



Land Use Committee Report

City of Newton

In City Council

Tuesday, June 22, 2021

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

City Staff Present: Senior Planner Katie Whewell, Senior Planner Michael Gleba, Director of Planning and Development Barney Heath, 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.

#210-21 Petition to further increase nonconforming FAR at 290 Hartman Road
VYACHESLAV FOS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct single-story rear additions, increasing the nonconforming FAR at 290 Hartman Road, Ward 8, Newton Centre, on land known as Section 2 Block 25 Lot 17, containing approximately 16,906 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.2 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 8-0; Public Hearing Closed 06/22/2021**

Note: RBL Architects Richard Levey presented the request to increase the nonconforming FAR at 290 Hartman Road. The proposed project includes two single story rear additions; a kitchen bump out and space for a mechanical pool. The proposed additions will create a U shape at the rear of the house, with a small courtyard. No changes are proposed to the front of the house. The proposed additions measure approximately 650 sq. ft. and represent and increase in FAR to .36 where .32 is allowed.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning, proposed plans and photos of the site as shown on the attached presentation.

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

#177-21 Petition to increase nonconforming FAR and allow three-story structure at 540 Dudley Road

SHIVA KARIMI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second story within the footprint of the existing dwelling, increasing the nonconforming FAR and creating a three-story structure at 540 Dudley Road, Ward 8, Newton Centre, on land known as Section 82 Block 27 Lot 02, containing approximately 14,971 sq. ft. of land 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 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 6-0-1 (Councilor Lucas abstaining, Councilor Laredo Recused); Public Hearing Closed 06/22/2021

Note: Ms. Shiva Karimi presented the request for a special permit petition to add a partial second story, creating a three-story structure at 540 Dudley Road. Ms. Karimi noted that the proposed addition is intended to support three additional bedrooms for her children. She confirmed that the proposed plans have been communicated to neighbors who have been supportive.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning, proposed plans and photos of the site as shown on the attached presentation. Mr. Gleba noted that the proposed plans include the elimination of a circular driveway and the consolidation of two curb cuts into one.

The Public Hearing was opened.

Lisa Monahan, noted that the FAR and relief for height is somewhat excessive stated that FAR relief should be granted as an exception, not routinely.

In response to questions from the Committee, Ms. Karimi noted that some trees indicated on the plan were dead and came down in a recent storm or will be taken down. She confirmed that some trees will be replanted in the front and stated that the circular driveway space will be replaced with landscaping. A Committee member noted that the landscaping at the front of the site will help with drainage, as will the elimination of the second curb cut. Councilors noted that the size of the proposed dwelling is consistent with other homes in the neighborhood, many of which are much larger. It was noted that from the street, the house will still present as a 2.5 story dwelling. The Chair encouraged the petitioner to carefully consider alternative, safe, parking in a nearby location during construction as there is currently ongoing construction on Dudley Road.

Councilor Kelley motioned to close the public hearing which carried unanimously. Councilor Kelley moved approval of the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation and voted 6 in favor, 1 abstaining (Councilor Lucas), 1 recused (Councilor Laredo).

#176-21 Petition to waive five parking stalls at 47 Lincoln Street

DENISE CROWE/HAMILTON LINEWT ASSOCIATES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to waive five parking stalls at 47 Lincoln Street, Ward 6, Newton Highlands, on land known as Section 52 Block 08 Lot 01, containing approximately 6,968 sq. ft. of land

in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 5.1.4, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 8-0; Public Hearing Continued

Note: The petitioner, Ms. Denise Crowe presented the request for a special permit petition for a five-stall parking waiver at 47 Lincoln Street. Ms. Crowe explained that the site will open a small boutique barre studio for 10-12 guests per class with one teacher and two desk employees. Ms. Crowe has extensive experience and operated a small studio in NYC. The classes range between 30 and 50 minutes and there will be 3-4 classes each day. Ms. Crowe noted that the classes will be held in the early morning and evening hours and should not have an impact on parking spaces during normal business hours. She noted that she has purchased two parking passes for use by staff and stated that guests will be encouraged to use the Hartford Municipal Lot to the extent possible.

Senior Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning, proposed plans and photos of the site as shown on the attached presentation. Ms. Whewell noted that the site of the proposed studio is approximately 500' from the Newton Highlands MBTA station.

In response to questions from the Committee, Ms. Crowe noted that there will be 15 people in the space during classes, which will include 3-4 employees. She stated that the employees are expected to have staggered 4-6 hour shifts.

The Public Hearing was opened. No member of the public wished to speak. Councilor Bowman motioned to close the public hearing which carried unanimously. Councilor Bowman motioned to approve the petition. Councilors expressed support for the petition. After a review of the draft findings and conditions shown in the attached presentation, the Committee voted unanimously in favor of approval.

#175-21 Petition to allow for-profit educational use at 60, 66-68 Austin Street

THE RUSSIAN SCHOOL OF MATHEMATICS/L AND B REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit educational use in in the office space located at 60 Austin Street, to alter a non-conforming non-accessory parking facility, to allow the parking requirements to be met off-site, to allow parking within the side and rear setbacks and within five feet of the street, to allow parking within five feet of dwelling units, to waive the minimum parking stall width and depth, to waive the minimum driveway width for one-way traffic, to waive perimeter screening requirements, to waive interior landscaping requirements and to waive lighting requirements at 60, 66-68 Austin Street, Ward 2, Newtonville, on land known as Section 24 Block 09 Lots 07 and 09, containing approximately 35,616 sq. ft. of land in a district zoned BUSINESS USE 5. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.3.14.B.2, 7.8.2.C.2, 5.1.16.A, 5.1.13, 5.1.8.A.1, 5.1.8.A.2, 5.1.8.B.1, 5.1.8.B.1, 5.1.8.D.1, 5.1.9.A, 5.1.9.B, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Held 8-0; Public Hearing Continued

Note: After discussion and public comment, the Committee held item #175-21. An amended report reflecting the discussion will be available on Friday, July 16, 2021.

#91-21 Zoning amendments for Riverside project

MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY requesting amendments to Chapter 30, Newton Zoning Ordinance, in Sections 4.2.4 and 4.4.1 and 6.2.10 relative to the Mixed Use 3 District.

