



# Land Use Committee Agenda

## City of Newton In City Council

**Tuesday, October 10, 2017**

**7:00 PM**  
**Chamber**

- #286-16(2) Request for an extension of time for Special Permit at 115 Waban Street**  
JOHN MULLIGAN Request for an extension of time to EXERCISE SPECIAL PERMIT #286-16 granted on October 4, 2016 to build a 308 sq. ft. one story addition including a mudroom, study and half bath at 115 Waban Street, Ward 1, Newton, on land known as SBL 12004 0032, containing approximately 7,072 sq. ft. in a district zoned MULTI-RESIDENCE 1. Ref: 7.3, 7.4, 3.2.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
- #132-17 Special Permit to amend Special Permit for Kessler Woods**  
KESELER WOODS, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #102-06(15) at Kessler Woods to allow relocation of the inclusionary zoning units by use of the Off-Site Development Option in conjunction with the rehabilitation of the apartment building at 219 Commonwealth Avenue resulting in an increased number of affordable units from the approved site of 179 Kessler Way, Ward 8, on land known as Section 82 Block 037 Lot 0095, containing approximately 640,847 sq. ft. of land in a district zoned MULTI RESIDENCE 3. Ref: 7.3, 7.4, 5.11.4, 5.11.6 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.  
***Please see attached request to Withdraw without Prejudice***
- #303-17 Class 2 Auto Dealer License**  
CICCONE MOTORS  
22 West Street  
Newton, MA. 02458
- #224-17 Special Permit to increase non-conforming FAR and setbacks at 168 Allerton Road**  
ALAN LOBOVITS AND LISA ROSENFELD petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing detached garage and construct an attached garage, mudroom and kitchen, extending the existing non-conforming front setback, requiring a

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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.

variance to allow a rear setback of 7.6' and increasing the FAR to .55 where .40 is allowed and .50 exists at 168 ALLERTON ROAD, Ward 6, Newton Highlands, on land known as Section 52, Block 27, Lot 08, containing approximately 9,000 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

**#227-17****Special Permit to amend Order #94-16 to allow changes to the site plan**

THEODORE VENTOURIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #94-16 to allow a retaining wall, pillars and grading changes not consistent with the previously approved site plan at 2171 COMMONWEALTH AVENUE, Ward 4, Auburndale, on land known as Section 41, Block 18, Lot 0032A, containing approximately 19,682 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4 of the City of Newton Rev Zoning Ord, 2015.

**#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

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.

**Respectfully submitted,**

**Marc C. Laredo, Chair**

John Mulligan and Karen Hite  
115 Waban St.  
Newton MA 02458  
(617) 467-4409

RECEIVED  
Newton City Clerk

2017 SEP 27 AM 9:12

David A. Olson, CMC  
Newton, MA 02459

Land Use Committee  
Newton City Council  
1000 Commonwealth Ave.  
Newton MA 02459

26 September 2017

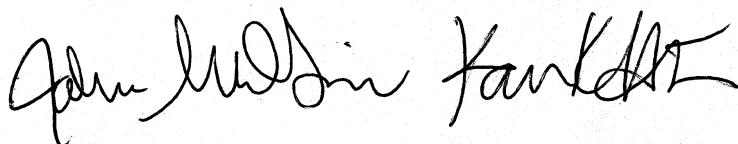
Re: Petition Number 286-16

Dear Land Use Committee,

We're writing to request an extension of time on our Special Permit, to further extend a non-conforming setback at our home at 115 Waban St.

Because of the strong market for remodeling services, we were unable to hire a contractor who could start our project before the October 2017 expiration of our permit. We have engaged a contractor who can begin building in Spring, 2018.

Thanks for your time and consideration,



John Mulligan & Karen Hite

CITY OF NEWTON  
APPLICATION FOR LICENSE TO BUY, SELL, EXCHANGE  
OR ASSEMBLE MOTOR VEHICLES OR PARTS THEREOF  
2017

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a class \_\_\_\_\_ license, to Buy, Sell, Exchange or Assemble motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

RECEIVED  
Newton City Clerk  
11 SEP 25 PM 3:52  
David A. Olson, CMC  
Newton, MA 02459

1. Name of the concern Ciccone MOTORS

Business address: 22 West St  
NEWTON, MA.

