



Land Use Committee Agenda

City of Newton In City Council

December 10, 2019

7:00 PM
Chamber

#353-19 Petition to extend nonconforming FAR at 38 Fenno Road

MICHAEL ZALIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing deck and construct an addition on the first floor, creating an FAR of .50 where .42 is allowed and .45 exists at 38 Fenno Road, Ward 2, Newton Centre, on land known as Section 64 Block 12 Lot 05, containing 7,413 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

#175-19 Special Permit 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 buildings, to allow reduced side setbacks, to increase the allowed lot coverage, 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.

#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.

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.

- #318-19 Request to Rezone 15-21 Lexington Street to Multi Residence 3**
DANTE CAPASSO/PICARIELLO REALTY TRUST/DSP REALTY TRUST petition for a change of zone to Multi-Residence 3 for portions of land located at 15-21 Lexington Street (currently zoned Single-Residence 3), also identified as Section 41, Block 35, Lots 2, 3, 4 and 5.
Land Use Approved 5-0 on 10/10/2019; Public Hearing Closed 11/21/2019
Motion to suspend the rules to allow the Chair of Land Use to poll his Committee Approved by Voice Vote
Motion to hold in Committee 8-0
- #319-19 Petition to allow 24-unit multi-family dwelling at 15-21 Lexington Street**
DANTE CAPASSO/PICARIELLO REALTY TRUST/DSP REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 24-unit multi-family dwelling with a below grade parking garage and surface stalls, to reduce the parking stall depth, to allow restricted end stalls in the garage parking facility, to waive the perimeter screening requirements for the outdoor parking facility, to waive interior landscaping requirements for the outdoor parking facility and to waive the minimum intensity of outdoor lighting of the parking facility on 51,870 sq. ft. of land at 15-21 Lexington Street, Ward 4, West Newton, on land known as Section 41 Block 35 Lots 2-5 in a district zoned SINGLE RESIDENCE 3 (to be rezoned to MU3). Ref: Sec. 7.3.3, 7.4, 3.4.1, 5.1.8.B.2, 5.1.13, 5.1.8.B.6, 5.1.9.A, 5.1.9.B, 5.1.10.A.1 of the City of Newton Revised Zoning Ord, 2017.
Land Use Approved Subject to Second Call 5-0; Public Hearing Closed 11/21/2019
Motion to suspend the rules to allow the Chair of Land Use to poll his Committee Approved by Voice Vote, Motion to hold in Committee carried 8-0 on 12/02/2019
- #320-19 Petition to allow four attached dwelling units at 70 Walker Street**
70 WALKER STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwelling units in two, three-story structures, to further extend the nonconforming height, to reduce the required side setback, to exceed maximum lot coverage and to allow a driveway within ten feet of the side lot line at 70 Walker Street, Ward 2, Newtonville, on land known as Section 21 Block 33 Lot 7, containing 21,962 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.4, 7.8.2.C.2, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
- #268-19 Petition to allow adult-use marijuana dispensary at 58 Cross St/1089 Washington St**
ASCEND MASS, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL 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.A.1, 5.1.8.B.2, 5.1.9.A, 5.1.9.B, 5.1.10, 5.1.13, 6.10.3.D of the City of Newton Rev Zoning Ord, 2017.

