



# Land Use Committee Agenda

## City of Newton In City Council

Thursday, November 5, 2020

7:00 PM

The Land Use Committee will hold this meeting as a virtual meeting on Thursday, November 5, 2020 at 7:00 pm. To view this meeting using Zoom use this link: <https://us02web.zoom.us/j/82812866469> or call 1-646-558-8656 and use the following Meeting ID: 828 1286 6469

- #89-20**      **Petition to allow waivers for a rear lot subdivision at 40 Williston Road**  
LAUREN AND DAVID BROOKS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a rear lot subdivision and construct a new single-family dwelling on the rear lot, requiring relief to exceed FAR on the front (from .40 to .42) and rear (from .24 to .30) lots, and to allow a retaining wall greater than four feet in the setback at 40 Williston Road, Ward 4, Auburndale, on land known as Section 43 Block 28 Lot 06, containing approximately 25,099 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.5, 3.1.10.A, 3.1.3, 3.1.9, 3.1.5, 3.1.10.C, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
***Please see the attached request to Withdraw without Prejudice***
- #25-20**      **Special Permit Petition to allow marijuana retailer at 1158 Beacon Street**  
UNION TWIST, INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a retail marijuana establishment, to waive the minimum driveway width for two-way traffic, to waive minimum driveway width by use of an easement, to waive perimeter screening requirements, to waive perimeter screening requirements by use of an easement, to allow parking in the side setback, and to waive lighting requirements at 1158 Beacon Street, Ward 6, Newton Highlands, on land known as Section 54 Block 22 Lot 49A, containing approximately 20,443 sq. ft. of space in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 6.10.3.D, 4.4.1, 5.1.10, 5.1.8.A.1, 5.1.6.A, 5.1.6.B, 5.1.13, 5.1.8.D.1, 5.1.9.A of the City of Newton Rev Zoning Ord, 2017.  
***Please see the attached request to Withdraw without Prejudice***

---

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

- #316-19(2) Request for an extension of time to Exercise #316-19 at 969/969F Chestnut St**  
JUDITH CIMETTA petition for a one-year EXTENSION OF TIME to EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL of Council Order #316-19 to construct front and rear additions and a detached shed structure, at 969/969F Chestnut Street, Ward 5, Upper Falls, on land known as Section 51 Block 2 Lots 7 and 19, containing approximately 8,780 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Said Extension of Time to Run from October 21, 2020 to October 21, 2021. Ref: Sec. 7.3.3, 7.4, 3.2.3, 3.2.11, 7.8.2.C.2, 3.4.1 of the City of Newton Revised Zoning Ord, 2017.
- #399-20 Petition to extend nonconforming FAR at 91 Lenox Street**  
CHRISTOPHER AND LISA WYETT petition for SPECIAL PERMIT/SITE PLAN APPROVAL to further extending the nonconforming FAR by razing the existing 366 sq. ft. detached garage and replace it with a new 699 sq. ft. detached garage, creating an FAR of .37 where .34 exists and .28 is allowed at 91 Lenox Street, Ward 3, West Newton, on land known as Section 32 Block 48 Lot 03, containing approximately 19,284 sq. ft. in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2, 7.8.2.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
- #387-20 Petition to exceed FAR and extend nonconformities at 101-103 Warwick Road**  
JOSEPH DeNUCCI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a rear addition to the existing dwelling, creating an FAR of .72 where .57 exists and .48 is allowed, extending the nonconforming three-story structure and extending the nonconforming two-family use at 101-103 Warwick Road, Ward 3, West Newton, on land known as Section 31 Block 28 Lot 55 containing approximately 6,377 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
- Chairs Note:*** *The petitioner for the following two items has requested a continuance of the public hearing in order to consider changes to the proposed plans. It is the Chair's intent to entertain a motion to hold items #319-20 and #320-20 without discussion.*
- #319-20 Request to Rezone two parcels from BU-2 to MU-4 at 1149-1151 Walnut Street**  
NEWTON WALNUT LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone two parcels; 1149 Walnut Street (Section 52 Block 08 Lot 13) and 1151 Walnut Street (Section 52 Block 08 Lot 14) from BUSINESS USE 2 to MIXED USE 4.
- #320-20 Petition to allow 26-unit mixed use development at 1149-1151 Walnut Street**  
NEWTON WALNUT LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing buildings and construct a four-story mixed-use building up to 48' in height, containing 26 units and 23 parking stalls, to waive the minimum lot area per unit, to reduce the side setback requirement, to waive the requirement to use A-B+C formula to determine the parking requirement, to waive 24 parking stalls, to allow 1.25 parking stalls per unit, to allow parking in the side setback, to waive dimensional requirements for parking stalls, to allow restricted end stalls, to allow reduced aisle width , to waive perimeter landscaping

requirements, to waive interior landscaping requirements and to waive lighting requirements at 1149-1151 Walnut Street, Ward 6, Newton Highlands, on land known as Section 52 Block 08 Lots 13 and 14, containing 13,200 sq. ft. in a district to be zoned MIXED USE 4 (currently zoned BUSINESS USE 2). Ref: Sec. 7.3.3, 7.4, 4.2.2.B.1, 4.2.2.A.2, 4.2.5.A.3, 4.2.2.B.3, 4.2.5.A.2, 4.2.5.A.4.b, 4.2.5.A.4, 5.1.3.B, 5.1.13, 5.1.4, 5.1.4.A, 5.1.8.A.1, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.C.1, 5.1.9.A, 5.1.9.B, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