Telephone number (617) 261-7364

Email CICCONEMOTORS@COMCAST.NET

2. Is the above concern an individual, co-partnership, an association or a corporation? \_\_\_\_\_

3. If an individual, state full name and residential address.

ALLAN CICCONI III  
201 CENTRAL ST FRAMINGHAM, MA, 01701

4. If a co-partnership, state full names and residential addresses of persons composing it.

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President \_\_\_\_\_

Secretary \_\_\_\_\_

Treasurer \_\_\_\_\_

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? YES

OVER

If so, is your principal business the sale of new motor vehicles? NO

Is your principal business the buying and selling of second hand motor vehicles? YES

Is your principal business that of a motor vehicle junk dealer? NO

7. Give a complete description of all the premises, including satellite buildings/lot used for storage, to be used for the purpose of carrying on the business.

NO INVENTORY TO STORE BY SPECIAL ORDER ONLY

8. Are you a recognized agent of a motor vehicle manufacturer? NO

If so, state name of manufacturer \_\_\_\_\_

9. Have you a signed contract as required by Section 58, Class 1? NO

10. Have you ever applied for a license to deal in second-hand motor vehicles or parts thereof? YES  
If so, in what city/town(s) NEWTON

Did you receive a license? YES For what year? 2016

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? NO

PRINT and SIGN your name in full Allen Ciccone ALC

(Duly authorized to represent the concern herein mentioned)  
Residence \_\_\_\_\_  
Telephone \_\_\_\_\_

**IMPORTANT**  
**EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.**



The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
1 Congress Street, Suite 100
Boston, MA 02114-2017
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses

Applicant Information

Please Print Legibly

Business/Organization Name: CICOONE MOTORS
Address: 22 West St NEWTON, MA.
City/State/Zip: NEWTON, MA. 02458 Phone #: (617) 201-7364

RECEIVED
NEWTON CITY CLERK
SEP 24 9 41 AM '17
DAVID A. OLSON, CLERK
NEWTON, MA 02458

Are you an employer? Check the appropriate box:

- 1. I am a employer with employees (full and/ or part-time).
2. I am a sole proprietor or partnership and have no employees working for me in any capacity.
3. We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees.
4. We are a non-profit organization, staffed by volunteers, with no employees.

Business Type (required):

- 5. Retail
6. Restaurant/Bar/Eating Establishment
7. Office and/or Sales (incl. real estate, auto, etc.)
8. Non-profit
9. Entertainment
10. Manufacturing
11. Health Care
12. Other

\*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

\*\*If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name:
Insurer's Address:
City/State/Zip:

Policy # or Self-ins. Lic. # Expiration Date:

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: Date: 9/25/17

Phone #: 617-201-7364

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: Permit/License #

Issuing Authority (circle one):

- 1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office
6. Other

Contact Person: Phone #:

If so, is your principal business the sale of new motor vehicles? NO

Is your principal business the buying and selling of second hand motor vehicles? YES

Is your principal business that of a motor vehicle junk dealer? \_\_\_\_\_

7. Give a complete description of all the premises, including satellite buildings/lot used for storage, to be used for the purpose of carrying on the business.

NO INVENTORY SPECIAL ORDERS ONLY

8. Are you a recognized agent of a motor vehicle manufacturer? NO

If so, state name of manufacturer \_\_\_\_\_

9. Have you a signed contract as required by Section 58, Class 1? NO

10. Have you ever applied for a license to deal in second-hand motor vehicles or parts thereof? YES  
If so, in what city/town(s) NEWTON

Did you receive a license? YES For what year? 2016

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? NO

PRINT and SIGN your name in full Alan Ciccone ALC

(Duly authorized to represent the concern herein mentioned)

Residence \_\_\_\_\_

Telephone \_\_\_\_\_

**IMPORTANT**  
**EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.**



MASSACHUSETTS USED CAR DEALER'S BOND

Bond No. 106806971

Effective Date: September 25, 2017

KNOW ALL MEN BY THESE PRESENTS, that we, Ciccone Motors of 22 West Street NEWTON, MA 02458 and Travelers Casualty and Surety Company of America in the Commonwealth of Massachusetts, as Surety, are held and firmly bound unto Commonwealth of Massachusetts, as Obligee, for the benefit of all natural persons who suffer loss as defined by Chapter 140, Section 58 of the General Laws as amended by Chapter 422 of the Acts of 2002, by reason of purchase of a motor vehicle from the said Principal, in the sum of Twenty Five Thousand Dollars (\$25,000.00) for the payment of which well and truly to be made, we bind ourselves and our legal representatives, firmly by these presents.

