



# Land Use Committee Report

## City of Newton

### In City Council

**Tuesday, April 12, 2022**

**Present:** Councilors Lipof (Chair), Kelley, Bowman, Downs, Greenberg, Laredo and Lucas

**Also Present:** Councilors Albright, Crossley, Humphrey, Leary and Malakie

**Absent:** Councilor Markiewicz

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

#### **#254-22      Petition to allow marijuana retailer at 1185 Chestnut Street**

NUESTRA, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a retail marijuana establishment, to allow parking within the side setback, to allow parking stalls with reduced length, to alter and extend the nonconforming driveway width, to waive perimeter screening requirements, to waive lighting requirements and to waive the 25% façade transparency requirement at 1185 Chestnut Street, Ward 5, Newton, on land known as Section 51 Block 45 Lot 09, containing approximately 17,091 sq. ft. of land in a district zoned BUSINESS USE 2.Ref: Sec. 7.3.3, 7.4, 6.10.3.D, 4.4.1, 5.1.8.A.1, 5.1.13, 5.1.8.B.2, 5.1.8.D.1, 7.8.2.C.2, 5.1.9.A, 5.1.10, 6.10.3.E.15 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Held 7-0; Public Hearing Continued**

**Note:**      Attorney Phil Silverman of Vicente Sederberg LLP, with offices at 2 Seaport Lane, Boston, represented the petitioner. Atty. Silverman presented the proposed plans which can be found at the following link: <https://www.newtonma.gov/government/city-clerk/city-council/special-permits/-folder-2355>.

The petitioner, Nuestra LLC, is seeking to operate a marijuana retail establishment on the existing site. The petitioner is requesting waivers from zoning requirements, including:

- With regard to parking, the petitioner is seeking to add 14 parking spaces that will be within side setbacks, 3 parking stalls that will be 20 feet in length as opposed to 21, and maintaining

the existing nonconforming 19 foot wide driveway instead of 20. Atty. Silverman explained the thought process was that these waivers make the parking lot easier to traverse.

- Landscaping waivers are being sought on a portion of the driveway near a proposed fence as having plantings along the fence would further limit the width of the driveway there.
- The petitioner is asking for lighting requirement waivers, however they can be flexible. They are looking to be mindful of neighbors and are trying to minimize light spill over into other properties.
- The petitioner is proposing to maintain the existing nonconforming 16.4% front facade transparency, as opposed to the required 25%.

Atty. Silverman noted the petitioner will remove about 2500 square feet of the existing building, so that the resulting total sq. footage will be about 4600 sq. ft.

Atty. Silverman noted there are 18 proposed parking spaces, with 3 spaces reserved for employees. The petitioner intends to provide an employee rideshare program, with financial incentives to use either the rideshare program or public transportation.

A traffic impact statement was submitted with the petitioner's application. The study can be found at the following link: <https://www.newtonma.gov/government/city-clerk/city-council/special-permits/-folder-2355>.

Current plans show a proposed six foot fence between the site and the abutting condominium association, but the petitioner is agreeable to making it a 10 foot fence after speaking with the association. The petitioner is also installing a six foot fence between the site and the abutting lot currently occupied by a daycare center.

There will be screening for the HVAC units that are currently sitting on the roof.

There will be low lying greenery/shrubs to create an unobtrusive barrier between the site and the greenway behind the property.

Acknowledging one of the abutting lots is occupied by a daycare center, Atty. Silverman noted that there will be a significant amount of monitoring and security for the business. Customers must sign an agreement that explains there is no loitering after leaving, no onsite consumption.

As proposed, customers will drive into the parking area in the rear. Customers will enter at the rear of the building into a sallyport and cannot proceed into the sales area until an I.D. is produced. Once a customer is buzzed into the sales area, they will meet with a sales agent for individualized service. I.D.s will be checked a second time at the point of sale, when an order is filled. Customers will use a separate exit into the parking lot. There will be cameras and perimeter alarms. All the product goes into a vault at the end of the business day.

The petitioner is offering an “opening day plan” where meetings will be held with neighbors a month before, two weeks before, two weeks and a month after, and then periodically about every six months for feedback and concerns.

The petitioner is also agreeable to using an appointment-only model for the first six months, at which time the petitioner would like to and sit down with neighbors and the City and evaluate where the business is.

There will be two parking lot attendants during the first six months of operation to manage parking and ensure there is no prohibited activity onsite and no wandering over into other neighboring properties.

The site has a loading area which will have a retractable fence surrounding it. Loading hours will occur during non-business hours. Atty Silverman noted delivery trucks are smaller vans, not large trucks, and since they will be onsite during non-business hours, the petitioner did not submit a turning radius plan.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown in the attached presentation. Mr. Gleba noted that with regard to traffic and transportation, the materials submitted by the petitioner are currently under review by the City’s peer reviewer and the Planning department expects to have the peer reviewer report soon.

The Public Hearing was Opened.

Robert Curtis, 1175 Chestnut Street, expressed support for the project noting that the business will be an improvement to the community; currently the site has been empty for almost 3 years and the petitioner has been doing right by the neighbors by working with them

R. Michael Sullivan, 1175 Chestnut Street, voiced opposition to the project. Mr. Sullivan noted that other similar approved projects were located in commercial districts with no nursery schools nearby. Mr. Sullivan does not believe the dispensary should be located in this area.

Cindy Paisner, 1175 Chestnut Street, expressed support for the petition, echoing earlier statements that the proposal for building improvement is much better than what currently exists. Ms. Paisner noted that there were nearby bar and liquor store establishments that are open late with patrons spilling out to smoke in the evenings without complaints. This is a lawful business that will help the City fiscally.

Roman [inaudible], 89 Needham Street, noted he was the manager of the abutting daycare, Happy Child Daycare. Mr. Roman stated that Happy Child Daycare is a fully functional state sanctioned and accredited kindergarten/pre-school/daycare establishment and that per Massachusetts regulations, the proposed business use should be prohibited as it would fall into the 500 ft. buffer zone required between it and public and private kindergarten through grade 12 education facilities outlined by the regulations.

Mr. Roman noted that a letter outlining this issue along with a copy of the state license for Happy Child Daycare was sent in October 2021 to the Planning Department.

Paul Holloway, 1166 Chestnut Street, expressed concern relative to traffic impacts, onsite consumption, hours of operation, and potential intensity of use of the site down the road, in particular with regard

delivery services like Uber. Mr. Holloway inquired whether it was possible to have a limiting condition attached to the special permit prohibiting delivery services.

Other neighbors expressed concern with regard to increased traffic on Chestnut Street, noting that the area is getting more congested with development of nearby Needham Street. Concern was noted that a long term analysis of what traffic is going to look like in the next few years has not been done by the City.

Lou McDonald, Executive Director of the Barry Price Center at 27 Christina Street, expressed support for the petition and appreciation for the petitioner's efforts to help place some of the Center's adults. The Price Center serves 200 disabled adults. The petitioner reached out to Mr. Price offering to help place some of the individuals through the Price Center program.

Other neighbors expressed support for the petition, noting that dispensaries can be value-adds to the community. Many people use these products to manage pain and for other health benefits. The Newton community should try to reframe how we see these dispensaries.

#### Councilor Questions and Comments:

Q: Will the parking attendants continue after six months? Is that something that can be reviewed?

A: We expect that six months will give you a pretty good idea on how this is going to operate. If it is determined that the numbers don't warrant a continuance, we'll stop or move to one attendant. If the City wants to modify it or reserve the right to reimpose the parking attendants, we'll work with that as well.

Q: Why are you not using the front door/entrance of the building?

A: It doesn't allow for a good operational flow within the building to have people entering from that door. Also, for security reasons we found it better to locate the entrance in the rear of the building.

