



Land Use Committee Agenda

City of Newton In City Council

Tuesday, November 9, 2021

6:00 PM

The Land Use Committee will hold this meeting as a virtual meeting on Tuesday, November 9, 2021 at 6:00 pm. To view this meeting using Zoom use this link: <https://us02web.zoom.us/j/89308692216> or call 1-646-558-8656 and use the following Meeting ID: **893 0869 2216**

#33-21(3) **Petition to amend Order #33-21 to allow Lab and Research facility at 275 Grove Street**
ALEXANDRIA REAL ESTATE EQUITIES, INC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Orders #40-97, #40-97(2) and #33-21 to amend the site plan, to allow a lab and research facility use and to allow height up to 96' and 8 stories at 275 Grove Street, Ward 4, Auburndale, on land known as Section 43 Block 29 Lot 24, containing approximately 487,578 sq. ft. of land in a district zoned BUSINESS USE 4. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.5.9.A, 4.1.3, 4.1.2.B.3 of the City of Newton Rev Zoning Ord, 2017.

#333-21 **Petition to allow four single-family attached dwelling at 34 Prescott Street**
WHITEACRE PROPERTIES, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the existing single-family dwelling unit and carriage house into two, two-unit single-family attached dwelling units, to reduce require side and rear setbacks, to allow a driveway within 10' of the side lot line and parking within 20' of a boundary, to waive two parking stalls and to allow reduced parking stall width and depth at 34 Prescott Street, Ward 2, Newtonville, on land known as Section 23 Block 12 Lot 04, containing approximately 19,432 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, 5.1.13, 5.1.7.B.1, 5.1.7.B.2 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved Subject to Second Call 8-0; Public Hearing Closed 09/28/2021

City Council Recommitted on October 4, 2021

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.

- #293-21** **Petition to allow 28-unit dwelling at 967 Washington, 92&96 Walker Street**
ROGERS & COMPANY INC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 28-unit three-story multi-family dwelling with underground parking, to waive 26 parking stalls and to alter and extend a non-conforming front setback at 967 Washington Street, 92 and 96 Walker Street, Ward 2, Newtonville, on land known as Section 21 Block 33 Lots 1-3, containing approximately 34,210 sq. ft. of land in a district zoned MULTI RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.6, 7.8.2.C.2, 5.1.4, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.
- #71-20** **Amended Petition to allow 2734-unit multi-family dwelling at 1114 Beacon Street**
1114 BEACON STREET LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 34-unit multi-family dwelling greater than 20,000 sq. ft. of new gross floor area, a four-story structure up to 48' in height, to allow ground floor residential use, to allow an FAR of up to 2.0, a waiver for parking in the side setback, a waiver of the minimum stall depth requirements, relief to allow 1.25 parking stalls per unit, and a waiver of the sustainable design standards at 1114 Beacon Street, Ward 6, Newton Highlands, on land known as Section 54 Block 22 Lot 04, containing approximately 51,745 sq. ft. of land in a district zoned BUSINESS USE 2. 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.A, 5.1.13, 5.1.7.A, 5.1.8.B.2, 5.1.8.D.2, 5.4.2.B, 5.12 of the City of Newton Rev Zoning Ord, 2017.
- #119-20** **Request to waive I&I fee for Special Permit #71-20 at 1114 Beacon Street**
1114 BEACON STREET LLC. Request an abatement of the infiltration/inflow mitigation fee pursuant to the City of Newton Revised Ordinances, Chapter 29 Section 29-170.
- #304-21** **Request to Rezone 11 Florence Street**
SUNRISE DEVELOPMENT, INC petition to rezone 11 Florence Street, known as section 82 Block 04 Lot 49 from MULTI RESIDENCE 1 to BUSINESS USE 2.
- #305-21** **Petition to construct elderly housing with services at 11 Florence and 318 Boylston St**
SUNRISE DEVELOPMENT, INC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to elderly housing with services, to allow a development in excess of 20,000 sq. ft., to allow a four-story building, to allow a retaining wall greater than 4' in height within a setback, to allow free-standing signs, to allow parking in the front setback, to reduce the required parking stall length, to waiver perimeter screening requirements and to waive one foot candle lighting at 11 Florence Street, Ward 8, Newton Centre, on land known as Section 82 Block 04 Lots 47 and 49, containing approximately 82,945 sq. ft. of land in a district zoned BU2 (318 Boylston Street) and MR1 (11 Florence Street, to be rezoned to BU2). Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.2.10, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 5.4.2.B, 5.1.8.A.1, 5.1.13, 5.1.9, 5.1.8.B.2, 5.1.10.A.1, 5.13, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

