

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE AGENDA

TUESDAY, NOVEMBER 19, 2013

7:00 PM

Aldermanic Chamber/Room 222

***The following item, approved by the Board of Aldermen on December 3, 2012, was the subject of an appeal by the Greater Boston Chinese Cultural Association to Massachusetts Land Court on December 20, 2012; on January 30, 2013 the Land Court remanded the item for a new public hearing. The public hearing was opened on October 15, continued to November 12, and continued to this evening.***

#190-12 YOUNG INVESTMENTS, LLC/NEWTON COMMUNITY SERVICE CENTER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing 2-story building and construct a 3-story (36.5') multi-family structure with 13 units (with a 1.47 FAR), 996 sq. ft. of office space on the first floor, an 18-stall below grade parking garage, a retaining wall greater than 4 feet in height in the setback, and to waive 11 parking stalls and certain parking dimensionals at 429 CHERRY STREET, Ward 3, WEST NEWTON, on land known as SBL 33, 12, 12, containing approximately 13,398 sq. ft. of land in district zoned Business 1. Ref: Sec 30-24, 30-23, 30-15 Table 3, 30-11(d)(8), 30-5(b) and (b)(4), 30-19(d)(1), (d)(11), 30-19(h)(3), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

***The public hearing on the following item was opened on November 12 and continued to this evening:***

#330-13 DONNY & RAQUEL SANTANGELO petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to connect an existing two-family dwelling to an existing detached garage with living space above, which will increase the Floor Area Ratio from .47 to .56, where .48 is the maximum allowed by right, at 3-5 MILTON AVENUE, Ward 4, West Newton, on land known as SBL 44, 14, 70, 71, containing approximately 6,962 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15 Table A and 30-15(u) of the City of Newton Rev Zoning Ord, 2012.

***NOTE: Please see letter requesting withdrawal without prejudice.***

***After the public hearings, the Committee will hold a working session in Room 222 to discuss the following items and any of the above items that are ready for discussion:***

#308-13 CHAUNCY S. PERRY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to legalize an existing three-family residence at 432 NEWTONVILLE AVENUE, Ward 2, NEWTONVILLE, on land known as SBL 22, 5, 24, containing approximately 16,632 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-9(c)(1), 30-19(h)(4)a), (i), (j), and (m) of the City of Newton Rev Zoning Ord, 2012 and special permit #609-89.

- #141-13 ZION YEHOASHUA & NIKZUN GORDON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to re-grade an existing driveway to make it less steep by rebuilding existing retaining walls within the setback at a maximum height of 6 feet and to provide 2 parking spaces with the front setback at 74 NEWTONVILLE AVENUE, Newton, Ward 1, on land known as SBL 12, 21, 25 containing approx. 10,021 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-19(g)(1), 30-19(m), 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012. **(90 Days December 9)**
- #237-13 SEVENTY FIVE to SEVENTY SEVEN AUBURN ST. TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to reconfigure an existing two-family dwelling into three units with a 2-car garage and to construct two additional attached dwelling units with 2-car garages at the rear for a total of five units at 75-77 AUBURN STREET, Ward 3, Auburndale, on land known as SBL 33, 6, 42, containing approximately 31,437 square feet of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-15 Table 1, 30-9(b)(5), (b)(5)(a) and (b)(5)b), of the City of Newton Rev Zoning Ord, 2012. **(90 Days December 9)**
- #260-13 COREPOWER YOGA/TAURAUUS ONE NEWTON PLACE, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL for a parking waiver for 17 parking stalls for a yoga studio with locker room facilities at 275 WASHINGTON/284-291 CENTRE STREET, Ward 1, NEWTON CORNER on land known as SBL 71, 5, 1, containing approximately 78,813 square feet of land in a district zone BUSINESS 1. Ref: 30-24, 30-23, 30-19(d)(21), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.
- Class 1
- #361-13 CLARK & WHITE, INC. d/b/a BAYSTATE CHRYSLER JEEP DODGE RAM  
777 Washington Street  
Newtonville 02460
- #362-13 CLAY NISSAN OF NEWTON, INC.  
431 Washington Street  
Newton Corner 02458
- #363-13 VILLAGE MOTORS GROUP, INC.  
d/b/a HONDA VILLAGE  
371 Washington Street  
Newton Corner 02458
- Class 2
- #364-13 AUBURNDALE SERVICE CENTER, LLC d/b/a AUBURNDALE MOBIL  
2105 Commonwealth Avenue  
Auburndale 02466
- #365-13 AUTO EUROPA, INC.  
38 Ramsdell Street  
Newton Highlands 02461