Q: What are you doing about erosion control at the rear of the site?

A: There is about 20 to 25 feet of encroachment on the greenway in the rear where a paved parking lot was constructed in the Greenway. We will rectify that encroachment by removing the pavement and loam and seed and restore that area back to a natural vegetative condition.

Q: Will the rear of the project be open to the greenway, or will there be separation between the greenway and the project?

A: We've proposed low lying shrubs so there will be access, but also some separation. The area will be monitored with cameras and we will be educating customers that there is no onsite public consumption.

Q: Are the 2 parking attendants part of the count of 9 employees that are going to be on site, or are they separate?

A: They are counted in the nine employees on site.

Q: You propose a 9am-9pm schedule every day however other establishments are open from 12-6 on Sundays.

A: If the council prefers, we can work with that.

Councilors discussed the proximity of the daycare to the proposed dispensary and potential violation of the buffer zone requirement if it is a licensed educational facility for kindergarteners as Mr. Roman indicated.

Mr. Temple confirmed that the Law Department would follow-up and report back on the issue of whether or not the daycare is licensed and meets the definition of a kindergarten for the buffering rule.

Atty. Silverman noted the daycare website does not indicate a kindergarten program in the offered programs listed on its website.

Some councilors noted this location could present challenges being located near a tight curve in the street and factoring in the potential use. Visibility is an issue. It's a place where traffic control is limited.

Other councilors noted that traffic near other dispensary locations had turned out to have negligible impact.

Councilors agreed that waiting for traffic study results before additional discussion on parking and traffic would be best in the interest of time.

Some of the waivers the petitioner is seeking seem only to be out of convenience and because there isn't room for them. Why are 3 parking stalls less than standard length? A better explanation is needed as to why the petitioner does not want to meet the 25% transparency requirement in the front of the building. Rethinking some of the security lighting in this situation might be important given the type of business.

Councilors expressed concern relative to the entrance of the business being located in the rear of the facility. The preference would be to have a retail establishment that fronts on Chestnut Street in a more vigorous way.

Councilors noted appreciation for having low lighting because of the environment/neighborhood greenway and neighbors, however with an establishment like a dispensary or liquor establishment, there should be ample security lighting.

Councilors discussed the impact of having two dispensaries in the same ward 1/2 mile apart. It was noted that other wards have more than one dispensary concentrated in a small area and this is not unique to this ward.

Committee members noted that many of the fears expressed with regard to these establishments have been largely unrealized. These are establishments that operate like a neighborhood pharmacy. This site will have significant camera activity and more security than the liquor store down the street. No one can enter the building without a legal I.D.

Appreciation was noted that the petitioner took the Upper Falls Area Council feedback on erosion control near the greenway.

Councilors were supportive of the petitioner's proposal to pull the building back from the abutting greenway and the intention to restore some vegetation in that area.

The petitioner was asked to provide plans showing what the main entrance will look like.

A Committee member urged the petitioner to consult with a landscape architect on whether there is enough space along the proposed fence to get plantings established.

Councilors urged the petitioner to think about reconsidering the orientation of the building with regard to entrance, snow management, and traffic management.

Councilor Downs motioned to hold and continue the Public Hearing. The motion carried 7-0.

**#256-22      Petition to allow parking in the front setback at 1090 Walnut Street**

MICHAEL A. WANG petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow an additional parking stall in the front setback and to further extend a nonconforming driveway entrance width at 1090 Walnut Street, Ward 6, Newton, on land known as Section 22 Block 29 Lot 06, containing approximately 18,519 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 5.1.7.A, 7.8.2.C.2, 5.1.7.C of the City of Newton Rev Zoning Ord, 2017.

**Action:**      Land Use Approved 7-0; Public Hearing Closed 5/3/22

**Note:**      The petitioner, Michael A. Wang, presented the request to add an additional parking stall and extend the parking area. Mr. Wang showed the proposed plans which can be found at the following link: <https://www.newtonma.gov/government/city-clerk/city-council/special-permits/-folder-2357>.

Mr. Wang noted that the location is a group home for adults with developmental disabilities. The residents are active members of the community working in local establishments, and many also participate in day programming at other organizations and locations. As a result, there is a need for a significant amount of ride share programs to transport the residents to the various events and locations.

Mr. Wang noted further that there are also staff that live and work at the home who have cars. So there is a need for parking, particularly during shift changes as well as the pickup/drop off function. The home has been there since 2018. It has become evident that an additional parking space would be very helpful.

Senior Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown in the attached presentation. In response to a question, Ms. Whewell noted that the alternative to locating the parking space 5 feet from the property line, was to move it closer to the street, which would have required additional relief.

The Public Hearing was Opened. No member of the public wished to speak.

Committee members expressed support for the petition.

Councilor Bowman motioned to close the Public Hearing and approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation. The Committee voted in favor of approval 7-0.

**#257-22      Request to exceed FAR at 99-101 Crafts Steet**

PATRICK MCKENNA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow reconfiguration of an existing two-family dwelling to one unit and construction of a rear addition second unit, exceeding maximum allowable FAR at 99-101 Crafts Street, Newton, Ward 1, on land known as Section 14 Block 17 Lot 24, containing approximately 8737 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 7.4, 3.2.2, 3.2.11 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Approved 7-0; Public Hearing Closed 5/3/22

**Note:** Attorney Terrence P. Morris, with offices at 57 Elm Road, represented the petitioner. Atty. Morris noted the petitioner seeks to retain living space in a portion of the original structure that was intended to be demolished and add a second unit rear addition, which will increase the maximum allowable FAR. Atty. Morris showed the proposed plans which can be found at the following link: <https://www.newtonma.gov/government/city-clerk/city-council/special-permits/-folder-2354>

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

The Public Hearing was Opened. No member of the public wished to speak.

A Committee member inquired whether it would be more beneficial to have the proposed parking space parallel to the proposed garage instead of parallel to the street.

Atty. Morris noted that configuring it that way would have pushed the project under the 50% open space requirement.

Architect Mark Sangiolo confirmed, and noted that in addition to the open space square footage issue, this allows for better entry to the garage and turning/maneuvering.

Councilor Greenberg motioned to close the Public Hearing and approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation. Committee members agreed to add a landscaping condition for appropriate screening along the driveway. The Committee voted in favor of approval 7-0.

**#258-22 Request to exceed FAR at 109 Prince Street**

EYAL LEIB petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow construction of a one-story mudroom and breezeway, further exceeding nonconforming FAR at 109 Prince Street, Newton, Ward 2, on land known as Section 32 Block 30 Lot 10, containing approximately 15,000 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 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 7-0; Public Hearing Closed 5/3/22

**Note:** Architect Ivan Hernandez presented the request on behalf of the petitioner. Mr. Hernandez presented the architectural plans which can be found at the following link: <https://www.newtonma.gov/government/city-clerk/city-council/special-permits/-folder-2356>.

The petitioner is seeking to construct a single-story rear addition consisting of a mudroom and a breezeway.

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

The Public Hearing was Opened.

Nancy Morrison, 126 Prince Street, inquired whether the project involves any removal of large trees.

Mr. Hernandez identified a small tree that the petitioner would have to either trim or relocate, but indicated that they would attempt to preserve the tree.

Councilor Kelley motioned to close the Public Hearing and approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation. The Committee voted in favor of approval 7-0.

