



Land Use Committee Agenda

City of Newton In City Council

Tuesday, December 1, 2020

7:00 PM

The Land Use Committee will hold this meeting as a virtual meeting on Tuesday, December 1, 2020 at 7:00 pm. To view this meeting using Zoom use this link: <https://us02web.zoom.us/j/84086920968> or call 1-646-558-8656 and use the following Meeting ID: 840 8692 0968

#428-20 Petition to allow 32-stall parking waiver at 858 Walnut Street

858 WALNUT STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to locate a religious institution in the existing space, requiring a waiver of 32 parking stalls as well as to allow single-level non-accessory parking at 858 Walnut Street, Ward 6, on land known as Section 64 Block 5 Lot 04, containing approximately 23,250 sq. ft. of land. Ref: Sec. 7.3.3, 7.4, 7.5.2, 6.3.12.B.2.a, 5.1.4.A, 5.1.13, 4.4.1 of the City of Newton Rev Zoning Ord, 2017.
Please see the attached request to Withdraw without Prejudice

#332-19(2) Request for an Extension of Time to Exercise Special Permit #332-19(2) at 77 Paul St/1400 Centre St

MARK F DONATO petition for a two-year EXTENSION OF TIME to EXERCISE SPERMIT/SITE PLAN APPROVAL of Council Order #332-19 to amend Special Permit Board Orders #650-86(2) to allow alteration to an existing structure at 7400 Centre Street/77 Paul Street, Ward 6, Newton Centre, on land known as Section 62 Block 13 Lot 9, containing approximately 30,023 sq. ft. of land in a district zoned MULTI RESIDENCE 3. Said Extension of Time to run from December 4, 2020 to December 4, 2022. Ref: Sec. 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.2.2.A.3, 4.2.3 of the City of Newton Rev Zoning Ord, 2017.

Note: The Committee will review a request for a consistency ruling relative to Special Permit #231-17 to allow an increase in parking capacity at 60-64 Needham Street.

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 or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

- #425-20** **Petition to allow accessory apartment and extend front setback at 146 Langley Road**
BOGDAN AND MARIA PILAT petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an addition to accommodate an internal accessory apartment in excess of 1,000 sq. ft., extending the nonconforming front setback and to construct a three-car rear garage at 146 Langley Road, Ward 6, Newton Centre, on land known as Section 61 Block 41 Lot 02, containing approximately 10,312 sq. ft. of space in a district zoned MR1. Ref: Sec. 7.3.3, 7.4, 6.7.1.D.2, 3.2.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
- #313-20** **Amended Petition to extend nonconforming single-family dwelling at 12 Hanson Road**
ESTHER DEZUBE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing single-family dwelling and construct a two-family dwelling, extending the nonconforming residential use in the BU1 zoning district, to allow extension and altering of a nonconforming side setback, to allow a structure with 28.4' in height and more than two stories at 12 Hanson Road, Ward 8, Newton Centre, on land known as Section 84 Block 15 Lot 03 containing approximately 7,829 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.4.1, 7.8.2.C.2, 4.1.3 of the City of Newton Rev Zoning Ord, 2017.
- #427-20** **Petition to allow a rear-lot subdivision at 41 Washington Street**
JOSEPH AND SHEILA KEEGAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a rear lot subdivision to create two lots, abandon the two-family use in the existing structure and construct a single-family on the rear 12,000 sq. ft. lot, extending the existing nonconforming side setback at 41 Washington Street, Ward 1, Newton, on land known as Section 71 Block 29 Lot 07, containing approximately 25,902 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3, 7.4, 3.1.5, 3.1.10, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
- #439-20** **Petition to exceed FAR and extend nonconforming front setback at 728 Walnut Street**
MARK AND KELLY ANSELM petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct first and second floor additions on all sides, extending the nonconforming front setback and increase the habitable space in the half story, creating an FAR of .56 where .27 exists and .42 is allowed at 728 Walnut Street, Ward 2, Newton Centre, on land known as Section 64 Block 08 Lot 01, containing approximately 7,815 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

Respectfully Submitted,

Richard A. Lipof, Chair

Nadia Khan

From: Dahlia Rudavsky <drudavsky@comcast.net>
Sent: Monday, November 16, 2020 7:21 PM
To: Nadia Khan
Subject: Re: 858 Walnut St Withdrawal

[DO NOT OPEN links/attachments unless you are sure the content is safe.]

To : Councilor Richard Lipof
Chair, Land Use Committee
City of Newton

Dear Councilor Lipof:

On behalf of the Newton Centre Minyan, I request that the application for a Special Permit with respect to 858 Walnut Street be withdrawn without prejudice. I understand that this matter was previously scheduled to be heard at the December 1 meeting of the Land Use Committee. Thank you for your attention to this matter.

Very truly yours,

Dahlia Rudavsky

On 11/16/2020 9:05 AM, Nadia Khan wrote:

Good morning,

Thank you for letting us know. I do need a request to withdraw the application without prejudice, to the attention of the Land Use Committee Chair Richard Lipof – once I receive this I can place it on a Committee Agenda.

