



Land Use Committee Report

City of Newton

In City Council

Tuesday, July 27, 2021

Present: Councilors Lipof (Chair), Lucas, Kelley, Markiewicz, Bowman, and Laredo

Also Present: Councilors Albright, Malakie, Crossley, Oliver Wright and Norton

City Staff Present: Senior Planner Katie Whewell, Senior Planner Michael Gleba, 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.

#214-21 **Petition to allow extension of time to construct residences at Chestnut Hill Square**
CHS COMMERCIAL OWNER LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend special permit Board Order #214-10(2) in accordance with Condition 3 of the special permit conditions, to allow an extension of time to construct the residential building to November 15, 2026 at 200-230 Boylston Street, Boylston Street, 7 Hammell Place LLC, 114 Florence Street and 146 Florence Street, Ward 7, Chestnut Hill, on land known as Section 82 Block 2 Lots 8, 9, 10, 11, 12, 13, 14, 15, 15A, 15B, 15C, 18, 29, 30, 32, containing approximately 245,000 sq. ft. of land in a district zoned BUSINESS USE 4. Ref: Sec. 7.3.3, 7.4, of the of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Held 6-0; Public Hearing Continued**

Note: It was noted that the petitioner has requested a continuance of the public hearing. The public hearing was opened. Councilor Kelley motioned to hold the item which carried 6-0.

#123-21 **Petition to exceed FAR at 9 Old Orchard Road**
9 OLD ORCHARD RD LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the ceiling height in a single-story rear addition to create atria space and to enclose an existing breezeway, exceeding the allowable FAR of .28 at 9 Old Orchard Road, Ward 7, Chestnut Hill, on land known as Section 63 Block 16 Lot 21, containing approximately 7,650 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. 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; Public Hearing Closed 07/27/2021**

Action: Land Use Approved 6-0; Public Hearing Closed 07/27/2021

Note: Vahe Ohanessian represented the petitioner on the petition to exceed FAR at 9 Old Orchard Road. Mr. Ohanessian explained that the petitioner applied for a building permit application and has begun construction that requires no zoning relief. The petitioner is seeking two changes to the plans submitted for issuance of a building permit, increasing the allowable FAR and requiring a special permit. The first proposed change is to remove an interior ceiling to allow for atria space within the kitchen. The atria space creates additional square footage. The second change is to maintain a wall along the breezeway. If not removed, the wall makes the breezeway count toward gross floor area, rather than an open porch. The two changes result in an FAR increase of .01 and have been approved by the Historic District Commission.

Senior Planner Michael Gleba presented 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. Mr. Ohanessian confirmed that no fireplaces will be removed from the house. With that, Councilor Laredo motioned to close the public hearing which carried 6-0. Councilor Laredo motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation and voted 6-0 in favor of approval.

#218-21 Petition to extend nonconforming use at 38 Richardson Street

ALANA SHULAKOVA/BRADEN HOUSTON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story rear addition, patios and increase the parking area, altering/extending the nonconforming multi-family use, to allow parking in the side setback, to allow parking within five feet of a building with dwelling units, to reduce the width of parking stalls, to reduce the minimum maneuvering aisle width, to reduce to the minimum width for entrance and exit drives for two-way traffic, to allow tandem parking stalls, to waive perimeter screening requirements, to waive outdoor lighting requirements and to waive striping requirements at 38 Richardson Street, Ward 1, Newton, on land known as Section 12 Block 13 Lot 7, containing approximately 9,370 sq. ft. of land in a district zoned MULTI RESIDENCE 2. 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 5-0 (Councilor Laredo not Voting); Public Hearing Closed 07/27/2021

Note: Attorney Terry Morris, with law offices at 57 Elm Road, represented the petitioner, Alana Shulakova. Atty. Morris presented the request to extend the non-conforming use and allow relief for parking at 38 Richardson. The petitioner proposes to restore and expand the three-unit dwelling by constructing a two-story rear addition. There is an existing garage at the back of the unit that will be razed. As such, the proposed construction will result in FAR reduction. Architect Ron Bourque presented details of the site plan, floor plans and the landscape plan which can be found at the following link: <https://www.newtonma.gov/government/city-clerk/city-council/special-permits/-folder-2061>

The proposed landscape plan includes trees, vegetative buffers and screening. Mr. Bourque noted that the unit sizes will be 945 sq. ft. (Unit 1), 1480 sq. ft. (Unit 2), and 1800 sq. ft. (Unit 3). The petitioner

intends to rehabilitate the interior and exterior while maintaining the character of the house. Mr. Bourque

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

The Public Hearing was Opened.

Sean Roche, suggested that there should be an additional unit and that the units should be smaller. Additionally he noted that there should be less parking.

Lisa Monahan, 1105 Walnut Street, emphasized her support for the petition. Ms. Monahan noted that the proposed project creates 3 moderate sized units close to transit and amenities.

Minh Nguyen, 40-42 Richardson Street, questioned whether the footprint of the house, whether the building code will be followed and hours of construction and whether construction will impact children playing in the yard.