**Respectfully Submitted,**

**Richard A. Lipof, Chair**

**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  
Andrea Hickey \*  
Peter C. Beebe  
Ashley Y. Aubuchon

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

October 15, 2020

Richard Lipof, Chair  
Land Use Committee  
c/o Nadia Khan, Clerk  
City Council  
City of Newton  
1000 Commonwealth Avenue  
Newton, MA 02459

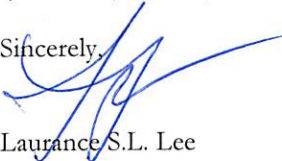
Re: 40 Williston Road, Newton (#89-20)

Dear Chair Lipof:

On behalf of Lauren Brooks and David Brooks, the owners of 40 Williston Road, and as Petitioners for the Special Permit Application for said property, please accept this letter as a formal request for a withdrawal of said Petition without prejudice.

Please call or email me with any questions. As always, thank you, for your help.

Sincerely,



Laurance S.L. Lee

Enclosures

cc: Michael Gleba, Senior Planner  
Lauren Brooks and David Brooks

October 29, 2020

Via Electronic Mail to nkhan@newtonma.gov

Richard A. Lipof, Chair  
Land Use Committee (the "Committee")  
Newton City Council  
City of Newton  
1000 Commonwealth Avenue  
Newton, MA 02459

**Re: 1158 Beacon Street, Newton (SP#25-20)**

Dear Chairman Lipof:

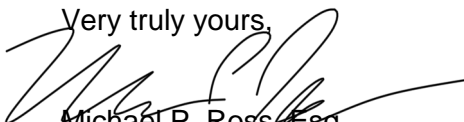
This firm represents Union Twist Inc. ("Union Twist" or the "Applicant") in connection with its application for a Special Permit (the "Special Permit") from the City of Newton (the "City") to permit the operation of its proposed Marijuana Retailer at 1158 Beacon Street, Newton, MA 02461 (the "Property"). After our most recent hearing before the Committee on October 27, 2020, and in response to the comments made by the members of the Committee, the Applicant wishes to withdraw without prejudice its Special Permit application.

Union Twist appreciates being selected to receive a Host Community Agreement among numerous applicants who sought to be sited near Newton Four Corners, and it further appreciates the feedback it has received from the City and area residents over the last 18 months. It understands the concerns that have been raised, and recognizes that the pathway forward is to raze and rebuild the entire structure on the Property. The plan is to create a 2,290 square foot building, with no other tenants, and to use the excess capacity of the remaining approximately 20,000 square foot lot to create additional parking and to maximize pedestrian and vehicular circulation. After consulting with the City, it is the Applicant's intent to file a new Special Permit application as soon as possible.

Thank you, and your members, for the time and effort you have spent on this process to date. We have taken your comments to heart, and fully believe that we can overcome nearly all the concerns that have been raised, and achieve a valuable contribution to the City, its economy, and the surrounding community.

Thank you for your attention to this matter, and I look forward to further discussions on this project.

Very truly yours,



Michael P. Ross, Esq.  
Direct: 617-456-8149  
Email: mross@princelobel.com

CC: Michael Gleba, Department of Planning & Development

**ROSENBERG, FREEDMAN & LEE LLP**

ATTORNEYS AT LAW

246 Walnut Street, Suite 201  
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  
Andrea Hickey \*  
Peter C. Beebe  
Ashley Y. Aubuchon

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

October 8, 2020

City Council  
City of Newton  
1000 Commonwealth Avenue  
Newton, Massachusetts 02459  
c/o Nadia Khan, Clerk

Re: Extension of Special Permit No. 316-19 – 969/969F Chestnut Street

Dear Members of the City Council:

On behalf of Judith Cimetta, as owner of 969/969F Chestnut Street, Newton, Massachusetts, and as the Petitioner for Special Permit No. 316-19, please accept this letter as a formal request for a one-year extension to exercise said Special Permit under Section 7.3 of the Newton Zoning Ordinances. Judith Cimetta is in the midst of procuring building permits from the Inspectional Services Department and the Planning and Development Department, in connection with said Special Permit, and will require the extended time to complete such process.

Respectfully, please place this matter on the docket of the City Council and the next first available Land Use Committee public hearing in 2020. For your convenience, I have enclosed a copy of the Special Permit as recorded with the Middlesex South Registry of Deeds.

Please call should you have any questions. As always, thank you, for your help in this matter.

Sincerely,



Laurance S.L. Lee

Enclosures  
cc: Judith Cimetta