



# Land Use Committee Agenda

## City of Newton In City Council

Monday, April 4, 2016

Room 211  
7:00 PM

- #18-15(2) Request for an Extension of Time for Special Permit at 17 Cushing Road**  
LAURA KAY HUGHES request for an EXTENSION of TIME in which to EXERCISE special permit #18-15, granted on April 21, 2015 to construct a two-story addition to the rear of an existing 2½-story single-family dwelling, to demolish an existing detached garage and build a new two-stall detached garage with storage above, which will increase the Floor Area Ratio from .31 to .57, where .40 is the maximum allowed by right, and for a front porch addition, which will encroach into the existing nonconforming setback, at 17 CUSHING STREET, Ward 6, Newton Highlands, said EXTENSION will run from April 21, 2016 to April 21, 2017. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table A, 30-15(u)(2), 30-15 Table 1 of the City of Newton Rev Zoning Ord, 2012.
- #57-15(2) Request for an Extension of Time for Special Permit at 109 Essex Street**  
BROOKE H. & CONAN LAUGHLIN request for an EXTENSION of TIME in which to EXERCISE special permit #57-15, granted on April 21, 2015 to demolish an existing one-story 6'x6' mudroom addition and construct a 8'x10' one-story mudroom adjoining a 10'x12' pantry, for a total floor area of 200 square-feet, on to an existing single-family dwelling at 109 ESSEX ROAD, Ward 7, Chestnut Hill, said EXTENSION will run from April 21, 2016 to April 21, 2017. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2012.
- #272-09(6) Request for an Extension of Time for Special Permit at 39 Herrick Road**  
HERRICK ROAD REALTY TRUST request for an EXTENSION of TIME in which to EXERCISE special permit #272-09(4), granted on March 16, 2015 to allow a three-story mixed use building containing an office use on the ground floor, four dwelling units above, and underground parking, also the waiver of 18 parking stalls, and to allow retaining walls greater than four feet in the setback at 39 HERRICK ROAD, Ward 6, Newton Centre, said EXTENSION will run from March 16, 2016 to March 16, 2017. Ref: Sec 30-24, 30-23, 30-19(d)(2), (8), (9), 30-19(f)(1), (2), 30-19(k), 30-19(m), 30-15(b)(2), 30-15 Table 3, 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012.

---

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, *please contact Jini Fairley, at least two days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov), or 617-796-1253. For Telecommunications Relay Service dial 711.*

**#17-15(2) Request for an Extension of Time for Special Permit at 1446 Beacon Street**  
KRISTIAN & BARBARA TALVITIE request an EXTENSION of TIME in which to EXERCISE special permit #17-15, granted on March 16, 2015 to legalize a previous three-story addition and construct two new additions to the second and third floors, and demolish the existing detached garage and construct a new two-car detached garage, the sum of which will exceed the maximum allowable floor area ratio, and to allow two garages at 1446 BEACON STREET, Ward 5, Waban, said EXTENSION will run from March 16, 2016 to March 16, 2017. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 1, 30-15 Table A, 30-15(u)(2), 30-15(m)(5) of the City of Newton Rev Zoning Ord, 2012.

Respectfully submitted,

Marc C. Laredo, Chair

**SCHLESINGER AND  
BUCHBINDER, LLP**

ATTORNEYS AT LAW

1200 WALNUT STREET  
NEWTON, MASSACHUSETTS 02461-1267

**RECEIVED**

By City Clerk at 11:32 am, Mar 04, 2016

STEPHEN J. BUCHBINDER  
ALAN J. SCHLESINGER  
LEONARD M. DAVIDSON  
A. MIRIAM JAFFE  
SHERMAN H. STARR, JR.  
BARBARA D. DALLIS  
PAUL N. BELL  
KATHERINE BRAUCHER ADAMS  
JULIA V. WILDE  
FRANKLIN J. SCHWARZER  
RACHAEL C. CARVER

TELEPHONE (617) 965-3500  
FACSIMILE (617) 965-6824  
OF COUNSEL  
ROBIN GORENBERG

E-Mail: [sjbuchbinder@sab-law.com](mailto:sjbuchbinder@sab-law.com)

March 3, 2016

**BY EMAIL AND FIRST CLASS MAIL**

Mr. David Olson  
City Clerk  
1000 Commonwealth Avenue  
Newton, MA 02459-1449

Re: Board Order #18-15 / 17 Cushing Street

Dear David,

On April 21, 2015 the Board of Aldermen unanimously approved a special permit to extend a nonconforming structure by constructing a two-story addition on my client's home at 17 Cushing Street. Since that time, my client revised her plans as contemplated in the Board Order, solicited bids from contractors, hired a contractor, and filed a building permit application the first week in February, 2016. After waiting four weeks to receive the building permit, my client learned that the plans she submitted as part of her permit application were incomplete and missing one page. She has since filed a complete set of plans and has been informed that a variety of departments must review the application before it is approved.

