

CITY OF NEWTON
IN BOARD OF ALDERMEN
LAND USE COMMITTEE AGENDA
TUESDAY, DECEMBER 1, 2015

7:00 PM
Room Aldermanic Chamber/Room 211

A Public Hearing was opened, continued on October 13, and closed on November 17:

#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.

NOTE: The petitioners have requested a continuance to December 15.

#480-14 STEPHEN VONA petition to rezone 283 MELROSE STREET, also known as Section 41, Block 14, Lot 10, from MULTI RESIDENCE 1 to a MIXED USE 4 DISTRICT. *Hearing closed on November 17; Planning & Development continued the hearing.*

A Public Hearing was opened and continued on May 19, continued on June 23, and November 17:

480-14(3) STEPHEN VONA petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to restore and expand an existing structure known as the Turtle Lane Playhouse with office space above, to provide a mixed use building with an addition containing 6 dwelling units at street level and above and a second building containing a 23-unit multi-family dwelling with a below grade parking garage for 30 cars at 283 MELROSE STREET, Ward 4, Auburndale, on land known as SBL 41, 14, 10 containing approximately 43,783 sf of land [currently zoned MULTI RESIDENCE 1] in a proposed MIXED USE 4 DISTRICT. Ref: Sec 30-24, 30-23, 30-13(h)(2) Table B, 30-13(j)(1),(2),(3), 30-15 Table 3, 30-15(w)(1) and (4) and (w)(6), 30-5(b)(4), 30-19(d)(2), and (d)(18), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

A Public Hearing was opened on July 14, continued on August 4, October 13, October 20, November 17, when the hearing was closed:

#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.

NOTE: Please see the attached letter, requesting to withdraw the request to allow office space in the basement.

A Public Hearing was opened and continued on September 10, continued on October 13 and October 20, November 17:

#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, continued on October 13, and November 17:

#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

Hearing continued on November 17:

#364-14 PHI PROPERTIES LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a ~~four~~ three-unit multi-family dwelling with 9 below grade parking stalls and associated parking waivers if necessary at 9 CHANDLER STREET, Ward 1, NONANTUM, on land known as SBL 14, 10, 4 and 5, containing a combined total of 13,153 sf of land in a district zoned MULTI RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-9(c)(1), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012. *(A public hearing without a presentation was opened on December 9, 2014; however, the petition has been amended.)*

2016 Auto Dealer License Renewals

Class 1

#240-15 CLARK & WHITE, INC. d/b/a BAYSTATE
CHRYSLER JEEP DODGE RAM
777 Washington Street
Newtonville 02460

Class 2

#244-15 AUCTION DIRECT PREOWNED
1545 Washington Street
West Newton 02465

#253-15 LIFT THROTTLE AUTOMOTIVE, LLC
64 Hillside Avenue
West Newton 02465

#254-15 MAP DEVELOPMENT & INVESTMENTS
d/b/a CHRISTIAN TAPIA/MASTER USED
CARS of WATERTOWN
175 North Street
Newtonville 02460

#256-15 NEW ENGLAND MOTOR MART, INC.
1221-1229 Washington Street
West Newton 02465

#257-15 NEWTON AUTO GROUP, INC.
1235 Washington Street
West Newton 02465

#260-15 NTC-NEWTON TRADE CENTER
103 Adams Street
Nonantum 02458

#261-15 OLD TIME GARAGE LTD.
1960 Washington Street

#263-15 R.J.S. SERVICE, INC.
361 Washington Street
Newton Corner 02458

- #264-15 REGANS INC.
2066 Commonwealth Avenue
Auburndale 02466
- #265-15 ROBERT'S TOWING, INC.
926r Boylston Street
Newton Highlands 02461
- #268-15 STAN'S AUTOMOTIVE INC.
249 Centre Street
Newton Corner 02458
- #270-15 CITY OF NEWTON

Class 2 & 3

- #271-15 ECHO BRIDGE SALVAGE CO.
16-24 Maguire Court
Newtonville 02460
- #272-15 SCHIAVONE BROTHERS, INC.
16-24 Maguire Court
Newtonville 02460
- ~~#243-15 AUBURNDALE SERVICE CENTER, LLC
d/b/a AUBURNDALE MOBIL
2105 Commonwealth Avenue
Auburndale 02466~~
- ~~#245-15 AUTO EUROPA, INC.
38 Ramsdell Street
Newton Highlands 02461~~
- ~~#249-15 GLOBAL VENTURES GROUP INC.
d/b/a LUX AUTO PLUS
1197-1201 Washington Street
West Newton 02465~~
- ~~#250-15 MAVERICK MOTORS, INC.
1209 Washington Street,
West Newton 02465~~
- ~~#252-15 L. A. AUTO BODY, INC.
41 Los Angeles Street
Nonantum 02458~~

