



Land Use Committee Report

City of Newton In City Council

Tuesday, June 4, 2024

Present: Councilors Kelley (Chair), Block, Downs, Farrell, Laredo, Leary, Lobovits and Lucas;

Also Present: Councilor Danberg

City Staff Present: Senior Planner Cat Kemmett, Chief Planner Katie Whewell, Assistant City Solicitor Jonah Temple, and Senior Planner Joe Iadonisi

All Special Permit Plans, Designs, Plan Memoranda and Application Materials, both past and present, can be found at the following link: [NewGov - City of Newton Land Use Committee Special Permit Search](#).

The full video of the June 4, 2024, Land Use Meeting can be found at the following link: [June 4, 2024, Land Use Meeting](#)

Note: *The Committee will review a request for a consistency ruling for 1092-1098 Chestnut Street. The petitioner is seeking a consistency ruling from the Commissioner of Inspectional Services concerning the location and length of the retaining walls, the heights of the buildings, and a ramp that was not installed that was shown on the approved plans. The Commissioner is seeking the opinion of the Land Use Committee on the matter.*

Note: Senior Planner Joe Iadonisi presented the attached presentation regarding 1092-1098 Chestnut Street. The Commissioner of Inspectional Services is seeking the opinion of the Land Use Committee concerning the location and length of the retaining walls, the heights of the buildings, and a ramp that was not installed that was shown on the approved plans. Additional back-up material is available at the following link: [Record CR-24-9 - ViewPoint Cloud](#). Mr. Iadonisi noted the committee has three options. One is to provide input to the Commissioner that this is consistent with the special permit. The second is the petitioners could make some changes that would bring it in compliance with the special permit. The third is they come back to the Land Use Committee after the Commissioner rules that it is not consistent for an amendment to the special permit.

A councilor noted the feeling that the height is consistent, that the ramp can be installed if it is needed in the future, and questioned how close the retaining walls were to the property line. Chief Planner Katie Whewell noted that the retaining walls look like they are close to the property line, but exact dimensions were not provided. The Councilor felt the retaining walls were not consistent with the plans.

A councilor asked why the retaining walls were placed close to the property line.

Terry Morris, attorney of the petitioner noted that the retaining wall on the left was placed closer to the lot line because the neighbor's retaining wall is deteriorating and this would also be beneficial to them. The retaining wall on the right was placed closer to the lot line to allow for more yard space.

Richard Sewall, the petitioner, noted the walls are under 4 feet and it was important not to create a slope that may cause water problems.

A councilor questioned if the ramp was a condition of the special permit. Ms. Whewell noted it was part of the plans but did not have an individual special condition.

Councilors stated they felt this was consistent, and noted one unit could be made accessible if the owner would like it in the future, and the retaining wall was not impacting the neighbors.

Chair Kelley noted it was the sense of the committee to rule this was consistent.

#234-24 Request to extend the nonconforming use by constructing improvements to the club house pavilion, a snack shack, to amend Special Permits #234-10 and #449-22 at 1897 & 1947 Washington Street

WOODLAND GOLF CLUB OF AUBURNDALE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend a nonconforming use and to amend Special Permit # 234-10 and #449-22 to allow improvements to the club house pavilion, construction of a snack shack at 1897 & 1947 Washington Street, Ward 4, Auburndale, on land known as Section 43 Block 46 Lot 11, containing approximately 2,291,142 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 3.4.1, 7.8.2.C.2, 3.1.2.A.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 8-0; Public Hearing Closed 8-0

Note: Cat Kemmett, Senior Planner presented the request to extend the nonconforming use by constructing improvements to the club house pavilion, a snack shack, to amend Special Permits #234-10 and #449-22 at 1897 & 1947 Washington Street. The presentation is attached, and additional back-up can be found at the following link: [Record SP-24-19 - ViewPoint Cloud](#) . The design for the new starter building at hole 1 has not been finished. Planning recommended the size be limited to be comparable to what exist now, and if the petition is approved, asked that the petitioner finalize the design in the plans. It was noted that portions of the existing cart path along hole 4 will be removed and replaced. Planning requested more clarity on the plan for the trees that will be removed for the new snack shack.

John Randall, member of the Woodland Golf Club, noted the size of the starter shack would be 150 square feet or 12 by 12. He noted 4 large trees would be removed, and they have agreed to replace 6 trees on site and will comply with the tree ordinance. They will be working with the tree warden on the placement of these trees. They will be working with the MBTA on the placement of the snack shack as it is close to their line.

Robert Buckley, Riemer and Braunstein, attorney for the petitioner, noted that all improvements are made for safety reasons.

The public hearing was opened. There were no members of the public present to speak on the item.

Councilors voiced support for the petition and were pleased that all changes were done in one special permit.