- #88-19** **Petition to allow a rear-lot subdivision at 41 Washington Street**
JANE O'CONNOR petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a rear lot subdivision to create two lots, abandon the two-family use in the existing structure and creating a second single-family on the rear lot, extending the existing non-conforming side setback at 41 Washington Street, Ward 1, Newton, on land known as Section 71 Block 29 Lot 07, containing approximately 25,964 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3, 7.4, 3.5, 3.1.10, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Please see the attached request to withdraw without prejudice
- #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 to withdraw without prejudice
- #140-19** **Request to Rezone 4.5 acres to MU3**
MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for a change of zone to Mixed Use 3/Transit Oriented District for portions of land located at 355 Grove Street (currently zoned BU-2) and 399 Grove Street (currently zoned BU-5), also identified as Section 42, Block 11, Lots 3 and 4.
Please see the attached request to withdraw without prejudice
- #140-19(2)** **Special Permit to allow Mixed Use Development at Riverside Station**
MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 10 building, mixed use, transit-oriented development of not more than 1,520,000 sq. ft. and more than 20,000 sq. ft. of gross floor area including; up to 650,000 sq. ft. of office use, up to 750 residential units containing no more than 750,000 sq. ft., retail space of not more than 200,000 sq. ft., buildings up to 18-stories in height, building height of up to 230', Floor Area Ratio up to 2.7, no more than 10% beneficial open space; to permit retail and personal establishments of more than 5,000 sq. ft., for-profit educational uses, restaurants with more than 50 seats, places of amusement, open air businesses, animal services, ground floor health club establishments, hotel, banks up to and over 5,000 square feet, theatre/hall, laboratory/research facility, multi-level accessory parking facility, multi-level non-accessory parking facility, single level accessory parking facility, single level non-accessory parking facility, reduction of the residential parking requirement to 1.25 stalls per unit, reduction of the overall commercial parking requirement by 1/3, a waiver of parking stalls not to exceed 750 stalls, waivers to

parking facility design standards including: stall dimensions, minimum depth for handicap parking stalls, maneuvering space for end stalls, dimensions for entrance and exit driveways, waiver of layout design to permit tandem parking stalls, waiver of 5% interior landscaping requirement, waiver of the interior planting area requirements, waiver of the tree requirements, waiver of the bumper overhang requirements, waiver of the one foot candle lighting, waiver of the parking stall striping requirement, waiver of the curbing, wheel stop, guard rail or bollard requirements, waiver of off-street loading facilities requirements, waiver of the number, size location or design requirements relative to signs at 355 and 399 GROVE STREET on land known as Section 42 Block 11 Lots 3 and 4, containing approximately 14.4 acres of land in a districts zoned Mixed Use 3 Transit Oriented (MU3), BU2 (a portion to be rezoned to MU3), BU5 (to be rezoned to MU3). Ref: Sec. 7.3.3, 7.4, 4.2.2A.2, 4.2.2.B.1, 4.2.2.B.3, 4.2.2.B.3, 4.2.3, 4.2.4.A, 4.2.4.F.b, 4.2.4.F.1.b, 4.2.4.G, 4.2.4.G.1, 4.2.4.G.2, 4.2.4.G.3, 4.4.1, 5.1.4, 5.1.4.A, 5.1.4.C, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.B.6, 5.1.8.D.1, 5.1.8.D.2, 5.1.8.E.1, 5.1.9.B, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10.A.1, 5.1.10.B.3, 5.1.10.B.5, 5.1.12, 5.1.13, 5.2, 5.2.13, 5.4.2.B, of the City of Newton Revised Zoning Ord, 2017. **Subject to approval of proposed zoning ordinance amendments in Sections 4.2.3 and 4.2.4.**

Please see the attached request to withdraw without prejudice

#354-19

Special Permit to allow multi-family dwelling at 13-17 Gardner Street

CIVICO GARDNER, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to combine two parcels and construct a five-unit multi-family dwelling, altering and extending a nonconforming front setback, altering and extending a nonconforming side setback, to waive one parking stall and to allow a retaining wall greater than four feet within a setback at 13-17 Gardner Street, Ward 1, Newton, on land known as Section 11 Block 25 Lots 5 and 6, containing approximately 16,579 sq. ft. of total land in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.6, 7.8.2.C.2, 5.4.2.B, 5.1.4, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Please see the attached request to withdraw without prejudice

#422-19

Class 1 Auto Dealer License

VILLAGE MOTORS GROUP, INC. D/B/A HONDA VILLAGE
371 Washington Street
Newton, MA. 02458

