximately 58,875 sq. ft. of land in a district zoned MIXED USE 1. Ref: Sec. 7.3, 7.4, 4.4.1, 6.3.14.B.2 of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Held 5-0

**Note:** Attorney Franklin Schwarzer, Schlesinger and Buchbinder, 1200 Walnut Street, represented the petitioner, Needham Street Village Shops, LLC. Atty. Schwarzer presented the request for a special permit petition to allow animal services, dry cleaners, ground floor health clubs and for-profit education uses at 55-71 Needham Street. Atty. Schwarzer noted that a tenant (Code Ninjas) approached the petitioner to lease space at 55-71 Needham Street. Code Ninjas, a for-profit educational center, teaches coding classes for students and adults. Because the special permit process was going to take longer than anticipated, the petitioner decided not to lease space at 55-71 Needham Street. In order to

procure tenants expeditiously, the petitioner is seeking an amendment to the existing special permits to allow a variety of uses. Atty. Schwarzer explained that allowing a variety of uses will reduce the time to amend the Special Permit if a new tenant is interested in leasing the space. He noted that if a parking waiver is needed, an additional amendment to the special permit would still be necessary.

Some Committee members expressed concerns relative to granting for-profit education and ground floor health club uses, noting that these uses often have circulation patterns that require further attention and planning. Committee members discussed permitting the uses but including a condition that requires a consistency ruling to ensure that the traffic strategy is sufficient. Ms. Caira stated that the Planning Department was supportive of Code Ninjas but noted that approval of for-profit education uses generally is not supported by Planning because “for-profit education” is somewhat vague and the intensity of use ranges significantly. Committee members expressed no concerns relative to the dry cleaner or animal service uses but agreed that careful consideration is necessary for the Council Order condition language. Atty. Schwarzer confirmed that no tenant is waiting to lease the space. Councilors asked that the Law Department work with the Planning Department to draft conditions that allow for adequate review of circulation at the site as appropriate, with some flexibility to allow the petitioner to market and lease spaces. With that, Councilor Schwartz motioned to hold the item which carried unanimously.

**#175-19(2) Amended Petition to allow attached dwelling units at 145 Warren Street**

145 WARREN STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwellings in ~~two~~ one building, to allow reduced side setbacks, to allow three-stories, to increase the allowed lot coverage, to decrease the minimum open space, to allow a driveway within ten feet of the side lot line and to allow retaining walls greater than 4’ within a setback at 145 Warren Street, Ward 6, Newton Centre, on land known as Section 61 Block 39 Lot 10, containing approximately 23,399 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, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Held 4-0 (Markiewicz not Voting); Public Hearing Continued

**Note:** Attorney Laurance Lee, office of Rosenberg, Freedman and Lee, Walnut Street, represented the petitioner, 145 Warren Street, LLC. Atty. Lee noted that after being notified on October 2, 2019 that the public hearing signs had been removed from the site; the Planning Department issued new signs. Due to an error, the new public hearing sign indicated that the public hearing would be held on October 10, 2019. Atty. Lee requested a continuance of the public hearing to October 10, 2019 to ensure that members of the public can be present at the meeting. The Public hearing was opened. No member of the public wished to speak. Committee members expressed no concerns relative to the request and voted unanimously in favor of a motion from Councilor Lipof to hold the item.

**#268-19(2) Extension of Time to Open a Public Hearing at 58 Cross Street/1089 Washington St**

ASCEND MASS, LLC petition for an EXTENSION OF TIME to open the public hearing until October 31, 2019 for Special Permit #268-19 to allow retail marijuana sales and waivers to the extent necessary for minimum stall dimensions, perimeter screening requirements, interior landscaping requirements and lighting requirements at 58 Cross Street/1089 Washington Street, Ward 3, West Newton, on land known as Section 31 Block 09 Lot 07,

containing approximately 25,122 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 5.1.8.B.2, 5.1.9.A, 5.1.9.B, 5.1.10, 3.1.13, 6.10.3.D of the City of Newton Rev Zoning Ord, 2017.

**Action:** **Land Use Approved 5-0**

**Note:** Committee members reviewed the request to extend the time to open the public hearing for special permit #268-19 to October 31, 2019. Because it was unclear when the item would be taken up, the petitioner agreed to extend the time to October 31, 2019. The public hearing is scheduled to open on October 15, 2019. Committee members expressed no concerns relative to the request and voted unanimously in favor of approval.

**#179-19(2) Extension of Time for #179-19 - Washington Place**

AGREEMENT TO AN EXTENSION OF TIME in which to ACT on petition #179-19 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, said extension will run from SEPTEMBER 16, 2019 to OCTOBER 7, 2019.

**Action:** **Land Use Voted No Action Necessary 5-0**

**Note:** The Council voted to approve special permit #96-17. As such, an extension of time to act is no longer necessary. Councilor Auchincloss motioned no action necessary and committee members voted unanimously in favor.

The Committee adjourned at 9:00 pm.

**Respectfully Submitted,**

**Greg Schwartz, Chair**

## Department of Planning and Development



**PETITION #309-19  
14 CHURCH STREET**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO FURTHER EXTEND  
THE NONCONFORMING SIDE  
SETBACKS AND TO FURTHER  
INCREASE THE NONCONFORMING  
LOT COVERAGE



OCTOBER 3, 2019

1

### Requested Relief



Special Permits per §7.8.2.C.2 of the Newton Zoning Ordinance to:

- further extend the nonconforming side setbacks to 9.3 feet, where 12.5 feet is the maximum allowed (§3.1.3).
- further increase the nonconforming lot coverage from 22% to 27%, where 20% is the maximum allowed (§3.1.3).

2



## Criteria to Consider



When reviewing this request, the Council should consider whether:

- The extension in the nonconforming side setbacks is substantially more detrimental than the existing nonconforming structure is to the neighborhood (§3.1.3 and §7.8.2.C.2).
- The increase in the nonconforming lot coverage is substantially more detrimental than the existing nonconforming structure is to the neighborhood (§3.1.3 and §7.8.2.C.2).