A councilor asked about the increase in impervious surface, and if there are any ways to use less concrete or pervious pavers. Mr. Buckley noted that to do the terrace properly they had to square the rounded sections off. Mr. Randall noted that the existing material is concrete, so in order to have a consistent look they want to use similar materials.

The public hearing was closed.

A councilor noted that the replacement of the trees is put in the council order.

Mr. Buckley noted that condition 3 “use of the parcel’s driveway on Washington Street shall be used only for maintenance/service vehicles” needs to be clarified so that it means the service driveway and not their main entrance.

Katie Whewell, Chief Planner, noted that they would rework this condition to specify the right entrance.

Mr. Buckley requested that condition 5, which noted the hours of operation for the snack bar be changed from 9AM to 5PM to 7AM to 6PM, which Councilors agreed to make the change.

Councilor Block motioned to approved, which passed unanimously.

#233-24 Request for update, discussion, and public comment on plans previously approved in Special Permit #394-22 at 136-144 Hancock Street

TERRENCE P. MORRIS, COUNCILORS GENTILE, KRINTZMAN, AND BLOCK requesting an update, discussion, and allowing for public comment regarding the petitioner's plan to reallocate the interior space within the proposed buildings shown on plans previously approved in special permit #394-22 to accommodate as many as 10 additional bedrooms within the project at 136-144 Hancock Street with purpose of the change being to create additional value to sustain the inclusion of two inclusionary units on site.

Action: Land Use Voted No Action Necessary 8-0

Note: Chair Kelley noted this item is not a vote on a special permit, but an informal update and discussion on the proposed changes that they would be filing with the City.

David Oliveri, petitioner, noted there would be a decrease of 82 square feet. Mr. Oliveri discussed the unit makeup after the proposed changes. There would be an increase in 7 bedrooms, but the same number of units with 16. There were some exterior changes that will be presented to the Historic Commission next week.

A councilor asked for more details concerning the IZ units.

Mr. Oliveri noted that there would be two IZ units with both being three bedrooms, with one located in each building. He noted that the Barton House is a 4 story town house with all bedrooms being above grade, and the IZ unit in the Walker Center is all above grade.

A councilor clarified that overall the project is decreasing in size, that the number of bedrooms is increasing with the amount of common area decreasing, and that there is no change in the number of units, which Mr. Oliveri said was correct.

A councilor asked for clarification where the third bedroom is in the IZ unit in the Walker Center, which Mr. Oliveri explained where it is.

A councilor asked if the IZ units would meet the IZ ordinance requirement that 10% of the project is affordable. Mr. Oliveri noted that the square footage is around 34, 937, with 10% being 3,493 square feet. They will be providing 3,893 square feet, so it would meet the ordinance.

Councilor Block motioned to vote no action necessary, which passed unanimously.

The committee adjourned at 8:30PM.

Respectfully Submitted,

Andrea Kelley, Chair

City of Newton Planning and Development

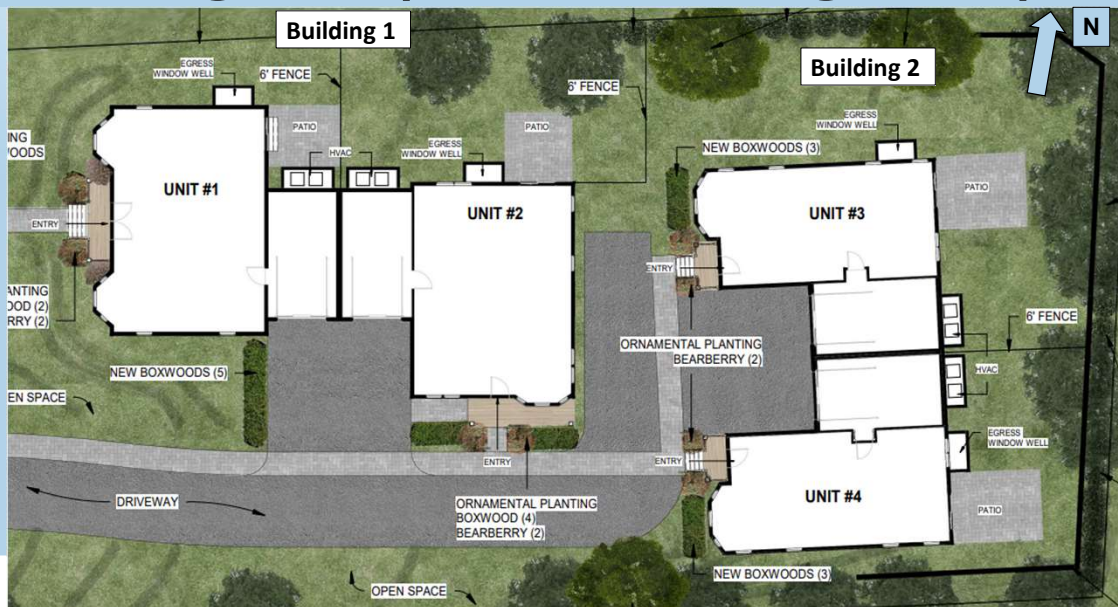
Petition: #59-21
Consistency Request
Commissioner of Inspectional Services
Referral
June 4, 2024



1092-1098 Chestnut St.