**#273-22 Request to exceed maximum FAR at 78 Commonwealth Park West**

JEFF AND NANCY SELIG petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an attached garage and two-story rear addition, exceeding the maximum allowable FAR at 78 Commonwealth Park West, Ward 2, Newton, on land known as Section 53 Block 33 Lot 04, containing approximately 7968 sq. ft. of land 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 6-0-1 (Councilor Downs Abstaining); Public Hearing Closed 5/3/22

**Note:** The petitioners, Jeffrey and Nancy Selig, presented the request to construct an attached garage with a mudroom and two-story rear addition on the side of the existing dwelling. A new driveway will be constructed. The petitioners confirmed that the existing driveway and curb cut would be removed.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown in the attached presentation. Mr. Gleba noted that a landscaping plan, attached, was submitted after the planning memo was submitted, and further noted that the information previously submitted did not show a car parked in the paved space. At the very least, Planning would recommend additional landscaping and screening between the parking area and the property line.

The landscaping plan can be found at the following link: <https://www.newtonma.gov/government/city-clerk/city-council/special-permits/-folder-2353>.

The Public Hearing was Opened. No member of the public wished to speak.

It was noted that the Committee was in receipt of several letters in support of the project.

A Committee member expressed support for the landscape plan, noting the use of pervious pavers and different planting and patio areas was a good design.

Several Committee members concurred with Planning that it would be desirable to see some plans for landscape screening along the portion of the driveway that is located near the shared property line.



Architect Robert Fizek noting that the landscape plan was slightly inaccurate; the space was not intended for a car, and the driveway is not as close to the property line as drawn.

A question was raised relative to whether the driveway could be narrowed. A Committee member, noting appreciation for the concern, urged members to avoid micromanaging individual residential projects that are enthusiastically supported by immediate abutters. This committee should be willing to let owners, within reason, build on their own property, especially when abutters who are going to be most affected by the project are supporting it.

Councilor Lucas motioned to close the Public Hearing which passed 7-0. Committee members reviewed the draft findings and conditions as shown in the attached presentation. Committee members agreed to add a landscape condition to the order showing additional screening along the left side of the driveway. Councilor Lucas motioned to approve the petition, which passed 6-0-1 (Councilor Downs abstaining).

**#188-22      Petition to alter and extend a nonconforming residential use and for height and number of stories 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', and to alter and extend the existing nonconforming residential use 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, 7.8.2.C.2, 4.1.2.B.3, 4.1.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:      Land Use Approved 6-0-1 (Councilor Laredo Abstaining); Public Hearing Closed 5/3/22**

The petitioner, Mr. Michael Lohin, is seeking to raze the existing structure on the property and replace it with a two-family dwelling. Mr. Lohin presented the revised plans which can be found at the following link: <https://www.newtonma.gov/government/city-clerk/city-council/special-permits/-folder-2302>.

Mr. Lohin noted that the revised plans addressed the Committee's previously noted concern regarding the side setback, which was increased from 5'1" to 10'7" feet. The revised plan also includes removing both decks, adding a privacy partition wall between the 2 units, and relocating the A/C condensers.

Senior Planner Katie Whewell did not have a planned presentation, but noted that Planning was prepared to show the site plan and the architectural plans if the Committee would like to refer back to them.

The Public Hearing was Continued. No member of the public wished to speak. No concerns were noted by the Committee.

Councilor Downs motioned to close the Public Hearing which passed 7-0. Committee members reviewed the draft findings and conditions as shown in the attached presentation. Councilor Bowman motioned to approve the petition, which passed 6-0-1 (Councilor Laredo abstaining).

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The Committee adjourned at 9:52 p.m.

**Respectfully Submitted,**

**Richard Lipof, Chair**

# Department of Planning and Development



**PETITION #254-22**  
**1185 CHESTNUT STREET**

SPECIAL PERMIT/SITE PLAN APPROVAL  
TO ALLOW A RETAIL MARIJUANA  
ESTABLISHMENT, TO ALLOW PARKING  
WITHIN THE SIDE SETBACK, TO ALLOW  
PARKING STALLS WITH REDUCED  
LENGTH, TO ALTER AND EXTEND THE  
NONCONFORMING DRIVEWAY WIDTH,  
TO WAIVE PERIMETER SCREENING  
REQUIREMENTS, TO WAIVE LIGHTING  
REQUIREMENTS AND TO WAIVE THE  
25% FAÇADE TRANSPARENCY  
REQUIREMENT



*MAY 3, 2022*

# Requested Relief



## Special Permit per §7.3.3:

- allow a marijuana retailer (§6.10.3.D, §4.4.1)
- allow parking within the required side setback (§5.1.8.A.1, §5.1.13)
- allow parking stalls with reduced length (§5.1.8.B.2, §5.1.13)
- alter and extend the nonconforming driveway width (5.1.8.D.1; §7.8.2.C.2)
- waive perimeter screening requirements (§5.1.9.A, §5.1.13)
- waive the lighting requirements (§5.1.10, §5.1.13)
- waive the 25% façade transparency requirement ((§6.10.3.E.15)

# Criteria to Consider



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

- The specific site is an appropriate location for the proposed marijuana retailer (§7.3.3.1)
- The proposed marijuana retailer as developed and operated will not adversely affect the neighborhood (§7.3.3.2)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.3)
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.4);

# Criteria to Consider (cont.)



- Literal compliance with
  - the requirement that no parking may be located within a required side setback
  - the requirement that parallel parking stalls must be a minimum of 21 feet in length
  - the requirement that parking facilities with more than five stalls provide perimeter screening from abutting streets and parcels
  - applicable parking facility lighting requirements

is impracticable due to the nature of the use, 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 (§5.1.10; §5.1.13)

# Criteria to Consider (cont.)



- The proposed alteration and extension of the existing nonconforming two-way driveway's width of 19 feet where 20 feet is required is substantially more detrimental than the existing nonconforming use to the neighborhood (§5.1.8.D.1 and §7.8.2.C.2)
- any impacts to security and aesthetics resulting from the petitioner's proposed front façade's ground level transparency of 16.4% (the existing condition) where 25% is required have been appropriately mitigated (§6.10.3.F.15)

# Criteria to Consider (cont.)



With regard to the special permit required to allow the proposed Marijuana Retailer, the City Council should also consider whether:

- The lot is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site, whether driving, bicycling, walking or using public transportation. (§6.10.3.H.1.a)
- Loading, refuse and service areas are designed to be secure and shielded from abutting uses. (§6.10.3.H.1.b)
- The Marijuana Retailer is designed to minimize any adverse impacts on abutters. (§6.10.3.H.1.c)
- The Marijuana Retailer is not located within a 500-foot radius of a public or private K-12 school. (§6.10.3.H.2.a)
- Traffic generated by client trips, employee trips, and deliveries to and from the marijuana retailer will not create a significant adverse impact on nearby uses. (§6.10.3.H.2.b)

