



Land Use Committee Report

City of Newton

In City Council

Tuesday, June 8, 2021

Present: Councilors Lipof (Chair), Kelley, Greenberg, Lucas, Markiewicz, Downs, Bowman and Laredo; also Present: Councilor Noel, Danberg, Wright

City Staff Present: Senior Planner Katie Whewell, Chief Planner Neil Cronin, Associate City Solicitor Jonah Temple

All Special Permit Plans, Plan Memoranda and Application Materials can be found at the following link <https://www.newtonma.gov/government/city-clerk/city-council/special-permits/-folder-1058>. Presentations for each project can be found at the end of this report.

#176-19(3) Special Permit Petition to allow parking within the setback at 1188 Chestnut Street

TARA POTTEBAUM AND DOUG ROONEY petition for an EXTENSION OF TIME to EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL for Council Order #176-19 approved on August 12, 2019 and FAR relief and dimensional parking relief at 1188 Chestnut Street, Ward 5, Newton Upper Falls, on land known as Section 51 Block 40 lot 22, containing approximately 5,807 sq. ft. in a district zoned MULTI RESIDENCE 1. Said EXTENSION OF TIME to run from August 12, 2021 to August 12, 2022. Ref: Sec. 7.3.3, 7.4, 3.2.3, 7.8.2.C.2, 5.1.7.A, 5.1.13, 3.2.11 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 8-0

Note: The Committee expressed no concerns relative to the request for an extension of time to exercise special permit Council Order #179-19 at 1188 Chestnut Street. The Committee voted unanimously in favor of approval.

#174-21 Petition further increase nonconforming FAR at 26 Alba Circle

SCOTT D. KRENTZMAN AND AMY S. KRENTZMAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a single-story side addition, further increasing the non-conforming FAR at 26 Alba Circle, ~~Ward 5, Waban~~, Ward 7, Newton on land known as Section 72 Block 23 Lot 38B, containing 13,732 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 Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 8-0; Public Hearing Closed 06/08/2021

Note: Attorney Steve Buchbinder, with law offices at Schlesinger and Buchbinder, 1200 Walnut Street, represented Scott and Amy Krentzman. Atty. Buchbinder presented the request to increase the non-conforming FAR at 26 Alba Circle. The dwelling was renovated in 2004. The Newton Historic Commission determined that the property was historically not significant. Atty. Buchbinder noted that the subject parcel is at the end of a cul de sac with significant greenery. The Conservation Commission reviewed the petition and expressed no concern to any impacts on the wetland resource area. The petitioner proposes to remove an existing sunroom and construct a new, one-story addition with an indoor, below ground pool. The proposed addition square footage measures 866 sq. ft., but the net increase is approximately 490 sq. ft.'. The addition meets setback requirements. Proposed plans and elevations can be seen on Atty. Buchbinder's presentation (attached). Atty. Buchbinder noted that the proposed plans have been communicated to neighbors who have expressed no concerns relative to the petition.

Senior Planner Katie Whewell reviewed the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation.

The Public Hearing was Opened. No member of the public wished to speak. Councilor Laredo motioned to close the public hearing which carried 8-0. Councilor Laredo motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation and voted unanimously in favor of approval.

#146-21 Petition to exceed FAR at 20 Devon Road

SIMON AND LUCIA DOLAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an internal accessory apartment in a rear addition, exceeding the allowable FAR of at 20 Devon Road, Ward 6 Newton Centre, on land known as Section 61 Block 04 Lot 04, containing approximately 14,226 sq. ft. in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 6-0 (Councilors Kelley and Downs Recused)**

Note: Anita Rogers, Concord, Mass, represented Simon and Lucia Dolan. Ms. Rogers presented the request for a special permit petition to exceed FAR at 20 Dolan Road. The petitioners propose to construct a 781 sq. ft. accessible accessory apartment at 20 Devon Road. Ms. Dolan noted that if the addition could meet setbacks, the .02 FAR bonus would be sufficient for the FAR increase. Due to the topography of the lot, however, the accessory apartment must be located closer to the property line. Ms. Rogers noted that the proposed 781 sq. ft. addition is flush with the first floor, behind the existing dwelling and has been designed to allow accessibility without an elevator.

Chief Planner Neil Cronin reviewed the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. Mr. Cronin noted that the proposed plans include the addition of a curb cut with an accessible pathway. The Public Hearing was Opened. No member of the public wished to speak. There were several letters of support from members of the public.

The Committee expressed support for the project, noting the thoughtful design of the addition. Mr. Cronin confirmed that the total square footage of the existing dwelling and proposed accessory apartment measures 5123 sq. ft., including a detached garage. Councilor Bowman motioned to close the

public hearing which carried 6-0. Councilor Bowman motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation and voted 6-0 in favor of approval (Councilors Kelley and Downs recused).