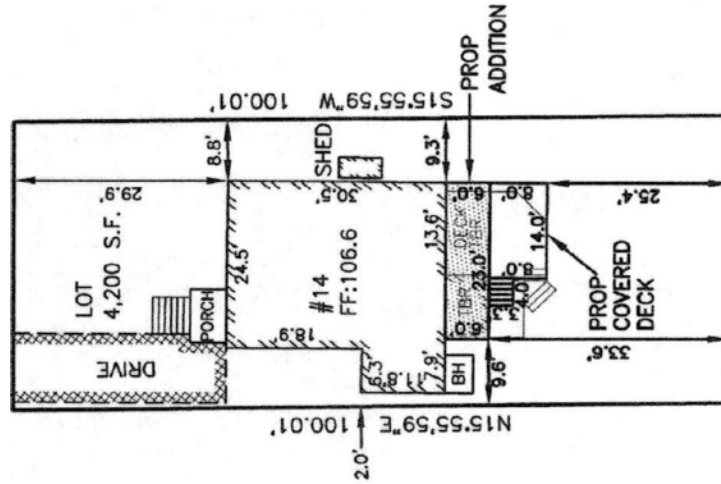
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## AERIAL/GIS MAP



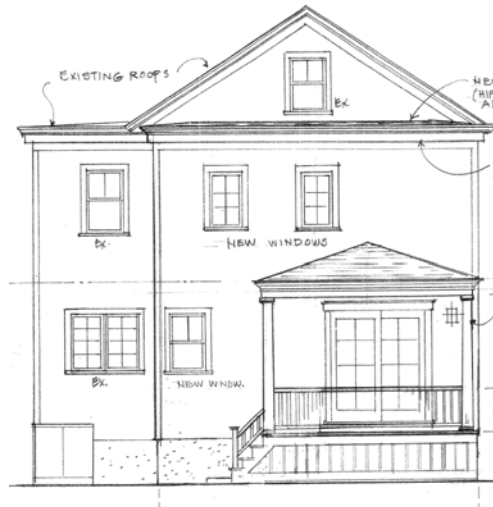
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### Site Plan



5

### Proposed Rear Elevation



6

## Proposed Findings

1. The proposed extensions in the nonconforming side setbacks are not substantially more detrimental than the existing setbacks are to the neighborhood because the proposed increase in building footprint is minor and the addition is subordinate to the principal dwelling. (§3.1.3 and §7.8.2.C.2).
2. The proposed extension in the nonconforming lot coverage is not substantially more detrimental than the existing nonconforming lot coverage is to the neighborhood because the addition is within the footprint of the existing structure. (§3.1.3 and §7.8.2.C.2)

7

## Proposed Conditions

1. Plan Referencing Condition.
2. Standard Building Permit Condition
3. Standard Certificate of Occupancy Condition

8

CITY OF NEWTON  
IN CITY COUNCIL

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 further extend the nonconforming side setbacks from two feet and from 8.8 feet, to 9.6 feet and to 9.3 feet, respectively and to further increase the nonconforming lot coverage from 22.3% to 27%, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The proposed extensions in the nonconforming side setbacks are not substantially more detrimental than the existing setbacks are to the neighborhood because the proposed increase in building footprint amounts to only 210 square feet and the addition is subordinate to the principal dwelling. (§3.1.3 and §7.8.2.C.2)
2. The proposed extension in the nonconforming lot coverage is not substantially more detrimental than the existing nonconforming lot coverage is to the neighborhood because the addition is within the footprint of the existing structure. (§3.1.3 and §7.8.2.C.2)

PETITION NUMBER: #309-19

PETITIONER: Ethan Solomon

LOCATION: 14 Church Street, on land known as Section 72, Block 22, Lot 03, containing approximately 4,220 square feet of land

OWNER: Ethan Solomon

ADDRESS OF OWNER: 14 Church Street  
Newton, MA 02458

TO BE USED FOR: Rear Addition

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3 and §7.8.2.C.2 to further extend the nonconforming side setbacks; §3.1.3 and §7.8.2.C.2 to further increase the nonconforming lot coverage

ZONING: Single Residence 1 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. Site Plan, prepared by Everett M. Brooks CO., signed and stamped by Bruce Bradford, Professional Land Surveyor, dated June 25, 2019
  - b. Architectural Plans, prepared by Spring Hill Design, signed and stamped by Jessica Romualdi Snare, dated June 28, 2019, consisting of the following four (4) sheets:
    - i. Demolition Plan
    - ii. First and Second Floor Plans
    - iii. Third Floor and Rear Elevation
    - iv. Electrical Plans
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. 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 Council 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 Council 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.
4. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners 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 a professional land surveyor certifying compliance with Condition #1.

- 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 professional land surveyor.

## Department of Planning and Development



**PETITION ##310-19**

**67 TEMPLE STREET**  
SPECIAL PERMIT/SITE PLAN  
APPROVAL TO ALLOW  
CONSTRUCTION OF A REAR  
ADDITION, FURTHER  
EXTENDING THE  
NONCONFORMING HEIGHT

*OCTOBER 3, 2018*



1

## Requested Relief



Special permit per §7.3.3 to:

- further extend a nonconforming height (§3.1.3, §7.8.2.C.2)

2

## Criteria to Consider



When reviewing the requested special permit the Council should consider whether:

- The project as designed, which will increase the dwelling's nonconforming height from 44.36 feet to 44.98 feet where 36 feet is the maximum allowed by right, will not be substantially more detrimental than the existing nonconforming use to the neighborhood (§7.8.2.C.2)

3

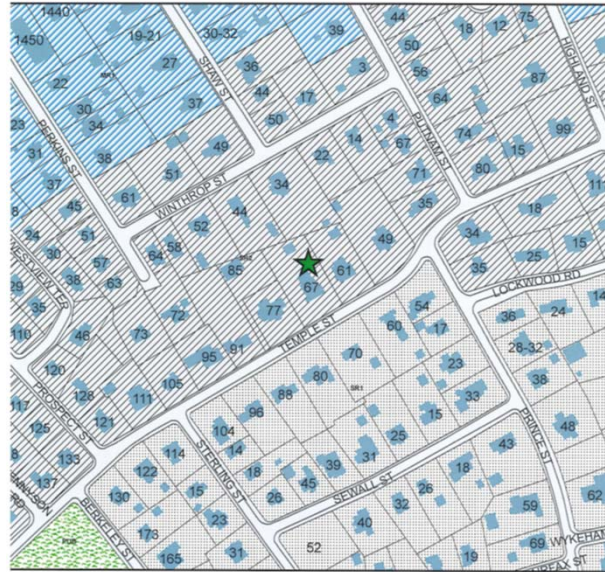
## AERIAL/GIS MAP



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# Zoning



ATTACHMENT I

## Zoning

67 Temple St.

City of Newton,  
Massachusetts

### Legend

- Single Residence 1
- Single Residence 2
- Multi-Residence 1
- Public Use



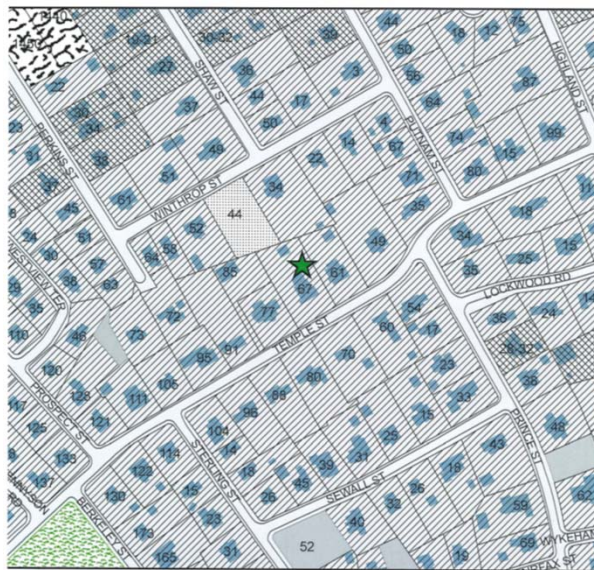
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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Andrew Rubin  
GIS Administrator - Douglas Greenfield