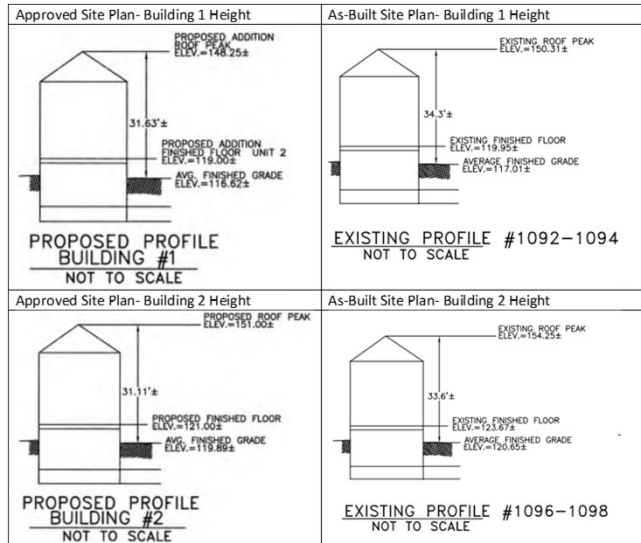
1

Site Diagram (Landscaping Plan)



2

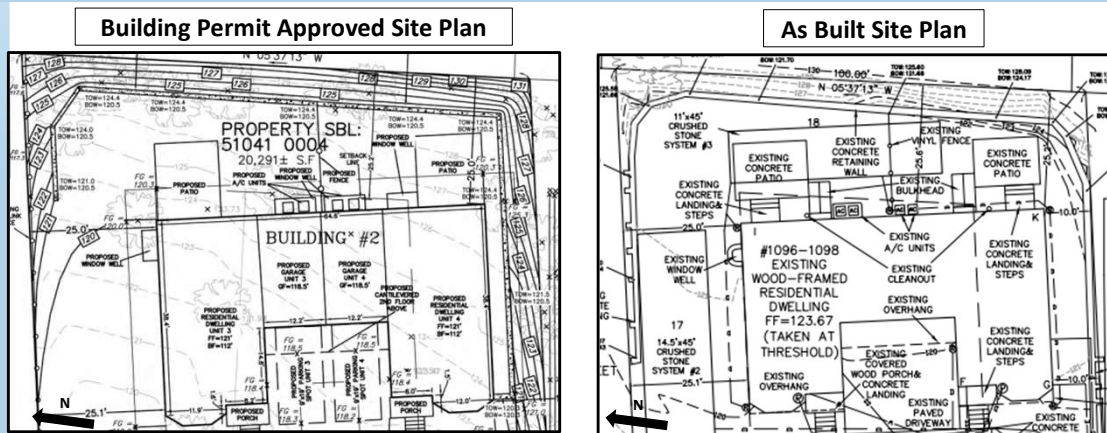
Height



3

3

Retaining Walls

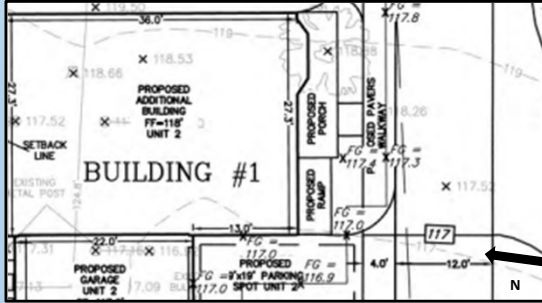


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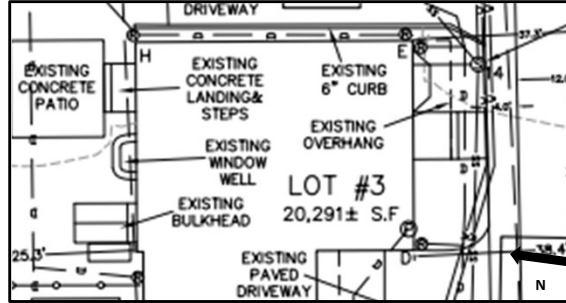
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Ramp

Building Permit Approved Site Plan



As Built Site Plan



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City of Newton Planning and Development

Petition: #234-24

Special Permit/Site Plan Approval

Request to extend the nonconforming use and to amend existing Special Permits

June 4, 2024



1897 & 1947 Washington Street

Zoning Relief

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§3.4.1 §7.8.2.C.2	Amend Special Permits #234-10 and #449-22 to extend the nonconforming use	S.P. per §7.3.3
§3.1.2.A.3	To determine appropriate dimensional requirements	S.P. per §7.3.3

