



# Land Use Committee Agenda

## City of Newton In City Council

Tuesday, December 8, 2020

7:00 PM

The Land Use Committee will hold this meeting as a virtual meeting on Tuesday, December 8, 2020 at 7:00 pm. To view this meeting using Zoom use this link: <https://us02web.zoom.us/j/83150898332> or call 1-646-558-8656 and use the following Meeting ID: 831 5089 8332

**#137-18**      **Petition to allow 18-unit multi family dwelling at 189-193 Adams St/19 Quirk Ct**  
183-193 ADAMS STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a multi-family development in a business district with greater than 20,000 gross floor area, with a four-story structure 41' in height, containing an 18-unit dwelling with ground floor units, to allow an FAR of 1.31, to allow a density bonus to reduce the lot area per unit and increase the number of inclusionary units, to allow a reduction of the requirement for parking to 1.25 stalls per unit, to allow parking in the front setback, to allow parking within 5' of a building containing dwelling units, to allow a reduction in the minimum width of an entrance/exit drive, to allow a reduction in the minimum width of maneuvering aisles and to waive lighting requirements in Ward, 1, Newton, at 189-193 Adams Court, Section 14 Block 15 Lot 39, Section 14 Block 15 Lot 39 and 19 Quirk Court Section 14 Block 15 Lot 44, containing a combined lot area of approximately 19,349 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 4.4.1, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 5.1.4, 5.1.13, 5.1.8.A.1, 5.1.8.A.2, 5.1.8.C.1, 5.1.8.C.2, 5.1.8.D.1, 5.1.10.A, 5.11.4, 5.11.15, 4.1.2 of the City of Newton Rev Zoning Ord, 2017.

***Please see the attached Request to Withdraw without Prejudice***

**#440-20**      **Petition to extend nonconformities at 45-47 Forest Street**  
ELORA CHOWDHURY AND ALOK KAPOOR petition for SPECIAL PERMIT/SITE PLAN APPROVAL to replace an existing screen porch of the rear of the dwelling, extending the non-conforming two-family use in the SR2 district and increasing the nonconforming lot coverage at 45-47 Forest Street, Ward 6, Newton Highlands, on land known as Section 52 BLOCK 05 Lot 01A, containing approximately 10,469 sq. ft. of land in a district zoned SINGLE

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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.

RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.1.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

- #441-20**      **Petition to waive 5 parking stalls and dimensional standards at 66 Winchester Street**  
WINCHESTER 66 LLC., petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a waiver of five parking stalls and reconfiguration of the parking area, to allow parking within the front and side setbacks and to waive the minimum driveway widths at 66 Winchester Street, Ward 5, Newton Highlands, on land known as Section 83 Block 03 Lot 46, containing approximately 20,059 sq. ft. of land in a district zoned MULTI USE 2. Ref: Sec. 7.3.3, 7.4, 5.1.4.A, 5.1.13, 4.2.3, 5.1.7.A, 5.1.7.C of the City of Newton Rev Zoning Ord, 2017.
- #24-20**      **Petition to allow for-profit educational use at 66 Winchester Street**  
OLYMPIA FENCING CENTER, INC./WINCHESTER 66 LLC., petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit educational use in 6,750 sq. ft. of the existing building at 66 Winchester Street, Ward 5, Newton Highlands, on land known as Section 83 Block 03 Lot 46, containing approximately 20,059 sq. ft. of land in a district zoned MULTI USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.3.14.B.2 of the City of Newton Rev Zoning Ord, 2017.
- #70-20**      **Petition to amend Special Permit Order #106-07 at 349 Dedham Street**  
CHABAD LUBAVITCH, INC./BETH MENACHEM CHABAD petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #106-07 to increase the number of allowable nursery students to 41, to allow parking in the front setback and to reduce the minimum open space at the site at 349 Dedham Street, Ward 8, on land known as Section 83 Block 36A Lot 01, containing approximately 33,697 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. Dover Waiver, 7.3.3, 7.4, 5.1.8.A.1, 5.1.13, 3.1.6 of the City of Newton Rev Zoning Ord, 2017.

**Respectfully Submitted,**

**Richard A. Lipof, Chair**

November 4, 2020

**By U.S. Mail**David Olson, City Clerk  
Newton City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02465RECEIVED  
2020 NOV -9 PM 1:41  
CITY CLERK  
NEWTON, MA. 02459**Re: 189-193 Adams St, Docket # 137-18**

Dear Mr. Olson,

The Special Permit issued by the City of Newton for the above referenced property was appealed by Roger Cerqua, an abutter. Since the filing of the appeal the petitioner, which received the Special Permit for two parcels, (1) 189-193 Adams Street and (2) 19 Quirk Court, has sold the two parcels in separate transactions. Deeds reflecting those two transactions are available at:

- Sale of 189-193 Adams Street, Dec. 30, 2019, at Registry Book 73918, page 122.
- Sale of 19 Quirk Court, July 7, 2020, at Registry Book 75054, page 155.

As a result of these two transactions, the two parcels are no longer controlled by the petitioner and are not held by a common owner. As a result, the petitioner cannot and will not proceed under the Special Permit.

Following these transactions, by Agreement of the parties to the appeal, the matter has been remanded by the Court to the Newton City Council sitting as Newton Special Permit Granting Authority for disposition. The parties request that this matter be restored to the Docket of the City Council for disposition that will reflect petitioner's sale of the two parcels and decision not to proceed under the Special Permit.

Consequently, the abutter, Mr. Cerqua, requests and the petitioner assents to the withdrawal of the request for the special permit.

Peter F. Harrington, attorney for Mr. Cerqua, and Attorney Jonah Temple will make such appearances as the Committee may require. As the petitioner no longer has an ownership interest in the parcels that were subject to the Special Permit, the petitioner believes that the withdrawal request is appropriate and requests that it be excused from further appearances.




David Olson, City Clerk

November 4, 2020

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Sincerely,



Michael J. McDermott  
*Counsel for 189-193 Adams Street LLC*

CC: Hon. Richard A. Lipof, Chair, Land Use Committee (via U.S. Mail)  
Peter F. Harrington, Esq. (via e-mail)  
Jonah Temple, Esq. (via e-mail)

*Terrence P. Morris, Esq.*  
*Law Offices of Terrence P. Morris LLC*  
*57 Elm Road*  
*Newton, MA 02460*  
*617 202-9132*

November 27, 2020

***By electronic transmission***

Councilor Rick Lipof, Chairman  
Land Use Committee  
Newton City Council  
1000 Commonwealth Avenue  
Newton, MA 02459

Re: 189-193 Adams Street  
Petition #137-18

Dear Mr. Chairman:

In 2018 the City Council granted a special permit for the above-referenced property. The permit was appealed in Superior Court (Civil Action No. 1881CV03161) shortly thereafter. Since then the former owners of the property opted not to defend the action but rather to sell the property in two separate transactions to different owners. On December 30, 2019 the largest portion of the property having a street address of 189-193 Adams Street was conveyed to LULU SEVEN, LLC, whom I represent for purposes of this communication.

Prior to dismissal of the aforesaid civil action, the parties thereto have requested a letter from my client indicating his assent to the withdrawal of the special permit which is the subject matter of the litigation. Accordingly please get this letter as such assent.

Thank you for your consideration.

Sincerely,

***Terrence P. Morris***

Terrence P. Morris

Cc: Nadia Khan, Clerk of Committee  
Jonah M. Temple, Esq., Assistant City Solicitor  
Peter F. Harrington, Esquire  
Michael McDermott, Esquire