Action: Land Use Held 8-0; Public Hearing Continued

#27-20(2) Petition to amend Special Permit #27-20 for Mixed Use Transit Oriented Development at Riverside Station

MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend the Special permit site plan as approved by Council Order #27-20 to allow changes to: the square footage of all of the approved buildings, the heights of Buildings 1, 2, 3, 4, 7, 8, 9 and 10, the building footprints shown on the site plan, the open space as shown on the approved site plan, the Comprehensive Sign Package, all at 355 and 399 GROVE STREET on land known as Section 42, Block 11, Lots 3, 4 and 4A, containing approximately 13.05 acres of land in districts zoned Mixed Use 3 Transit Oriented (MU3). Ref: Sec. 4.2.3, 4.2.4, 7.3.3, 7.4, 7.3.5 of the City of Newton Revised Zoning Ordinance, 2017. Proposed Amendments are subject to the proposed text changes to the MU-3 zoning district.

Action: Land Use Held 8-0; Public Hearing Continued

Note: After discussion and public comment, the Committee held items #91-21 and 27-20(2). An amended report reflecting the discussion will be available on Friday, July 16, 2021.

The Committee adjourned at 10:00 pm.

Respectfully Submitted,

Richard Lipof, Chair

Department of Planning and Development



PETITION #210-21

290 HARTMAN ROAD

**SPECIAL PERMIT/SITE PLAN
APPROVAL TO CONSTRUCT
SINGLE-STORY REAR
ADDITIONS, INCREASING THE
NONCONFORMING FAR**

JUNE 22, 2021



Requested Relief



Special permit per §7.3.3 to:

- further extend nonconforming FAR (§3.1.3, §3.1.9, §7.8.2.2)

Criteria to Consider



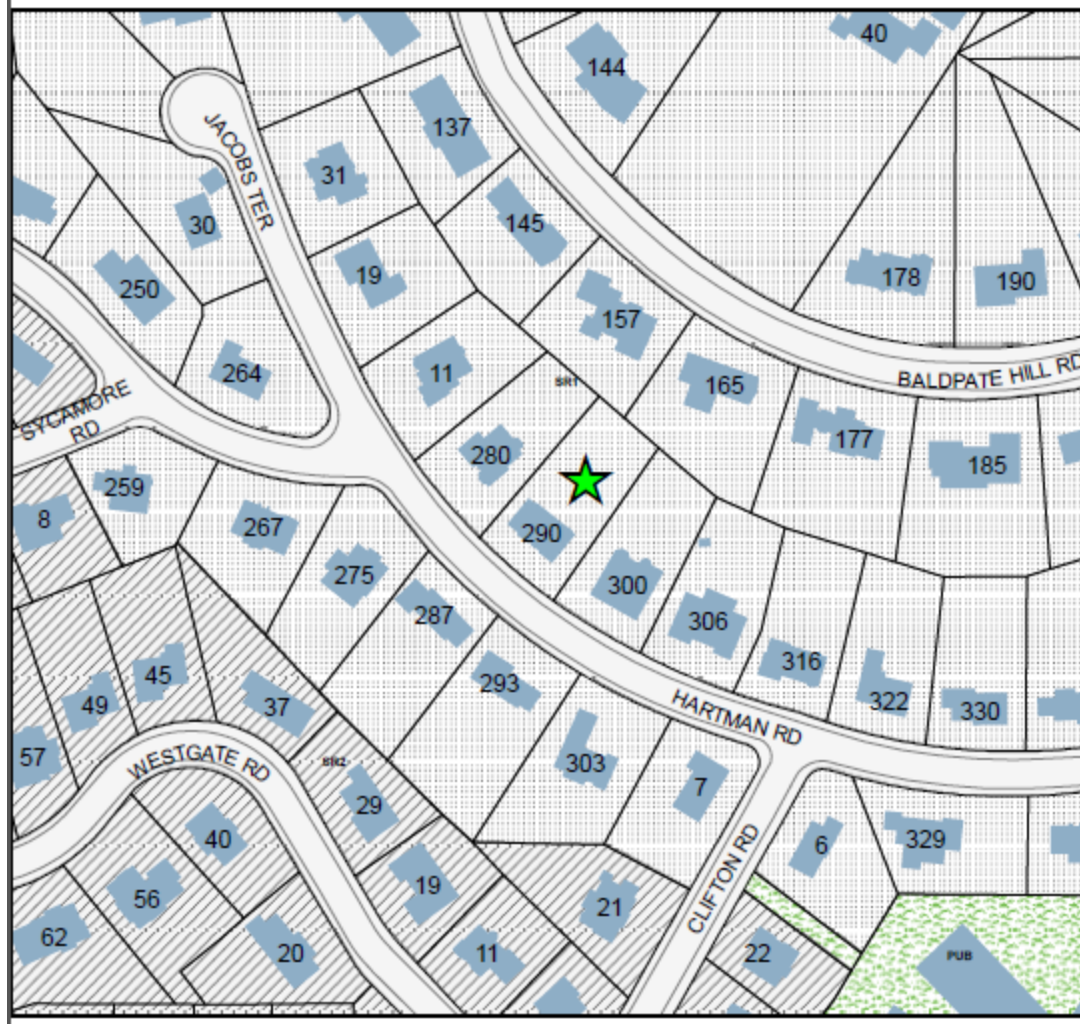
When reviewing the requested special permits the Council should consider whether:

- the proposed expanded structure as designed is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.9.2)
- the proposed expanded structure as designed is substantially more detrimental than the existing nonconforming use to the neighborhood (§7.8.2.C.2)