Criteria to Consider

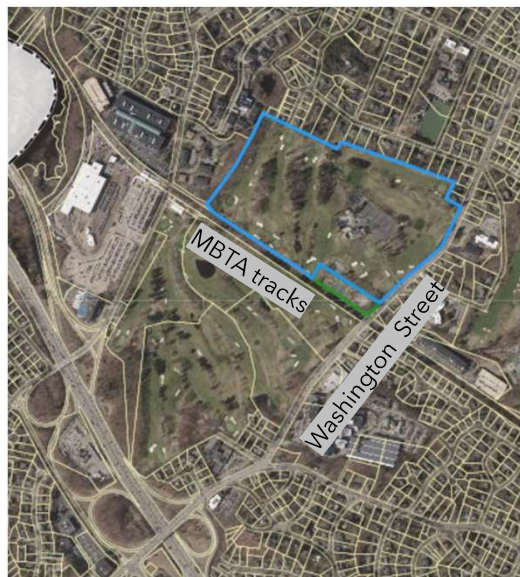
When reviewing this request, the Council should consider:

- The specific site is an appropriate location for the proposed amendments to Council Order #234-10 and #449-22 (7.3.3.C.1)
- The site resulting from the amendments to Council Order #234-10 and #449-22 will adversely impact the neighborhood (§7.3.3.C.2)
- The site resulting from the amendments to Council Order #234-10 and #449-22 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)
- The extension of the nonconforming use will be substantially more detrimental than the existing nonconforming use is to the neighborhood (§7.8.2.C.2)

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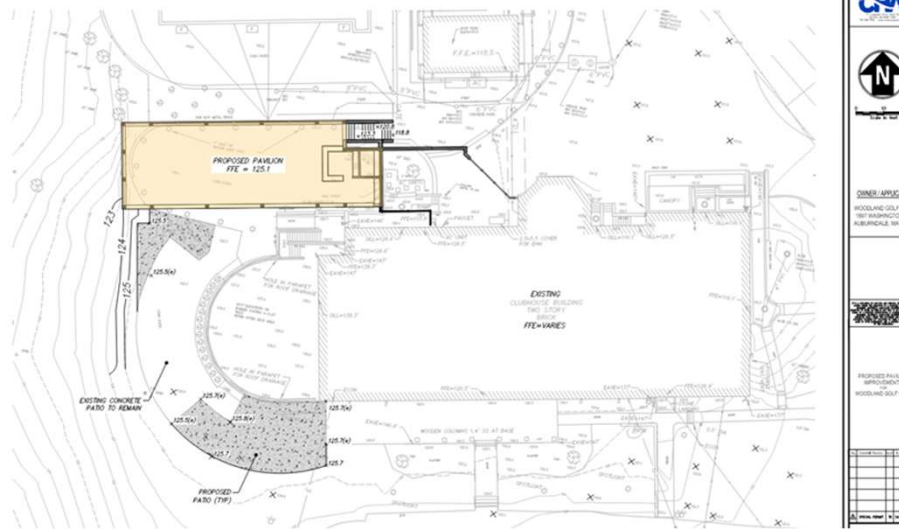
Aerial Map



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4

Terrace Pavilion



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Findings

1. The site in a SR-1 district is an appropriate location for the project as designed because the proposed construction is set far into the petitioner's property with minimal visibility from nearby dwellings and public rights of way. (§7.3.3.C.1)
2. The project as designed will not adversely affect the neighborhood because the improvements will result in a negligible percentage increase in impervious surface due to the large size of the site. (§7.3.3.C.2)
3. The project as designed will not create a nuisance or serious hazard to vehicles or pedestrians because vehicular access and car parking for the facility will remain the same, and the renovation will improve the pedestrian accessibility within 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)
5. The proposed extension of the nonconforming use will not be substantially more detrimental than the existing nonconforming use is to the neighborhood because the use on this site predates the zoning code. The work proposed will improve the functionality of the site's operations, and the setbacks proposed are sufficient to ensure the increase in building size and impervious area will not harm the neighborhood. (§7.8.2.C.2)

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Conditions

1. Plan referencing
2. Previous conditions remain in effect
3. Use of the parcel's western driveway on Washington Street shall be used only for maintenance/service vehicles.
4. Walsingham Street shall not be used to supply, service or provide patrons to the snack bar during its construction or subsequent operation.
5. The hours of operation for the snack bar shall be limited to the hours from 7AM to 6PM.
6. The property owner shall maintain landscaping materials and the site in good condition and shall annually evaluate the new and existing landscaping covered by this Special Permit and replace all dead or diseased plantings with comparable materials.
7. Standard building permit conditions
8. Standard occupancy conditions