RECEIVED  
NEWTON CITY CLERK  
2017 SEP 25 PM 01:52  
DAVID A. O'SONCMC  
NEWTON MA 02459

WHEREAS, the Principal is a Dealer having an established place of business at 22 West Street NEWTON, MA 02458 in the Commonwealth of Massachusetts, and is required to furnish a bond in accordance with Chapter 140, Section 58.

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall faithfully observe the provisions of Chapter 140, Section 58 as amended by Chapter 422 of the Acts of 2002, then this obligation shall be void and of no effect; otherwise it shall remain in full force and virtue. The aggregate liability of the Surety shall in no event exceed the amount of this bond regardless of the number of claims against the bond or the number of years the bond remains in force.

PROVIDED, that recovery against this bond may be made only by a person who obtains a final judgment in a court of competent jurisdiction against the Principal for an act or omission on which this bond is conditioned, if the act or omission occurred during the term of this bond. No suit may be maintained to enforce any liability on this bond unless brought within one (1) year after the event giving rise to the cause of action. Notice of any suit under this bond must be made in writing to the Obligee (written acknowledgement of receipt of said notice by the Obligee to be prima facie evidence of compliance with this requirement of notice). This bond shall cover only those acts and omissions as defined by Chapter 140, Section 58 of the General Laws as amended by Chapter 422 of the Acts of 2002.

This bond shall be continuous and may be cancelled by the Surety by giving sixty (60) days notice in writing by certified mail to the Obligee and bond shall be deemed canceled.

Dated this 25 day of September, 2017.

Ciccone Motors, Principal  
By: [Signature]

Travelers Casualty and Surety Company of America, Surety  
By: [Signature]  
Michele Faraca



POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Surety Bond No. 106806971

Principal: Ciccone Motors
22 West Street NEWTON, MA 02458

Obligee: Commonwealth of Massachusetts
1000 Commonwealth Avenue NEWTON, MA 02459

KNOW ALL MEN BY THESE PRESENTS: That Farmington Casualty Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, are corporations duly organized under the laws of the State of Connecticut, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint Michele Faraca, of the City of Newtonville, State of MA, their true and lawful Attorney(s)-in-Fact, to sign, execute, seal and acknowledge the surety bond referenced above.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 7th day of July, 2016.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company



State of Connecticut

City of Hartford ss.

By: [Signature]
Robert L. Raney, Senior Vice President

On this the 7th day of July, 2016, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires the 30th day of June, 2021.



[Signature]
Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

**RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

**FURTHER RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

**FURTHER RESOLVED**, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

**FURTHER RESOLVED**, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kevin E. Hughes, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed the seals of said Companies this 25 day of September, 2017.

*Kevin E. Hughes*  
\_\_\_\_\_  
Kevin E. Hughes, Assistant Secretary



**To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at [www.travelersbond.com](http://www.travelersbond.com). Please refer to the above-named individuals and the details of the bond to which the power is attached.**

# Holland & Knight

10 St. James Avenue | Boston, MA 02116 | T 617.523.2700 | F 617.523.6850  
Holland & Knight LLP | www.hklaw.com

RECEIVED  
Newton City Clerk  
2017 OCT -5 AM 9:13  
David A. Olsson  
Newton, MA 02459  
Frank G. Stearns  
(617) 523-1406  
frank.stearns@hklaw.com

October 2, 2017

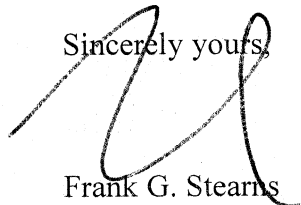
Ms. Nadia Khan  
Clerk of Land Use Committee  
City of Newton Clerk's Office  
1000 Commonwealth Avenue  
Newton, MA 02459

Re: Petition #132-17  
Kessler Woods Inclusionary Housing Proposal / 219 Commonwealth Avenue

Dear Ms. Khan:

On behalf of Kessler Woods, LLC, I request withdrawal, without prejudice, of the pending request to amend the existing special permit for Kessler Woods regarding the inclusionary zoning units.

Sincerely yours,



Frank G. Stearns

FGS:dhb

cc: Neil Cronin, Planning Department  
Barney Heath, Planning Department