



Land Use Committee Agenda

City of Newton

In City Council

Tuesday, January 10, 2017

5:30 PM

Room 211

Chairs Note: The Committee will continue a discussion with Planning, Inspectional Services and Information Technology on Special Permit process improvements and enforcement.

7:00 PM

Chamber

#340-16

Special Permit Petition to increase nonconforming front setback at 15 Cottage Court
SEAN ELISEEV AND EVGENIA ELISEEVA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER INCREASE NONCONFORMING SETBACK AND USE by enclosing the front porch and extending a bathroom on the second floor, adding a new roofline and further extending the front setback, nonconforming residential use and number of stories at 15 Cottage Court, Ward 1, Newton, on land known as SBL 14014 0031, containing approximately 6,000 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 4.1.3, 7.8.2.C.2, 4.1.2.B.3, 7.8.2.C.2, 4.4, 6.2.2, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

#308-16

Special Permit Petition to further increase nonconforming setback at 79 Kenwood Ave
SURRENDRA DUDANI AND SHALINI SEN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER INCREASE THE NONCONFORMING SETBACK by razing the existing 12'x22' detached garage and construct a 22'x22' detached garage, reducing the setback from 16.2' to 6.2' where 25' is required at Kenwood Avenue, Ward 6, Newton Centre, on land known as SBL 64 20 01, containing approximately 7,964 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.4, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

7:20 PM

Or Later

#392-16

Special Permit to amend Special Permit #416-12(3) at Modern Barre
JULIA WILLIAMSON/WALLY ZAINOUN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend special permit #416-12(3) to allow for more than 3 customers at one time,

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.

expanded hours of operation and amend the previously approved site plan at 242-244 Commonwealth Avenue, Ward 7, Chestnut Hill, on land known as SBL 61, 13, 11, containing approximately 7,452 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

8:20 PM
Or Later

Chairs Note: The Committee will hear an update on a violation of a Council Order at 28 Sumner Street relative to Special Permit #180-15.

261-16(2) Special Permit Petition to allow site and building improvements at “The Street”
CHESTNUT HILL SHOPPING CENTER LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to ALTER A NONCONFORMING STRUCTURE to construct new buildings to allow for existing and new commercial uses including banking, office, medical office, theatre, health club, retail, restaurant and parking, to allow buildings in excess of 20,000 sq. ft., allow a building up to 60’ in height, site plan review for buildings within 300’ of a great pond, allow parking within a setback, extend Farmers Market special permit 230-14, update signage special permit 417-12, allow some parking stalls on portions of the site to be reduced size and in garage to be reduced stall depth, allow reduced parking facility lighting and grant exceptions for parking stall size and interior landscaping requirements at 1-55 Boylston Street, Ward 7, Chestnut Hill, on land known as SBL 63037 0025, 63037 0026, containing approximately 859,444 sq. ft. in a district zoned BUSINESS USE 4. Ref. 7.3.3, 7.4, 4.1.2.B.1, 4.1.2.B.2, 4.1.2.B.3, 5.6, 5.1.8, 5.1.13, 6.4.22, 5.8.2.C, 5.1.8.B, 5.1.10.A of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Class 1

#432-16 CLAY NISSAN OF NEWTON INC.
431 Washington Street
Newton Corner 02458

#1-17 **Class 1 Auto Dealer License**
MCGOVERN CHRYSLER JEEP DODGE RAM
777 Washington Street
Newton, MA. 02460

#433-16 VILLAGE MOTORS GROUP, INC.
d/b/a HONDA VILLAGE
371 Washington Street
Newton Corner 02458

Class 2

#434-16 NEW ENGLAND MOTOR MART, INC.
1221-1229 Washington Street
West Newton 02465

- #2-17** **Class 2 Auto Dealer License**
MOTORCARS OF BOSTON, INC.
1191 Washington Street
Newton, MA. 02465
- #435-16** JACOB & ASSOCIATES
1232 Washington Street
West Newton 02465
- #436-16** SONOMA CLASSICS LLC.
1215 Chestnut Street/145 Wells Avenue
Newton
- #437-16** R.J.S. SERVICE, INC.
361 Washington Street
Newton Corner 02458
- #408-16** SAM'S AUTO CENTER
875 Washington Street
Newtonville 02460
Land Use Held on December 13, 2016.
- #405-16** NTC-NEWTON TRADE CENTER
103 Adams Street
Nonantum 02458
Land Use Held on December 13, 2016.

Respectfully submitted,

Marc C. Laredo, Chair

#180-15

2015 DEC 23 PM 2: 03

CITY OF NEWTON



IN BOARD OF ALDERMEN

Bk: 66671 Pg: 302 Doc: DECIS
Page: 1 of 5 01/14/2016 10:58 AM

December 21, 2015

ORDERED:

That the Board, 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 three single-family attached dwellings, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

1. The specific site, which is one of the larger parcels in the surrounding neighborhood, is an appropriate location for three single-family attached dwellings because the density of the project, in terms of lot area per unit, is consistent with the surrounding lots in the Multi-Residence district. (§30-24(d)(1); §7.3.3.C.1)
2. The proposed attached dwelling use, as developed and operated, will not adversely impact the surrounding neighborhood and will preserve the historic portion of the existing structure. The site is mostly screened along the side and rear property lines and the arrangement of the buildings on the site will mitigate their bulk and mass from the public view. (§30-24(d)(2); §7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians. (§30-24(d)(3); §7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§30-24(d)(4); §7.3.3.C.4)

28 Sumner Street, Newton, MA
Deed Reference Book 64347, Page 486

PETITION NUMBER: #180-15

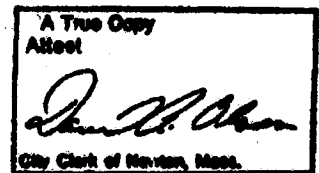
PETITIONER: Eighth Run, LLC.