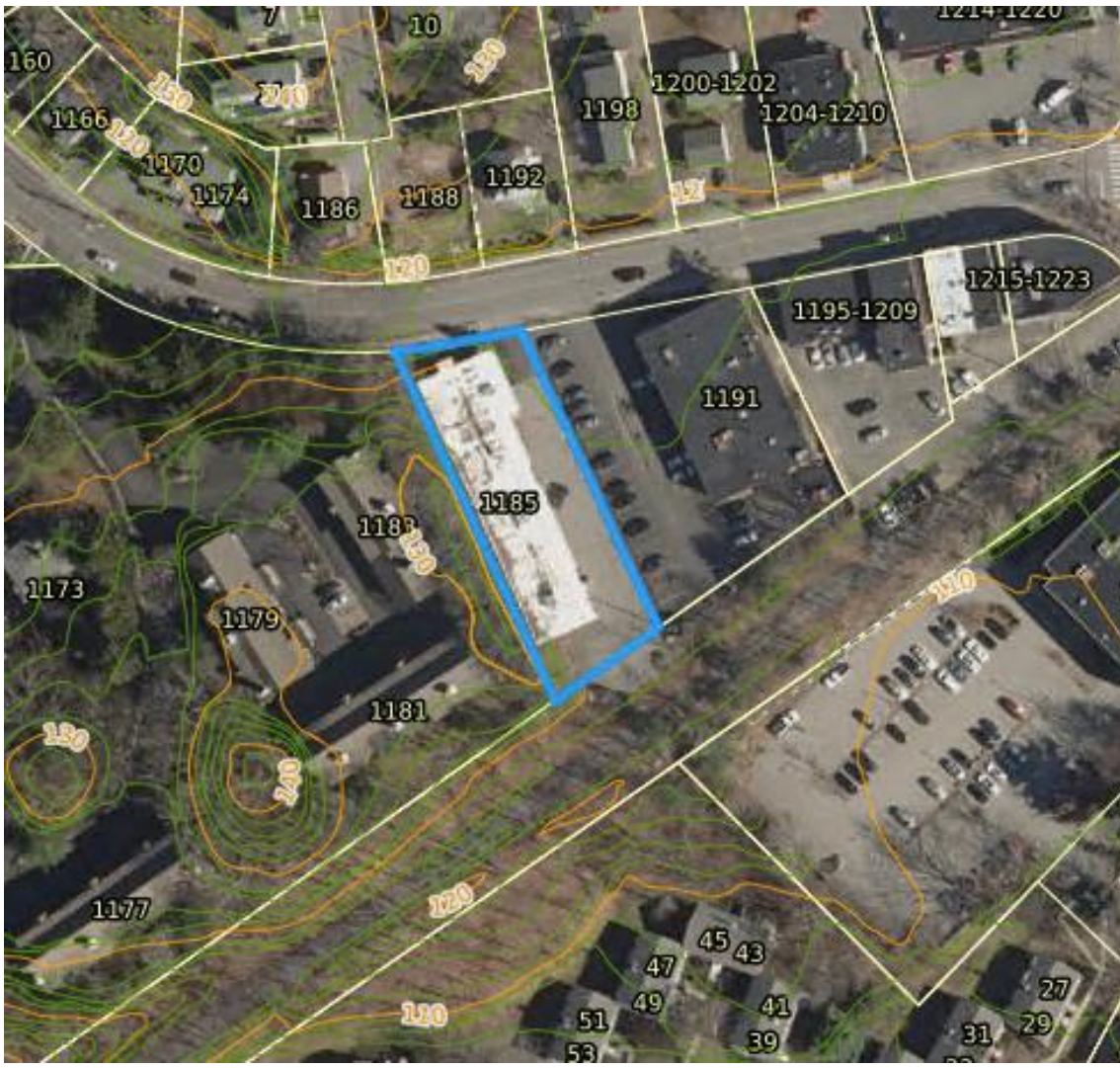
# Criteria to Consider (cont.)



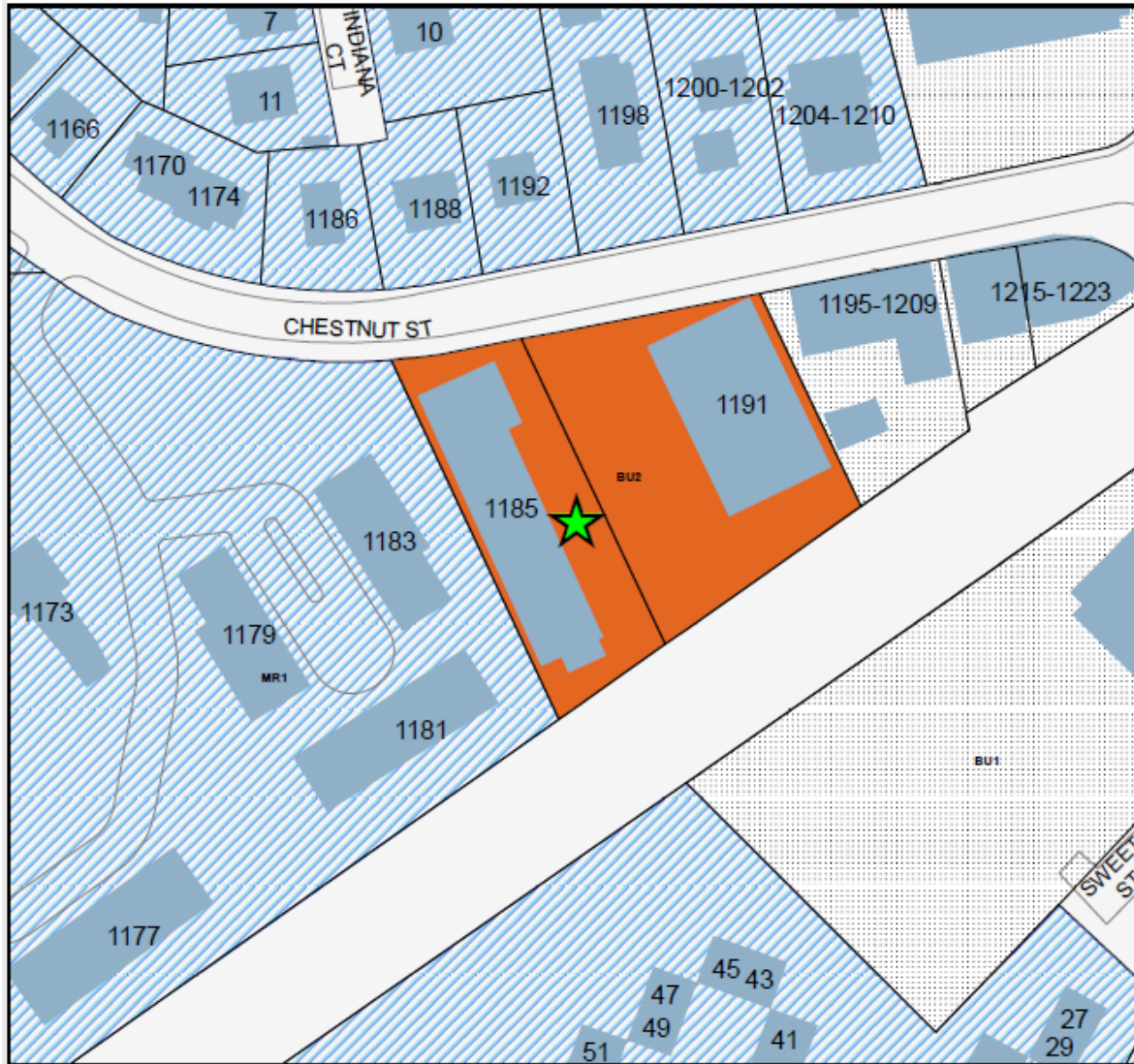
- Traffic generated by client trips, employee trips, and deliveries to and from the marijuana retailer will not create a significant adverse impact on nearby uses. (§6.10.3.H.2.b)
- The building and site have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior. (§6.10.3.H.2.c)
- The building and site are accessible to persons with disabilities. (§6.10.3.H.2.d)
- The lot is accessible to regional roadways and public transportation. (§6.10.3.H.2.e)
- The lot is located where it may be readily monitored by law enforcement and other code enforcement personnel. (§6.10.3.H.2.f)
- The marijuana retailer's hours of operation will have no significant adverse impact on nearby uses. (§6.10.3.H.2.g)



