

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE AGENDA

TUESDAY, OCTOBER 14, 2008

***Prior to the public hearings, the Committee will meet at 7:30 PM in room 202 to take up the following Request for a Consistency Determination:***

Rosemont Construction seeking a Consistency Determination re to special permit #222-05, granted on September 6, 2005, for a change of grade in excess of three feet at 12 Kessler Way, (Lot 1) to integrate the grading with Lot 2 (recently approved special permit #218-08) at the shared lot line. Minor adjustments to the grading and reduction of retaining walls in these areas, which is already part of grade changes in excess of three feet, are proposed to merge to the natural grade and allow the homeowner to get a lawnmower from the front to the rear of the house along this side. Proposed grading in the rear yard to create some more level areas will not increase the amount of 3-ft. grade change. Joe Porter of VTP Associates has confirmed that the proposed changes will not affect the drainage pattern on site.

***At 7:45 PM, Public Hearings will be held in the Aldermanic Chamber on the following items:***

- #501-94(2) ROBERT E. DUNN & SEANA R. GAHERIN TRUSTEES of D&G REALTY TRUST petition to amend Special Permit/Site Plan Approval/Extension of a Nonconforming Structure #501-94, granted on February 6, 1995, in order to expand an existing restaurant and increase the seating capacity from 49 to 69 seats; to waive the required six additional parking spaces and to locate one handicapped parking space in one of the existing standard 10 parking spaces and allow an impervious surface on the off-site parking area at 342-344 ELLIOT STREET, Ward 5, NEWTON UPPER FALLS on land known as Sec 51, Blk 41, Lots 10 and 12 containing approx 6,725 sf of land in a district zoned Business 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(c)(2)a), (h)(2)c), (j)(2)b), and 30-19-(m).
- #102-06(8) KESSELER DEVELOPMENT, LLC petition for a change of zone from SINGLE RESIDENCE 3 to MULTI RESIDENCE 3 for a parcel of land located on LaGrange Street, Ward 8, identified as Section 82, Block 37, Lot 95, and shown as Lot H-1 on a Subdivision Plan of Land in Newton MA, "Toomey-Munson & Associates, Inc.," dated April 28, 2004, recorded with the Middlesex South County Registry of Deeds in Plan Book 2005, page 102.
- #102-06(9) KESSELER DEVELOPMENT LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a condominium complex

consisting of 3 structures, 1 multi-family residence of 52 dwelling units and 2 single-family attached dwelling structures with a total of 10 units, for a total of 62 dwelling units with accessory parking on land located on LaGRANGE STREET, Ward 8, known as Sec 82, Bl 37, Lot 95, shown as Lot H-1 on a Subdivision Plan of Land in Newton MA, "Toomey-Munson & Associates, Inc.," dated April 28, 2004, recorded with the Middlesex South County Registry of Deeds in Plan Book 2005, page 102, containing approx 640,847 sf of land in a proposed Multi Residence 3 district. Ref: §30-24, 30-23, 30-20(l), (e)(5), 30-19(k)(2),(3),(h)(2)a c) and (m), 30-9(d)(1), (b)(5), 30-5(b)(4), 30-15 Table 1, footnote 9, 30-15(h) of the City of Newton Rev Zoning Ord, 2007.

#320-08      METROPCS MASSACHUSETTS LLC/ZUSSMAN 219 REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to install for wireless communications 6 panel antennae inside a new fiberglass roof-mounted faux chimney; 1 GPS antenna mounted on the penthouse roof; 1 condenser on the roof; and associated equipment to be located beneath the parking area at the rear at 219 COMMONWEALTH AVENUE, Ward 7, on land known as Sec 63, Blk 8, Lot 19, in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-18A(e)(6) and (10) of the City of Newton Rev Zoning Ord, 2007, and special permit nos. 270-02(2) and 124-06

#321-08      METROPCS MASSACHUSETTS LLC/NEWTON HIGHLANDS CONGREGATIONAL CHURCH petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to install for wireless communication 2 panel antennae flanking the louvers on the northeast side of the bell tower; 2 panel antennae flanking the louvers on the southeast side of the bell tower; 2 panel antennae flanking the southwest side of the bell tower; 1 GPS antenna mounted on the roof inside the bell tower parapet; and ancillary and radio equipment to be located within the bell tower at 54 LINCOLN STREET, Ward 6, on land known as Sec 52, Blk 41, Lot 3, in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-18A(e)(6) and (3) of the City of Newton Rev Zoning Ord, 2007 and special permit nos. 459-97(2) and 398-99(2).

Respectfully submitted,

George E. Mansfield, Chairman