Atty. Morris confirmed that there will be a Construction Management Plan and hours of operation will be from 7:00 am – 6:00 pm Monday – Friday, reduced Saturday hours and no Sunday or holiday hours. Atty. Morris noted that most of the work will be in the interior and explained that if the foundation is extended, it will occur at the rear of the site. It was confirmed that the construction at the site will comply with building code and secure the appropriate permits and insurance.

Ray Ethier, 211 Church Street, expressed concern relative to the density of parking at the rear of the site. He noted that he has been working with the petitioner about a fence, but he remains concerned about light pollution onto their property.

Sherry Mirafzali, expressed support for the project as well as maintenance of the historic property.

Councilors expressed support for the project, noting the considerate design and appropriately sized units. Some Councilors expressed concern relative to the number of parking stalls (6), noting that there are amenities and a car share program in the nearby vicinity. It was noted that this building has been a three-unit building for 100 years and the proposed site modifications will improve the parking configuration at the site. Ms. Shulakova explained that she anticipates that most condo owners will have two cars. A Committee member noted that the site is proximate to the riverway and questioned whether the petitioner has considered installing bicycle amenities. Ms. Shulakova noted that she had not considered installation of a bicycle rack and/or EV charging stations but confirmed that she would investigate opportunities.

A Committee member noted that the proposed vinyl fence will reflect car lights onto adjacent properties. Ms. Shulakova noted that the fencing material was chosen so that it will be continuous with other fencing in the neighborhood. The landscape architect for the project noted that there will be trees and grasses along the fence to provide some buffering from light.

With that, Councilor Kelley motioned to close the public hearing which carried 5-0. Councilor Kelley motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation and voted 5-0 in favor of approval (Councilor Laredo not Voting).

- #338-20** **Petition to allow detached oversized accessory apartment at 63 Bourne Street**
ANNA LAVRINENKO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing detached garage and create a new detached accessory structure for an accessory apartment greater than 40% of the habitable space of the principal dwelling at 63 Bourne Street, Ward 4, Auburndale, on land known as Section 41 Block 09 Lot 09, containing approximately 11,355 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 6.7.1.E.1, 6.7.1.E.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
- Action:** **Land Use Held 6-0; Public Hearing Continued**
- #219-21** **Petition to allow retail drive-in business at 940 Boylston Street**
MILDRED McMULLIN, TRUSTEE of MIL MAC TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to reconfigure the existing building and parking area to allow a drive-in establishment, to waive perimeter screening requirements and to waive outdoor lighting requirements at 940 Boylston Street, Ward 5, Newton Highlands, on land known as Section 51 Block 26 Lot 03, containing approximately 14,608 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.4.11, 5.1.9.A, 5.1.13, 5.10.A of the City of Newton Rev Zoning Ord, 2017.
- Action:** **Land Use Held 6-0; Public Hearing Continued**
- #216-21** **Petition to allow 12-unit multi family dwelling at 50 Jackson Street/383-387 Boylston St**
BARBARA AND GERALD BARATZ REVOCABLE TRUSTS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish two commercial buildings and construct one, 12-unit, three-story, multi-family dwelling with a 23-parking stall underground parking spaces (1 accessible), to allow a ground floor residential use, to allow a building with more than 20,000 sq. ft., to allow a three-story structure with 36' in height, to allow an FAR of 1.5, to alter and extend a nonconforming side setback, to waive two parking stalls, to reduce the width of parking stalls, to allow a driveway width exceeding 25 feet and to allow a retaining wall greater than four feet in height within the setback at 50 Jackson Street/383-387 Boylston Street, Ward 6, Newton Centre, on land known as Section 65 Block 11 Lot 4, containing approximately 14,866 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.4.1, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 7.8.2.C.2, 5.1.4, 5.1.13, 5.1.8.B.1, 5.1.8.D.2, 5.4.2 of the City of Newton Rev Zoning Ord, 2017.
- Action:** **Land Use Held 6-0; Public Hearing Continued**
- #215-21** **Petition to amend Council Order #289-18 for Garden Remedies**
GARDEN REMEDIES, INC/697 WASHINGTON STREET REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Council Order #289-18 to remove the appointment only conditions, amend the hours of operations to allow business operations, to remove the sign plan as a control document and to amend the site plan and landscape plan in Ward 2, Newton at 697 Washington Street (Section 23 Block 19 Lot 01B), 691 Washington Street (Section 23 Block 19 Lot 01A), 681 Washington Street (Section 23 Block

19 Lot 01) and 2 Court Street (Section 23 Block 19 Lot 23), containing approximately 16,669 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Held 6-0; Public Hearing Continued**

Note: After a presentation, public comment and discussion, the Committee voted to hold items #338-20, #219-21, #216-21 and #215-21. An amended report reflecting the discussions on the held items will be available the week of August 16, 2021.

The Committee adjourned at 11:30 pm.

Respectfully Submitted,

Richard Lipof, Chair