



# **Land Use Committee Agenda**

## **City of Newton** **In City Council**

**Tuesday, November 14, 2017**

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

### **Referred to Land Use Committee**

- #273-14(5) Request for Extension of time for Special Permit at 5-7 Elm Street**  
NICORE CONSTRUCTION CORP. request for an EXTENSION of TIME in #40-07 which to EXERCISE special permit #273-14(2), granted on February 17, 2015, to construct four attached single-family dwellings in two buildings and to locate a driveway within 10 feet of a side lot line at 5-7 ELM STREET and 114 RIVER STREET, Ward 3, West Newton and to amend the site plan approved in special permit #40-07, dated May 21, 2007; said EXTENSION will run from February 17, 2017 to February 17, 2018. Ref: 30-24(c)(5) of the City of Newton Rev Zoning Ord, 2012.
- #228-17 Special Permit to extend non-conforming use at 69-71 Cherry Street**  
CAPPADONA CHERRY GROUP, LLC/ROSSANA CAMPOS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to legalize third unit and non-compliant lot area per unit in the existing non-conforming two-family at 69-71 CHERRY STREET, Ward 3, West Newton, on land known as Section 34, Block 42, Lot 15, containing approximately 23,511 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3, 7.4, 3.4.1, 7.8.2.C.2, 3.1.3 of the City of Newton Rev Zoning Ord, 2015.
- #304-17 Special Permit Petition to allow single-family dwelling in MR-1 at 336 Newtonville Ave**  
DONALD AND LINDA STANTON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to relocate an existing dwelling, add a unit to the rear of the dwelling and construct two additional single-family attached dwellings in an MR-1 district, requiring a special permit at 336 Newtonville Avenue, Ward 2, Newtonville, on land known as Section 22, Block 07, Lot 19, containing approximately 29,896 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1 of the City of Newton Rev Zoning Ord, 2015.
- #305-17 Special Permit Petition to allow build factor of 28.08 at on Goddard Street**

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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.

PITSICK, LLC/JOSHUA SHRIBER/PATIENCE OROBELLO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to redraw lot lines of three existing lots into two irregular shaped lots, creating a higher than allowable build factor of 28.08 where 20 is allowed at an unnumbered lot, 22 & 26 Goddard Street, Ward 8, Newton Highlands, on land known as Section 83, Block 34, Lots 12, 13, 13A containing approximately 15,000 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 1.5.6 of the City of Newton Rev Zoning Ord, 2015.

**8:00 PM  
Or Later**

**#284-17      Request to Rezone three parcels on Langley Road**

LANGLEY MONTROSE LLC AND LANGLEY FARLOW LLC petition for a change of zone to MR-3 for land located at 392-396 Langley Road(MR-2; Parcel 1), 400 Langley Road (MR-2; Parcel 2), and 402-404 Langley Road (BU-1; Parcel 3), also identified as Section 65, Block 010, Lots 001, 008, 030.

**#285-17      Special Permit to allow multi-family on Langley Road**

LANGLEY MONTROSE LLC AND LANGLEY FARLOW LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to develop 20,000+ sq. ft. of gross square area by razing the existing two-family at 400 Langley and constructing a three-story, 20-unit multi-family apartment building, legitimize a nonconforming deck and setback at 402-404 Langley Road, a reduction of parking to 1.25 stalls per unit or 83 stalls, parking in the side setback, a waiver of dimensional requirements for parking, a waiver for requirements for end stalls, a waiver for the minimum aisle width, a waiver of perimeter screening and interior landscaping requirements, a waiver for lighting and surfacing requirements and a waiver to allow multi-family dwellings in the MR-3 zone, at 392-396, 400, 402-404 Langley Road, Ward 6, containing approximately 79,636 sq. ft. of land in a district zoned MR-2 and BU-1. Ref: 7.3.3, 7.4, 7.3, 5.1.13, 3.4.1, 4.1.2.B.1, 5.1.4, 5.1.8.A, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.C.2, 5.1.9.A, 5.1.9.B, 5.1.10, and 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

**Referred to Land Use, Programs & Services, and Finance Committees**

**#256-16      Request to extend notification area of notice for special permit petitions**

COUNCILORS COTE, NORTON, HARNEY, BLAZER, BROUSAL-GLASER, AND LEARY requesting an amendment to the City Council Rules, Article X; Section 6 – Additional Notification Requirements, to include that the area of notice for special permit petitions be expanded beyond the abutters to abutters within 300' required by Massachusetts General Law Chapter 40A to also include property owners within 600' of the subject property. This notification will apply to all classes of building except for residential 1 and 2-family units that will remain 1 or 2-family units after receiving a special permit. Only abutters to abutters within 300' will be entitled to the rights conferred by Massachusetts General Law Chapter 40A. [07/01/16 @2:09 PM]

**Referred to Land Use and Finance Committees**

**#122-17      Discussion on fees for Special Permits**

COUNCILOR COTE requesting a discussion with the Planning & Development Department regarding the fees charged for Special Permits and what the actual costs are for issuing Special Permits. [04-18-17 @ 12:32 PM]

**Referred to Zoning & Planning, Land Use and Finance Committees**

**#104-15      Qualification of affordable units developed at Comm Ave, Pearl St, and Eddy St**

ALD. JOHNSON, LAREDO, AND GENTILE requesting a report from the Planning Department re how many of the affordable units developed at Commonwealth Avenue, Pearl Street, and Eddy Street qualify for inclusion on the State's Subsidized Housing Inventory List; if a property is not on the list, what can be done to make it eligible. [04/09/15 @ 12:00 PM]