Map Date: September 25, 2019

5

# Land Use



ATTACHMENT I

## Land Use

67 Temple St.

City of Newton,  
Massachusetts

### Land Use

- Single Family Residential
- Multi-Family Residential
- Mixed Use
- Open Space
- Nonprofit Organizations
- Vacant Land



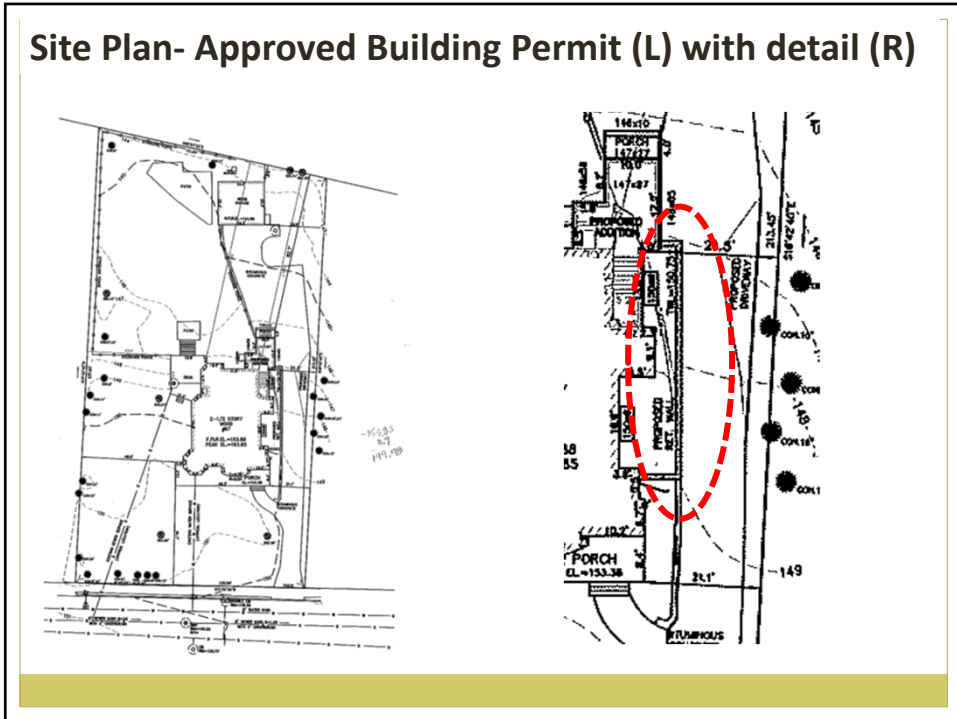
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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Andrew Rubin  
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Map Date: September 25, 2019

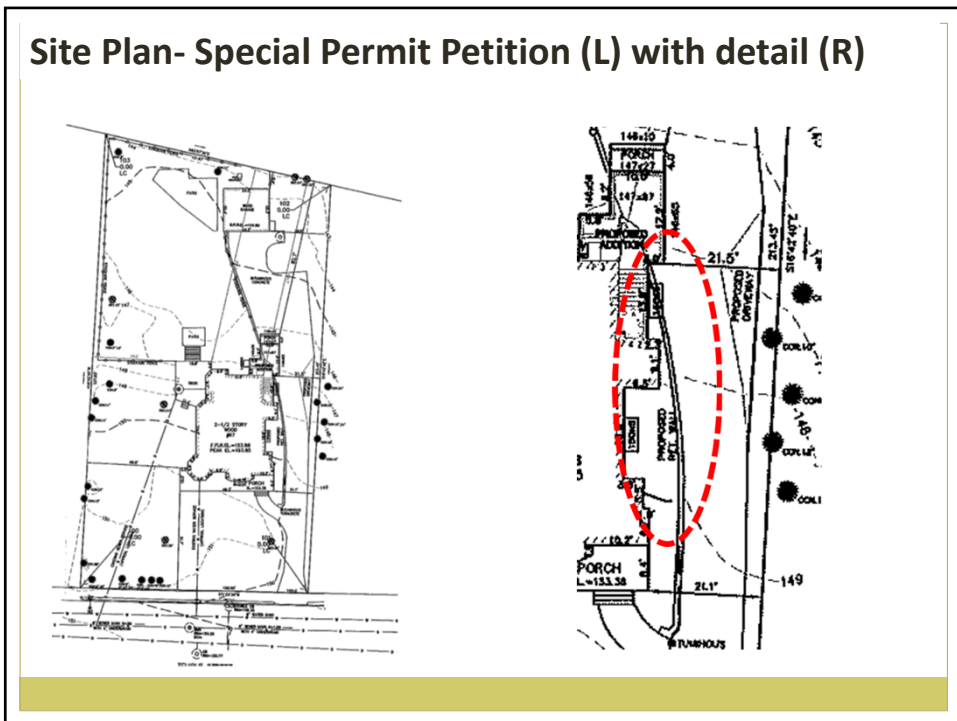
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Site Plan- Approved Building Permit (L) with detail (R)



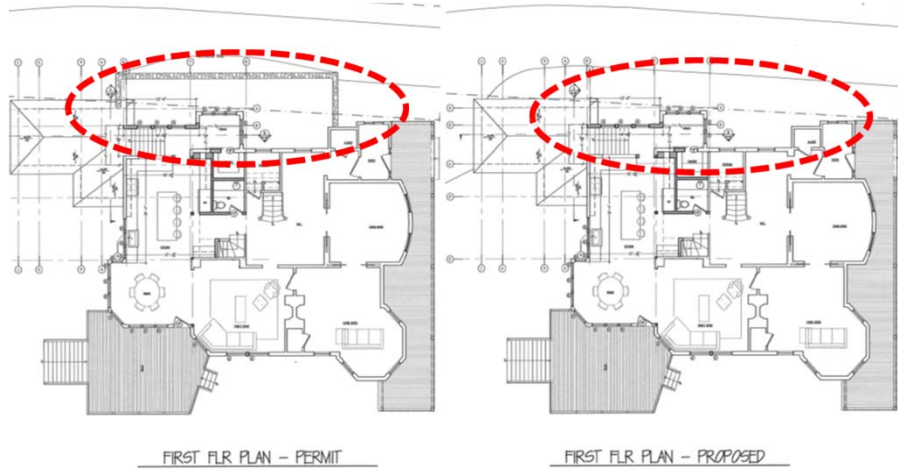
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Site Plan- Special Permit Petition (L) with detail (R)



8

### Ground level- Building Permit and SP Petition



9

### Right Elevation- Building Permit and SP Petition



10

### Elevations- Rear



11

### Views (from petitioner)- Building Permit and SP Petition (proposed)



12

**Photos**



13

**Photos**



14

**Photos**



15

**Photos**



16

## Proposed Findings

1. The project as designed, which will increase the dwelling's nonconforming height from 44.36 feet to 44.98 feet where 36 feet is the maximum allowed by right, will not be substantially more detrimental than the existing nonconforming use to the neighborhood as the increase is the result of the elimination of previously planned retaining walls and not any modification of the ridgeline of the existing dwelling (§7.8.2.C.2)