Clearly, this timeline is cutting things very close to the April 21, 2016 deadline to exercise the special permit. Therefore, out of an abundance of caution, my client respectfully requests an extension of the time period within which to exercise the special permit for one additional year, pursuant to Section 7.3.2.E of the Zoning Ordinances.

Please let me know if you require additional information.

Sincerely,



Stephen J. Buchbinder

SJB/kba

cc: (by email)  
Ms. Laura Hughes

**ROSENBERG, FREEDMAN & LEE LLP**  
ATTORNEYS AT LAW

246 Walnut Street  
Newton, Massachusetts 02460-1639

617-964-7000  
Fax: 617-964-4025  
Sender's e-mail: llee@rfl-law.com

Jason Allen Rosenberg  
Donald N. Freedman  
Laurance S.L. Lee  
Paula J. Morgan  
Susan H. Levin  
Ellen M. McVay  
Hope C. Vassos  
Peter C. Beebe  
Jacqueline L. Croteau  
Ashley Y. Aubuchon

Of Counsel:  
Martin I. Estner, Senior Counsel  
Karen M. Buckley\*  
\*admitted in MA and NY  
Elizabeth Baum, P.C.

March 4, 2016

Marc Laredo, Chair  
Land Use Committee  
City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

Re: Extension of Special Permit No. 57-15  
Petitioner: Brooke H. and Conan Laughlin  
Location: 109 Essex Road, Newton

RECEIVED  
Newton City Clerk  
2016 MAR -4 PM 1:51  
David A. Olson, CMC  
Newton, MA 02459

Dear Councilor Laredo:

I represent the Petitioners, Mr. and Mrs. Laughlin, in connection with the above referenced Special Permit. On behalf of my clients, I hereby request a one-year extension to said Special Permit under Section 7.3.2.E. of the City of Newton Zoning Ordinances.

In support of the extension request, my clients state as good cause the following: the work which is subject to the Special Permit is a part of a larger as-of-right renovation project of other areas of the house, and due to unforeseen delays to the house project the work that is subject to the Special Permit have yet commenced. The project is otherwise proceeding as quickly as possible.

For your convenience, enclosed is a copy of the original Special Permit that was recorded with the Middlesex South Registry of Deeds in Book 65604, Page 35.

Please call my office should you have any questions. Thank you.

Sincerely,



Laurance S.L. Lee

Copy: Mr. and Mrs. Laughlin  
Lisa Botticelli  
Enclosure (s)

*Terrence P. Morris, Esquire*

*Attorney at Law*

*57 Elm Road*

*Newton, MA 02460*

*617 202-9132*

March 11, 2016

***By electronic transmission***

David Olson, City Clerk  
City of Newton  
1000 Commonwealth, Avenue  
Newton, MA 02459

Re: Herrick Road: Board Order #272-09(4)  
Extension of Special Permit

Dear Mr. Olson:

On March 16, 2015, the City Council (f/k/a Board of Aldermen) granted a special permit (Board Order #272-09(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 March 16, 2017. This request is being made pursuant to Section 7.3.2.E of the Zoning Ordinance, which provides that “[t]he Board of Aldermen (now 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 negotiate the easement with the City, which allow access to the underground parking garage from Herrick Road that is below a portion of the City-owned property at 1294 Centre Street. Condition 23(e) of said Order requires the petitioner to obtain the aforesaid easement and is a necessary prerequisite for exercising the special permit.

Thank you for your attention to this matter.

Sincerely,

*Terrence P. Morris*

Terrence P. Morris, Esq.  
Counsel for Herrick Road Realty Trust

Cc: Stuart Rothman, Trustee

**Peter Sachs**  
*Architect N.C.A.R..B. ~ A.I.A.*  
**20 Hunter Street**  
**Newton, Ma. 02465**

*Tel 617-527-5777 or Cell 617-312-5045.*  
*E-Mail [peternsachs@gmail.com](mailto:peternsachs@gmail.com)*

March 16, 2016

City of Newton  
City Clerk: David Olson  
Land Use Committee  
1000 Commonwealth Ave.  
Newton, Ma 02459

Re: Extension of time for Special Permit # 17-15  
Talvitie Residence  
1446 Beacon St., Newton, MA

Dear David,

I am writing on behalf of Barbara and Christian Talvitie to ask for an extension of time for the Special Permit # 17-15 which was granted 12 months ago. The reason for the request is that they have had difficulty getting the final site drainage plan and engineering completed by the one year date March 16, 2016. The test pit scheduling for the perk test was difficult to complete and they are respectfully asking for an extension of time in order to provide the city with the required drainage calculations in order to file for the permit this spring.

Sincerely,

Peter Sachs Architect of Record