



Land Use Committee Agenda

City of Newton In City Council

Tuesday, December 14, 2021

6:00 PM

The Land Use Committee will hold this meeting as a virtual meeting on Tuesday, December 14, 2021 at 6:00 pm. To view this meeting using Zoom use this link: <https://us02web.zoom.us/j/88940878591> or call 1-646-558-8656 and use the following Meeting ID: **889 4087 8591**

- #389-21** **Petition to allow for-profit educational use at 1631 Beacon Street**
KIDLINK THERAPY P.C. d/b/a Artistry Martial Arts petition for SPECIAL PERMIT/SITE PLAN APPROVAL to operate a for-profit educational use/martial arts school in 650 sq. ft. of space at 1631-1633 Beacon Street, Ward 5, Waban, on land known as Section 53 Block 29 Lot 02A, containing approximately 54,198 sq. ft. of land in a district zoned BUSINESS USE 1. 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.
- #89-21** **Petition to amend special permit Council Order #566-18 at 432 Cherry Street**
DENNIS CAMERON/CRM MANAGEMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #566-18 to maintain the existing office building, the change in use requires a waiver of four stalls at 424-432 Cherry Street, Section 33 Block 11 Lot 2, containing approximately 14,804 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 5.1.13, 5.1.4 of the City of Newton Rev Zoning Ord, 2017
- #360-21** **Petition to allow single-family attached dwellings at 50 Highland Avenue**
50 HIGHLAND REALTY LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an addition to the existing structure and a second two-unit structure, allowing four single-family attached dwelling units in two buildings, to allow reduced side and rear setbacks and to allow a driveway within ten feet of the side lot line, 50 Highland Avenue, Ward 2, on land known as Section 24 Block 11 Lot 34, containing approximately 22,738 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 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.

#388-21 Petition to allow single-family attached dwellings at 300 Elliot Street

THE HOMES AT ELLIOT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an addition to the existing structure and a second two-unit structure, allowing four single-family attached dwelling units in two buildings, to allow reduced side and rear setbacks and to allow a driveway within ten feet of the side lot line at 300 Elliot Street, Ward 5, Newton Upper Falls, on land known as Section 51 Block 38 Lot 19, containing approximately 19,057 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, 5.1.8.A.1, 5.1.13, 5.1.8.A.2, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.D.1, 5.1.8.E.1, 1.5.4.G.2.a, 1.5.4.G.2.b of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Note: Please see the attached request to withdraw the following petition without prejudice:

#297-21 Petition to allow ground floor residential use and 2.5 story structure at 55 Colella Road

MICHAEL LOHIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 2.5 story two-unit dwelling in excess of 24', with ground floor residential use and to allow parking within five feet of the street at 55 Colella Road, Ward 8, Newton Centre, on land known as Section 84 Block 15 Lot 01, containing approximately 7,541 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.3, 4.1.3, 5.1.7.A, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Note: Please see the attached request to withdraw the following petition without prejudice:

#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.

Note: Please see the attached request to withdraw the following petition without prejudice:

#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 and to allow a free-standing sign at 940 Boylston Street, Ward 5, 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, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

Note: Please see the attached request to withdraw the following petition without prejudice:

#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.

Note: Please see the attached request to withdraw the following petition without prejudice:

#264-21 **Petition to allow a driveway with less than 12' in width at 680 Beacon Street**
JESSE SAGE AND YAEL HOFFMAN SAGE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a circular driveway with less than 12' in width at 680 Beacon Street, Ward 6, Newton Centre, on land known as Section 61 Block 38 Lot 14, containing approximately 16,722 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 5.1.7.C, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.

Note: Please see the attached request to withdraw the following petition without prejudice:

#13-20 **Petition for parking facility waivers at 55-67 Border Street**
55 BORDER STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow parking facility waivers including; to allow parking in the front setback, to waive interior landscape requirements, to waive lighting requirements and to waive bicycle parking requirements in order to expand an existing parking area at 55-67 Border Street, Ward 3, West Newton, on land known as Section 33 Block 13 Lot 17, containing approximately 38,036 sq. ft. of land in a district zoned MANUFACTURING. Ref: Sec. 7.3.3, 7.4, 5.1.8.A.1, 5.1.13, 5.1.9.B, 5.1.10, 5.1.11 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Note: Please see the attached request to withdraw the following petition without prejudice:

#387-21 **Petition to extend non-conforming setback and lot coverage at 14 Cummings Road**
JOANNE REN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story addition, extending the nonconforming rear setback and further increasing the nonconforming lot coverage at 14 Cummings Road, Ward 2, Newton Centre, on land known as Section 64 Block 03 Lot 53, containing approximately 4,008 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

Respectfully Submitted,

Richard A. Lipof, Chair



297-21

December 7, 2021

Dear Cassidy Flynn,

I am writing to inform you that I wish to withdraw my special permit application without prejudice for 55 Colella Road. Petition #297-21.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'ML', is located below the word 'Sincerely,'.