**Respectfully submitted,**

**Marc C. Laredo, Chair**

273-14(5)

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

October 25, 2017

Nadia Khan, Clerk of Committee *By electronic transmission*  
Newton City Council  
City of Newton  
1000 Commonwealth, Avenue  
Newton, MA 02459

RECEIVED  
Newton City Clerk  
2017 OCT 30 AM 10:37  
David A. Olson, CMC  
Newton, MA 02459

Re: 5-7 Elm Street: Board Order #273-14(4)  
Extension of Special Permit

Dear Ms. Khan:

On October 19, 2015, the then Board of Aldermen granted a special permit (Board Order #273-14(4)) for the above-referenced property. I am writing this letter to request an extension of time in which to exercise this special permit until February 17, 2018. This request is being made pursuant to Section 7.3.2.E of the zoning ordinance, which provides that "[t]he City Council may extend the period of time granted under this subsection for good cause, whether or not such period of time shall have expired, without the necessity of a further public hearing thereon".

The reason for this request and basis for the good "cause" is the protracted effort required to resolve certain complex title matters, involving probate and conservatorship issues. Resolution of these matters was a necessary predicate to obtaining the financing for construction of the project. Those matters were not ultimately resolved until March 7, 2017. Subsequently the Zoning Ordinance had to be amended to conform to recently enacted state legislation that extended the time to exercise for up to 3 years. That amendment was not adopted until May 17, 2017.

Thank you for your attention to this matter.

Sincerely,

*Terrence P. Morris*

Terrence P. Morris, Esq.  
Counsel for Nicore Construction Corp.

Cc: Michael Lundberg

**Nadia Khan**

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**From:** Doug Greenfield  
**Sent:** Friday, October 20, 2017 11:04 AM  
**To:** Nadia Khan  
**Subject:** RE: Extension of notification area  
**Attachments:** MEMO Concerning 300-600 ft Notifications.docx

Nadia – here is a draft. I don't know if it's normal to put images in these kind of memos but it seems like its helpful to illustrate what we're talking about.

## **MEMO Concerning Petition #256-16 - Request to extend notification area of notice for special permit petitions**

The work involved in extending a petition area is significant, particularly if we want to make a distinction between areas that are 300 feet from a subject property and areas between 300 and 600 feet. Software for creating these kind of buffers is designed for a simple single radius use case (ie. all properties within 600 feet.) Making a “donut hole” (image below) requires more advanced software with additional programming.



This additional programming will also require software installations and training for every user that needs to do these notifications. Whereas the software for a single radius is very simple and intuitive, the software packages needed to do a donut shape as shown above are complicated and not user friendly. Any new staff would need to spend a couple of hours training on how to use this in conjunction with the existing tools to create the notification. This would be a greatly increased burden on IT staff as well as staff in the Clerk’s office.



Setti D. Warren  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

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James Freas  
Acting Director

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## MEMORANDUM

To: Finance Committee

From: Stephen Pantalone, Housing Planner, Planning and Development Department  
James Freas, Acting Director, Planning and Development Department

Cc: Alice Ingerson

Date: February 28, 2016

Re: Requested Items

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Responses to the following items were requested by the City's Finance Committee.

### **Subsidized Housing Inventory**

The Planning Department completed an application to place the affordable housing units at 54 Eddy Street, 61 Pearl Street, and 2148-2150 Commonwealth Ave on the Subsidized Housing Inventory. DHCD indicated to the Planning Department that the units were not currently eligible to be placed on the SHI, as rental units in general cannot be placed on the SHI retroactively (i.e. after being filled). In addition, the marketing process that was used when the units were initially rented did not follow DHCD guidelines, which requires a lottery process.

At this time these units cannot be added to the SHI. CAN-DO should utilize a DHCD approved marketing plan, which includes a lottery process, when/if the existing tenants are replaced with new tenants. CAN DO is currently working with DHCD on the Taft Avenue project to create a marketing plan that would qualify units for the SHI. CAN DO can utilize a similar approach when these units turnover.

### **Taft Ave Conditions**

The conditions in the Taft Ave CDBG/HOME agreement regarding CAN DO, and the status of each condition are provided below.

- 1) CAN DO provides a report to the Planning and Development Board at a six-month interval
  - a. Real estate Owned Schedule - *Provided to P&D Board December 2015*

- b. Operating and replacement reserves *No reserves drawn based on schedules provided to P&D Board December 2015*
  - c. Projected versus actual organizational budget *Provided to P&D Board December 2015*
- 2) Organizational strategic plan that includes the following elements which CAN-DO promised to provide to the City in 2009 as part of the loan forgiveness agreement - *Has not yet been provided to the City*
  - 3) Federal Funds will not be released until a building permit for the project is granted – *Federal funds were released for the acquisition of the property. No federal funds have been released for soft costs or construction costs. This is consistent with the allocation schedule for the project. Some funds will mostly likely need to be disbursed for soft costs in order to create the building permit set of plans. Federal funds will not be released for construction costs until a building permit is obtained.*
  - 4) Project cost savings are returned to the respective grant programs upon completion – *Not applicable at this time*
  - 5) Notify Planning Department if/when operating reserves are disbursed for the project. *Not applicable at this time*
  - 6) When or if the funds become available, proof of CAN-DO's submitted application for Massachusetts Rental Voucher Program funding to pay for the projects supportive services. *Not applicable at this time*
  - 7) Provide narrative of the supporting services program design, identifying proposed benchmarks for success and the sustainability of those services. *Has not yet been provided to the City*