#383-21 **Appointments to the Riverside Neighborhood Liaison Committee**
PRESIDENT ALBRIGHT appointing Ward 4 Councilors Markiewicz and Krintzman as co-chairs of the Riverside Neighborhood Liaison Committee as established in Condition 46 of Special Permit #27-20 granted on October 19, 2021 to MD 399 Grove Owner, LLC, Ramirez Concord, LLC, BH Normandy Riverside LLC for a mixed-use development with residences, retail, office, lab and research facilities and accessory and non-accessory parking facilities, adjacent to the Riverside MBTA station at 355 and 399 Grove Street in Ward 4.

Please requests to withdraw the following petitions without prejudice:

#312-20 **Petition to allow three-unit dwelling and extend lot area per unit at 350 Cabot St**
PETER LEIS AND JENNIFER STORO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert one unit within the existing two-family dwelling into two units, creating a three-unit multi-family dwelling in the SR2 district, extending the nonconforming residential two family and extending the nonconforming lot coverage at 350 Cabot Street, Ward 2, Newtonville, on land known as Section 22 Block 19 Lot 05, containing approximately 12,594 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.1, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

#217-21 **Petition to allow retail drive-in at 1021 Boylston Street**
1021 BOYLSTON STREET, LLC c/o JONATHAN BERNSTEIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to alter a nonconforming retail use to allow a retail drive-in business, to allow parking in the side and front setbacks and within five feet of the street, to allow a reduced required aisle width, to waive perimeter screening requirements and to waive outdoor lighting requirements at 1021 Boylston Street, Ward 5, Newton Highlands, on land known as Section 51 Block 26 Lot 03, containing approximately 17,280 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 7.8.2.C.2, 6.4.11 of the City of Newton Rev Zoning Ord, 2017.

#89-20 **Petition to allow waivers for a rear lot subdivision at 40 Williston Road**
LAUREN AND DAVID BROOKS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a rear lot subdivision and construct a new single-family dwelling on the rear lot, requiring relief to exceed FAR on the front (from .40 to .42) and rear (from .24 to .30) lots, and to allow a retaining wall greater than four feet in the setback at 40 Williston Road, Ward 4, Auburndale, on land known as Section 43 Block 28 Lot 06, containing approximately 25,099 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.5, 3.1.10.A, 3.1.3, 3.1.9, 3.1.5, 3.1.10.C, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

#301-21 **Petition to allow 27-unit mixed use building at 304-306 Walnut Street**
JH REAL ESTATE LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 27-unit mixed use development in excess of 20,000 sq. ft., to allow a building height of 60' and FAR of 2.50, to allow five stories, to waive the minimum lot area per unit requirement, to reduce the side setback requirement, to reduce the setback requirement for portions of the building greater than 40' in height, to allow 1.25 parking stalls per dwelling unit, to waive

37 parking stalls, to allow parking in the side setback, to allow parking within five feet of a building containing dwelling units, to waive the parking stall width requirement, to waive perimeter screening requirements and to waive lighting requirements at 304-306 Walnut Street, Ward 2, Newtonville, on land known as Section 22 Block 05 Lots 30 and 33, containing approximately 14,038 sq. ft. of land in a district zoned BU1 and MR1 (to be rezoned to MU4). Ref: Sec. 7.3.3, 7.4, 4.2.2.B.1, 4.2.2.A.2, 4.2.5.A.3, 4.2.2.B.3, 4.2.5.A.2, 4.2.3, 4.2.5.A.4.b, 4.2.5.A.4, 4.2.5.A.4.c, 5.1.4, 5.1.4.A, 5.1.13, 5.1.8.A.1, 5.1.8.A.2, 5.1.8.B.1, 5.1.9.A, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

#300-21 Request to Rezone two parcels at 304-306 Walnut Street

JH REAL ESTATE LLC petition for to rezone two parcels; 304 Walnut Street (Section 22 Block 05 Lot 33) from Business Use 1 and 306 Walnut Street (Section 22 Block 05 Lot 30) from Multi Residence 1 to Mixed Use 4.