Thank you,
Nadia

From: Katie Whewell <kwhewell@newtonma.gov>
Sent: Monday, November 16, 2020 9:02 AM
To: Dahlia Rudavsky <drudavsky@comcast.net>
Cc: Neil Cronin <ncronin@newtonma.gov>; Nadia Khan <nkhan@newtonma.gov>
Subject: 858 Walnut St Withdrawal

Hi Dahlia,

Thank you for letting me know, I am copying Nadia Khan the clerk of the Land Use Committee and Neil Cronin, Chief Planner for Current Planning so they are informed as well.



STEPHEN J. BUCHBINDER
ALAN J. SCHLESINGER
LEONARD M. DAVIDSON
A. MIRIAM JAFFE
SHERMAN H. STARR, JR.
JUDITH L. MELIDEO-PREBLE
BARBARA D. DALLIS
PAUL N. BELL
KATHERINE BRAUCHER ADAMS
FRANKLIN J. SCHWARZER
RACHAEL C. CARVER
ADAM M. SCHECTER

1200 WALNUT STREET
NEWTON, MASSACHUSETTS 02461-1267
TELEPHONE (617) 965-3500
www.sab-law.com

E-Mail: sjbuchbinder@sab-law.com

October 26, 2020

BY HAND

Ms. Nadia Khan
Committee Clerk
Newton City Council
1000 Commonwealth Avenue
Newton, MA 02459-1449

Re: Council Order # 332-19/1400 Centre Street /77 Paul Street

Dear Ms. Khan,

On December 2, 2019 the City Council granted a special permit to allow alterations to the existing parking structure at 1400 Centre Street (a/k/a 77 Paul Street). Pursuant to Section 7.3.2.E of the Zoning Ordinances, the petitioner, Paul at Centre Street Realty Trust, respectfully requests an extension of the time period within which to exercise the special permit for two additional years to December 4, 2022.

The petitioner has been working with the Planning Department, the Transportation Division of the Public Works Department, and the Tree Warden to finalize the removal of trees in connection with the site lines for the new access/egress to the garage approved by the special permit. The extension of time has been requested for this reason.

Sincerely,

A handwritten signature in black ink that reads 'Stephen J. Buchbinder'.

Stephen J. Buchbinder

SJB/mer

cc: (By Email and First-Class Mail)
Councilor Victoria Danberg
Councilor Brenda Noel
Councilor Alicia Bowman
(By Email)
Mr. Steven Donato
Mr. Mark Donato

Sullivan Realty Trust
P.O. Box 122
Newton, MA 02456
(617)-835-1788

November 19, 2020

John Lojek
Commissioner of Inspectional Services
CITY OF NEWTON
1000 Commonwealth Avenue
Newton, MA 02459

Subject: Request for a consistency hearing to increase parking capacity at 60-64 Needham Street.

Dear Mr. Lojek,

Sullivan Realty Trust has a 3400 rentable sq. ft. vacancy at 60-64 Needham Street. We have a tenant whose use is determined to be medical. There is no dispute that it is a medical use.

Board Order 231-17 was thoroughly scrutinized by the planning staff and the Land Use committee in 2017. While it does not say it in the Board Order the background planning staff memo determined the parking needs for the proposed fitness breaks down: Burn Boot Camp (fitness) 26 stalls, Big Picture Framing (retail) 9 stalls. and former Century 21 (**general office**) **14 stalls**. A total of 49.

The proposed medical use requires **17 stalls**

The "Layout and Materials Plan" on both the 2003 Special Permit and 2017 Special Permit demonstrate there are 18 parking spaces identified on-site and 50 parking spaces off-site under a long-term lease ending August 31, 2024. The parking lease has been extended to August 31, 2029. In order to put a medical use into the vacancy the planning staff says it requires a further amendment to the B.O. 231-17 for 3 additional spaces which at present we could only provide with the off-site parking lease. We could do this but the 4 month permitting process then 2 months for building permit and occupancy is a hard-ship and the tenant cannot proceed.

Our architect, Kevin Uniacke, has improved the parking configuration on site from 18 conforming stalls to 21 conforming stalls. Thus, we have made up the **3 parking stall** short-fall on our property at 60- 64 Needham Street. The stamped Architectural Site Plan is attached.

If the Land Use Committee provides a favorable consistency ruling we will commit to:

- No Change to traffic pattern, landscaping, exterior lighting, etc.
- No change to impervious areas.
- No change to the Layout and Materials Plan as it applies to any of the 50 off-site leased parking spaces.
- Our tenants have little to no trash needs. Individual trash barrels and recycling barrels from the City would probably suffice. Alternatively, we own Landry's Bicycle building at 66 Needham Street. We could easily share their dumpsters.

If there is a favorable consistency ruling we will commit to providing a stamped survey plan by a qualified, licensed land surveyor that demonstrates the parking stalls are where they are supposed to be. We expect the planning

staff would include a notation on any building permit the land survey is part of any issuance of an occupancy permit.

Thank you for your consideration.

Sincerely,

Jean E. Greer, Trustee

Joan McEvoy, Trustee

CC. Robert Nealon
Neil Cronin