AERIAL/GIS MAP



Zoning






ATTACHMENT B

Zoning

290 Hartman Rd.

City of Newton,
Massachusetts

-  Single Residence 1
-  Single Residence 2
-  Public Use



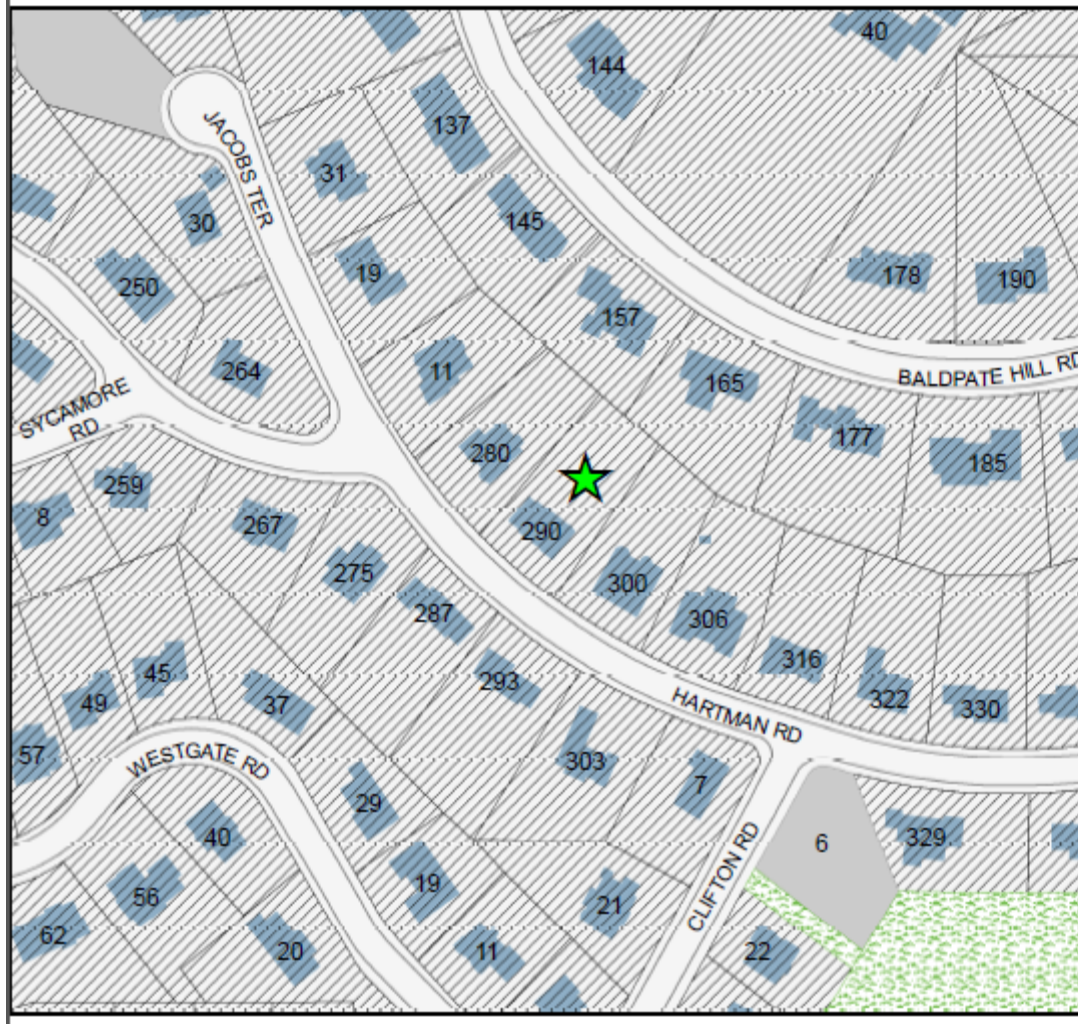
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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: June 16, 2021

Land Use



ATTACHMENT A




Land Use

290 Hartman Rd.

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Open Space
-  Vacant Land



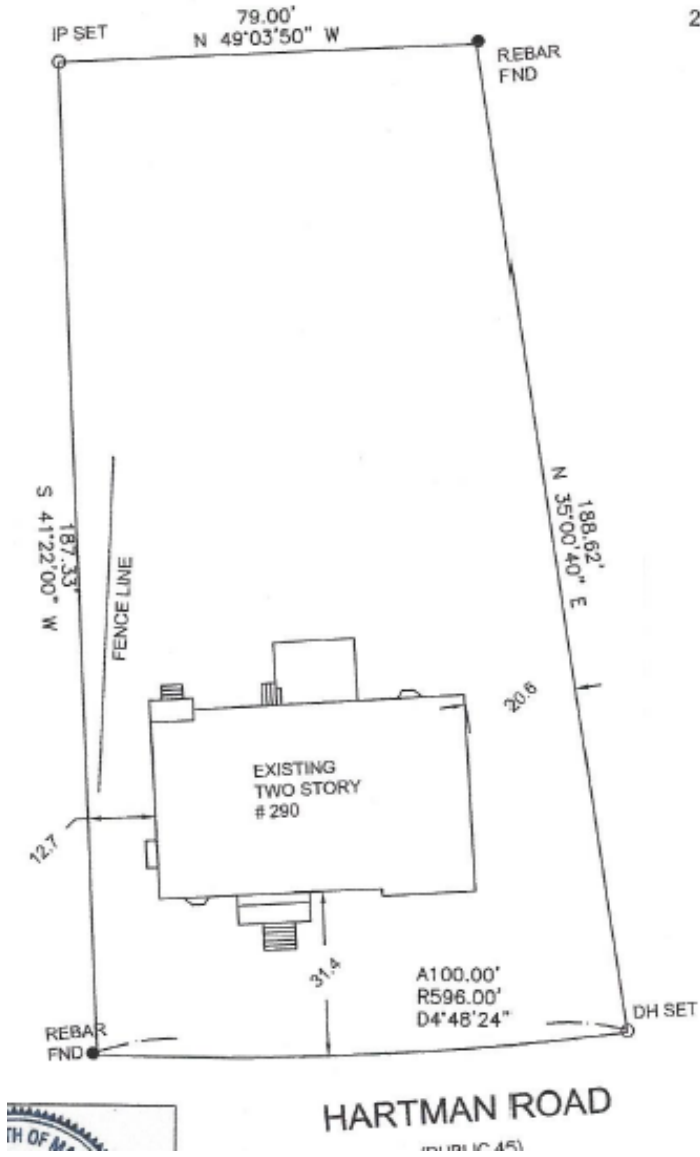
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CITY OF NEWTON, MASSACHUSETTS
Maple - Ruthann Fuller
GIS Administrator - Douglas Greenfield