Michael Lohin
Creating Homes LLC
Applicant/Petitioner

ROSENBERG, FREEDMAN & LEE LLP
ATTORNEYS AT LAW

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Newton, Massachusetts 02460-1639

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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

December 7, 2021


Richard A. Lipof, Chair
Land Use Committee – City Council
City of Newton
1000 Commonwealth Avenue
Newton, Massachusetts 02459

Re: Request to Withdraw without Prejudice Special Permit No. 216-21
383-387 Boylston Street/50 Jackson Street, Newton

Dear Chair Lipof:

Please accept this letter on behalf of the Petitioner to withdraw Special Permit Petition No. 216-21 without prejudice.

Please contact me should you have any questions.

Sincerely,

Laurance S.L. Lee

ROSENBERG, FREEDMAN & LEE LLP
ATTORNEYS AT LAW

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Newton, Massachusetts 02460-1639

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

December 7, 2021

Richard A. Lipof, Chair
Land Use Committee – City Council
City of Newton
1000 Commonwealth Avenue
Newton, Massachusetts 02459

Re: Request to Withdraw without Prejudice - Special Permit No. 219-21
940 Boylston Street, Newton

Dear Chair Lipof:

Please accept this letter on behalf of the Petitioner to withdraw Special Permit Petition No. 219-21 without prejudice.

Please contact me should you have any questions.

Sincerely,


Laurance S.L. Lee



Timothy W. Sullivan
tsullivan@goulstonstorrs.com
(617) 574-4179 (tel)

December 3, 2021

VIA ELECTRONIC MAIL

Newton City Council
Newton City Hall, Room 105
1000 Commonwealth Avenue
Newton, MA 02459
Attn: City Clerk Carol Moore

Re: Chestnut Hill Square – Special Permit
Withdrawal of Amendment Request for Extension of Time to Construct Phase 2

Dear City Clerk Moore:

As you may know, on May 28, 2021 we filed a request to amend (the “Application”) that certain Special Permit and Site Plan Approval #214-10(2) granted to NED Chestnut Hill LLC, an affiliate of CHS Commercial Owner LLC (the “Applicant”), in a decision dated December 6, 2010 (the “Special Permit”) in order to allow for an extension of time to construct the residential building known as Phase 2 of the Chestnut Hill Square mixed-use development project on Boylston Street in the City of Newton. The hearing on the Application was opened by the Land Use Committee on July 27, 2021 and continued to enable the Applicant to meet with the Planning Department regarding the request. The Applicant intends to continue its productive discussions with the Planning Department with respect to the Application, but in light of the end of the current City Council term, we are writing to request a withdrawal of the Application without prejudice so that we can re-file in the new City Council term.

Please let us know if you require any additional information or materials to process this request to withdraw, without prejudice, the Application. Thank you for your attention to this matter and please feel free to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Timothy W. Sullivan', written over a blue horizontal line.

Timothy W. Sullivan
Attorney for CHS Commercial Owner LLC

Jesse Sage

December 6, 2021

VIA E-MAIL

Ms. Cassidy Flynn
Assistant Clerk of the Council
Newton City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

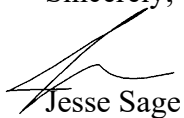
Re: Petition #264-21 for SPECIAL PERMIT/SITE PLAN APPROVAL for 680 Beacon Street

Dear Ms. Flynn:

Please accept this letter as a request to withdraw the above-referenced filing. We have decided not to pursue the proposed changes to our driveway.

Please contact me with any questions you may have and thank you for your attention to this matter.

Sincerely,



Jesse Sage

680 Beacon Street
Newton, MA 02459
617-331-3965 – jesse@sagefamily.org

G. MICHAEL PEIRCE, ESQ.

ATTORNEY AT LAW

December 6, 2021

VIA E-MAIL (nlipof@newtonma.gov)

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

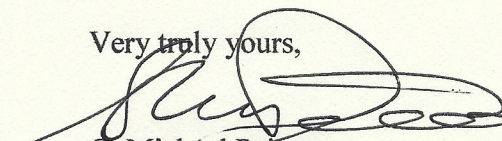
Re: #13-20/55-67 Border Street

Dear Chairman Lipof:

Please accept this letter as a request to withdraw the above-referenced filing without prejudice. This matter, regarding the redesign of a gravel commercial parking facility, was heard by the Land Use Committee in January, 2020, and was continued at that time. Because of the need to address issues relating to the provision of handicapped accessible parking, and the impact of the COVID on timing, I was only just recently able to have those issues finally resolved by Commissioner Lojek and Planning. Unfortunately I was informed on the 1st that due to scheduling the continued hearing could not take place this term. As council rules do not provide for a way to refer a land use matter to a 'new' council I will be refiling this matter to be heard in the new term

Please contact me with any questions you may have and thank you for your attention to this matter.

Very truly yours,



G. Michael Peirce

Cc: Neil Cronin, Chief Planner (ncronin@newtonma.gov)
Scott Scarpato (scotts@automaticlaundry.com)

Newton Wellesley Executive Office Park
60 Walnut Street, 4th Floor ■ Wellesley, Massachusetts 02481
Tel: 781-239-0400 Fax: 877-243-0405
mpeirce@gmpeircelaw.com

Ms Cassidy Flynn
Assistant Clerk of the City Council

Dear Ms. Flynn,

December 10, 2021

I am writing to withdraw my petition for a special permit without prejudice. The property is location at 14 Cummings Rd, Newton, MA 02459.

Sincerely

Joanne Ren