The Chairman will entertain motions for No Action Necessary or referral of the following items to the 2016-2017 City Council:

REFERRED TO LAND USE AND FINANCE COMMITTEES

- #375-14(5) **HIS HONOR THE MAYOR** requesting that Sec. 17-3. **Fees for certain licenses and permits.** of the Rev Ordinances of the City of Newton, 2012, Special Permit fees, be amended by striking in (15)a) "\$350.00" and in (15b) "\$750.00" and by substituting "\$500.00" and "\$1,000.00," respectively, and by deleting (15c) in its entirety and re-lettering d) to c) and e) to d), effective 07/01/15.
FINANCE VOTED NO ACTION NECESSARY 7-0 on 11/09/15

REFERRED TO ZONING & PLANNING, LAND USE AND FINANCE COMMITTEES

#104-15 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.

**ZONING & PLANNING HELD 6-0 (Hess-Mahan not voting) on 11/09/15
FINANCE HELD 7-0 on 11/09/15**

#214-10(7) ALD. HESS-MAHAN, ALBRIGHT, CROSSLEY, BAKER, LAREDO, LIPOF, FULLER requesting a discussion with the Inspectional Services and Planning Departments and New England Development about the as-built condition of Chestnut Hill Square and its apparent lack of conformity with the plans and elevations as approved and conditioned by the Board of Aldermen in special permit #214-10, granted on December 6, 2010.

REFERRED TO ZONING & PLANNING, LAND USE & FINANCE COMMITTEES

#273-12 ALD. CROSSLEY & HESS-MAHAN requesting a restructuring and increase in fees for permits charged by the Inspectional Services Department and fees charged by the Planning Department and City Clerk to assure that fees are both sufficient to fund related services provided and simple to administer.

#75-15 KENNETH LYONS, 170 Suffolk Road, appointed by President Lennon as a member of the BOSTON COLLEGE NEIGHBORHOOD AREA COUCIL for a term to expire December 3,1 2015 (*Resume attached*).

Respectfully submitted,
Marc C. Laredo, Chairman

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, or 617-796-1253. For Telecommunications Relay Service dial 711.*

G. MICHAEL PEIRCE, ESQ.

ATTORNEY AT LAW

November 25, 2015

IN HAND DELIVERY

Chairman Marc C. Laredo
Land Use Committee
Newton Board of Aldermen
Newton City Hall

Re: 416-12(4)/Main Gate Realty, LLC/request for partial withdrawal without prejudice

Dear Chairman Laredo:

I am writing on behalf my client Main Gate Realty, LLC to respectfully request permission to withdraw that aspect of the pending petition which relates to our request to be permitted to occupy a 250 square foot portion of the basement in my client's building for use as an office, with no employees and no ability to receive clients. Based upon discussions at various of the hearings we have concluded that there may not be sufficient support in the Committee to make the finding required by §7.C.2 of the Zoning Ordinance. We are not requesting withdrawal of the parking space dimensional waiver which would allow five (5) spaces to be located in the parking facility.

Additionally, in response to a number of points raised during the hearing process, we are committing, if conditioned by the Board of Aldermen, to implement the following site improvements (along with implementing the previously discussed aspects of site operation):

- install a mixed vegetative buffer along a portion of the westerly property line, to a length and at a height designed to provide additional screening for the first floor windows of the house at 252 Commonwealth Avenue;
- install fencing or screening for the small rubbish storage area at the southwest corner of the building;
- restripe the parking facility to accommodate five (5) 8' x 19' parking stalls, located in parallel, perpendicular to Manet Road, set back five (5) feet from the property line;
- take up the existing asphalt located behind those spaces, and replace with loam and seed;
- take up the existing triangular portion of asphalt located northeast of what will be the space closest to the corner and replace it with loam and seed.

Newton Wellesley Executive Office Park
60 Walnut Street, 4th Floor • Wellesley, Massachusetts 02481
Tel: 781-239-0400 Fax: 877-243-0405
mpeirce@gmpeircelaw.com

Chairman Marc C. Laredo
November 25, 2015
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We would expect to work with the planning department to establish a final landscape/site plan that would be implemented next year, once the weather breaks and all of these improvements can be effected.

It would be my client's plan if, as we and many of the professionals have concluded, the increased use of Modern Barre does not result in any detriment to the neighborhood, that we would return later next year and revisit our proposal to allow limited landlord use of a small portion of the basement for office use. As materials we have filed during the hearing process have indicated, prior owners of the property had for many years made use of basement office space without incident or complaint, even at times when the upper floor was occupied. We would appreciate your kind attention to this request to withdraw and will be available to answer any questions at the December 1st meeting.

Very truly yours,



G. Michael Peirce