#427-20 Petition to allow a rear-lot subdivision at 41 Washington Street

JOSEPH AND SHEILA KEEGAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a rear lot subdivision to create two lots, abandon the two-family use in the existing structure and construct a single-family on the rear 12,000 sq. ft. lot, extending the existing non-conforming side setback at 41 Washington Street, Ward 1, Newton, on land known as Section 71 Block 29 Lot 07, containing approximately 25,902 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3, 7.4, 3.1.5, 3.1.10, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Respectfully Submitted,

Richard A. Lipof, Chair

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

November 3, 2021

By electronic transmission

Councilor Richard A. Lipof, Chair
Land Use Committee
Newton City Council
1000 Commonwealth Avenue
Newton, MA 02459

Re: 350 Cabot Street
Petition #312-20

Dear Mr. Chairman:

As the term of the 2020-2021 City Council nears an end, we understand that due to the unprecedented volume of business before the Land Use Committee, there is insufficient time in which to process all of the current pending petitions within the required statutory period. Since a newly elected city council will be seated on January 1, 2021, certain petitions will need to be withdrawn and refiled for consideration by the new 2021-2022 city Council.

Accordingly, please accept this letter as a request to withdraw without prejudice the above-referenced matter currently before the Land Use Committee.

Thank you for your consideration.

Sincerely,

Terrence P. Morris

Terrence P. Morris

Cc: Nadia Khan, Clerk of Committee *via email*
Michael Gleba, Senior Planner, *via email*
Peter Leis, *via email*

ROSENBERG, FREEDMAN & LEE LLP
ATTORNEYS AT LAW

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Andrea Hickey *
Peter C. Beebe
Ashley Y. Aubuchon

Of Counsel:
Karen M. Buckley*
Elizabeth Baum, P.C.
*admitted in MA and NY

October 15, 2020

Richard Lipof, Chair
Land Use Committee
c/o Nadia Khan, Clerk
City Council
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

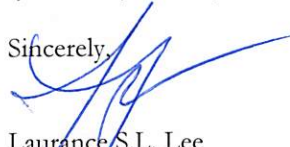
Re: 40 Williston Road, Newton (#89-20)

Dear Chair Lipof:

On behalf of Lauren Brooks and David Brooks, the owners of 40 Williston Road, and as Petitioners for the Special Permit Application for said property, please accept this letter as a formal request for a withdrawal of said Petition without prejudice.

Please call or email me with any questions. As always, thank you, for your help.

Sincerely,



Laurance S.L. Lee

Enclosures

cc: Michael Gleba, Senior Planner
Lauren Brooks and David Brooks

STEPHEN J. BUCHBINDER
ALAN J. SCHLESINGER
LEONARD M. DAVIDSON
A. MIRIAM JAFFE
SHERMAN H. STARR
JUDITH L. MELIDEO-PREBLE
BARBARA D. DALLIS
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October 19, 2021

BY EMAIL and FIRST-CLASS MAIL

Ms. Nadia Khan
Assistant City Clerk
Newton City Council
1000 Commonwealth Avenue
Newton, MA 02459-1449

Re: Land Use Petitions #300-21 and #301-21/JH Real Estate, LLC/304-306 Walnut Street

Dear Ms. Khan,

I am hereby requesting leave to withdraw, without prejudice, the two pending petitions (#300-21, zone change, and #301-21, special permit) relative to the above referenced matter. I anticipate filing a new request for a zone change and a special permit for a revised project in the coming months. Kindly place this matter on the agenda to be heard before the Land Use Committee at the first convenient date.

Please feel free to call with any questions.

Sincerely,



Stephen J. Buchbinder

SJB/mer

cc: (By Email)
Mr. Neil Cronin
Ms. Katie Whewell
Mr. Jeffrey Cohen

Councilor Susan Albright
Councilor Emily Norton
Councilor Tarik Lucas

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

November 3, 2021

By electronic transmission

Councilor Richard A. Lipof, Chair
Land Use Committee
Newton City Council
1000 Commonwealth Avenue
Newton, MA 02459

Re: 41 Washington Street
Petition #427-20

Dear Mr. Chairman:

Please accept this letter as a request to withdraw without prejudice the above-referenced matter currently before the Land Use Committee.

Thank you for your consideration.

Sincerely,

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Tony Keegan