



Land Use Committee Agenda

City of Newton **In City Council**

Tuesday, January 12, 2021

7:00 PM

The Land Use Committee will hold this meeting as a virtual meeting on Tuesday, January 12, 2021 at 7:00 pm. To view this meeting using Zoom use this link: <https://us02web.zoom.us/j/83067563535> or call 1-646-558-8656 and use the following Meeting ID: 830 6756 3535

- #513-18(2) Request for Extension of Time to Exercise Special Permit #513-18 43 Kenwood Avenue**
MARK AND MARTHA FISHMAN petition for a TWO-YEAR EXTENSION OF TIME to EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL to allow construction of a 161 sq. ft. second floor addition, in the existing footprint of the house, exceeding the maximum allowable FAR of at 43 Kenwood Avenue, Ward 6, Newton Centre, on land known as Section 64 Block 20 Lot 22, containing approximately 10,652 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Said Extension of Time to Run from November 19, 2019 to November 19, 2021. Ref: Sec. 7.3, 7.4, 7.8.2.C.2, 3.1.9 of the City of Newton Rev Zoning Ord, 2017.
- #259-19(2) Request for Extension of Time to Exercise Special Permit #259-19 at 264 Pearl Street**
BENEDETTO CAIRA, TRUSTEE petition for a ONE-YEAR EXTENSION OF TIME to EXERCISE by Special Permit Council Order #259-19 approved on December 2, 2019 to allow for the construction of three single-family attached dwelling units at 264 Pearl Street, Ward 1, Newton, on land known as Section 11 Block 14 Lot 10, containing approximately 14,608 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Said Extension of Time to Run from December 2, 2020 to December 2, 2021. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 5.4.2.B, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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.

- #521-20 Petition to exceed FAR and allow oversized accessory apartment at 26 Gilbert Street**
BEATA SHAPIRO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to enclose a second-floor porch, over the garage, creating an oversized internal accessory apartment and creating an FAR of .64 where .58 is allowed and .58 exists at 26 Gilbert Street, Ward 4, West Newton, on land known as Section 33 Block 02 Lot 25, containing approximately 5,000 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 3.1.11, 6.7.1.D.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
- #400-20 Petition to exceed FAR and extend number of stories at 727 Centre Street**
ZAILI CHEN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct additions to the third story, extending the nonconforming number of stories and creating an FAR of .50 where .45 exists and .35 is allowed at 727 Centre Street, Ward 2, Newton, on land known as Section 13 Block 16 Lot 08, containing approximately 12,880 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, 7.8.2.2 3.2.3, 1.5.4.G.2.b of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
- #522-20 Petition to retaining wall greater than 4' in the setback at 17 Wallace Street**
ALI KIAPOUR petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a retaining wall in excess of four feet in height within the side and rear setbacks at 17 Wallace Street, Ward 8, Newton Highlands, on land known as Section 83 Block 34 Lot 18, containing approximately 5,000 sq. ft. in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
- #523-20 Petition to allow increased lot coverage and decreased open space at 13 Prospect St**
KATHERINE JORDAN-QUERN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Variance #4-13 to allow the enclosure of first-level space to be used for additional living space, creating an FAR of .75 where .54 is required and .66 exists, further reducing the minimum open space and exceeding maximum lot coverage at 13 Prospect Street, Ward 3, West Newton, on land known as Section 33 Block 03 Lot 09 containing approximately 6,611 sq. ft. in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.2.3, 3.2.11, 7.8.2.C.2, 7.6 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
- #14-20(2) Petition for free-standing sign at 287-289 Newtonville Avenue**
POFCO, Inc. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a free-standing sign (3.75' high x 8' wide) and to amend the site plan approved by Special Permit Board Order #14-20 at 287-289 Newtonville Avenue, Ward, 2 Newtonville, on land known as Section 22 Block 01 Lots 17 and 13, containing approximately 72,643 sq. ft. of land in a district zoned MANUFACTURING and MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 5.2.3, 5.2.8, 5.2.13 of Chapter 30 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, 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

December 1, 2020

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

Re: Extension of Special Permit No. 259-19 – 264 Pearl Street

Dear Members of the City Council:

On behalf of Benedetto C. Caira, as owner of 264 Pearl Street, Newton, Massachusetts, and as the Petitioner for Special Permit No. 259-19, 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. Due to various issues and problems caused by the current COVID-19 pandemic, Mr. Caira has not yet been able to exercise the special permit. Mr. Caira intends to do so at his earliest opportunity. We, therefore, respectfully request said extension.

Please place this matter on the docket of the City Council and the next 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: Benedetto C. Caira