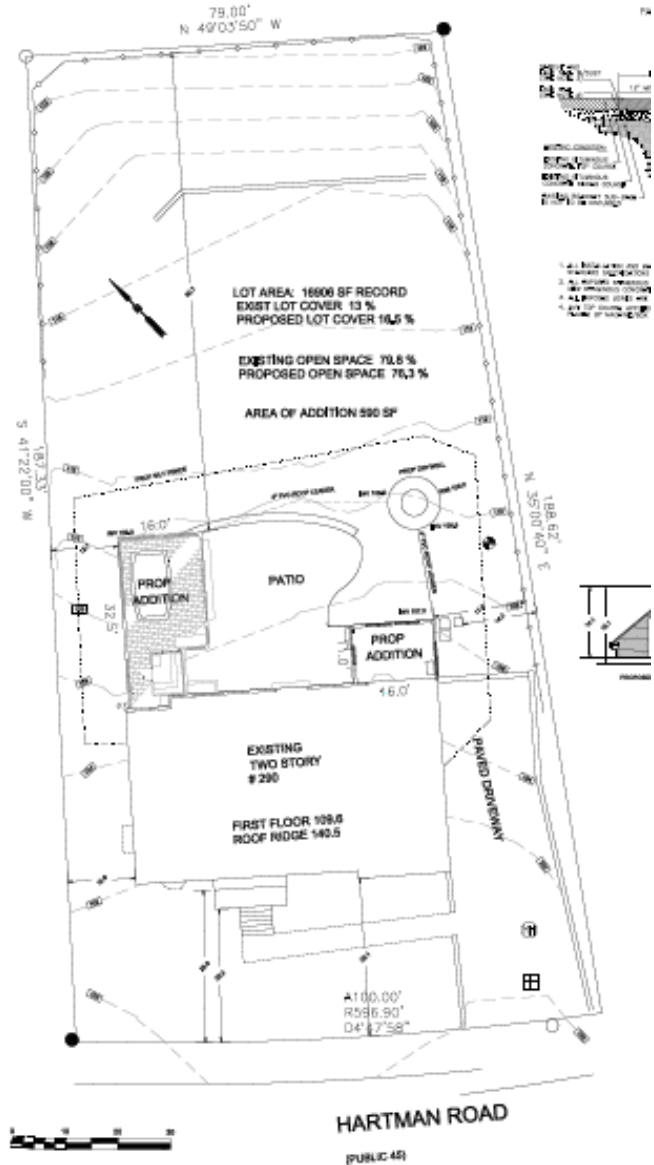


Map Date: June 16, 2021

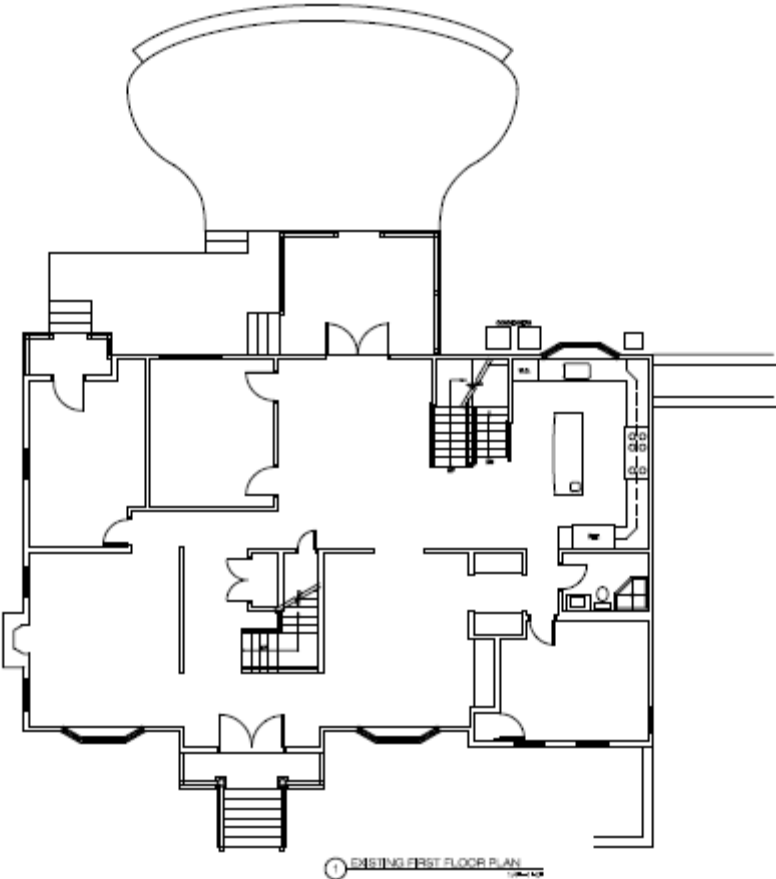
Site Plan- existing and proposed



21



Floor Plan



Existing Elevations Left & Front, Right & Rear



Proposed Elevations Left & Front, Right & Rear



Photos



Photos



Proposed Findings



1. the proposed structure, with a floor area ratio of 0.32 where 0.36 exists and 0.30 is the maximum allowed by right, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood given the topography of both the parcel and the area, and as other nearby dwellings are similarly scaled and sited on sloping parcels (§3.1.9.2)
2. the proposed expanded structure as designed will not be substantially more detrimental than the existing nonconforming use is to the neighborhood since as the proposed additions would each have only one story the height of the dwelling would not be increased, and as the additions would be located at the rear of the structure they would have limited visibility from adjacent properties and public ways (§7.8.2.C.2)

Proposed Conditions



1. *Plan Referencing Condition*
2. *Standard Building Permit Condition.*
3. *Standard Final Inspection/Certificate of Occupancy Condition.*

Department of Planning and Development



PETITION #177-21

540 DUDLEY ROAD

SPECIAL PERMIT/SITE PLAN
APPROVAL TO CONSTRUCT A
SECOND STORY WITHIN THE
FOOTPRINT OF THE EXISTING
DWELLING, INCREASING THE
NONCONFORMING FAR AND
CREATING A THREE-STORY
STRUCTURE

