



# Land Use Committee Agenda

## City of Newton In City Council

Tuesday, April 10, 2018

7:00 PM  
Chamber

- #90-18**      **Petition to amend Special Permit #45-10 at 70-80 and 93 Union Street**  
80 UNION STREET, LLC/DOUBLE J HOSPITALITY, LLC/AMERICAN COMPANIES, INC/UNION REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend prior Board Order #45-10 relating to 70-80 Union Street, Ward 6, Section 61 Block 36 Lot 11A, Newton Centre, containing approximately 2,842 sq. ft. of land in a district zoned BUSINESS 1, to eliminate the requirement for four off-site parking stalls at 93 Union Street, Ward 6, Section 61 Block 36 Lot 09, Newton Centre, containing approximately 31,455 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 7.4 of the City of Newton Rev Zoning Ord, 2015.  
***Please see the attached request to Withdraw Without Prejudice***
- #178-18**      **Petition to amend Board Order #257-13(4) at 145 Wells Ave**  
ANDRIAN SHAPIRO/WELLS AVENUE BUSINESS CENTER, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the hours of operation and increase the number of customers at one time, requiring an amendment to Special Permit Board Order #257-13(4) at 145 Wells Avenue, Ward 8, Newton Centre, on land known as Section 84 Block 34 Lot 2G, containing approximately 86,256 sq. ft. of land in a district zoned LIMITED MANUFACTURING. Ref: 7.3.3, 7.4 of the City of Newton Rev Zoning Ord, 2015.  
***Please see the attached request to Postpone***
- #176-18**      **Petition to exceed FAR at 133 Park Street**  
ALLEN LEMOS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to enclose existing first and second floor porches and construct a two-story side addition, exceeding the maximum allowable FAR of .37 where .48 is proposed and .34 exists at 133 Park Street, Ward 1, Newton, on land known as Section 72 Block 50 Lot 23, containing approximately 10,615 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9 of the City of Newton Rev Zoning Ord, 2015.
- #177-18**      **Petition to extend non-conforming use at 36 Cummings Road**  
ANNAMARIA MARIANI/BILL FRABIZIO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story addition to the rear and side of the house, extending the existing non-

---

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

conforming structure at 36 Cummings Road, Ward 2, Newton Centre, on land known as Section 64 Block 03 Lot 47, containing approximately 18,866 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

**#179-18**      **Petition to exceed FAR and extend nonconforming side setback at 110 Parker Ave**  
SETH DeAVILA AND TALYA SALANT petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second story addition and attic space, further increasing the nonconforming setback and creating an FAR of .50 where .48 is allowed and .38 exists at 110 Parker Avenue, Ward 6, Newton Highlands, on land known as Section 81 Block 26 Lot 03, containing approximately 6,160 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.3, 7.8.2.C.2, 3.1.9 of the City of Newton Rev Zoning Ord, 2015.

**#181-18**      **Petition to further increase nonconforming FAR at 64 Green Park**  
PHILIP KRAPCHEV AND KIMBERLY CLARK petition for SPECIAL PERMIT/SITE PLAN APPROVAL to replace a two-story enclosed porch with a two-story addition, further increasing the nonconforming FAR to .53 where .51 exists and .36 is allowed at 64 Green Park, Ward 7, Newton, on land known as Section 73 Block 08 Lot 17, containing approximately 12,100 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9,,7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

**#71-18**      **Petition to amend Special Permit #515-61 at JFK Circle**  
NEWTON HOUSING AUTHORITY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #515-61 to remove 26,366 sq. ft. of land from the existing lots at 83-127 and 106-128 JFK Circle to develop 55 affordable elderly housing units, requiring a Comprehensive Permit, to extend non-conforming front setbacks and for waivers relative to parking at 83-127 John F Kennedy Circle and 106-128 John F Kennedy Circle, Ward 1, Newton, on land known as Section 12, Block 01, Lot 29 and Section 12, Block 01, Lot 32, containing approximately 124,061 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 7.4, 7.8.2.C.2, 5.1 of the City of Newton Rev Zoning Ord, 2015.  
**Public Hearing Opened February 13, February 27 and Continued**

**#180-18**      **Petition to amend Board Orders 43-10 and 307-12(2) at 199 Boylston Street**  
TIM FOX/SIMON MALLS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow non-accessory parking to lease 496 parking stalls to off-site, third party users, requiring amendments to Special Permit Board Orders #43-10 and #307-12, a waiver for 496 parking stalls and approval to allow non-accessory parking at 199 Boylston Street, Ward 7, Chestnut Hill, on land known as Section 65 Block 08 Lot 100, containing approximately 324,691 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: 7.3.3, 7.4, 4.4.1, 5.1.4, 5.1.1 of the City of Newton Rev Zoning Ord, 2015.

**Respectfully submitted,**

**Greg Schwartz, Chair**

 **SCHLESINGER AND  
BUCHBINDER, LLP**  
ATTORNEYS AT LAW

1200 WALNUT STREET  
NEWTON, MASSACHUSETTS 02461-1267

RECEIVED  
Newton City Clerk  
2018 APR -6 PM 2:47

David A. Olson, CMC  
Newton, MA 02459

TELEPHONE (617) 965-3500  
FACSIMILE (617) 965-6824

OF COUNSEL  
ROBIN GORENBERG

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

STEPHEN J. BUCHBINDER  
ALAN J. SCHLESINGER  
LEONARD M. DAVIDSON  
A. MIRIAM JAFFE  
SHERMAN H. STARR, JR.  
JUDITH L. MELIDEO-PREBLE  
BARBARA D. DALLIS  
PAUL N. BELL  
KATHERINE BRAUCHER ADAMS  
FRANKLIN J. SCHWARZER  
RACHAEL C. CARVER  
ADAM M. SCHECTER

April 6, 2018

**BY HAND**

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

Re: Petition #90-18 / 70-80 Union Street and 93 Union Street

Dear Nadia,

My clients, American Companies, Inc. and Union Realty Trust, hereby request leave to withdraw, without prejudice, Petition #90-18, which I understand is on the Land Use Committee agenda for next Tuesday evening, April 10, 2018. Please let me know if you require additional information.

Sincerely,



Stephen J. Buchbinder

SJB/mer

cc: See attached distribution list

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

April 6, 2018

***By electronic transmission***

Councilor Gregory Schwartz, Chairman  
Land Use Committee  
Newton Board of Aldermen  
1000 Commonwealth Avenue  
Newton, MA 02459

Re: 145 Wells Avenue  
Public Hearing Petition #257-13(5)

Dear Mr. Chairman:

Please accept this letter pursuant to our conversation this day. As discussed, I am requesting that the public hearing before the Land Use Committee scheduled for Tuesday April 10, 2018 on the above-referenced matter, be postponed. The postponement is being requested because we have been advised after a recent follow-up meeting with the planning staff that additional relief may need to be requested. This stems from ambiguities in the zoning ordinance regarding the nature of activities being proposed within the meaning of an "Amusement Center", a term which is not defined in the Ordinance.

I understand that, as a procedural matter, this request may require you to formally open the hearing with a vote to continue it until the Committee's next regularly scheduled hearing date.

Thank you for your consideration.

Sincerely,

***Terrence P. Morris***

Terrence P. Morris

Cc: Nadia Khan, Clerk of Committee *via email*  
Jennifer Caira, Chief Planner, *via email*  
Iryna Khomenko, *via email*