



Land Use Committee Agenda

City of Newton In City Council

Tuesday, January 23, 2018

7:00 PM
Room 211

#72-18 Class 2 Auto Dealer License

PARAGON EXPORTS
40 Summit Street
Newton, MA. 02458

#73-18 Petition for an Extension of Time to Exercise #430-16 at 15 South Gate Park

ANTHONY DEPASQUALE request for an EXTENSION of TIME in which to EXERCISE Special Permit #430-16, granted on February 6, 2017 to change a non-conforming clubhouse use to a 3-unit multi-family dwelling, locate parking within a front setback and allow a two way entrance/exit drive less than 20' at 15 South Gate Park, Ward 3, West Newton, said EXTENSION will run from February 27, 2017 to February 27, 2018. Ref: 7.4.5.D, 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 5.1.8.A.1, 5.1.13, 5.1.8.D.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Consistency Ruling relative to Board Order #147-79(2); Requesting a review of proposed changes to the Leventhal-Sidman Jewish Community Center at 333 Nahanton Street subject to Special Permit #147-79(2).

#24-18 Special Permit Petition to extend nonconforming use at 4-6 Middle Street

ALFREDO CEDRONE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the nonconforming three-family use to allow four units, legalize noncompliant lot area per unit, waive perimeter screening requirements, waive lighting and surface requirements, to allow tandem parking, parking within the side setback, reduced aisle and driveway width at 4-6 Middle Street, Ward 1, Newton, on land known as Section 12, Block 1, Lot 15, containing approximately 11,297 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.2.6, 5.1.8.A.1, 5.1.13, 5.1.8.B.2, 5.1.8.C.1, 5.1.8.D.1, 5.1.8.E.1, 5.1.9, 5.1.10 of the City of Newton Rev Zoning Ord, 2015.

#25-18 Special Permit Petition to increase non-conforming FAR at 45 Beethoven Ave

MATTHEW AND MICHELLE ZISOW petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a single story rear addition extending the nonconforming FAR to .43 where .35

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.

is allowed and .41 exists at 45 Beethoven Avenue, Ward 5, Waban, on land known as Section 53, Block, 15, Lot 29, containing approximately 15,000 sq. ft. of land in a district zoned SINGLE RESEIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

- #27-18** **Special Permit Petition to extend non-conforming lot coverage at 1771 Washington St**
HENSIN AND SANDY TSAO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story addition with family room and master bedroom, increasing the existing non-conforming lot coverage at 1771 Washington Street, Ward 4, Auburndale, on land known as Section 43, Block 39, Lot 10, containing approximately 15,021 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 7.4, 3.1.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.
- #23-18** **Special Permit Petition to allow three-unit multi-family at 19-21 Orchard Street**
DAVID OLIVERI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow for a three-unit multi-family dwelling with basement level garage in excess of 700 sq. ft. and waivers to allow parking in the front setback, a driveway width in excess of 20', reduced parking stall depth and a retaining wall greater than 4' in a setback at 19-21 Orchard Street, Ward 1, Newton, on land known as Section 71 Block 16 Lot 1, containing approximately 12,320 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 7.4, 3.4.1, 3.4.2.C.1, 5.1.13, 5.1.7.B.2, 5.1.7.A, 5.1.7.C, 5.4.2.B of the City of Newton Rev Zoning Ord, 2015.
- #26-18** **Special Permit Petition to allow attached dwellings at 20 Dale St/19 Simpson Terr**
SCOTT ROSS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an addition, creating two attached dwelling units, allowing waivers to the lot area requirements and lot area per unit requirements, to reduce the side setback requirement, to reduce the lot coverage requirement, to allow a driveway within 10' of a side lot line and to allow parking within 20' of a side lot line at 20 Dale Street/19 Simpson Terrace, Ward 2, Newtonville, on land known as Section 22, Block 14, Lot 03, containing approximately 5,968 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.2.4, 6.2.3.B.2 of the City of Newton Rev Zoning Ord, 2015.
- #19-18** **Special Permit Petition to extend non-conforming use at 307-309 Lexington Street**
LESVOS PROPERTIES LLC./MARIA BANIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the non-conforming use to allow reconfiguration of the existing two-family dwelling into one unit and adding a second two-story attached dwelling unit at 307-309 Lexington Street, Ward 4, Auburndale, on land known as Section 41, Block 30, Lot 36 and Section 41, Block 30, Lot 37, containing approximately 15,216 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

Respectfully submitted,

Greg Schwartz, Chair

To the City Clerk,

My name is Anthony J. DePasquale, (Sweet World LLC).

I am requesting an extension of time for a special permit that was granted on March 1, 2017 for 15 Southgate Park. The reason for the extension is that I had filed a consistency ruling for a driveway change which was granted. So, the paper work and plans are all set to be filed except for structural plans which are done as of today. A quick review of all plans and I will file for a permit by February. I want to file for an extension just to assure that if something doesn't look correct to the city, I have time to correct it.