JUNE 22, 2021



Requested Relief



Special permit per §7.3.3 to:

- • further increase nonconforming FAR (§3.1.3, §3.1.9, §7.8.2.C.2)
- • allow a three-story structure (§3.1.3)

Criteria to Consider



When reviewing the requested special permits the Council should consider whether:

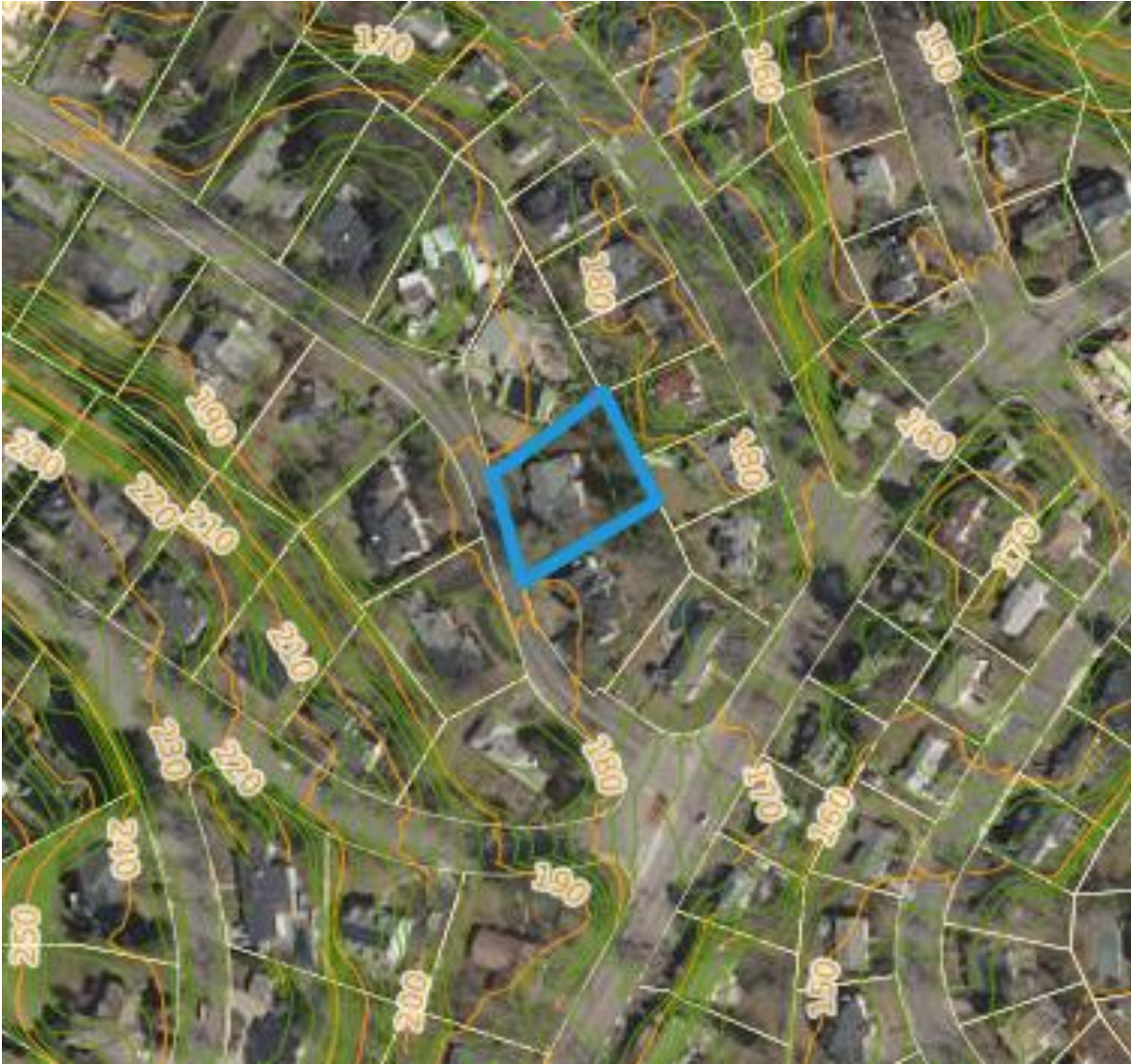
- the proposed expanded structure as designed with a floor area ratio (FAR) of 0.41 where 0.32 exists and 0.31 is the maximum allowed by right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.9.2)
- the proposed expanded structure as designed with a floor area ratio (FAR) of 0.41 where 0.32 exists and 0.31 is the maximum allowed by right is substantially more detrimental than the existing nonconforming use to the neighborhood (§7.8.2.C.2)

Criteria to Consider (cont.)



- the site in a SR1 district is an appropriate location for the proposed dwelling as designed with three-stories where 2 ½ stories is the maximum allowed by right (§7.3.3.C.1)
- the proposed expanded dwelling as designed with three-stories where 2 ½ stories is the maximum allowed by right will adversely affect the neighborhood (§7.3.3.C.2)
- the proposed expanded dwelling as designed with three-stories where 2 ½ stories is the maximum allowed by right will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