# AERIAL/GIS MAP



# Zoning






## ATTACHMENT B

### Zoning

1185 Chestnut St.

*City of Newton,  
Massachusetts*

#### Legend

-  Multi-Residence 1
-  Business 1
-  Business 2



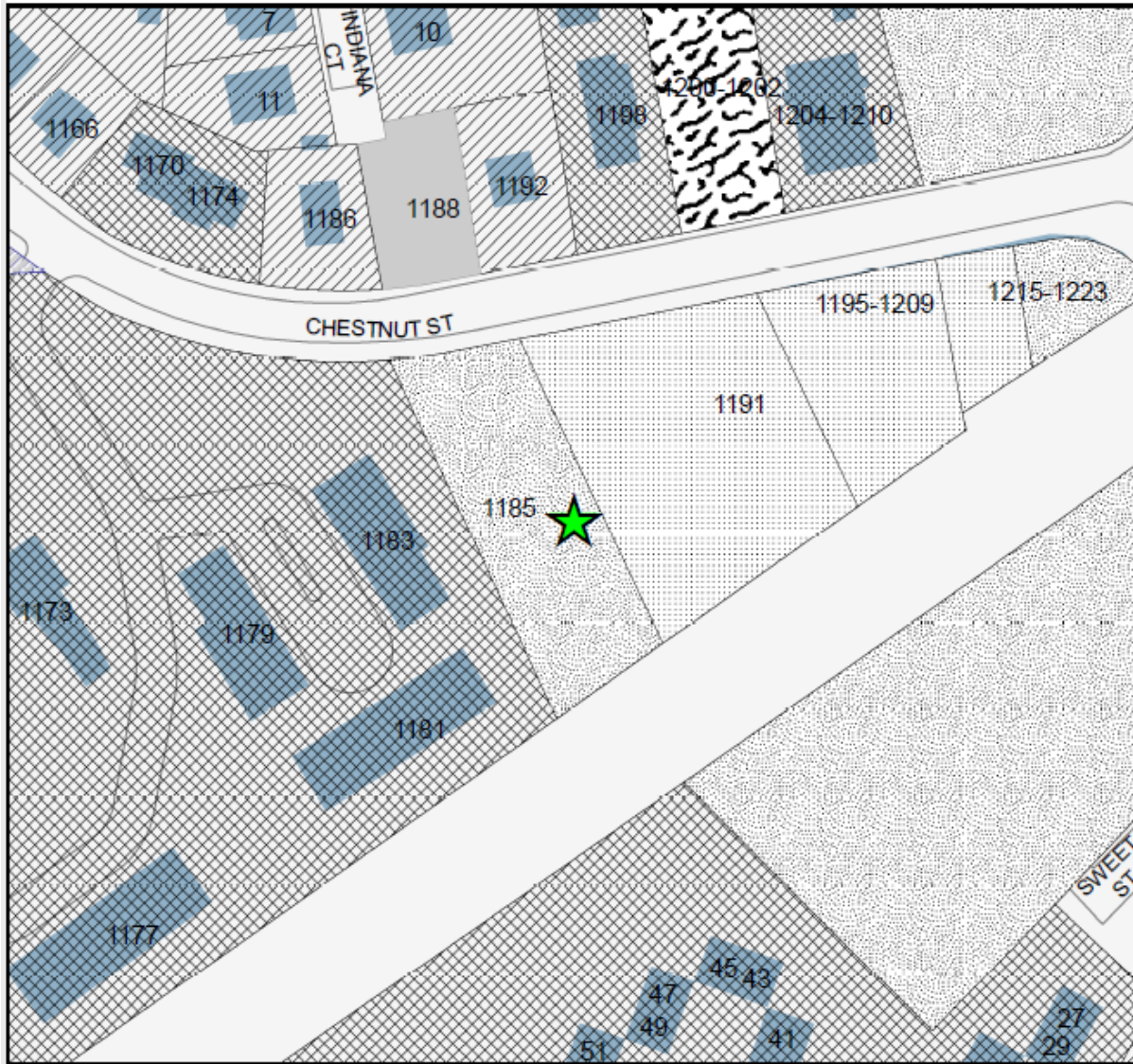
The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each use of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

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



Map Date: April 25, 2022

# Land Use



## ATTACHMENT A




### Land Use

1185 Chestnut St.

*City of Newton,  
Massachusetts*

### Land Use

#### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Industrial
-  Mixed Use
-  Nonprofit Organizations
-  Vacant Land



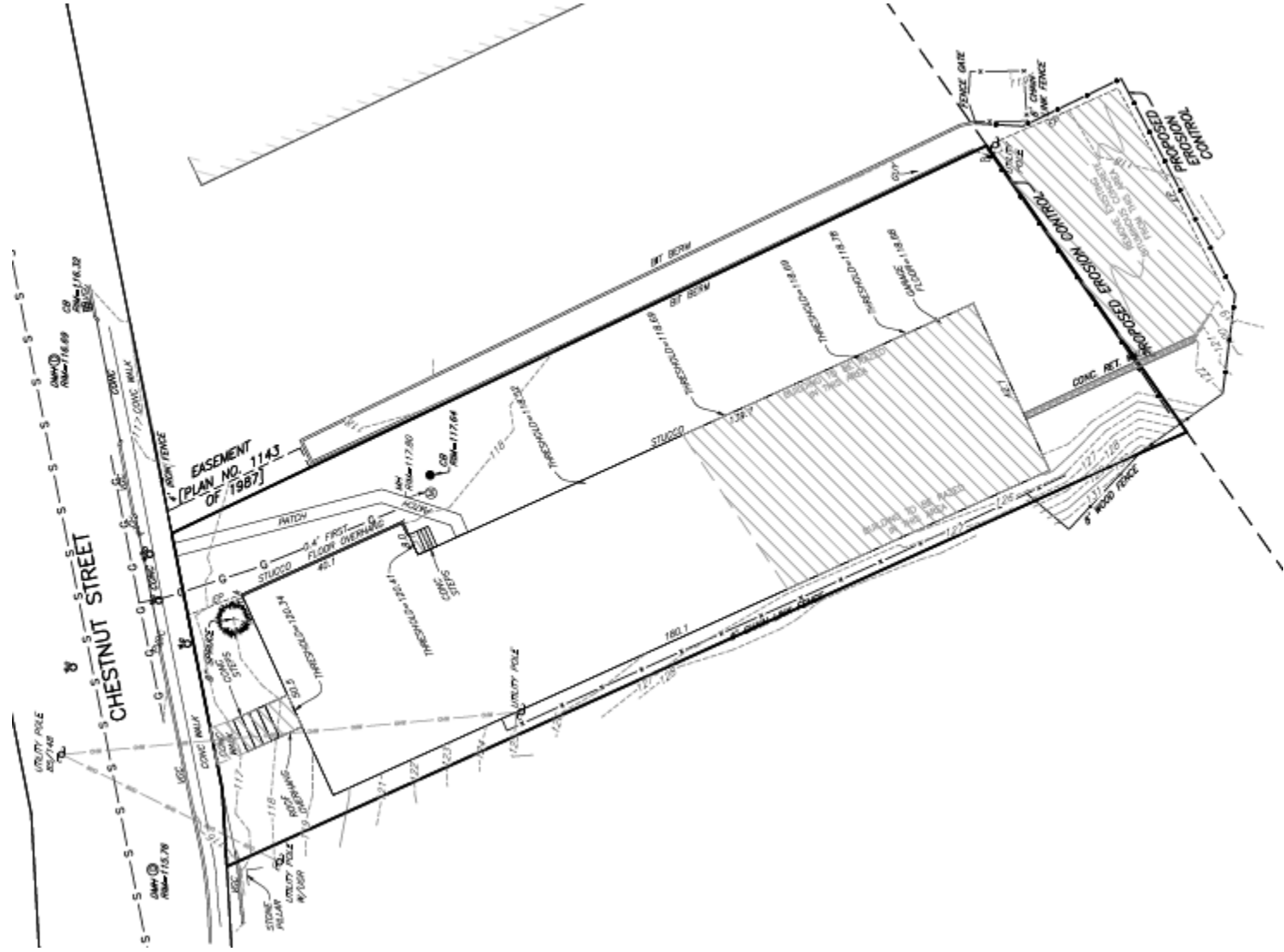
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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