Thank you for your consideration,

Anthony J. DePasquale Jan 8, 2017

DAVID A. OLSEN, CMC
NEWTON, MA 02459

2018 JAN 29 PM 12:37

RECEIVED
Newton City Clerk



ATTORNEYS AT LAW

1200 WALNUT STREET
NEWTON, MASSACHUSETTS 02461-1267

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
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ADAM M. SCHECTER

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OF COUNSEL
ROBIN GORENBERG

November 22, 2017

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

Re: Jewish Community Center - 333 Nahanton Street - Request for Consistency Ruling

Dear Commissioner Lojek;

This letter is to seek your ruling that a proposed 2176 s.f. addition on two floors (4352 s.f. total) at the rear of the gymnasium at the Leventhal-Sidman Jewish Community Center ("JCC") is consistent with the approvals granted for the JCC in 1981 as amended.

Attached are:

- Exhibit A - Special Permit dated February 17, 1981 (the "Special Permit") allowing construction of the JCC;
- Exhibit B - Amendment to the Special Permit dated February 22, 1983 (the "Special Permit Amendment"); allowing a site plan amendment to remove 4 acres from the site to allow construction of 100 units for Jewish Community Housing for the Elderly;
- Exhibit C - Letter of Ruth Fein, President of Combined Jewish Philanthropies dated January 24, 1983 which is attached as an exhibit to the Special Permit Amendment;
- Exhibit D - Copy of a section of the site plan referred to in the Special Permit and showing the "optional" area creating a second story over the JCC lobby, which optional space was not built;
- Exhibit E - Copy of a section of the site plan referred to in the Special Permit showing the "15' Building Footprint Adjustment Line"
- Exhibit F - Plans consisting of:

John Lojek
November 22, 2017

- 2 Google map aerial photos of the existing conditions
- Site plan of the proposed addition
- Architectural floor plan of the proposed addition
- Overall first floor plan
- Elevation plan

The Leventhal-Sidman Jewish Community Center was constructed in the 1980's under the Special Permit granted to Combined Jewish Philanthropies, and the project was built consistent with the plans referenced. The Special Permit Amendment allowed for removal of the JCHE elderly housing parcel from the site plan approval, and the Ruth Fein letter Exhibit C refers to future building and overall planning for the Jewish Community Campus. Over the years various permits have been issued for reconfiguration of spaces as uses within the building have shifted. The current proposal is the first addition of square footage of footprint.

The proposed addition is shown on Exhibit F and consists of 2 stories added to the southerly and rear portions of the gym building.

Reviewing the documentation I would note the following:

1. Condition #2 of Exhibit A allows within the permit the modification of the footprint of the building provided that (a) the modification is within the line shown on Exhibit E, (b) the modification will not exceed 15' in any direction, and (c) the total floor area will not be increased by such modification.

Exhibit F shows that none of those conditions are satisfied, but we ask for a consistency ruling because we believe that the proposal is in fact consistent with the Special Permit. In particular:

- (a) The proposed modification is within the line shown on Exhibit E in that the building line includes the southwest corner of the building, and the extension is in that area;
- (b) The modification exceeds 15' only in the back end behind the building. The extension is shown in yellow on the first floor plan as 13' 5" on the northeast corner and 19' 8" at the rear. Looking at the Google Map aerials it is pretty apparent that the excess 4' 8" in that direction is not inconsistent with the overall plan for the 60 acres combined of the JCC land and Novitiate Park.
- (c) The project does add 4352 s.f. of space. However, we have in the past reviewed the building plans for the Special Permit which have indicated the "Optional" area for construction of +/- 5,000 s.f. on the second and floor above the entry lobby. This square footage was permitted under the Special Permit but never built and is specifically referred to in Exhibit C, the Ruth Fein letter in its Section II as

SCHLESINGER AND BUCHBINDER, LLP

John Lojek
November 22, 2017

"...the additional office and community service space in the second and third stories over our lobby allowed under the existing permits...."

We believe that the square footage which was not be exceeded includes the "optional" area on the second floor, and the JCC will agree that future building of the "Optional" area will require an amendment of the special permit. In effect the proposed addition is no new construction over the previously allowed square footage.

2. The proposed addition preserves the existing fire lane, hammerhead turnaround and hydrant location so fire safety is not affected.
3. The proposed addition is consistent with the guidelines for the future development of the JCC project as established in Exhibit C. In particular:

Section I - the proposal is consistent with the Development Limitations in Section I in that the open space and lot coverage requirement remain satisfied and there is no encroachment onto the additional preservation areas;

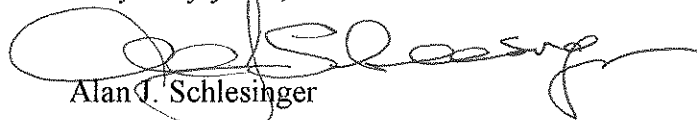
Section II - there is no inconsistent use proposed, as the use is an enhancement and reorganization of existing JCC uses in the building;

Section III - the Development Standards of Exhibit C are satisfied;

- i. The proposal does not detract from enjoyment of Novitiate Park;
- ii. All uses are accessible from the single Nahanton Street access
- iii. The structure is not visible from Nahanton Street or Winchester Street
- iv. We seek your approval as consistent with the prior permits
- v. The "gravel pit" is not affected by the project

I would appreciate the opportunity to talk to you when you have had an opportunity to review these materials so we might get your guidance as to whether you believe this plan to be consistent with and included within the Special Permit.