AERIAL/GIS MAP



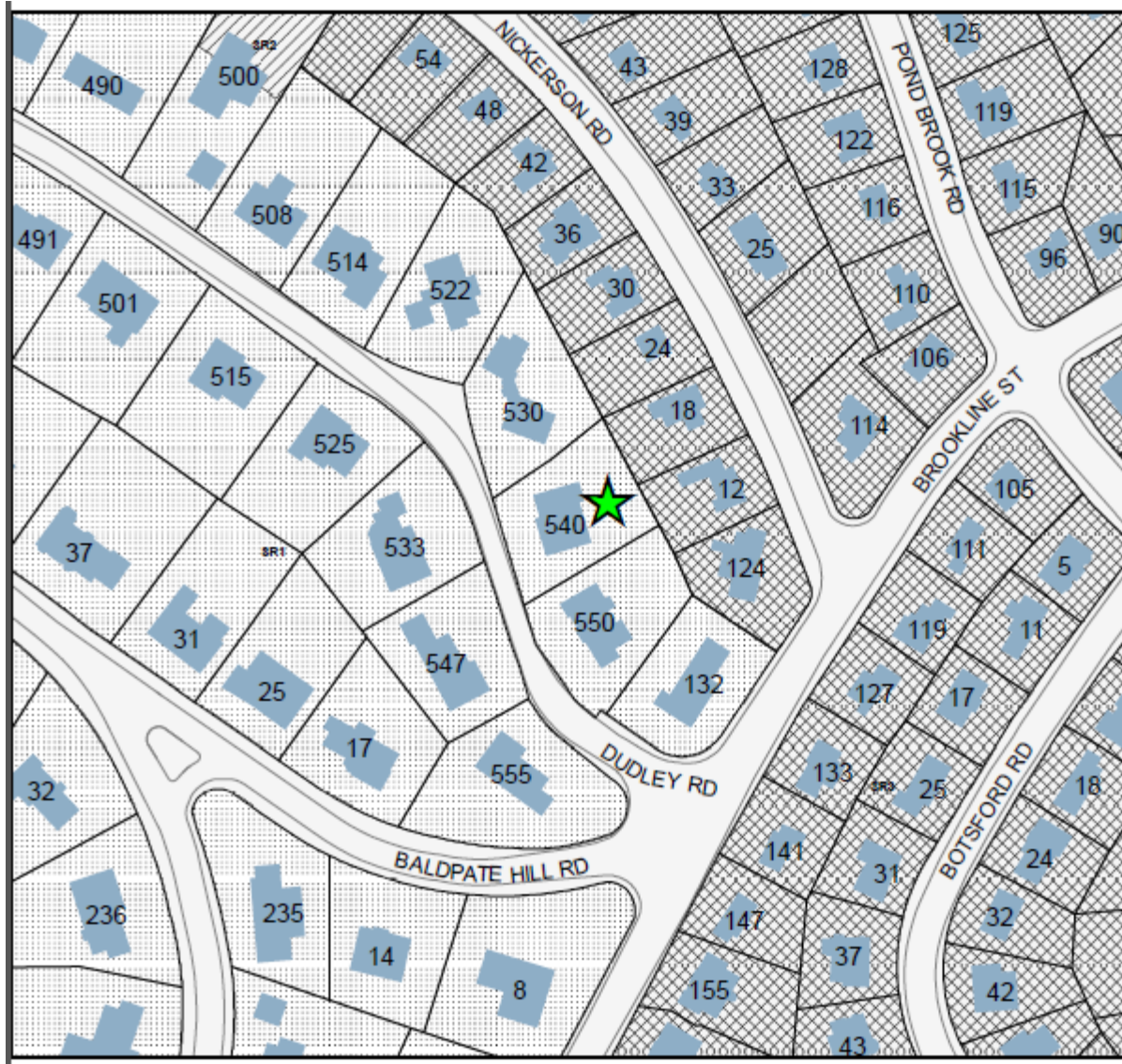
Zoning




ATTACHMENT B

Zoning

540 Dudley Rd.

*City of Newton,
Massachusetts*



-  Single Residence 1
-  Single Residence 2
-  Single Residence 3



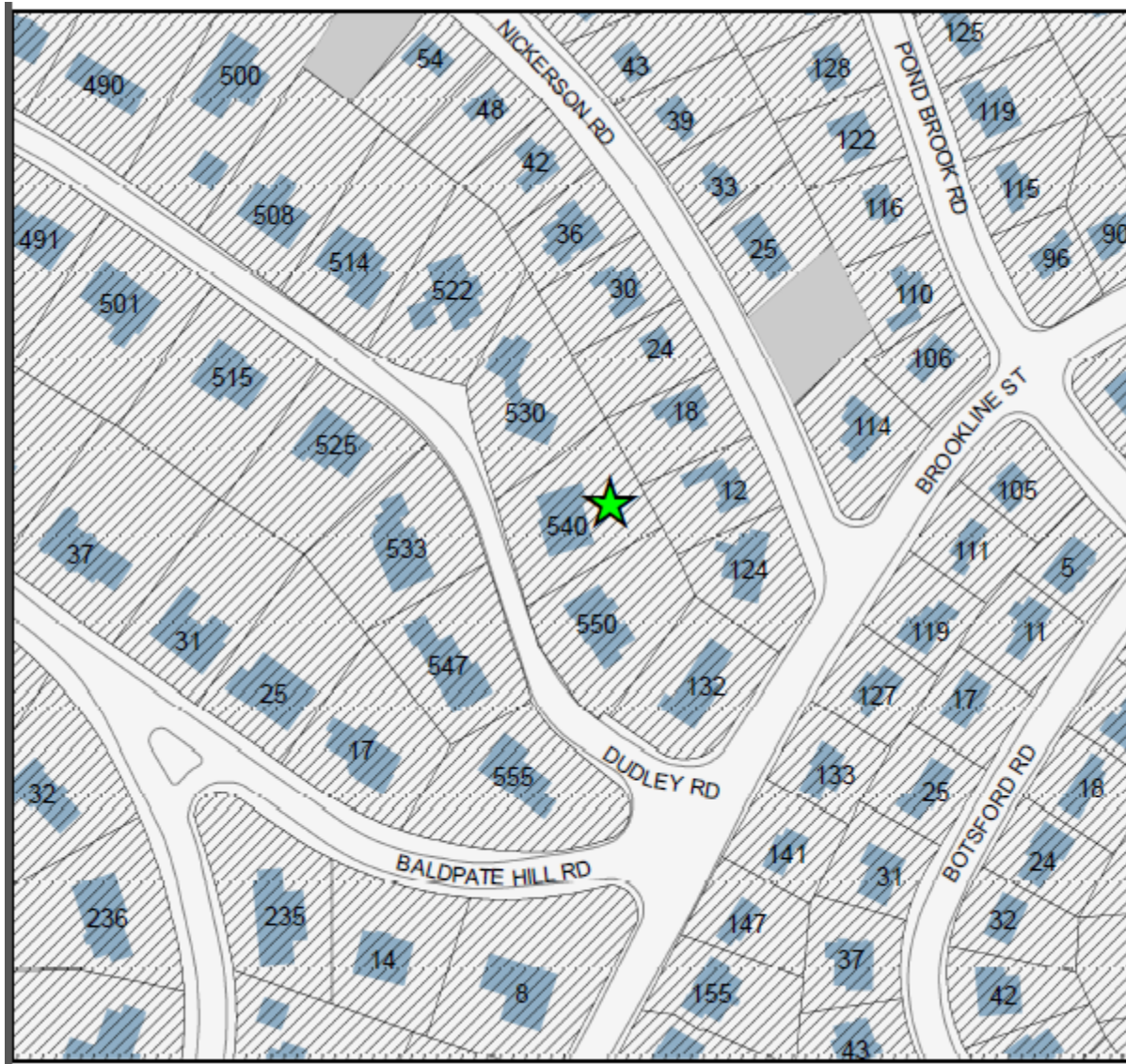
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CITY OF NEWTON, MASSACHUSETTS
Mayor - Barbara Fuller
GIS Administrator - Douglas Goswold