17

## Proposed Conditions

1. *Plan Referencing Condition*
2. *Standard Building Permit Condition.*
3. *Standard Final Inspection/Certificate of Occupancy Condition.*

18

CITY OF NEWTON

IN CITY COUNCIL

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 dwelling's nonconforming height from 44.36 feet to 44.98 feet where 36 feet is the maximum allowed by right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

- 1) The project as designed, which will increase the dwelling's nonconforming height from 44.36 feet to 44.98 feet where 36 feet is the maximum allowed by right, will not be substantially more detrimental than the existing nonconforming use to the neighborhood as the increase is the result of the elimination of previously planned retaining walls and not any modification of the ridgeline of the existing dwelling. (§7.8.2.C.2)

PETITION NUMBER: #310-19

PETITIONERS: Irun Bhan

LOCATION: 67 Temple Street, on land known as Section 32 Block 12 Lot 4, containing approximately 27,053 sq. ft. of land

OWNERS: Irun Bhan

ADDRESS OF OWNER: 67 Temple Street  
Newton, MA

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3 and §7.8.2.C.2 to further extend a nonconforming height



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 Proposed Conditions at #67 Temple Street" prepared by VTP Associates, Inc., dated November 1, 2018, stamped and signed by Joseph R. Porter.
  - b. A set of architectural plans entitled "Bhan-Haydu Residence, 67 Temple St., Newton, MA," dated June 10, 2019, stamped and signed by Peter Sachs, Registered Architect:
    - i. Title Sheet (A-1);
    - ii. Proposed Basement (A-2)
    - iii. Proposed First Floor (A-3);
    - iv. Proposed Second Floor (A-4);
    - v. Proposed Right Elevation (A-5);
    - vi. Proposed Driveway View (A-6);
    - vii. Proposed Elevations (Front, Back & Left- Permit) (A-7).
  - c. A document entitled "Floor Area Ratio Worksheet, 67 Temple St." indicating a Proposed "Total gross floor area" of 6,855 square feet and a Proposed "FAR" (floor area ratio) of .25
2. 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. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. 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.

# Department of Planning and Development



**PETITION #422-18(2)**  
**148 CALIFORNIA STREET/171**  
**WATERTOWN STREET**  
SPECIAL PERMIT/SITE PLAN  
APPROVAL TO AMEND SPECIAL  
PERMIT COUNCIL ORDERS  
#162-88, #199-99(2), #175-12  
AND #422-18 TO CHANGE THE  
EXISTING NON-CONFORMING  
OFFICE USE TO ALLOW A  
NON-CONFORMING SALON USE

*OCTOBER 2, 2019*



1

## Requested Relief



To allow the change of use of a 6,926 square foot portion of the existing shopping area to a salon use with a maximum of 35 employees

Special permit per §7.3.3 to:

- to amend special permits #162-88, 199-99(2), 175-12 and #422-18
- allow for the extension of the nonconforming uses on the site (§4.4.1, §7.8.2.C.2)

2

## Criteria to Consider



When reviewing the requested special permits the Council should consider whether:

- the *extension of nonconforming uses on site to include a salon use* will be substantially more detrimental than the existing nonconforming use to the neighborhood (§7.8.2.C.2).

3

## AERIAL/GIS MAP



4

# Zoning



ATTACHMENT E

## Zoning

148 California St.

City of Newton,  
Massachusetts

### Legend

- Multi-Residence 2
- Business 1
- Manufacturing
- Public Use



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton reserves the right to modify the information. Each use of the map is representative of the information as available for the intended purpose. City departments will not be held responsible for information based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
 Mayor - Barbara Filizola  
 GIS Administrator - Douglas Olszewski

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Map Date: September 24, 2019

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# Land Use



ATTACHMENT F

## Land Use

148 California St.

City of Newton,  
Massachusetts

### Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Industrial
- Mixed Use
- Open Space
- Nonprofit Organizations
- Vacant Land



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton reserves the right to modify the information. Each use of the map is representative of the information as available for the intended purpose. City departments will not be held responsible for information based solely on GIS data.

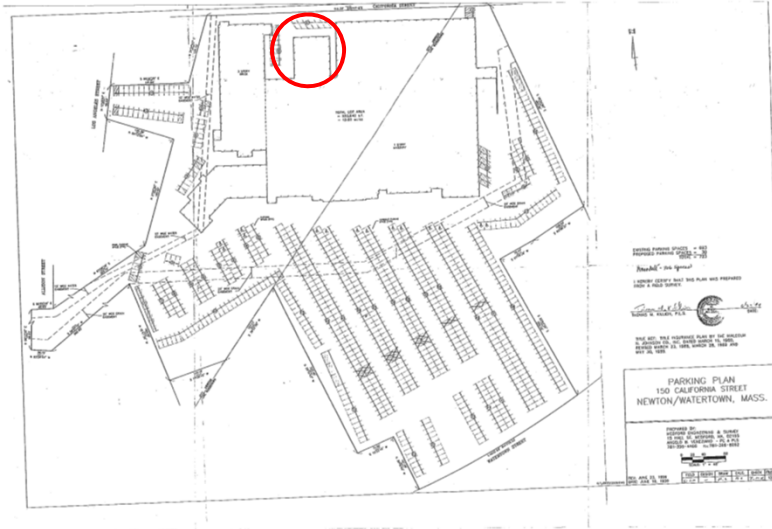
CITY OF NEWTON, MASSACHUSETTS  
 Mayor - Barbara Filizola  
 GIS Administrator - Douglas Olszewski

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 0245 00 78 000 000 000 000 000

Map Date: September 24, 2019

6

### Site Plan



7

### Photos



8

**Photos**



9

**Photos**



10

## Photos



11

## Proposed Findings

1. The proposed nonconforming salon use will not be substantially more detrimental to the neighborhood than the existing nonconforming uses on the site ( §7.8.2.C.2) as:
  - a) The site is an existing shopping center and is an appropriate location for a salon use;
  - b) The site is well contained and the use will not have any impacts on the surrounding neighborhood;
  - c) Access to the site is appropriate and there is sufficient parking to accommodate the use.