#147-21 Petition to allow for-profit education use at 60-64 Needham Street

KWANG H. CHA/SULLIVAN REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit education use in 3,500 sq. ft. of the existing building at 60-64 Needham Street, Ward 8, Newton Highlands, on land known as Section 83 Block 11 Lot 18, containing approximately 25,753 sq. ft. of space in a district zoned MIXED USE 2. Ref. Sec. 7.3.3, 7.4, 4.4.1, 6.3.14.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved Subject to Second Call 8-0; Public Hearing Closed 06/08/2021**

Note: The petitioner Matt Kwang represented his father, Kwang Cha. Mr. Kwang presented the request for a special permit petition to allow a for-profit education use at 60-64 Needham Street. The petitioners propose to locate a Tae Kwon Do studio in the existing space at 60-64 Needham Street. The studio will have in-person classes from Monday – Friday 4:00 pm – 8:00 pm and Saturdays from 11:00 am – 5:00 pm. Mr. Kwang noted that to promote safety, students will be permitted to enter from the parking lot entrance and/or the entrance on the street façade.

Senior Planner Katie Whewell reviewed the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. Ms. Whewell noted that the Planning Department has requested additional information regarding the class schedule, time between classes, safety measures proposed, additional information on pickup and drop-off. Ms. Whewell confirmed that the number of parking stalls meets the parking demand.

The Public Hearing was Opened.

Robert Nealon, 8 Pine Hill Drive, Walpole, is the property manager for the site. Mr. Nealon noted that there are combined 105 parking spaces under their control, with 10 are leased to the Farm Grille. Mr. Nealon emphasized that there are no parking issues at the site.

The Committee questioned whether the parking supply is sufficient to accommodate the school. Ms. Whewell noted that no parking relief is needed because the prior use at the site had a credit of 14 parking stalls. The proposed use only requires 3 parking stalls which represents one stall per employee. Ms. Whewell noted that there is no parking requirement for the for-profit education use.

Committee members were supportive of the proposed project but expressed concern relative to safe access for students entering and exiting the site. Committee members noted that there is one-way circulation within the site. It was suggested that a crosswalk and/or bike rack might be effective ways to allow safe biking to the site. In response to concerns from the Committee, Mr. Kwang noted that at the former studio location, no more than 15 parking stalls were ever in use by the business. He noted that the classes will range from 40 – 50 minutes to allow cleaning and water breaks after classes. Additionally, Mr. Kwang explained that students under 13 are not permitted to leave without supervision. Mr. Kwang confirmed that it is the intent to install signage at the site as well as inform parents of the one-way circulation.

The Committee expressed support for approving the petition subject to second call, to allow the petitioner time to work with the Planning Department to provide a site plan and details regarding bicycle parking, pickup and drop-off, circulation through the site and entry to the facility. Ms. Whewell confirmed that she can work with the petitioner and issue a planning memo in the Friday packet prior to the Council meeting on June 21, 2021. Councilor Downs motioned to close the public hearing which carried unanimously. Councilor Downs moved approval, subject to second call. The Committee reviewed the draft findings and conditions as shown in the attached presentation. The Committee expressed no concerns relative to the draft order and voted unanimously in favor of the motion.

#145-21 Petition to allow secondary sign at 2 Wells Ave

BRIGHT HORIZONS CHILDREN CENTERS/TWO WELLS AVE, LLC. EQUITY IND PARTNERS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 373 sq. ft. wall mounted secondary sign on the front façade at 2 Wells Avenue, Ward 8, Newton Centre, on land known as Section 84 Block 34 Lot 2K, containing approximately 436,175 sq. ft. of land in a district zoned LIMITED MANUFACTURING. Ref: 7.3.3, 7.4, 5.2.8, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 8-0; Public Hearing Closed 06/08/2021

Note: Stephen Geller, Bright Horizons represented Bright Horizons Children Centers. Mr. Geller presented the request to allow a secondary sign at 2 Wells Avenue. The petitioner proposes to install a 373 sq. ft. secondary “Bright Horizons” sign on the parapet on the front façade of the existing structure.

Chief Planner Neil Cronin presented the requested relief, criteria for consideration, land use, zoning and proposed sign plan as shown on the attached presentation. Images of the proposed sign and location can be seen on the attached presentation.

The Public Hearing was Opened. No member of the public wished to speak. Committee members expressed no concerns relative to the request. Councilor Markiewicz motioned to close the public hearing which carried unanimously. Councilor Markiewicz motioned to approve the petition. The Committee reviewed the draft findings and conditions as shown in the attached presentation and voted unanimously in favor of approval.

#148-21 Amended Petition to allow single-family attached dwelling units at 145 Warren Street

145 WARREN STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwellings in two buildings, to allow reduced side setbacks, to increase the allowed lot coverage, to allow a driveway within ten feet of the side lot line and to allow retaining walls greater than 4’ within a setback, to waive the requirement for one accessible parking stall, to waive one parking stall and to allow a reduced driveway width at 145 Warren Street, Ward 6, Newton Centre, on land known as Section 61 Block 39 Lot 10, containing approximately 23,399 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2, 5.1.4, 5.4.2.B, 5.1.8.B.3, 5.1.13, 5.1.8.D.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 5-3 (Councilors Laredo, Markiewicz, Lucas Opposed)

Note: Mr. David Oliveri presented project highlights and updates to the petition since the Land Use Committee meeting on April 6, 2021. A copy of his presentation can be found at the end of this report. Changes to the petition include the reduction in FAR from .61 to .58, reductions in unit size, increase in open space from 52% to 65%, the garage has been reduced by one parking space and there is the addition of common bike storage for all units. The proposed plans include the restoration of the existing historic home and the addition of three single-family attached dwelling units to the rear of the dwelling. The proposed dwelling units are subservient to the existing structure and will have a total of seven parking stalls. Since the meeting in April 2021, additional open space has been created by separating the buildings from the historic house. Renderings of the proposed units, unit sites, and sustainability commitments can be seen in Mr. Oliver's presentation.

Senior Planner Katie Whewell reviewed updates to the petition as shown on the attached presentation.

Public Comment

Jay Walter, 83 Pembroke Street, expressed his support for the project. Mr. Walter believes the proposed project is a well-designed, thoughtful project. Mr. Walter noted that the attempt to judge the project by the by-right standards is not right. He noted that four units are allowed on the site by special permit and it should be judged based on how the developer has addressed concerns from citizens. Mr. Walter noted that the developer is restoring the historic house, the proposed units are designed to be subservient to the existing structure, the massing is considerate of the neighborhood and appropriate for the area, complies with the Comprehensive Plan, Climate Action plan and zoning redesign.

MaryLee Belleville, stated that the sizes have not changed since the April 6, 2021 Land Use Committee meeting. Expressed concerns relative to parking of construction vehicles on the street and requested that the Committee include a condition to require parking of construction vehicles on site. Ms. Belleville noted that 40% of properties in the neighborhood have 1 garage, 42% have no garages and 14% have two garages. Ms. Belleville noted that the sustainability features are the developer's choice. She noted that this site is not an anomaly and expressed concern relative to setting a precedent in the neighborhood.

Sean Roche, noted that the proposed density at the site is below a reasonable density in transit oriented neighborhoods (within .25 miles of the MBTA). He noted that the neighborhood has had too much opportunity to weigh in on the project and expressed support for the project.

Simon French, 47 Glen Avenue, posed a question of what could be built at the site under zoning redesign.

John Sirafos, expressed support for the proposed project. He noted that the high-quality design will set a good precedent for the neighborhood. Mr. Sirafos noted expressed support for the proposed project.

Some Councilors were supportive of the petition, expressing appreciation for the plan to preserve the existing house, the design of the proposed dwelling units, the balance of parking stalls on a site near public transportation, the below grade parking, the bicycle accommodations, the four smaller units (as compared with three, larger units). Councilors noted that the special permit process allows for the permitting of projects which are in excess of what is allowed as a matter of right.

Councilors not in favor of the proposed development expressed concerns relative to the lot coverage, the number of dwelling units, the density, the proximity of the driveway abutting the eastern property line, inconsistent character with the neighborhood and the FAR as compared with other properties in the neighborhood. Mr. Cronin confirmed that FAR is not applicable to single-family attached dwelling units. Councilors noted that if FAR was applicable, the by-right project could measure up to 9,000 sq. ft. where the proposed development is 13,000 sq. ft.

Councilor Bowman motioned to close the hearing which carried unanimously. Councilor Bowman moved approval of the petition. The Committee reviewed draft findings and conditions as shown on the attached presentation. The Committee asked that the Planning Department work with the petitioner and Ward Councilors to ensure that construction vehicles are kept on site to the extent possible. Mr. Cronin noted that the standard Construction Management Plan contains a condition relative to contractor and subcontractor parking but noted that the Committee could further restrict on-street parking during construction. Councilors were supportive of limiting on-street parking to the extent possible and asked that the Planning Department circulate draft language prior to the June 21, 2021 Council meeting. Mr. Oliveri confirmed that this request is not uncommon and can be accommodated. The Committee asked that the order include the petitioner's commitment to LEED certification and universal design. The Committee made no further changes to the draft order and voted 5-3 in favor of approval (Councilors Laredo, Markiewicz and Lucas not voting).

The Committee adjourned at 10:00 pm.

Respectfully Submitted,

Richard Lipof, Chair