LOCATION: 28 Sumner Street, Ward 7, on land known as Section 73, Block 48, Lot 21 containing approximately 21,205 square feet of land

OWNER: Eighth Run, LLC.

ADDRESS OF OWNER: 200 Highland Avenue, Suite 401
Needham, MA 02494

Rosenberg, Freedman & Lee LLP
246 Walnut St.
Newton, MA 02460-1639



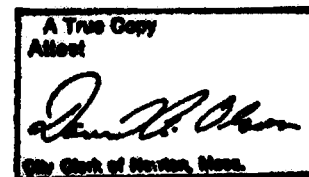
TO BE USED FOR: Three Single-Family Attached Dwellings

EXPLANATORY NOTES: The references to the Zoning Ordinance above and those that follow, include both the sections in effect at the time the petition was filed and the sections as renumbered in the November 1, 2015 issue of the Zoning Ordinance. §30-9(b)(5)(a)/§3.4.1, to allow single-family attached dwellings

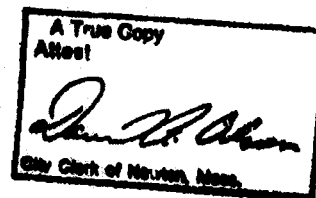
ZONING: Multi-Residence 1 district

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 Plans, prepared by VTP Associates, Inc., signed and stamped by Joseph R. Porter Professional Land Surveyor and Marc Besio Professional Engineer, consisting of the following four (4) sheets:
 - i. Zoning Plan, dated April 2, 2015 and last revised on December 16, 2015;
 - ii. Topographic Plan, dated April 2, 2015 and last revised on November 12, 2015;
 - iii. Detail-1, dated July 14, 2015 and last revised on November 12, 2015;
 - iv. Detail-2, dated July 15, 2015 and last revised on November 12, 2015.
 - b. Architectural Plans, prepared by McKay Architects, signed and stamped by Michael L. McKay, dated April 21, 2015 and last revised on December 16, 2015, consisting of the following seven (6) sheets:
 - i. A-1.2 – First Floor Plan;
 - ii. A-1.3 – Second Floor Plan;
 - iii. A-2.1 – Sumner Street Elevation;
 - iv. A-2.2 – Right Side Elevation;
 - v. A-2.3 – Rear Elevation;
 - vi. A-2.4 – Left Side Elevation.
 - c. Landscape Plan & Fence Detail
 - i. Fence Detail 11-30-15;
 - ii. L-1.1 Landscape Plan 12-16-15.
2. Prior to the issuance of a building permit, the petitioner shall submit a final zoning plan showing compliance with all dimensional requirements.
3. All landscaping shall be maintained in good condition and shall be replaced with similar material as necessary.



4. Prior to the issuance of any building permit the petitioner shall submit a Construction Management Plan for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer. The Construction Management Plan shall be consistent and not in conflict with relevant conditions of this Board Order and shall include, but not be limited to, the following provisions:
 - a. 24-hour contact information for the general contractor of the project.
 - b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 5:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services.
 - c. The proposed schedule of the project, including the general phasing of the construction activities.
 - d. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for delivery vehicles, and location of any security fencing.
 - e. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - f. Proposed methods of noise control, in accordance with the City of Newton's Ordinances. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.
 - g. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.
 - h. A plan for rodent control during construction.
5. 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 Board 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 Board 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 including all dimensional requirements.
6. No Final Inspection/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 by a registered architect or engineer certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services and the Department of Planning and Development a final as-built survey plan in paper and digital format.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.
 - d. Incorporated the approved Operations and Maintenance Plan for Stormwater Management on file with the City Clerk's Office into the Master Deed, which shall be recorded in conjunction with the completion of the construction of such special permit, proof of which shall be submitted to the Engineering Division.
 - e. Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Planning Department approving final location, number and type of plant materials and final landscape features.
7. Notwithstanding the provisions of Condition #6e. above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provide that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.
8. The Petitioner agrees to use garage door openers made with "quiet" technology for all garage doors. The Petitioner shall review the type of doors and technology to be installed with the Director of Planning.

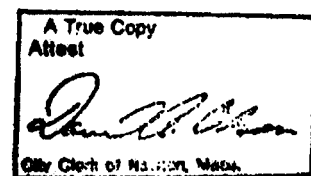
Under Suspension of Rules
Readings Waived and Item Approved
20 yeas 0 nays 4 absent (Aldermen Fuller, Johnson, Kalis and Leary)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on December 23, 2015. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:



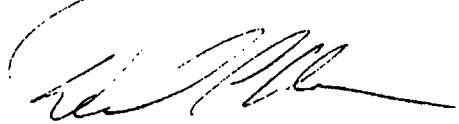
(SGD) DAVID A. OLSON, City Clerk



Clerk of the Board of Aldermen

I, David A. Olson, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on 12/03 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen

