

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE AGENDA

FOR

TUESDAY, OCTOBER 13 AND THURSDAY OCTOBER 15, 2015

7:00 PM

Aldermanic Chamber

**Please note, as it is unlikely that the Committee will be able to conclude the following public hearings and discussions in one evening, Thursday, October 15 has been reserved to continue the public hearings, if necessary, and discussion. Also, please note, the petitions be taken up in a different order than that listed on the agenda.**

*A Public Hearing was opened on July 14 and continued on August 4, 2015:*

#416-12(4) MAIN GATE REALTY LLC petition to AMEND Special Permit/Site Plan Approval for a Change in Nonconforming Use #416-12(3), granted August 12, 2013, which limited two existing tenant spaces to office, low parking demand/turnover service, or retail uses, in order to allow office and storage space in the basement and to re-stripe an existing parking lot to create five parking stalls, where four currently exist, and to waive the dimensional requirements for the parking stalls 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: Sec 30-24, 30-23, 30-21(b), 30-19(h)(2)a) and (m) of the City of Newton Rev Zoning Ord.

*A Public Hearing was opened and continued on September 10, 2015:*

#416-12(5) JULIA WILLIAMSON/WALLY ZAINOUN, MAIN GATE REALTY petition to AMEND Special Permit/Site Plan #416-12(3), granted on August 12, 2013, and to AMEND special permit application #416-12(4), for which a public hearing was opened on July 13, 2015, with respect to EXTENDING a NONCONFORMING USE, to permit more than 3 customers for the service use on site at any one time and change the hours of operation of MODERN BARRE 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: Sec 30-24, 30-23, 30-21(b), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

*A Public Hearing was opened and continued on August 11, 2015:*

#160-15 TIMOTHY BURKE ARCHITECTURE for ICHIRO ISHIGURO petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to add a second-story addition on an existing 1½-story single-family dwelling, which will increase the Floor Area Ratio from .31 to .44, where .37 is the maximum allowed by right, at 80 DEBORAH ROAD, Ward 8, Newton Centre, on land known as SBL 82, 8, 8, containing approximately 10,990 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2012.

*A Public Hearing was opened and continued on July 13 and August 4, 2015:*

#150-15 ANTHONY DePASQUALE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to change an existing nonconforming use to another nonconforming use in order to convert an existing clubhouse to a multi-family dwelling with five units and to waive one parking stall and to allow parking within the front setback at 15 SOUTH GATE PARK, Ward 3, West Newton, on land known as SBL 33, 31, 9, containing approximately 14,120 square feet of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(d)(2), (g)(1), and (m) and 30-24(f) of the City of Newton Rev Zoning Ord, 2012.

*A Public Hearing was opened and continued on September 10, 2015:*

#148-15(2) INTRUM COPORATION petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second 60,565 square-foot building to be connected to an existing office building, as well as a one-story parking deck, and to redesign existing parking facilities increasing the number of parking stalls from 215 to 379 at 180 WELLS AVENUE, Ward 8, on land known as SBL 84, 34A, 3, containing approximately 220,097 square feet of land in a district zoned LIMITED MANUFACTURING. Ref: 30-12(g)(2), 30-19(m) of the City of Newton Rev Zoning Ord, 2012 and Board Order nos. 276-68(3), 761-69, 734-72 (884-71). NOTE: Accompanying the petition is a request to amend the Deed Restriction adopted by Board Order #276-68(3), dated November 18, 1968, and subsequent amendments be further amended or waived to increase the Floor Area Ratio from .25 to .53, which exceeds the maximum of .25, to waive the minimum 40% open space requirement, and to allow a greater percentage of square footage in the office park to be dedicated to office space.

*A Public Hearing was opened and continued on September 10, 2015:*

#181-15 AYENG FONG & BINH NGUYEN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to add a third unit onto the rear of an existing two-family dwelling at 220-222 CALIFORNIA STREET, Ward 1, NONANTUM, on land known as SBL 11, 10, 16, containing approximately 9,510 sf of land in a district zoned BUSINESS 1. Rev: Sec 30-24, 30-23, 30-11(d)(8), 03-19(h)(1), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

*Public Hearings will be opened on the following items:*

*Note: The petitioner wishes to withdraw the following petition without prejudice.*

#230-15 ANNA E. RUTHERFORD & BRENDAN M. EVERETT petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a rear addition to the basement and first floor and to enlarge an existing attic dormer, which additions will increase the Floor Area Ratio from .42 to .57, where .48 is the maximum allowed by right, at 239 CYPRESS STREET, Ward 6, Newton Centre, on land known as SBL 65, 15, 26, containing approximately 5,490 square feet of land, in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15(u)(2) of the City of Newton Rev Zoning Ord.

- #192-15     YURIY MATSKEVITCH petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a NONCONFORMING STRUCTURE and USE to reconfigure an existing two-family dwelling into a one-family dwelling and construct a second unit to the rear of 403-405 PARKER STREET, Ward 8, Newton Centre, on land known as SBL 81, 31, 39 containing approximately 17,408 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2012.
- #193-15     ALEXANDER PESELMAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to widen an existing breezeway, enclose a deck above the adjacent sunroom, and to enlarge an existing mudroom, which will increase the Floor Area Ratio from .46 to .48, where .33 is the maximum allowed by right, at 5 GREEN PARK, Newton, Ward 7, on land known as SBL 73, 11, 3, containing approximately 14,665 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2012.
- #228-15     JENNIFER TJIA & JANE GIVENS petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to add a dormer to the existing attic, which will expand an existing single-family dwelling from 2½ stories to 3½ stories at 30 MOULTON STREET, Ward 4, Newton Lower Falls, on land known as SBL 42, 32, 38 and 37, containing a total of 8,143 square feet of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 1 of the City of Newton Rev Zoning Ord, 2012.
- #229-15     LINDA BRENNAN & ROBERT H. LEE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a SPECIAL PERMIT to construct a detached structure for an accessory apartment accessory to a single-family dwelling at 28 ORCHARD AVENUE, Ward 5, WABAN, on land known as SBL 54, 10, 1, containing approximately 19,850 square feet of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-8(d)(2) of the City of Newton Rev Zoning Ord, 2012.
- #231-15     CARTHAY INVESTMENT LLC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND and ALTER a NONCONFORMING USE in order to construct four attached dwellings in two new 2½-story structures and extend a nonconforming side setback at 5-7 and 9-11 CARTHAY CIRCLE, Ward 6, Newton Highlands, on land known as SBL 54, 22, 8A and 9, containing 7,130 and 7,980 square feet of land, respectively, in a district zoned BUSINESS 2. Ref: 30-24, 30-23, 30-21(b), 30-15 Table 3, of the City of Newton Rev Zoning Ord, 2012.

- #232-15     SCOTT MILLER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE in order to construct a second-floor onto an existing nonconforming single-family dwelling which will result in an increase to the two nonconforming front setbacks at 166 PARMENTER ROAD, Ward 3, West Newton, on land known as SBL 34, 37, 49, containing approximately 5,960 square feet of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 1 of the City of Newton Rev Zoning Ord, 2012.
- #166-14(2)     SEAN O'MALLEY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE by enclosing an existing detached carport and installing a garage door, which will increase the Floor Area Ratio from .38 to .42, where .35 is the maximum allowed by right, at 22 LENOX STREET, Ward 2, West Newton, on land known as SBL 32, 50, 5, containing approximately 9,353 square feet of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table A, 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2012.
- #233-15     SIAMAB THERAPEUTICS/CHAPELBRIGE PARK ASSOCIATES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to locate rDNA facility and associated office use at 49-55 CHAPEL STREET (a/k/a 90 BRIDGE STREET), Ward 1, NONANTUM, on land known as SBL 14, 1, 14, containing approximately 170,913 square feet of land in a district zoned MANUFACTURING. Ref: Sec 30-24, 30-23, 30-12(c)(15) of the City of Newton Rev Zoning Ord, 2012.

*The following items do not require public hearings; please see attached letters:*

- #273-14(4)     NICORE CONSTRUCTION CORP. request for an EXTENSION of TIME in 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, 2016 to February 17, 2017. Ref: 30-24(c)(5) of the City of Newton Rev Zoning Ord, 2012.
- #40-07
- #317-14(2)     HEAMEE INC. request for an EXTENSION of TIME in which to EXERCISE special permit #317-14, granted on October 20, 2014, to allow tandem parking and parking within a setback and to waive dimensional requirements for parking facilities with more than 5 stalls re stall dimensions, aisle width, landscaping and lighting, and to waive the number of required parking stalls in order to convert approximately 1,500 sf of basement space from storage to office space at 1175 WALNUT STREET, Ward 6, Newton Highlands; said EXTENSION will run from October 20, 2015 to October 20, 2016. Ref: 30-24(c)(5) of the City of Newton Rev Zoning Ord, 2012.

Respectfully submitted,  
Marc C. Laredo, Chairman

*Terrence P. Morris, Esquire*

*Attorney at Law*

*57 Elm Road*

*Newton, MA 02460*

*617 202-9132*

September 16, 2015

***By electronic transmission***

Linda Finucane, Clerk of Committee  
Newton Board of Aldermen  
City of Newton  
1000 Commonwealth, Avenue  
Newton, MA 02459

RECEIVED  
Newton City Clerk  
2015 SEP 16 PM 12:11  
DAVID A. OLSON, CMC  
Newton, MA 02459

Re: 5-7 Elm Street: Board Order #273-14(2)  
Extension of Special Permit

Dear Ms. Finucane:

On February 17, 2015, the Board of Aldermen granted a special permit (Board Order #273-14(2)) 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, 2017. This request is being made pursuant to Section 30-24(c)(4) of the zoning ordinance, which provides that “[t]he Board of Aldermen 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. Resolution of these matters, which involve probate and conservatorship issues, are a necessary prerequisite for obtaining the financing to undertake construction of the permitted project.

Thank you for your attention to this matter.

Sincerely,

*Terrence P. Morris*

Terrence P. Morris, Esq.  
Counsel for Antonio Bonadio and  
Nicore Construction Corp.

Cc: Antonio Bonadio  
Michael Lundberg

*Terrence P. Morris, Esquire*  
*Attorney at Law*  
*57 Elm Road*  
*Newton, MA 02460*  
*617 202-9132*

September 16, 2015

*By electronic transmission*  
 Linda Finucane, Clerk of Committee  
 Newton Board of Aldermen  
 City of Newton  
 1000 Commonwealth Avenue  
 Newton, MA 02459

RECEIVED  
 Newton City Clerk  
 2015 SEP 16 PM 12:11  
 DAVID A. OLSON, CMC  
 Newton, MA 02459

Re: 1175 Walnut Street: Board Order #317-14  
 Extension of Special Permit

Dear Ms. Finucane:

On October 20, 2014, the Board of Aldermen granted a special permit (Board Order #317-14) for the above-referenced property. I am writing this letter to request an extension of time in which to exercise this special permit until October 20, 2016. This request is being made pursuant to Section 30-24(c)(4) of the zoning ordinance, which provides that “[t]he Board of Aldermen 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 that we have yet to receive approval from the Architectural Access Board (“AAB”) for the location of the handicap accessible parking space. Considerable time was spent trying to design and cost out an accommodation to address the competing requirements of proximity and accessibility. Currently the AAB is experiencing a significant backlog in hearing cases.

Thank you for your attention to this matter.

Sincerely,



Terrence P. Morris, Esq.  
 Counsel for Heamee, Inc.