Very truly yours,



Alan J. Schlesinger

AJS:sjk

cc: Betsy Jacobs

Petition 5176-49-3

CITY OF NEWTON

IN BOARD OF ALDERMEN

February 17, 1981

ORDERED:

That the Board finding that the public convenience and welfare will be substantially served by its action 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, the following SPECIAL PERMIT, SITE PLAN APPROVAL, and EXTENSION OF NON-CONFORMING USE is hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor through its Chairman, Alderman Terry Morris.

- Petition number: #147-79(2)
- Petitioner: Combined Jewish Philanthropies of Greater Boston, Inc.
- Location: 601-621 Winchester Street, Ward 8, Section 83, Block 25, part of Lot 4 containing approx. 1,232,462 sq. ft.
- Owner: Working Boys Home, c/o Xaverian Brothers
- Address of owner: 704 Brush Hill Road, Milton, MA 02186
- To be used for: Multi-purpose community facility, including cultural, education, athletic and recreational activities (club-house).
- Construction: Masonry, steel, glass.
- Explanatory note: This Board Order supersedes Board Order #147-79, dated May 7, 1979. The petitioner has requested revisions to conditions #1 and #2 of Board Order #147-79 to extend Permit for one year beyond May 7, 1981 and to substitute site plan to permit modifications to proposed building. Section 30-5(b)(4) and 30-5(b)(11) of the Zoning Ordinance provides that the petitioner obtain SPECIAL PERMIT from the Board of Aldermen for a club (multi-purpose community facility). Petitioner also seeks permission under Section 30-26(b), Extension of Non-Conforming Use to renovate and expand existing gymnasium, pool and office facilities; under Section 30-5(c) and 30-24 SITE PLAN APPROVAL to use portions 30-15 to construct a non-residential building in excess of 40 feet in height and under Section 30-21(c)(3) and 30-21(m) to reduce the parking requirements for the multi-purpose community facility to 340 parking spaces.

Land referred to is in Single Residence A District.

Petition # 147-79(2)
Page 2

Approved, subject to the following conditions:

1. That this Permit shall be exercised no later than May 7, 1982. Within this Board Order, the term "exercised" shall mean commencement of substantial construction which necessitates the issuance of a building permit.
2. That, except as modified in (a) and (b), the proposed buildings, parking stalls, maneuvering aisles, driveways, walkways, swimming pool, tennis courts, landscaped areas, grading, drainage, utilities including sewer, water and electrical connections and other site features shall be located and constructed consistent with a plan entitled "Revised Site Plan and Proposed Property Line Adjustment, Affiliated Jewish Community Facility, Newton, Mass. dated March 15, 1979, revised April 19, 1979, and revised to February 9, 1981 by Wallace, Floyd, Ellensweig, Moore, Inc., Architects/Planners, Robert A. Carleo, P.E. submitted by the petitioner and filed herewith. Provided (a) that no tennis courts shall be located within twenty five feet (25') of the boundary line of land owned by the petitioner and (b) that the petitioner may, upon the written approval of the Director of Planning and Development and the recommendation of the Land Use Committee, but without a further permit, approval or extension from this Board, modify the perimeter outline of the new construction portion of the building plans submitted with this Petition provided, however, that no such modification shall exceed 15' in any direction and the total floor area shall not be increased by any such modification. With the exception of the modification of the building shown on the February 9, 1981 revised Site Plan further changes to the perimeter of the building may not exceed the 15 foot limitation delineated on the April 19, 1979 Site Plan.
3. That the number, species, and size of proposed landscaping and other site features including existing vegetation not be disturbed by new construction shall be located consistent with a plan entitled "Planting and Materials, Affiliated Jewish Community Facility, Newton MA" dated 15 March 1979 by Wallace, Floyd et al, Architects/Planners, Robert A. Carleo, P.E., submitted by the petitioner and filed herewith. Said plan shall be modified to exclude the installation of the 27 parking stall lot located nearest the entrance drive from Nahanton Street and the 29 stall lot near Winchester Street, for which is to be substituted by 16 parking stalls to be located on the existing driveway, and to permit the installation of the 14 parking stall lot near the tennis court off the entrance drive, and to conform to Condition 2 above. (147-79)
4. That the floor plans shall be constructed consistent with the plans entitled "Affiliated Jewish Community Center, Lower Level, Sheet No. 11; Ground Floor Plan, Sheet 12; Second Floor Plan, Sheet 13; Third Floor, Fourth Floor, Fifth Floor Plans, Sheet No. 14; all dated 15 March 1979 and revised February 9, 1981 by Wallace Floyd et al, Architects/Planners, submitted by the petitioner and filed herewith. (147-79)
5. That, except as modified in accordance with Condition 2.b. above, the proposed building sections, elevations and facade treatment shall be consistent with plans entitled, "Section, Sheet No. 15; Elevations, Sheets No 16 & 17"; all dated 15 March 1979 and revised February 9, 1981 by Wallace, Floyd et al, Architects/Planners, submitted by the petitioner and filed herewith.