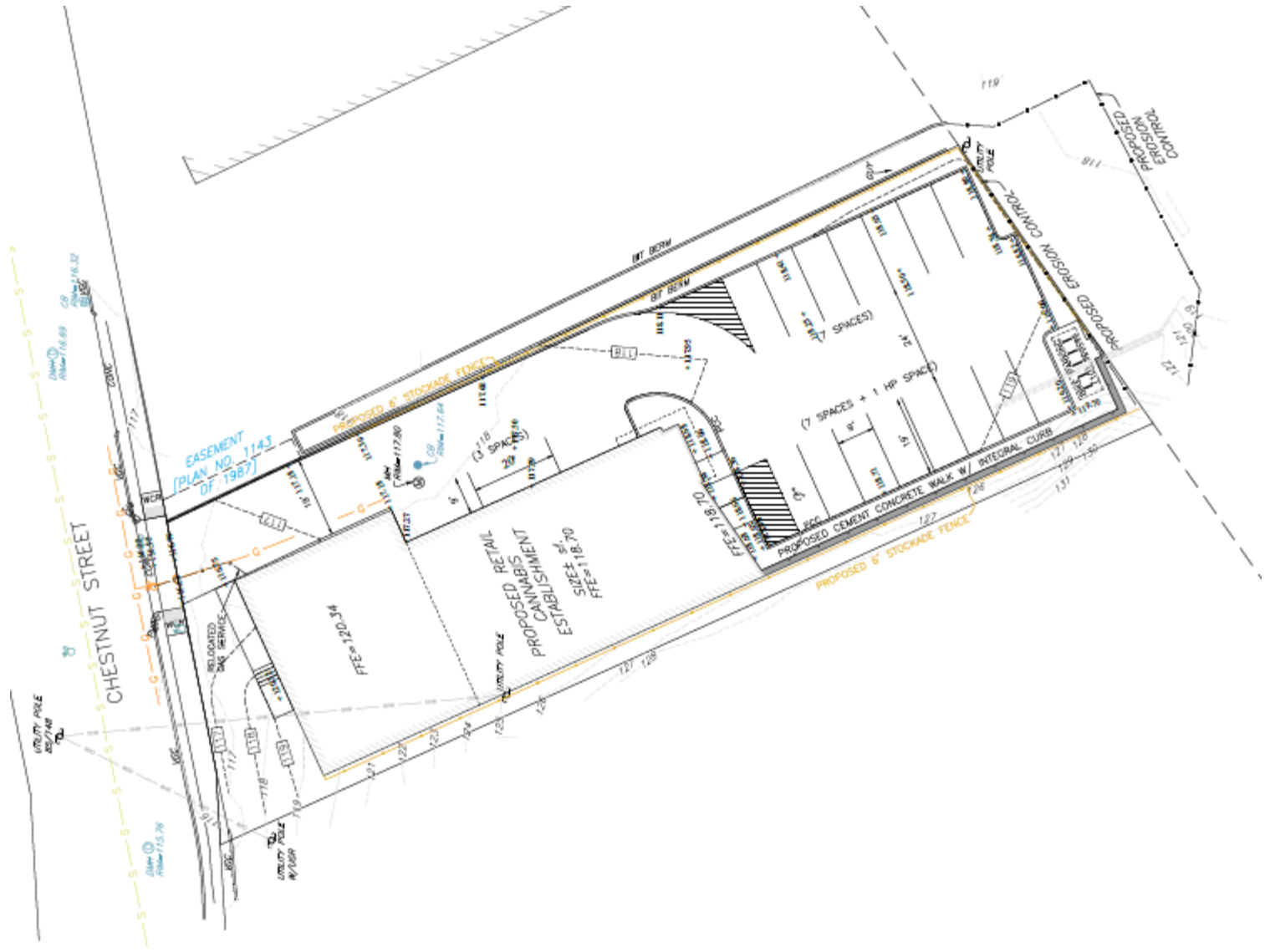
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Feet

Map Date: April 25, 2022

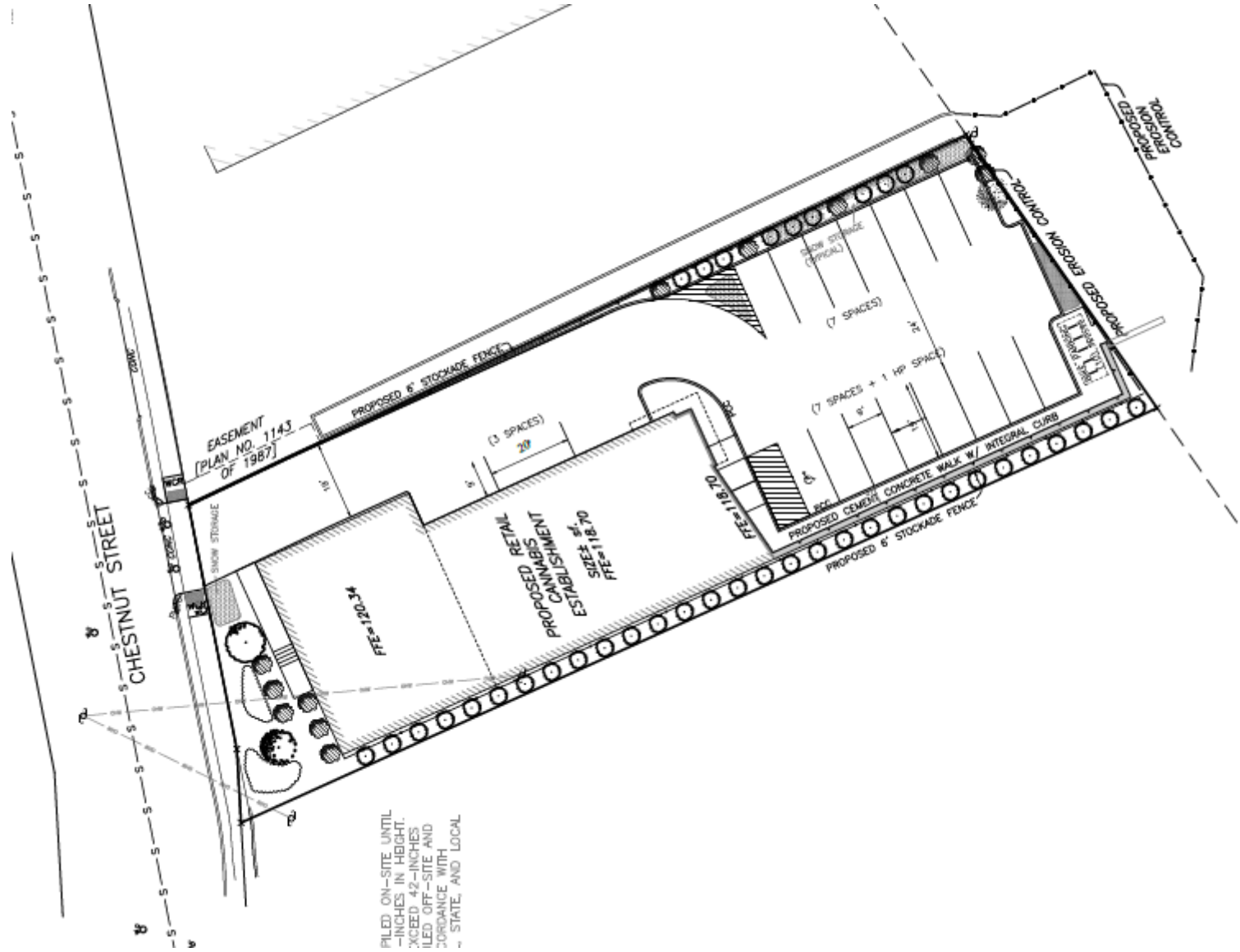
# Site Plan- existing



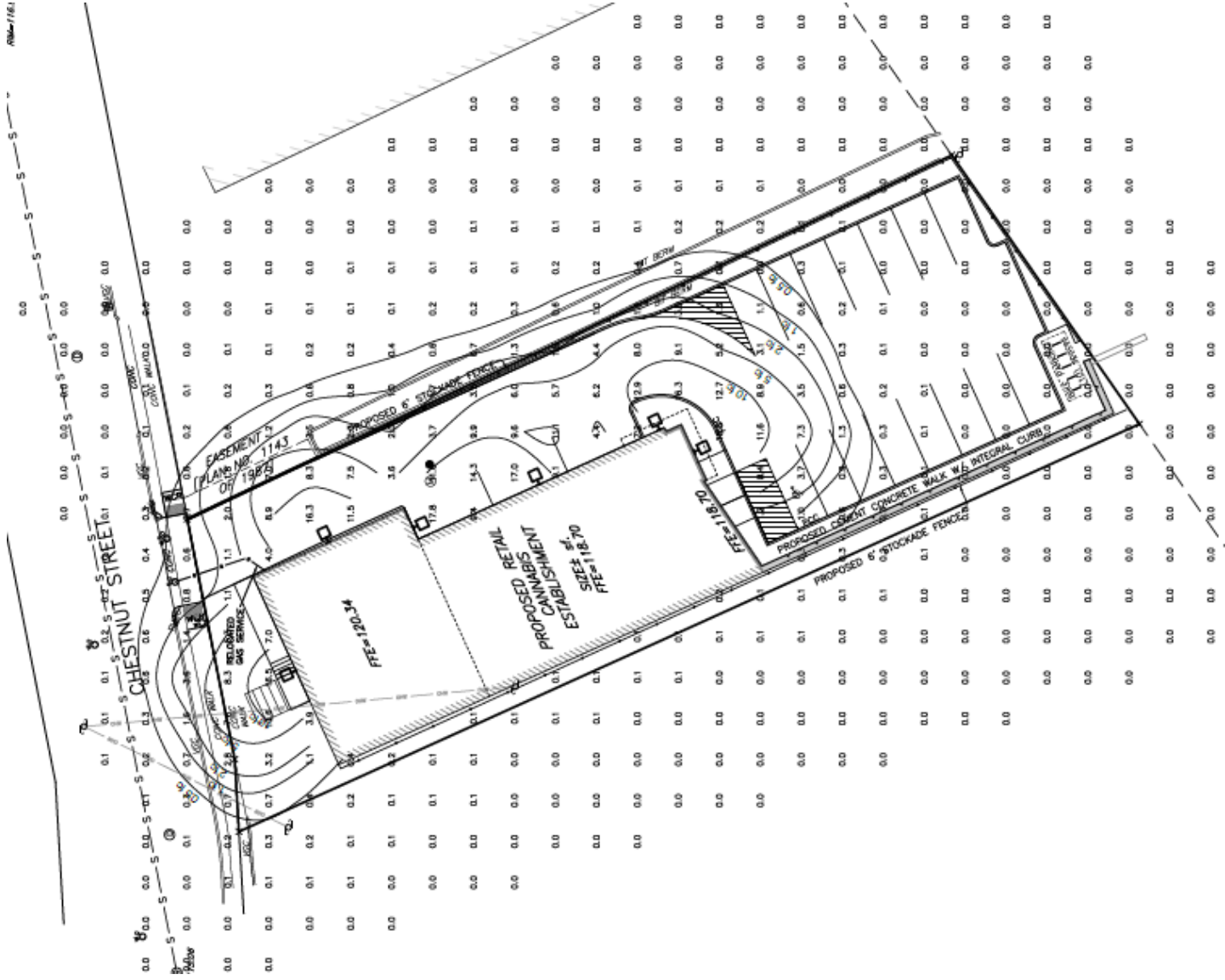
# Site plan- proposed



# Landscape plan- proposed



# Photometric



# Elevation





# Traffic/Transportation



Currently under review by on-call peer reviewer

# Photos



# Photos



# Photos



# Photos



# Department of Planning and Development



**PETITION #256-22  
1090 WALNUT STREET**

**SPECIAL PERMIT/SITE PLAN  
APPROVAL TO ALLOW PARKING  
WITHIN THE FRONT SETBACK AND  
FURTHER EXTEND THE  
NONCONFORMING DRIVEWAY  
WIDTH**



**MAY 3, 2022**

# Requested Relief



Special Permit per §7.3.3 of the NZO to:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§5.1.7.A §7.8.2.C.2	Request to allow an additional parking stall in the front setback	S.P. per §7.3.3
§5.1.7.C §7.8.2.C.2	Request to further extend a nonconforming driveway entrance width	S.P. per §7.3.3