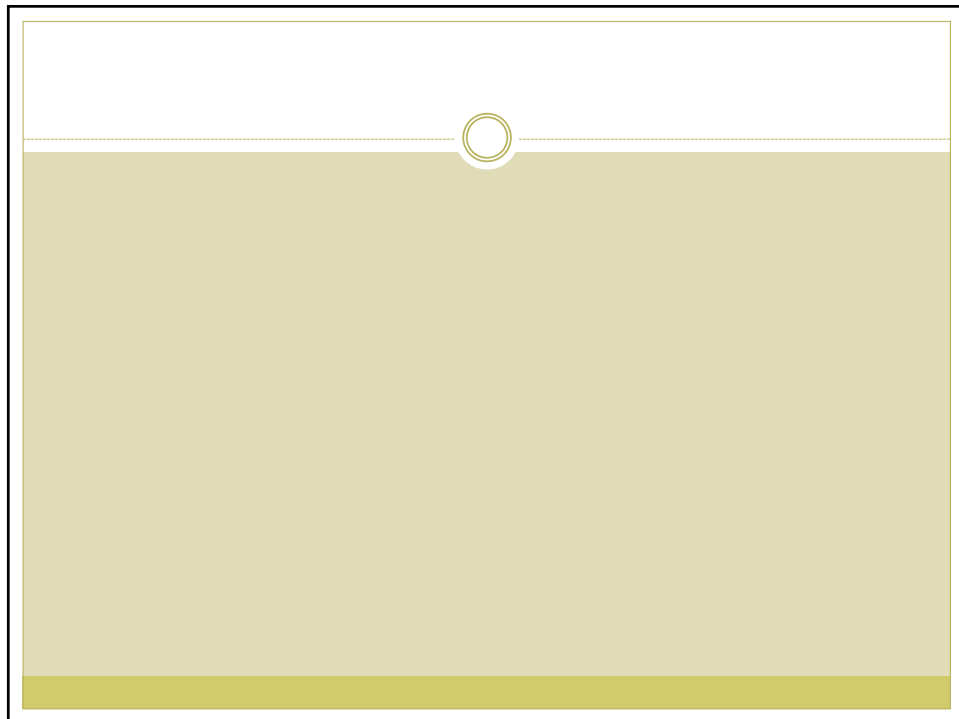
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## Proposed Conditions

1. Plan Referencing Condition
2. *The salon staff is limited to thirty-five (35) employees on the largest shift.*
3. *Any changes to signage shall be subject to review by the Urban Design Commission and approval of the Commissioner of Inspectional Services.*
4. Standard Building Permit Condition.
5. Standard Final Inspection/Certificate of Occupancy Condition.

13



14

CITY OF NEWTON

IN CITY COUNCIL

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 allow the change of use of a 6,926 square foot portion of the existing shopping area from an office use to a salon use with a maximum of 35 employees on-site at any one time, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The proposed nonconforming salon use will not be substantially more detrimental to the neighborhood than the existing nonconforming uses on site as:
  - a) The site is an existing shopping center and is an appropriate location for a salon use;
  - b) The site is well contained and the use will not have any impacts on the surrounding neighborhood;
  - c) Access to the site is appropriate and there is sufficient parking to accommodate the use.

PETITION NUMBER: #442-18(2)

PETITIONER: United Properties Group

ADDRESS OF PETITIONER: 1330 Boylston St.  
Newton, MA 02467

LOCATION: 148-50 California Street/171 Watertown Street,  
Section 11, Block 12, Lot 11 containing approximately  
231,486 square feet of land

OWNER: KF Realty Associates

ADDRESS OF OWNER: c/o United Properties

1330 Boylston St.  
Newton, MA 02467

TO BE USED FOR: Salon in a 6,926 square foot portion of an existing shopping center with up to 35 employees on-site at any one time

CONSTRUCTION: Interior renovations only

EXPLANATORY NOTES: Special permit per §7.3.3 to allow the conversion of one nonconforming use to another (§4.4.1, §7.8.2.C.2)

ZONING: Manufacturing 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 the following plans:
  - a) A plan entitled "Parking Plan, 150 California Street, Newton/Watertown, Mass.," dated June 10, 1999, as revised through June 23, 1999, signed and stamped by Thomas M. Killion, Professional Land Surveyor, on 6/23/99, as amended to show 706 parking stalls;
  - b) A document entitled "148 California Street/171 Watertown Street, Site Wide Parking Calculations (2019)."
2. The salon staff is limited to thirty-five (35) employees on the largest shift.
3. Any changes to signage shall be subject to review by the Urban Design Commission and approval of the Commissioner of Inspectional Services.
4. 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; and
  - c. obtained a statement from the Director of Planning and Development that all plans are consistent with Condition #1.
5. No occupancy permit for the use 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 certifying compliance with Condition #1.

## Department of Planning and Development



**PETITION #312-19  
20 KINMONTH ROAD**

TO ALLOW A THREE-STORY 24-UNIT MULTI FAMILY DWELLING GREATER THAN 20,000 SQ. FT. OF NEW GROSS FLOOR AREA, TO ALLOW GROUND FLOOR RESIDENTIAL UNITS, TO RECONSTRUCT AND FURTHER EXTEND NONCONFORMING SIDE SETBACKS, TO ALLOW AN FAR OF 1.4 IN A THREE-STORY STRUCTURE, TO WAIVE 24 PARKING STALLS, TO WAIVE MINIMUM STALL DEPTH REQUIREMENTS, TO WAIVE THE MAXIMUM DRIVEWAY WIDTH REQUIREMENT AND TO ALLOW A RETAINING WALL GREATER THAN FOUR FEET IN HEIGHT WITHIN A SETBACK



**OCTOBER 3, 2019**

1

## Requested Relief



Special Permit per §7.3.3 of the NZO to:

- Request to allow a residential use with ground floor units (§4.4.1)
- A development of 20,000 square feet or more of new gross floor area (§4.1.2.B.1)
- To allow a three-story structure at 34.5 feet in height, and FAR of 1.4 (§4.1.2.B.3, §4.1.3)
- To reconstruct and further extend nonconforming side setbacks (§4.1.3)
- To waive 24 required parking stalls (§5.1.4.A, §5.1.13)
- To waive the minimum stall depth requirements (§5.1.8.B.2, §5.1.13)
- To waive the maximum driveway width requirement (§5.1.8.D.2, §5.1.13)
- To allow a retaining wall greater than four feet in height (§5.4.2.B)

2

## Special Permit Criteria

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed multi-family structure. (§7.3.3.C.1.)
- The proposed multi-family structure as developed and operated will not adversely affect the neighborhood. (§7.3.3.C.2.)
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3.)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4.)
- The proposed floor area ratio of 1.4 in a three story structure, where 1.0 is the maximum allowed by right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood (§4.1.2.B.3, §4.1.3 and §7.3.3).

Continued on next slide

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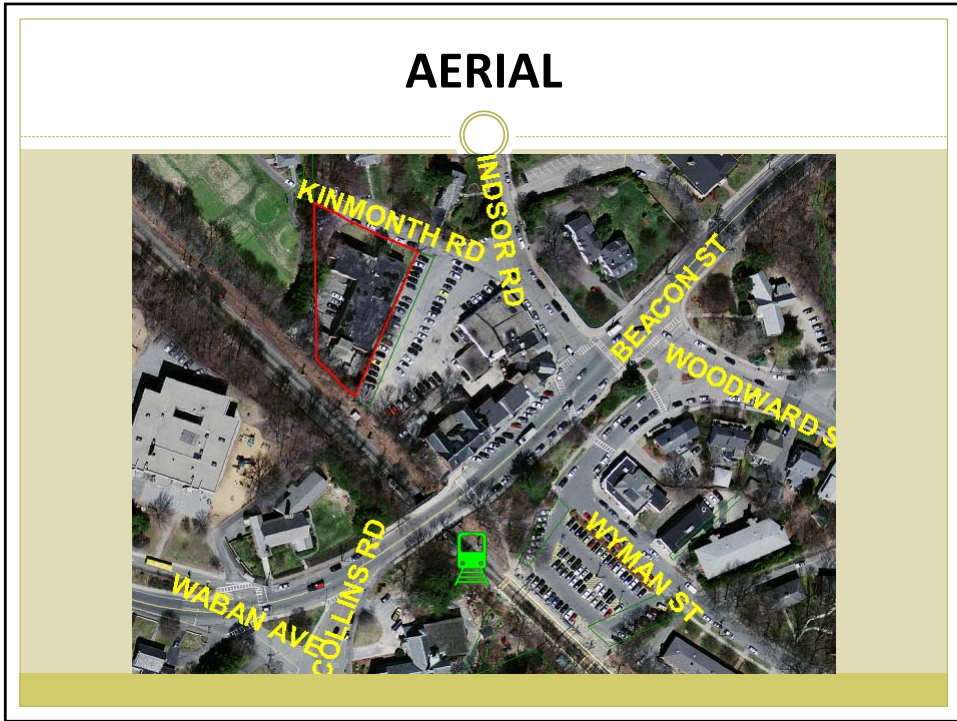
## Special Permit Criteria (cont'd)

When reviewing this request, the Council should consider whether:

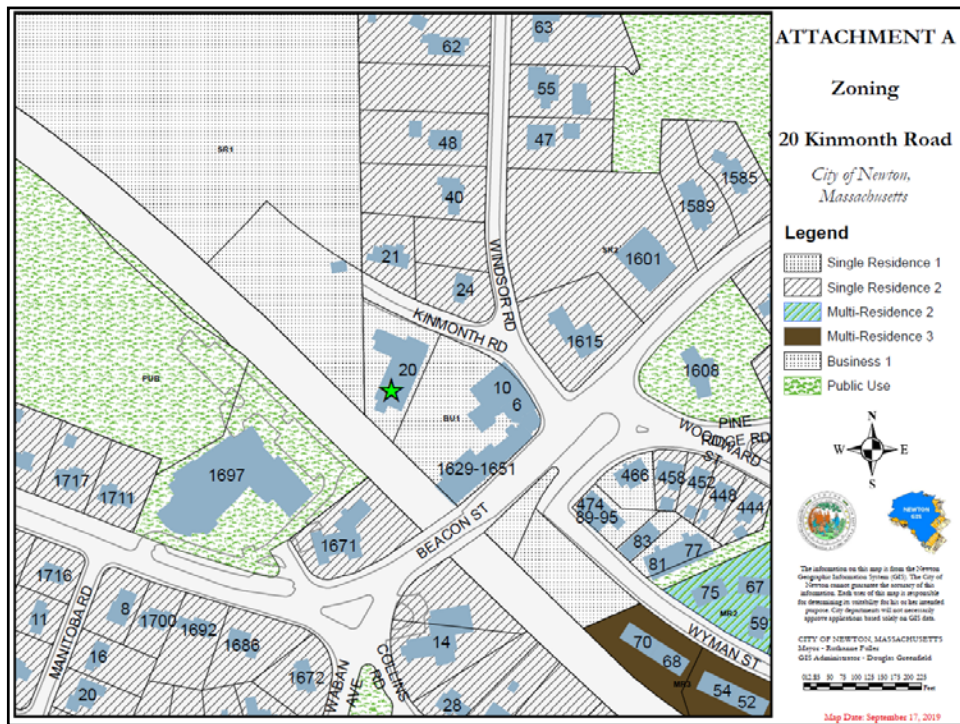
- The reconstruction and further extending the nonconforming side setbacks is more substantially detrimental to the neighborhood than the existing nonconforming structure (§7.8.2.C.2).
- The site planning building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy. (§7.3.3.C.5.)
- Literal compliance with the parking requirements of the Newton Zoning Ordinance (Ordinance) is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. (§5.1.13.)

4

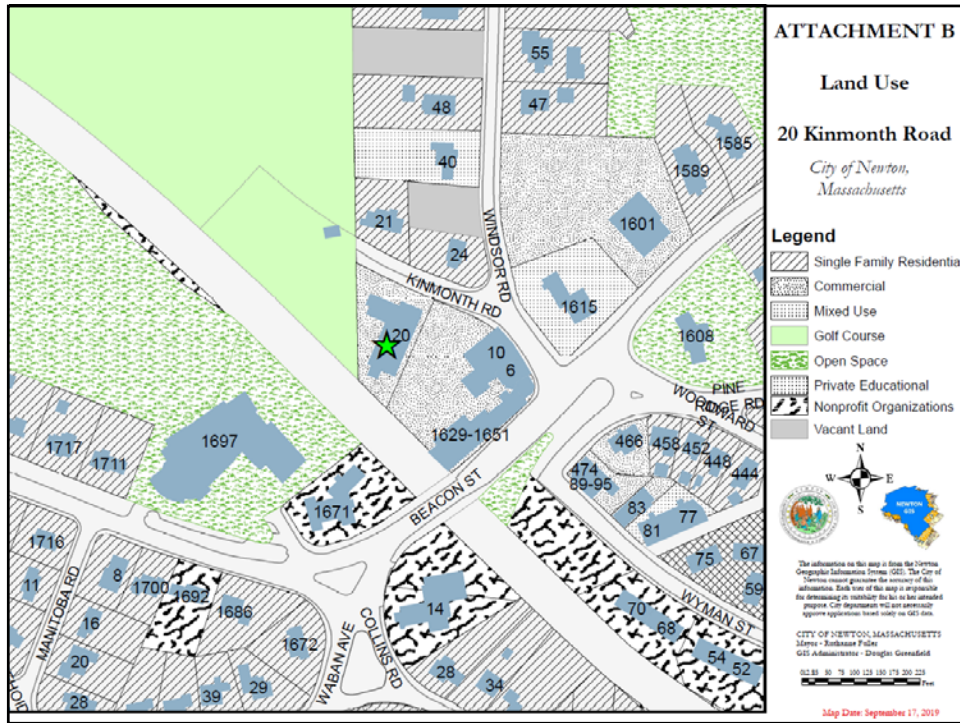
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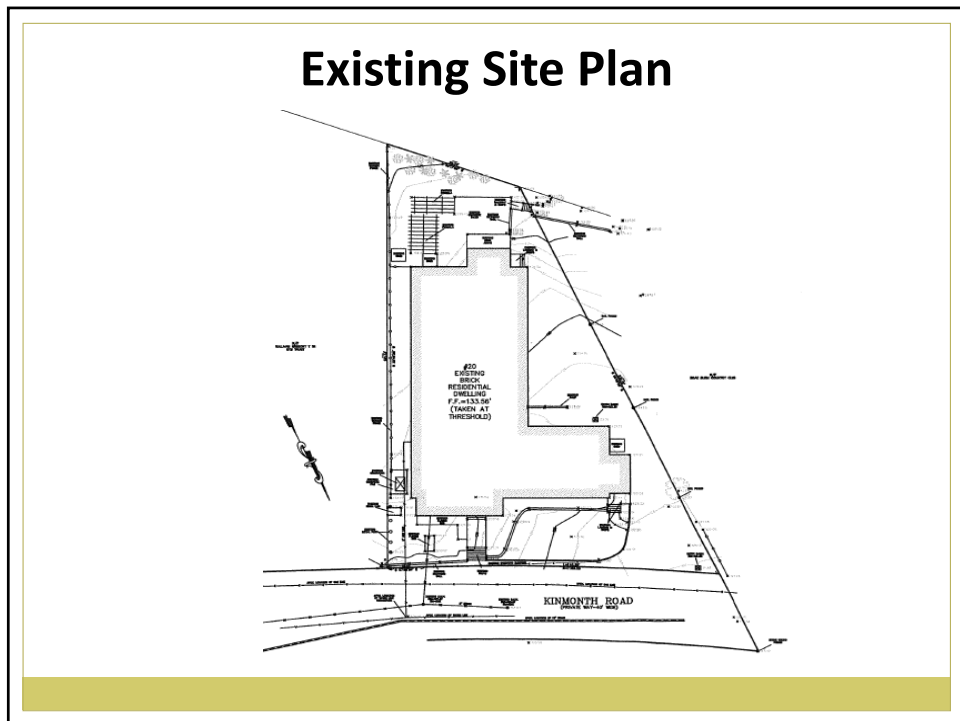
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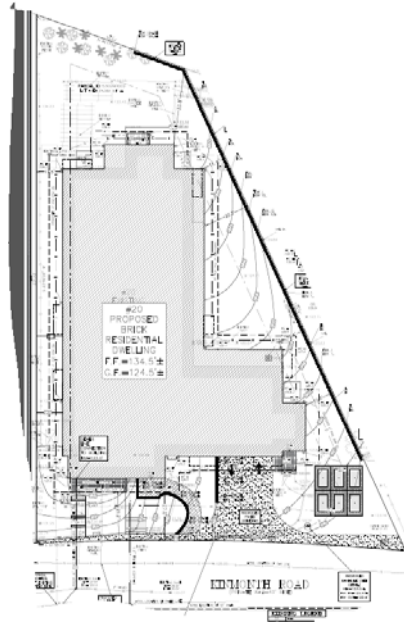