Petition #147-79(2)
Page 3

6. That, except for emergency vehicular access, there shall be no general vehicular access to or from the site onto Winchester Street. The existing driveways onto Winchester Street shall be closed by chains of a tensile strength to be approved by the Newton Fire Chief and attached to bollards. (147-79)
7. That all utilities, including telephone and electrical service, shall be installed underground from the street line and any transformer locations shall be approved by the Department of Planning and Development. (147-79)
8. That all construction vehicles shall enter and leave the site via Nahanton Street west to the Newton-Needham municipal boundary. No such vehicle shall utilize Winchester Street. (147-79)
9. That, except for ordinary care and maintenance, including removal of dead vegetation and trees, and subsequent to the installation of drainage systems, underground utilities, driveways and parking areas, the petitioner shall preserve the existing topography and natural vegetation for the entire length of Winchester Street to a depth of 80 feet from the westerly side of Winchester Street and in the area bounded by the two existing driveways to Winchester Street. (147-79)
10. That the petitioner shall not erect a perimeter fence or barrier of any kind around the so-called ball field west of Parcel A or along any easements which connect the petitioner's site which the Charles River as shown on the plan cited in Condition 2 herein. (147-79)
11. That no building permit shall be issued in pursuance of the PERMIT until: (147-79)
 - a. The petitioner shall have filed with the Building Commissioner, City Clerk, Director of Planning and Development, and Recreation Commissioner, copies of an instrument recorded in the Registry of Deeds for the Southern District of Middlesex County which provides for City use of the ball field, as shown on the plan cited in Condition 2 herein, on such conditions as may be agreed upon between the petitioner and the City of Newton acting through the Newton Recreation Commissioner.
 - b. The petitioner shall have filed with the Building Commissioner, City Clerk, and Director of Planning and Development copies of a certification by the petitioner that any easements held by petitioner over a parcel of land located west of the petitioned parcel and east of the Charles River, except for (1) any easement over the so called "ball field area" (2) any easement for the main driveway from Nahanton Street to petitioners' facility shall either (a) be non-exclusive to petitioner or (b) provide for access to the public over such easements.

Petition #147-79(2)
Page 4

- c. The petitioner shall have filed with the Building Commissioner, City Clerk, and Director of Planning and Development, copies of a conservation restriction established under Chapter 184, Sections 30-33, Mass. General Laws as specifically depicted as "Conservation Easement" (kettle area) on the plan cited in Condition 2 herein which form has been reviewed and approved by the City Solicitor and has been recorded in the Registry of Deeds for the Southern District of Middlesex County.
 - d. The City Engineer shall have reviewed and approved of site grading, drainage and utility plans and a statement certifying such approval shall have been filed with the Building Commissioner, City Clerk, and Director of Planning and Development.
 - e. The Fire Chief shall have reviewed and approved the site plan as to adequacy of emergency access, and a statement certifying such approval shall have been filed with the Building Commissioner, City Clerk, and Director of Planning and Development.
 - f. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a certified copy of this Board Order granting this PERMIT with appropriate reference to the book and page of the recording of the petitioner's title deed or notice of lease endorsed thereon.
 - g. A certified copy of such recorded notice shall have been filed with the City Clerk, the Building Department and the Department of Planning and Development.
13. That no building or structure, or portions thereof, subject to this PERMIT shall be occupied until: (147-79)
- a. The petitioner shall have filed with the City Clerk, the Building Department, and the Department of Planning and Development a statement by a registered architect or registered engineer certifying that Conditions 2. thru 7. have been complied with.
 - b. There shall have been filed with the City Clerk, the Building Department and the Director of Planning and Development a statement by the City Engineer certifying that the finished grade and final construction details of the driveways, parking areas, drainage systems and utility installations have been constructed to the standards of the City of Newton Engineer Department.
 - c. There shall have been filed with the City Clerk and the Building Department a statement by the Director of Planning and Development approving the final location, number and type of plant materials, final landscape features, and lighting installation, provided that, in the event that all other conditions of this SPECIAL PERMIT have

been met including, but not limited to, completion of the buildings, walks, drives, parking areas, utilities and lighting, the posting of a bond to the City of Newton by the petitioner in an amount to be determined by the Director of Planning and Development to secure the installation of landscape features and plant material within six months from the date of the bond shall be deemed sufficient performance of petitioner's obligations to permit occupancy for a period of six months from the date of the bond.

- d. A statement by the Building Department that there has been full compliance with the Mass. State Building Code, including any permits issued by said Department, and that the premises are suitable for occupancy shall have been filed with the City Clerk and the Department of Planning and Development.