- #366-13     NAJIM & YOUSUF AZADZOI d/b/a AZAD MOTORS GALLERIA  
280 California Street  
Newton 02458
- #369-13     GLOBAL VENTURES GROUP INC.  
d/b/a LUX AUTO PLUS  
1197-1201 Washington Street  
West Newton 02465
- #370-13     MAVERICK MOTORS, INC.  
1209 Washington Street,  
West Newton 02465
- #373-13     NOAH LOREN d/b/a LIFT THROTTLE AUTOMOTIVE  
26 Shepherd Park  
Waban 02468
- #374-13     MAP DEVELOPMENT & INVESTMENTS d/b/a CHRISTIAN TAPIA/MASTER  
USED CARS of WATERTOWN  
175 North Street  
Newtonville 02460
- #375-13     NEW ENGLAND MOTOR MART, INC.  
1221-1229 Washington Street  
West Newton 02465
- #376-13     NEWTON AUTO GROUP, INC.  
1235 Washington Street  
West Newton 02465
- #379-13     NEWTON COLLISION INC. d/b/a GM AUTO BODY  
64 Crafts Street  
Newton 02458
- #380-13     NTC-NEWTON TRADE CENTER  
103 Adams Street  
Nonantum 02458
- #381-13     OLD TIME GARAGE LTD.  
1960 Washington Street  
Newton Lower Falls 02462
- #384-13     REGANS INC.  
2066 Commonwealth Avenue  
Auburndale 02466
- #385-13     ROBERT'S TOWING, INC.  
926r Boylston Street  
Newton Highlands 02461
- #388-13     STAN'S AUTOMOTIVE INC.  
249 Centre Street  
Newton Corner 02458
- #390-13     CITY OF NEWTON  
1000 Commonwealth Avenue 02459

**REFERRED TO LAND USE & FINANCE COMMITTEES**

- #276-10 ALD. FULLER, CROSSLEY, DANBERG, LINSKY requesting a review of guidelines for mitigation fund provisions to maximize the use of such funds on behalf of the city together with mechanisms by which the city can better track such funds to ensure they are used in a timely fashion.
- #188-12 ALD. HESS-MAHAN requesting a discussion regarding the types of information that should be required from petitioners applying for a special permit to exceed FAR under Sec. 30-15(u)(2) in order to meet their burden of proof to show that the “proposed structure is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood.”

**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. [09-10-12 @ 1:17 PM]
- #290-13 ALD. LAREDO, ALBRIGHT, HARNEY & CROSSLEY requesting a review of the process whereby conditions contained in special permits are tracked and monitored for compliance and a discussion of how that process can be improved.

Respectfully submitted,  
Ted Hess-Mahan, Chairman

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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 the Newton ADA Coordinator, Joel Reider, at least two days in advance of the meeting: [jreider@newtonma.gov](mailto:jreider@newtonma.gov) or 617-796-1145. For Telecommunications Relay Service dial 711.

330-13

277 Auburn Street

Suite B

Newton, MA 02466

## Noble and Devine, LLP

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November 15, 2013

Ms. Linda Finucane  
Associate City Clerk  
City of Newton  
1000 Commonwealth Avenue  
Newton, MA 02458

Re: Special Permit application #330-13; 3-5 Milton Avenue, Donny And Raquel Santangelo

Dear Linda,

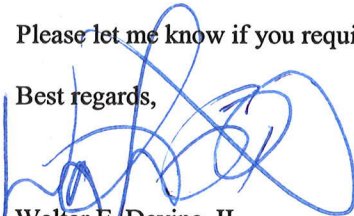
As per my discussions with various departments in the City. I am hereby requesting that the above captioned matter be withdrawn without Prejudice.

Inconsistencies were found in the Architect's drawings that affect the FAR calculations and the relief sought by the petitioner. We will be re applying for the special permit and hope to have the matter heard in January before the Land Use Committee.

I apologize for any inconvenience, and am thankful for the direction and assistance of the various departments within the City.

Please let me know if you require anything further.

Best regards,



Walter E. Devine, II  
Counsel for the Petitioners