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## Proposed Site Plan



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## Landscape Plan



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## Front Elevation



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## Side Elevation



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## Elevation from Brae Burn



15

## Unit Mix

Unit Type	Number of Units	Number of Deed Restricted Units	Average Square Footage (Of Unit Type)
<b>One-Bedroom</b>	13	2	832 S.F.
<b>Two-Bedroom</b>	9	1	1,316 S.F.
<b>Three-Bedroom</b>	2	1	1,575 S.F.
<b>Total</b>	<b>24</b>	<b>4</b>	<b>N/A</b>

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## Consistency with *Comprehensive Plan* and Other Studies

Project aligns with the *Comprehensive Plan*, Housing and Transportation Strategies by:

- Locating additional housing units (24) in the dense, mixed use area of Waban Village Center
- Locating development near transit, and in a walkable setting
- Range of unit sizes and types
- Providing inclusionary units
- Encouraging alternative methods of transportation providing reimbursement for transit passes, and offering less parking

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## Outstanding Items

- Sustainability Statement needs to be reviewed and followed up on at a subsequent hearing
- Internal Review of Inclusionary Housing Plan
- Updated site plan showing removal of stairs, consolidated entrances and 20-foot-wide driveway (originally 24 feet) and subsequent withdrawal of relief for driveway width.
- Plans showing sidewalk to be constructed by petitioner

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## Planning Analysis

- Planning Department is supportive of petition due to its location and what the project is offering in terms of additional housing, unit mix.
- The three-story structure will be tucked away from Beacon Street on Kinmonth Road, which is a dead-end street.

19

## Proposed Findings

1. The site is an appropriate location for the building as designed, as the structure is similar in size and scale to the existing structure and due to the site's proximity to amenities on Beacon Street and to transit. (§4.4.1, §4.1.2.B.1, §4.1.2.B.3, §4.1.3, §5.4.2.B, and §7.3.3.C.1)
2. The proposed project as designed, developed, and operated will not adversely affect the neighborhood because the petitioner is improving upon the existing structure in locating parking underground, providing landscaping and utilizing transportation demand management measures. (§4.4.1, §4.1.2.B.1, §4.1.2.B.3, §4.1.3, §5.4.2.B, and §7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians as the site is located on a dead end street. (§4.4.1, §4.1.2.B.1, §4.1.2.B.3, §4.1.3, §5.4.2.B, and §7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved due to the site's location in a transit served environment, and its proximity to Waban Village Center. (§4.4.1, §4.1.2.B.1, §4.1.2.B.3, §4.1.3, §5.4.2.B, and §7.3.3.C.4)

20

## Proposed Findings (cont'd)

5. The proposed floor area ratio of 1.4 in a three-story structure, where 1.0 is the maximum allowed by right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood (§4.1.2.B.3, §4.1.3 and §7.3.3)
6. The reconstruction and further extending the nonconforming side setbacks is not more substantially detrimental to the neighborhood than the existing nonconforming structure as the nonconforming setback is decreasing by 2.4 inches on the eastern property line and six inches at the western property line (§4.1.3, and §7.8.2.C.2)
7. The site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy. (§7.3.3.C.5)
8. Exceptions to the parking requirements, including waving the dimensional standards of parking stalls, waiving 24 parking stalls are in the public interest for the following reasons:
  1. Reducing the minimum parking stall dimensions makes for the most efficient layout of the parking garage and helps to maximize the number of stalls that will be available
  2. Waiving 24 parking stalls is appropriate for this location given site's location in a walkable, transit accessible neighborhood. (§5.1.4.A.1, §5.1.8.B.2, §5.1.8.D.2, and §5.1.13)

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## Proposed Conditions

1. Plan Referencing Condition
2. Standard Building Permit Conditions.
3. Submit Final Landscape Plan showing compliance with the Tree Preservation Ordinance and all new plantings, for review and approval by the Director of Planning and Development.
4. All lighting fixtures shall be residential in scale.
5. Submit Final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval.
6. Construction Management Plan (CMP) for review and approval.
7. Standard Final Inspection/Certificate of Occupancy Condition
8. Standard Inclusionary Condition
9. T-Pass Reimbursement
10. Bicycle storage in accordance with Condition

22

## Proposed Conditions

1. Plan Referencing Condition
2. Standard Building Permit Conditions.
3. Submit Final Landscape Plan showing compliance with the Tree Preservation Ordinance and all new plantings, for review and approval by the Director of Planning and Development.
4. All lighting fixtures shall be residential in scale.
5. Submit Final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval.
6. Construction Management Plan (CMP) for review and approval.
7. Standard Final Inspection/Certificate of Occupancy Condition
8. Standard Inclusionary Condition
9. T-Pass Reimbursement
10. Bicycle storage in accordance with Condition

23

## Proposed Conditions (cont'd)

11. The trash and recycling disposal shall be handled by a private entity and collection shall be scheduled at such times to minimize any disruption of the on-site parking and shall comply with the City's Noise Control Ordinance.
12. At the Petitioner's sole expense, the petitioner shall construct a sidewalk at the front of the site. This work shall be completed to the satisfaction of the Engineering Division of Public Works prior to the issuance of a temporary Certificate of Occupancy for the Project.

24



## Department of Planning and Development



**PETITION #620-18 (2)**  
**55-71 NEEDHAM STREET**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO AMEND  
SPECIAL PERMITS #213-12  
(1), 213-12 (2) AND 62-18  
TO ALLOW ADDITIONAL USE  
AT 55-71 NEEDHAM STREET

OCTOBER 3, 2019



1

## Requested Relief



Special Permit per §7.8.2.C.2 of the NZO to:

- Amend Special Permits 213-12 (1) and (2) and 620-18
- To allow a for profit educational use (§4.4.1, §6.3.14.B.2)
- To allow animal services, dry cleaners and health club on the ground floor (§4.4.1 )

2

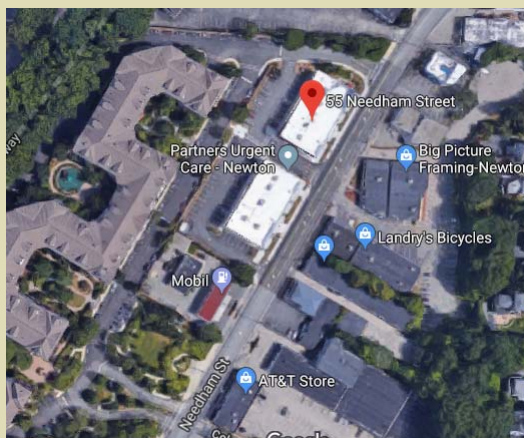
## Criteria to Consider

When reviewing this request, the Council should consider whether:

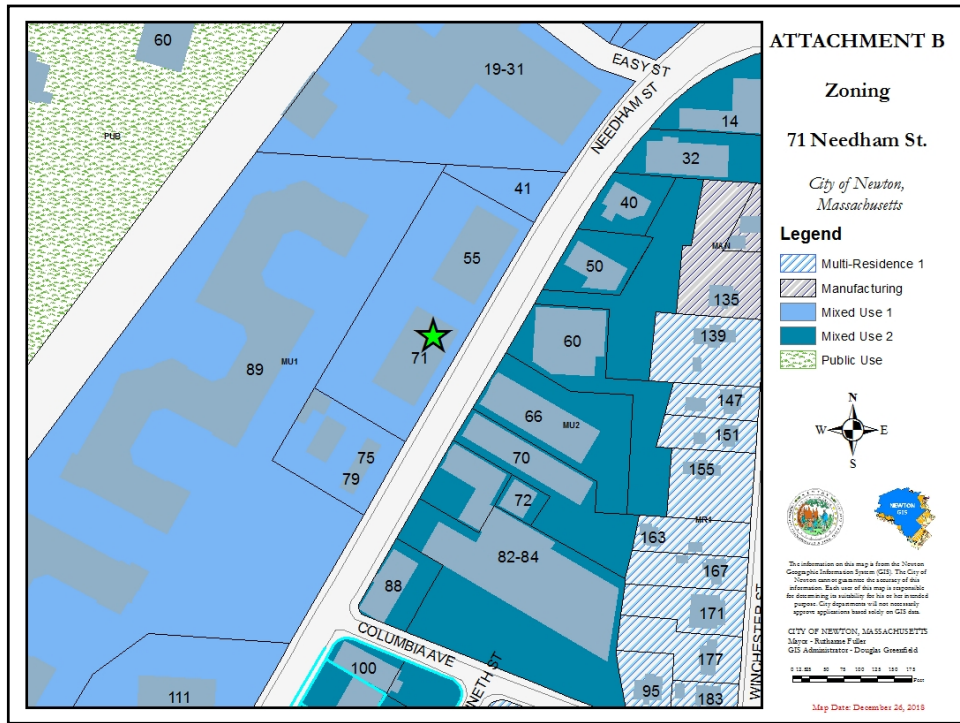
- The specific site in a MU-1 zone is an appropriate location for the proposed uses. (§7.3.3.C.1)
- The proposed uses will adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed uses will create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

3

## AERIAL/GIS MAP



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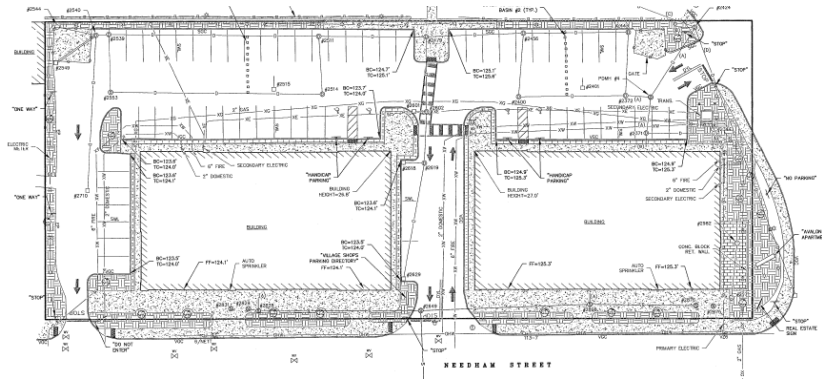


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## Site Plan



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## Planning Analysis

- Planning Department is supportive of adding the additional uses of animal services, dry cleaners, and ground floor health club to the site as are allowed by special permit.
- For Profit Educational Use is unique in that it is evaluated on a case by case basis and specific to the proposed tenant. When this type of use is requested, Planning looks at site circulation based on pick up and drop off times, class schedules, peak times for arrival and departure based on program amongst other operational characteristics

8

## Proposed Findings

1. The specific site is an appropriate location for the proposed uses because the site is located in an area containing a mix of uses and the proposed use is compatible with that mix. (§7.3.3.C.1.)
2. The proposed uses will not adversely affect the neighborhood given the mixed-use nature of the area. (§7.3.3.C.2.)
3. The proposed uses will not create a nuisance or serious hazard to vehicles or pedestrians because the use does not require any alterations to the site. (§7.3.3.C.3.)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4.)

9

## Proposed Conditions

- Standard plan referencing condition
- Standard building permit condition
- Standard Certificate of Occupancy condition
- All signage shall be reviewed and approved by the Urban Design Commission.
- Tenants that fall under the allowed uses shall locate their front door to Needham Street and any future gym use maintain transparency along Needham Street.

10