Map Date: June 16, 2021

Land Use



ATTACHMENT A



Land Use

540 Dudley Rd.

*City of Newton,
Massachusetts*

Land Use

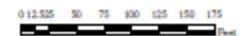
Land Use

-  Single Family Residential
-  Vacant Land



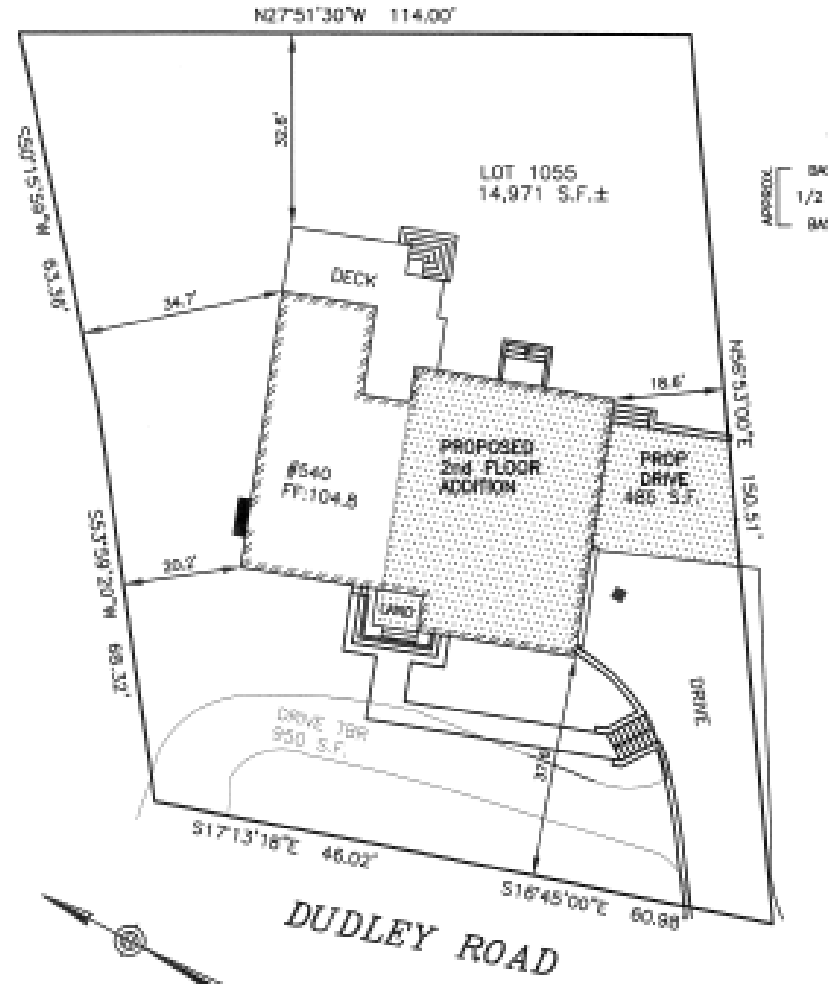
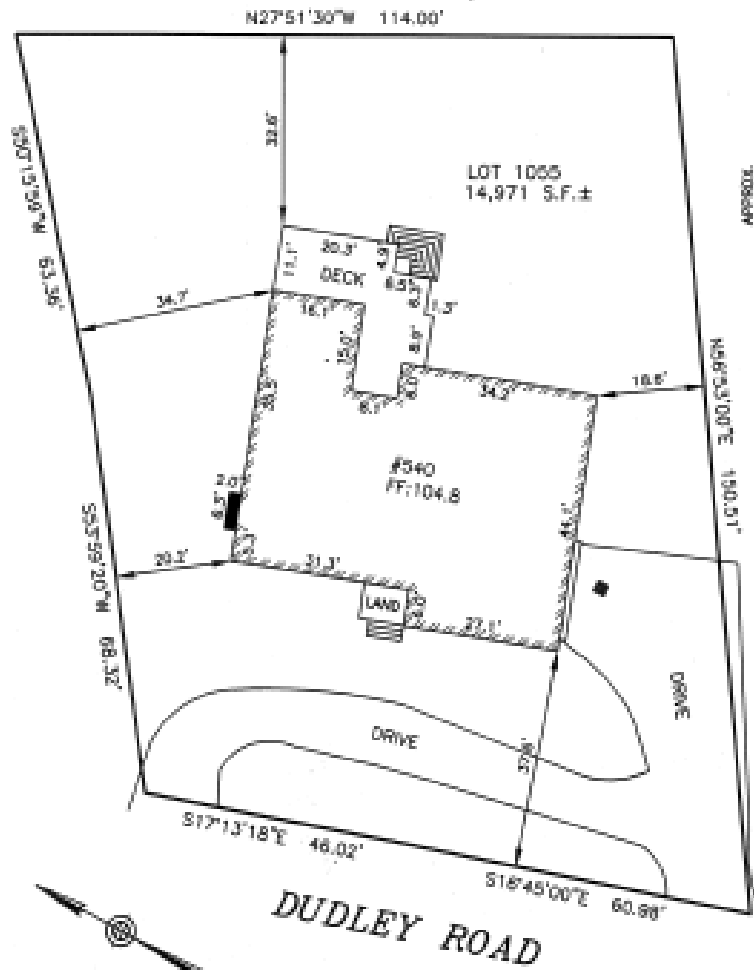
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CITY OF NEWTON, MASSACHUSETTS
Mayor - Katherine Fuller
GIS Administrator - Douglas Greenfield



