



Land Use Committee Agenda

City of Newton In City Council

Thursday, June 22, 2017

7:00 PM
Chamber

#60-17

Request to Rezone Hovey Street parcels

SUNRISE DEVELOPMENT, INC./431 WASHINGTON STREET, LLC petition for a change of zone to Business Use 2 for land located at 29 Hovey Street, also identified as Section 12, Block 006, Lot 004, and an unnumbered lot on Hovey Street, also identified as Section 12, Block 006, Lot 003, containing approximately 34,361 sq. ft. of land in a district zoned MULTI RESIDENCE 2, further described as follows:

Beginning at a point on the Westerly side of Hovey Street, said point being

N 21°00'54" W and a distance of one hundred twenty-six and no hundredths (126.00) feet from a bound at the Northwesterly intersection of Hovey and Washington Streets being the Southeast corner of the parcel herein described; thence

S 69°15'05" W A distance of seventy-three and forty hundredths (73.40) feet to a point; thence

S 69°07'43" W A distance of one hundred forty-five and no hundredths (145.00) feet to a point; thence

N 20°20'22" W A distance of forty-five and fifty hundredths (45.50) feet to a point; thence

N 18°34' 11" E A distance of sixty-one and forty-seven hundredths (61.47) feet to a point; thence

N 21°09'23" E A distance of two and forty-one hundredths (2.41) feet and on the same bearing a distance of thirty-six and eight hundredths (36.08) feet to a point; thence

N 21°31'11" E A distance of one hundred sixteen and eighty-eight hundredths (116.88) feet to a point; thence

N 28°57'55" E A distance of twelve and seventy hundredths (12.70) feet to a point; thence

N 71°07'46" E A distance of sixty-four and fifteen hundredths (64.15) feet to a point; thence

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.

S 21°00'54" E A distance of one hundred thirty-one and no hundredths (131.00) feet and on the same bearing a distance of eighty-three and no hundredths (83.00) feet by the Westerly sideline of Hovey Street to the point of beginning.

Said parcel containing 34,361 square feet or 0.789 acres, more or less.

#61-17

Special Permit Petition to construct elderly housing on Washington Street

SUNRISE DEVELOPMENT, INC./431 WASHINGTON STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct elderly housing with services in excess of 20,000 sq. ft. of gross floor area, consisting of 85 living units in a four-story structure not to exceed 48' in height and Floor Area Ratio not to exceed 2.0, extending the existing nonconforming front setback and constructing a retaining wall greater than 4' in a setback at 431 Washington Street, 29 Hovey Street, and the adjacent unnumbered lot to the north on Hovey Street, on land known as Section 12 Block 006 Lots 003, 004, and 005, containing approximately 66,909 sq. ft. of land in districts zoned BUSINESS 2 AND MULTI-RESIDENCE 2. Ref.: 7.3, 7.4, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 4.4.1, 5.1.13, 5.4.2.B, 5.11.11, 6.2.10, 6.2.10.B, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**8:00 PM
Or Later**

#101-17

Special Permit to extend nonconforming use at 46 Farwell Street

BRIAN MCDONALD/CONTINUOUS IMPROVEMENT REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the existing detached truck storage structure into a residential unit and continue the office use in the front structure, constituting two uses on site at 46 FARWELL STREET, Ward 3, Newtonville, on land known as SBL 21001 0014, containing approximately 8,529 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, 5.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

#131-17

Special Permit to allow parking stall in front setback at 54 Lakewood Road

CAROLINE GENCO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow parking within 5' of the street, in the front setback at 54 Lakewood Road, Ward 6, on land known as Section 52 Block 018 Lot 0002, containing approximately 4,145 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 5.1.7.A of the City of Newton Rev Zoning Ord, 2015

**8:30 PM
Or Later**

#130-17

Special Permit to exceed FAR at 164 Highland Avenue

ROBERT AND CINDY LAUGHREA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish a portion of the rear dwelling, front porch and detached garage and construct a two-story rear addition and attached garage for more than three vehicles and in

excess of 700 sq. ft. increasing the FAR to .28 where .27 is allowed and .19 exists at 164 Highland Avenue, Ward 2, on land known as Section 24, Block 12, Lot 20, containing approximately 22,230 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3, 7.4, 3.1.9, 3.4.2.C.1 of the City of Newton Rev Zoning Ord, 2015.

#129-17

Special Permit to reduce lot area by 4% at 19-21 Beaconwood Road

LENTO DEVELOPMENT, LLC/KENNETH LENTO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze and replace a two-family structure and allow a 4% reduction to the required lot area after combining lots at 19-21 Beaconwood Road, Ward 8, on land known as Section 54, Block 22, Lot 0044 and Section 54, Block 022, Lot 0047, containing approximately 9,602 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3, 7.4, 7.8.4.D.4, 7.8.4.D.5, 7.8.4.A of the City of Newton Rev Zoning Ord, 2015.

Please see attached request to postpone to July 11, 2017

Respectfully submitted,

Marc C. Laredo, Chair

G. MICHAEL PEIRCE, ESQ.

ATTORNEY AT LAW

June 16, 2017

VIA E-MAIL (landusecommittee@newtonma.gov)

Marc C. Larado, Chairman
Land Use Committee
Newton City Council
1000 Commonwealth Avenue
Newton, MA 02459

Re: # 129-17/19-21 Beaconwood Road/Request for Continuance

Dear Chairman Larado:

I am writing on behalf of Lento Development, the petitioner in this special permit request for a lot area waiver. At the recent hearing we discussed the open question as to whether the council would have the authority to issue the requested special permit, given the following language:

The Board of Aldermen may grant a special permit to allow the area of a lot in a residential district to be reduced by up to 5 percent of the applicable lot area Required in Sec. 3.1 or Sec. 3.2, but only if the grant of such a special permit:

1. Does not result in the creation of any nonconformity that did not previously exist with respect to frontage, lot area per unit, front setback, side setback, rear setback, height, number of stories, lot coverage percentage, or usable open space percentage;

As I indicated, under our specific circumstances, and when the mandatory merger doctrine is applied, I am of the opinion that the lots have already been combined, that therefore the existing two-family house is already nonconforming and that therefore formally combining them view an 81X plan (for building permit purposes) pursuant to the requested special permit, will not create "any nonconformity that did not previously exist."

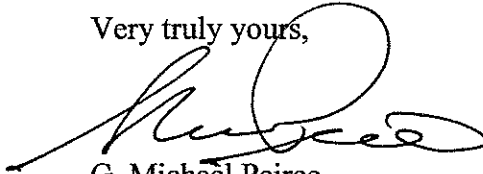
I have discussed this with Commissioner Lojek and he has preliminarily agreed with that position. He has requested that I file a letter with him, along with the supporting materials, in order for him to confirm that conclusion. I have also briefly discussed this with Associate City Solicitor Ouida Young and I understand her to be in general agreement as well. However, until the commissioner has the opportunity to reach a final conclusion, which I would not expect to have in time for the hearing on the 22nd, I am respectfully requesting that this matter be continued until the hearing on July 11th.

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mpeirce@gmpeircelaw.com

Marc C. Larado, Chairman
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We very much look forward to a full presentation at the upcoming hearing and will welcome any questions from the committee.

Very truly yours,

A handwritten signature in black ink, appearing to read "G. Michael Peirce". The signature is fluid and cursive, with a large loop at the end.

G. Michael Peirce

Cc: Neil Cronin, Senior Planner (via e-mail)
Ouida C. M. Young, Associate City Solicitor (via e-mail)
Kenneth and Peter Lento (via e-mail)