Under Suspension of Rules
Readings Waived & Adopted
18 Yeas 6 Absent (Ald.
Barker, Daley, Dietz,
Richmond, Schur, Taglienti)

EXECUTIVE DEPARTMENT

Approved February 19, 1981

(Sgd) THERESA A. FICKETT Acting City Clerk (Sgd) THEODORE D. MANN Mayor

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT, SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE is a true, accurate and complete copy of said decision; that all statutory requirements for the issuance of such SPECIAL PERMIT, SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE have been complied with; and that copies of the foregoing decision and all plans referred to in the decision have been filed with the Planning & Development Board and the City Clerk.

Twenty days have elapsed since the date of filing of the Board Order with the City Clerk and no appeal thereto has been filed.

City Clerk

THE COMMONWEALTH OF MASSACHUSETTS

NEWTON

BOARD OF ALDERMEN

FEBRUARY 22 1983



NOTICE OF VARIANCE

Conditional or Limited Variance or Special Permit
(General Laws Chapter 40A, Section 18 as amended)

Notice is hereby given that a Conditional or Limited Variance or Special Permit has been granted

To Combined Jewish Philanthropies of Greater Boston Inc.
Owner or Petitioner

Address 72 FRANKLIN ST

City BOSTON MA 02110

601-621 Winchester Street, Ward 8, Section 83, Block 35,
part of Lot 4, containing approx. 1,085,462 square feet.

by the City of NEWTON Board of Aldermen affecting the
rights of the owner with respect to the use of premises on

601-621 Winchester Street, Newton
Street City

the record title standing in the name of
COMBINED JEWISH PHILANTHROPIES OF GREATER BOSTON, INC.

whose address is 72 FRANKLIN ST BOSTON MA 02110
Street City State

by a deed duly recorded in the MIDDLESEX S County Registry of Deeds in Book
13765 Page 544, Registry District of the Land Court

Certificate No. Book Page

The decision of said Board is on file with the papers in Decision or Case No. 147-79(3)
in the office of the City Clerk of Newton

Signed this 14th day of March, 1983

Board of Aldermen Matthew Jefferson President

Edward G. English City Clerk
Board of Aldermen

at 19 o'clock and minutes M.

Received and entered with the Register of Deeds in the County of
Book Page

ATTEST

Register of Deeds

Notice to be recorded by Land Owner.

04/11/83 0 1: 4 4 TR 266 RE 2000

CITY OF NEWTON

IN BOARD OF ALDERMEN

February 22, 1983

ORDERED:

That the Board finding that the public convenience and welfare will be substantially served by its action 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, the following SPECIAL PERMIT, SITE PLAN APPROVAL, and EXTENSION OF NON-CONFORMING USE is hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor through its Chairman, Alderman Terry Morris.

Petition number: 147-79(3)

Petitioner: Combined Jewish Philanthropies of Greater Boston, Inc.

Location: 601-621 Winchester Street, Ward 8, Section 83, Block 35, part of Lot 4 containing approximately 1,085,462 sq. ft.

Owner: Combined Jewish Philanthropies of Greater Boston, Inc.

Address of Owner: 601 Winchester Street, Newton, MA 02161

To be used for: Multi-purpose community facility, including cultural, education, athletic and recreational activities (clubhouse).

Construction: Masonry, steel, glass

Explanatory Note: This Board Order amends Board Order #147-79(2) dated February 17, 1981 appended hereto as previously amended by Board Order #147-79. This petition is to remove from the site plan a certain portion of the site containing approximately 147,000 square feet more or less for the purpose of constructing 100 dwelling units for the elderly and handicapped approved by the Newton Zoning Board of Appeals #3-83 under a comprehensive permit authorized by Chapter 774 of the Acts of 1969, G.L. Chapter 40B, Section 20-23.

Also, the petitioner requests permission to occupy all or portions of the buildings on the premises on a partial temporary basis pending completion of other portions of the project and pending completion of landscaping required in Board Order #147-79(2).

Land referenced to is in Single Residence A district.

Approved subject to the following conditions:

1. That except as amended herein, all conditions of Board Order #147-79(2) appended hereto shall remain in full force and effect.
2. That the site plan referenced in Condition 2. of Board Order #147-79(2) is hereby substituted by a plan entitled "JEWISH COMMUNITY CAMPUS, Newton, Massachusetts, revised Site Plan and Proposed Property Line Adjustment, Affiliated Jewish Community Facility" dated March 15, 1979 and Revised to January 25, 1983, by Wallace, Floyd, Ellensweig, Moore, Inc., Architecture/Planners, Robert E. Carleo, P.E. submitted by the petitioner to the Land Use Committee of the Board of Aldermen and the Newton Zoning Board of Appeals meetings of January 25, 1983 and filed herewith. The revised property line shown on said plan shall be line "C" containing approximately 147,000 square feet more or less with 310 feet more or less frontage on Winchester Street.
3. That the landscaping plan referenced in Condition 3. of Board Order #147-79(2) shall be amended to permit the plantings of at least eighty (80) white pine trees along and near the Winchester Street and Nahanton Street corner of the site. Said location and size of trees shall be subject to the approval of the Director of Planning and Development.
4. That Condition 9. of Board Order #147-79(2) shall be amended to include the area of the site known as the "Oak Grove" between the area designated as Parcel A, City of Newton, as shown on the plan cited in Condition 2. above easterly to the row of Hemlock hedges west of the overflow grass parking area and northerly along the hedgerow and along the Parcel A boundary to the northerly boundary line of the site. The topography and vegetation of said area shall, except for ordinary care and maintenance, including removal of dead vegetation and trees, be preserved by the petitioner.
5. That, subject to all other applicable restrictions, coverage for all existing and future buildings, if any, parking lots and paved drives shall not exceed 30 percent of the site area.
6. That none of the following facilities shall be permitted nor shall permission be requested to be built by the petitioner for:
 - (a) Private, for-profit housing of any type.
 - (b) A nursing home.
 - (c) Dormitories of any kind, including without limitation, dormitories to house students or teachers.
 - (d) A hospital, in-patient medical facility or primary health care center.
 - (e) Removal of gravel for commercial purposes.
 - (f) Any structure to be located on the gravel area of the site near Winchester Street and Nahanton Street to exceed 3 stories or 40 feet whichever is greater.
7. That, except for emergency vehicle access, all uses shall be accessible from internal roadways reached only from the single access point at Nahanton Street across from Wells Avenue. (#147-79(2)).

8. No structures shall be entirely visible from Nahanton Street and Winchester Street and no structure shall be located closer than 80 feet from either street.
9. None of the "gravel pit" area shall be sold for development except to a constituent or affiliated agency of the Combined Jewish Philanthropies and then only for the use and purposes consistent with this order or by the Newton Zoning Board of Appeals.
10. That the entire area of the adjacent City park land identified as Parcel B as shown on the plan cited in Condition 2. above shall be maintained by the petitioner at its own expense. Said maintenance shall include the periodic removal and cleaning of any rubbish and debris in parcel B and any work required for its use and maintenance in its natural state.
11. That this amendment shall not obtain until:
 - a. The petitioner shall have filed with the Building Commissioner, City Clerk, and Director of Planning and Development, copies of conservation restriction established under Chapter 184, Sections 30-33, Mass. General Laws as specifically identified as "Oak Grove" as described in Condition 4 herein which form has been reviewed and approved by the City Solicitor and has been recorded in the Registry of Deeds for the Southern District of Middlesex County.
 - b. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County both a certified copy of this Board Order granting this PERMIT with appropriate reference to the book and page of the recording of the petitioner's title deed or notice of lease endorsed thereon and a certified copy of correspondence to Terry P. Morris, Chairman, Land Use Committee, Board of Aldermen from Combined Jewish Philanthropies of Greater Boston, 72 Franklin Street, Boston, MA 02110 by Ruth B. Fein, President, dated January 24, 1983.
 - c. A certified copy of such recorded notice shall have been filed with the City Clerk, the Building Department and the Department of Planning and Development.
12. That no building or portion thereof shall be temporarily occupied pursuant to this order until:
 - a. The petitioner shall have filed with the City Solicitor a letter of credit or other form of security approved by the City Solicitor in the amount of 135% of the cost of the remaining exterior work to be done including landscaping and lighting, site grading, drainage, utility connections and other site features and the City Solicitor shall have filed a statement with the City Clerk, Building Commissioner, City Engineer and Director of Planning and Development certifying thereto.

- b. A statement by the Building Commissioner that the premises or portions thereof are suitable for occupancy shall have been filed with the City Clerk, City Engineer and Director of Planning & Development.
- 13. That the petitioner shall provide traffic studies and/or assist and cooperate with the City in its traffic studies of the Nahanton-Winchester-Dedham Streets Corridor as necessary and/or in any event, prior to petitioning the Board of Aldermen for any subsequent amendments to this existing site plan.
- 14. That all occupancy permits shall be issued providing: that the petitioner (CJP) shall, as a party to a separate agreement entered into with the City of Newton, as signed by His Honor the Mayor, dated November 2, 1982, use their best efforts to the satisfaction of the Building Commissioner, to insure that the terms of said contract to build a public parking lot on the adjacent Novitiate Park land are met on or before June 1, 1983, or whatever date is deemed reasonable between the contracting parties.

Under Suspension of Rules
 Readings Waived & Adopted
 22 Yeas 2 Absent (Ald.
 Levinsky & Jefferson)

February 8, 1983
 Motion to reconsider by Ald.
 Daley.