Map Date: June 16, 2021

Site Plan- existing and proposed



Floor Plan- existing and proposed

Existing Elevations



EXIST ELEVATION - WEST (FRONT)
SCALE: 1/8"=1'-0"



EXIST ELEVATION - NORTH (BACK)
SCALE: 1/8"=1'-0"



EXIST ELEVATION - EAST (REAR)
SCALE: 1/8"=1'-0"



EXIST ELEVATION - SOUTH (SIDE)
SCALE: 1/8"=1'-0"

Proposed Elevations



WEST ELEVATION - WEST (FRONT)
SCALE: 1/8"=1'-0"



NORTH ELEVATION - NORTH (SIDE)
SCALE: 1/8"=1'-0"



EAST ELEVATION - EAST (REAR)
SCALE: 1/8"=1'-0"



SOUTH ELEVATION - SOUTH (SIDE)
SCALE: 1/8"=1'-0"

Photos



Photos



Photos



Proposed Findings



1. the proposed expanded structure as designed with a floor area ratio (FAR) of 0.41 where 0.32 exists and 0.31 is the maximum allowed by right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood given the topography of the parcel and the neighborhood and the expanded structure would be similar in size and scale to other structures in the area (§3.1.9.2)
2. the proposed expanded structure as designed with a floor area ratio (FAR) of 0.41 where 0.32 exists and 0.31 is the maximum allowed by right is not substantially more detrimental than the existing nonconforming use to the neighborhood as the addition would have limited visible impact given the topography of the parcel and the neighborhood (§7.8.2.C.2)

Proposed Findings



3. the site in a Single Residence 1 zoning district is an appropriate location for the proposed dwelling as designed with three-stories where 2 ½ stories is the maximum allowed by right as the parcel's slope will reduce the apparent bulk of the proposed third floor (§7.3.3.C.1)
4. the proposed expanded dwelling as designed with three-stories where 2 ½ stories is the maximum allowed by right will not adversely affect the neighborhood as the visual impact of the proposed third floor is limited by the slope of the parcel which will allow the dwelling to appear as a two-story structure from nearby properties and public ways (§7.3.3.C.2)
5. the proposed expanded dwelling as designed with three-stories where 2 ½ stories is the maximum allowed by right will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
6. access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

Proposed Conditions



1. *Plan Referencing Condition*
2. *Standard Building Permit Condition.*
3. *Standard Final Inspection/Certificate of Occupancy Condition.*

Department of Planning and Development



PETITION #176-21

47 LINCOLN STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO WAIVE FIVE
PARKING STALLS

JUNE 22, 2021



Requested Relief



Special Permits per §7.3.3 of the Newton Zoning Ordinance to:

- Waive five parking stalls (§5.1.13)

Criteria to Consider



When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed waiver of five parking stalls. (§7.3.3.C.1.)
- The proposed waiver of five parking stalls will adversely affect the neighborhood. (§7.3.3.C.2.)
- There will be no nuisance or serious hazard to vehicles or pedestrians due to the proposed waiver of five parking stalls. (§7.3.3.C.3.)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- Literal compliance with the required number of parking stalls is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. (§5.1.3.E, §5.1.4 and §5.1.13)

Aerial/GIS Map



ATTACHMENT A

Zoning

47 Lincoln Street

City of Newton,
Massachusetts

Legend

-  Single Residence 2
-  Multi-Residence 1
-  Multi-Residence 2
-  Multi-Residence 3
-  Business 1
-  Business 2
-  Public Use



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: June 08, 2021



ATTACHMENT B






Land Use

47 Lincoln Street

*City of Newton,
Massachusetts*

Legend

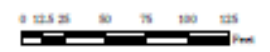
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Open Space
-  Nonprofit Organizations



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Barbara Fuller
GIS Administrator - Douglas Greenfield



Map Date: June 08, 2021



Parking Waiver

	Parking Requirement	Required Stalls
Personal Service (Nail Salon) 1,950 square feet	1 stall per 300 sq. ft. and 1 stall per 3 employees	9 stalls
Health Club (proposed Barre studio) 1,950 square feet	1 stall per 150 sq. ft. and 1 stall per 3 employees	14 stalls

Due to the change in use, higher parking requirement, and parking credit of 9 stalls from the prior use, *a 5-stall parking waiver is required.*

Proposed Draft Schedule

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Morning	8:00 AM	6:00 AM	6:30 AM	6:00 AM	6:30 AM	6:00 AM	8:00 AM
	9:00 AM	9:00 AM	7:30 AM	9:00 AM	7:30 AM 9:00 AM	9:00 AM	9:00 AM
Afternoon	4:00 PM	5:30 PM	5:30 PM	5:30 PM	5:30 PM	5:00 PM	4:00 PM
	5:00 PM						5:00 PM

- 3-4 classes per day, with classes running for 30, 45 or 50 minutes
- Shorter shifts for front desk employees and instructors
- Transportation Division concerned with employee parking and lack of short-term parking; petitioner obtained 2 parking permits, satisfying those concerns.

Findings



1. The specific site is an appropriate location for the proposed waiver of five parking stalls due to its location in the Newton Highlands Village Center and its proximity to transit. (§7.3.3.C.1.)
2. The proposed waiver of five parking stalls will not adversely affect the neighborhood due to the short-term parking needs of the use. (§7.3.3.C.2.)
3. There will be no nuisance or serious hazard to vehicles or pedestrians due to. (§7.3.3.C.3.)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved due to its location in a Village Center. (§7.3.3.C.4)
5. A waiver of five parking stalls is in the public interest due to its location in the Newton Highlands Village Center and the site's proximity to transit. (§5.1.3.E, §5.1.4 and §5.1.13)

Conditions



1. Plan Referencing
2. Standard Building Permit Condition
3. The parking waiver of five parking stalls shall only apply to the health club use, any change in use pertaining to this site shall require an amendment to this Council Order.
4. Standard Occupancy Condition