#423-19

Class 1 Auto Dealer License

NEWTON CENTRE SHELL
1365 Centre Street
Newton, MA. 02459

#424-19

Class 2 Auto Dealer License

PARAGON EXPORTS
40 Summit Street
Newton, MA. 02458

- #425-19** **Class 2 Auto Dealers License**
VELOCITY MOTORS
14 Hawthorn Street
Nonantum, MA. 02458
- #426-19** **Class 2 Auto Dealers License**
ROBERT'S TOWING, INC.
926r Boylston Street
Newton Highlands, MA. 02461
- #427-19** **Class 2 Auto Dealers License**
NEWTON TRADE CENTER ASSOCIATES, INC.
103 Adams Street
Nonantum, MA. 02458
- #428-19** **Class 2 Auto Dealers License**
LIFT THROTTLE AUTOMOTIVE, LLC
64 Hillside Avenue
West Newton, MA. 02465
- #429-19** **Class 2 Auto Dealers License**
STAN'S AUTOMOTIVE INC.
249 Centre Street
Newton Corner, MA. 02458
- #430-19** **Class 2 Auto Dealers License**
OLD TIME GARAGE LTD.
1960 Washington Street
Newton Lower Falls, MA. 02462
- #431-19** **Class 2 Auto Dealers License**
REGANS INC.
2066 Commonwealth Avenue
Auburndale, MA. 02466
- #432-19** **Class 2 Auto Dealers License**
SONOMA CLASSICS LLC.
1215 Chestnut Street/145 Wells Avenue
Newton, MA. 02464

#433-19 **Class 2 Auto Dealers License**
NEWTON AUTO GROUP, INC.
1235 Washington Street
West Newton, MA. 02465

#434-19 **Class 2 Auto Dealers License**
MAP DEVELOPMENT & INVESTMENTS
d/b/a CHRISTIAN TAPIA/MASTER USED
CARS of WATERTOWN
175 North Street
Newtonville, MA. 02460

#433-19 **Class 2 Auto Dealers License**
JAPAN AUTO SERVICES
1231-2 Washington Street
West Newton, MA. 02465

Respectfully Submitted,

Greg Schwartz, Chair

Nadia Khan

From: PETER HARRINGTON <pfh@aol.com>
Sent: Thursday, December 5, 2019 11:36 AM
To: Nadia Khan
Subject: 41 Washington Street

[DO NOT OPEN links/attachments unless you are sure the content is safe.]

To: Land Use Committee
Re: 41 Washington Street Special Permit Application

The Petitioner would like to withdraw her request, without prejudice, for a special permit at 41 Washington Street as she has decided not to build a small retirement home at the rear of her 25,000+ square foot lot.

Thank you for your attention to this matter.

Peter F. Harrington

Harrington & Martins
505 Waltham Street
West Newton, MA 02465
617.558.7722 tel
617.527.4763 fax

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Of Counsel:
Karen M. Buckley*
Elizabeth Baum, P.C.
*admitted in MA and NY

October 15, 2019

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

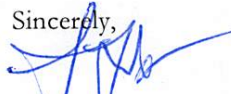
Re: 12-14 Middle Street, Newton

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 withdraw special permit petition no. 265-19 without prejudice.

Please call or email me with any questions.

Sincerely,



Laurance S.L. Lee

cc: Katie Whewell, Planner



STEPHEN J. BUCHBINDER
ALAN J. SCHLESINGER
LEONARD M. DAVIDSON
A. MIRIAM JAFFE
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December 5, 2019

BY EMAIL and FIRST CLASS MAIL

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

Re: Riverside Station/355 Grove Street and 399 Grove Street/#140-19 and #140-19(2)

Dear Ms. Khan,

I am hereby requesting leave to withdraw, without prejudice, the two pending Riverside petitions (#140-19, zone change and #140-19(2), special permit). Next week I will be filing a new request for a zone change and a special permit application for a project with a density not exceeding 1,025,000 square feet and consistent with the recent amendments to the Mixed Use 3 District. Kindly place this matter on the agenda to be heard before the Land Use Committee.

Please feel free to call with any questions.

Sincerely,

A handwritten signature in blue ink that reads 'Stephen J. Buchbinder'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Stephen J. Buchbinder

SJB/mer

cc: (By Email)
Mr. Robert Korff
Mr. Damien Chaviano
Mr. David Roache
Ms. Stephanie Moresco

Nadia Khan

From: Andrew Consigli [REDACTED]
Sent: Friday, December 6, 2019 3:46 PM
To: Neil Cronin
Cc: Nadia Khan
Subject: Re: 13-17 Gardner Street application

[DO NOT OPEN links/attachments unless you are sure the content is safe.]

Hi Nadia,

Please withdraw the petition #354-19 without prejudice.

Thank you,

Andrew Consigli