February 22, 1983
 Motion to reconsider Fails to Carry; Original Vote Stands.
 18 Nays 1 Yea (Daley) 5 Absent (Ald.
 Malec, E. Richmond, Taglienti,
 Tennant, Vance)

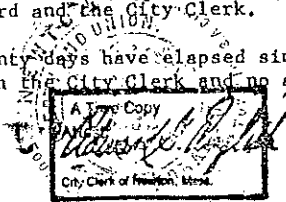
EXECUTIVE DEPARTMENT
 Approved: Feb. 24, 1983

Edward G. English
 (Sgd) EDWARD G. ENGLISH City Clerk

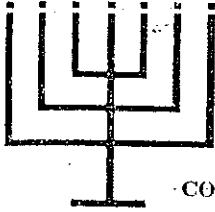
Theodore D. Mann
 (Sgd) THEODORE D. MANN Mayor

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT, SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE is a true, accurate and complete copy of said decision; that all statutory requirements for the issuance of such SPECIAL PERMIT, SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE have been complied with; and that copies of the foregoing decision and all plans referred to in the decision have been filed with the Planning & Development Board and the City Clerk.

Twenty days have elapsed since the date of filing of the Board Order with the City Clerk and no appeal thereto has been filed.



Edward G. English
 City Clerk Edward G. English March 14, 1983



COMBINED JEWISH PHILANTHROPIES

of Greater Boston, 72 Franklin Street, Boston, Massachusetts-02110. (617) 542-8080

MUTH B. FEIN
PRESIDENT

DAVID H. ROSEN
VICE PRESIDENT

January 24, 1983

Mr. Terry P. Morris, Chairman
Land Use Committee
Board of Aldermen
City of Newton
1000 Commonwealth Avenue
Newton, Massachusetts 02159

Re: Jewish Community Campus

Dear Mr. Morris:

At the joint hearing on January 11, 1983 of the Zoning Board of Appeals and the Land Use Committee of the Board of Aldermen with respect to the opportunity to construct much needed housing for the elderly at the Jewish Community Campus, discussion focused on possible future uses and building on the Campus. The purpose of this letter is to review our program and to suggest guidelines for future development of the site.

Since the Campus consists of approximately 28 acres of land (1,226,000 ± square feet including the housing site), exclusive of two major abutting buffer zones (sometimes referred to as parcels "A" and "B"), we respectfully suggest that approval of the requested amendment to the site plan coupled with our current undertakings:

- (1) to restrict development within certain additional buffer zones and to specified development guidelines; and
- (2) to represent affirmatively that certain inconsistent types of uses will not be introduced onto the Campus; and
- (3) to establish site planning standards for further development of the site

would be in the public interest.

Mr. Terry P. Morris

(2)

January 24, 1983

I. Additional Development Limitations

- 1 - In order to preserve the character of Novitiate Park and to enhance the boundary area of the Campus, we propose that within our site plan amendment Condition No. 9 of Board Order #147-79 providing for preservation of existing topography and vegetation be applied to the Oak Grove area as designated in the attached plan.
- 2 - Subject to all other applicable restrictions, coverage for buildings, parking lots, and paved drives should not exceed 30% of the Campus. Conversely, open space, including tennis courts, walks, and outdoor pool areas should be no less than 70% of the entire site.

II. Inconsistent Uses

CJP believes that certain possible uses of the site would be inconsistent with the goals we have established for the Campus. We, therefore, state our understanding and intention that we will not apply for permission to build facilities for:

- (1) Private, for-profit housing of any type.
- (2) A nursing home.
- (3) Dormitories of any kind, including without limitation, dormitories to house students or teachers.
- (4) A hospital, in-patient medical facility or primary health care center.
- (5) Removal of gravel for commercial purposes.

Uses which we deem consistent with our goals include, for example, a cardio-vascular health fitness program within our physical education facilities, the housing for independent elderly proposed by JCHE, the additional office and community service space in the second and third stories over our lobby allowed under the existing permits and other similar active community service uses.

III. Standards

We hereby declare our adherence to the following standards and objectives in order to preserve the special character of the Campus and to minimize external impacts with respect to the site:

- 1 - Development of the Campus should not detract from the public enjoyment of Novitiate Park.
- 2 - All uses will be accessible from internal roadways reached from the single access point at Nahanton Street and Wells Avenue. Except for emergency means of egress, development on the site will be limited to what can be served by this access point.
- 3 - No structure will be entirely visible from Nahanton Street and Winchester Street. In general, all uses will be screened from these two streets and no structure should be located closer than 80 feet from them.
- 4 - Any further development of the site will to the extent provided in the zoning ordinance, be subject always to further application to and approval by the Board of Aldermen. We would also expect that process to be similar to the process used before the Board for approval of construction of Jewish Community Housing for the Elderly.
- 5 - We will not sell the "gravel pit" area for development except to a constituent or affiliated agency of CJP, and then only for uses and purposes consistent with those set forth in this letter.

In addition to these matters we have agreed that in connection with the extension of community service uses granted for construction of the new housing CJP feels it is appropriate for us to extend our maintenance responsibility over the balance of Parcel "B" at the Campus entrance to Nahanton Street. We would expect this responsibility to include the periodic removal and cleaning of any rubbish and debris in Parcel B, as the same may be required for its use in its natural state, and other periodic work to maintain the land in its natural state.

Mr. Terry P. Morris

(4)

January 24, 1983

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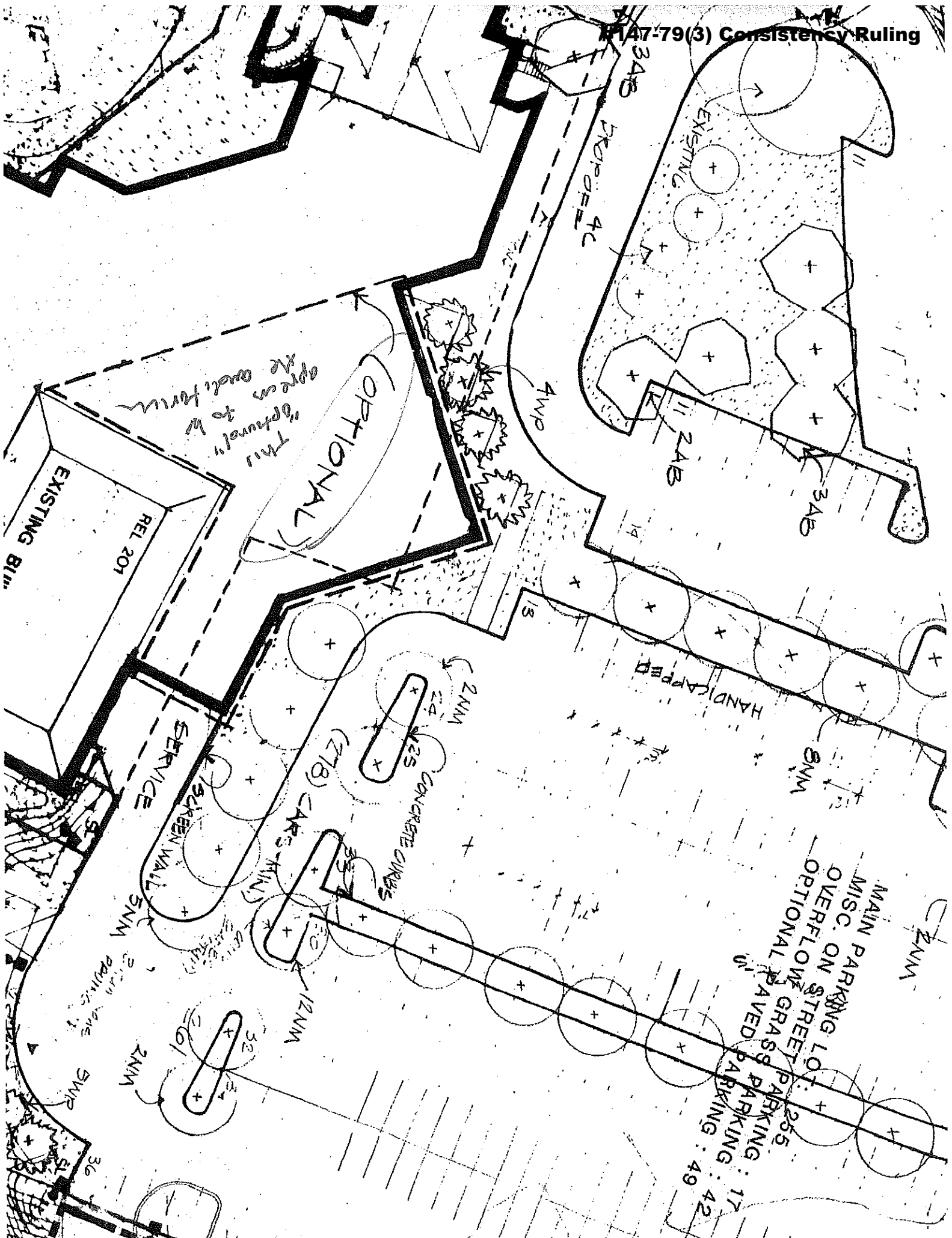
We also take this opportunity to express our appreciation and support for the fine efforts of the City and its many volunteers in establishing Novitiate Park. Initially, we were pleased to participate by purchasing a portion of this large tract of property with existing buildings and more suitable to active community group and service work. In so doing, we believe and trust that acquisition of the balance of the land adjacent to the river was made more feasible. We pledge our continued interest as a good neighbor in planning and other efforts required to make the park a success.

We hope that the goals and limitations contained in this letter will be helpful to the City in understanding the long range plans of CJP and useful to both of us in our future planning.

Very truly yours,

Ruth B. Fein
President

RBF/egc
enclosure



This "Optional" appears to be the same form

OPTIONAL

EXISTING BLDG

REL 201

SERVICE SCREEN WALL

CONCRETE CURBS

HANDICAPPED

MAIN PARKING LOT : 255
 OVERFLOW ON STREET PARKING : 17
 OPTIONAL PAVED PARKING : 42
 OPTIONAL GRASS PARKING : 49

SCREEN WALL

SCREEN WALL

36