# Criteria to Consider

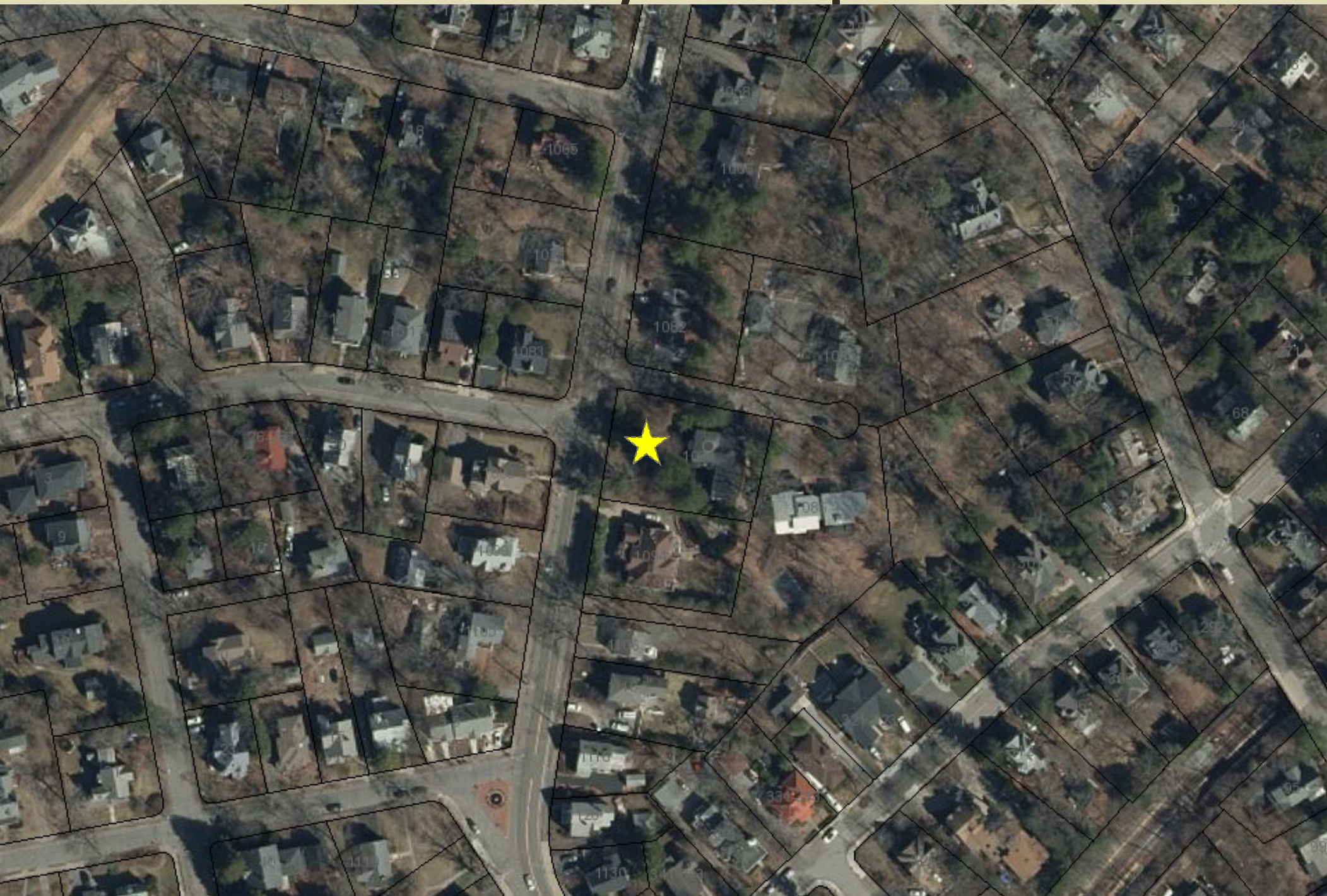


When reviewing this request, the Council should consider whether:

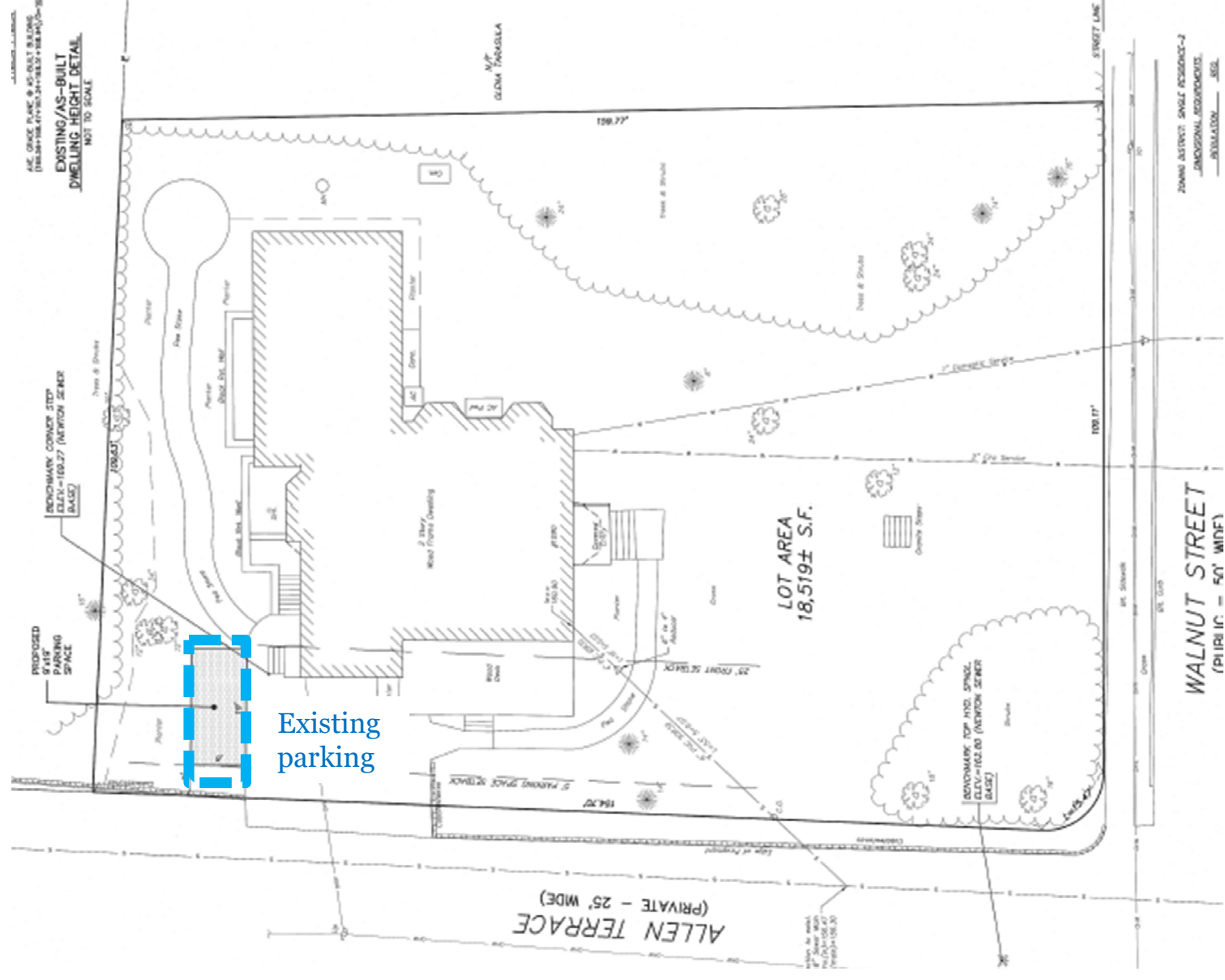
1. The site is an appropriate location for the proposed additional parking stall within the front setback. (§5.1.7.A, §5.1.13, §7.3.3.C.1.)
2. The additional parking stall within the front setback will adversely affect the neighborhood. (§5.1.7.A, §5.1.13, §7.3.3.C.2.)
3. There will be no nuisance or serious hazard to vehicles or pedestrians. (§5.1.7.A, §5.1.13, §7.3.3.C.3.)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§5.1.7.A, §5.1.13, §7.3.3.C.4)
5. Literal compliance with the dimensional parking requirements 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. ((§5.1.7.CA, §5.1.7.C, §5.1.13).
6. The proposed extension of the nonconforming driveway width will be substantially more detrimental than the nonconformity is to the neighborhood (§5.1.7.C, §7.8.2.C.2).



# Aerial/GIS Map



# Site Plan



# Proposed Findings



When reviewing this request, the Council should consider whether:

1. The site is an appropriate location for the proposed additional parking stall within the front setback due to the site's topography and existing mature landscaping.
2. The additional parking stall within the front setback will not adversely affect the neighborhood because the parking is well screened from Walnut Street .
3. There will be no nuisance or serious hazard to vehicles or pedestrians.
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved.
5. Literal compliance with the dimensional parking requirements is impracticable due to the fifteen-foot grade change from the Walnut Street frontage to the rear of the lot and existing mature landscaping on the site.
6. The proposed extension of the nonconforming driveway width will not be substantially more detrimental than the nonconformity is to the neighborhood because the expanded driveway width utilizes an existing curb cut and allows access to the additional parking stall to better facilitate site operations and keep vehicles on site

# Proposed Conditions



1. Plan Referencing Condition.
2. Standard Building Permit Condition.
3. Standard Certificate of Occupancy Condition

# Department of Planning and Development



**PETITION #257-22**

**99-101 CRAFTS STREET  
SPECIAL PERMIT/SITE PLAN  
APPROVAL TO ALLOW  
RECONFIGURATION OF AN  
EXISTING TWO-FAMILY  
DWELLING TO ONE UNIT AND  
CONSTRUCTION OF A REAR  
ADDITION SECOND UNIT,  
EXCEEDING MAXIMUM  
ALLOWABLE FAR**

*MAY 3, 2022*



# Requested Relief



Special permit per §7.3.3 to:

- exceed floor area ratio (FAR)(§3.2.3, §3.2.11)

*(retain 243 square feet that was intended to be demolished; would increase the property's FAR from 0.53 to 0.58, 0.05 above the maximum allowed)*

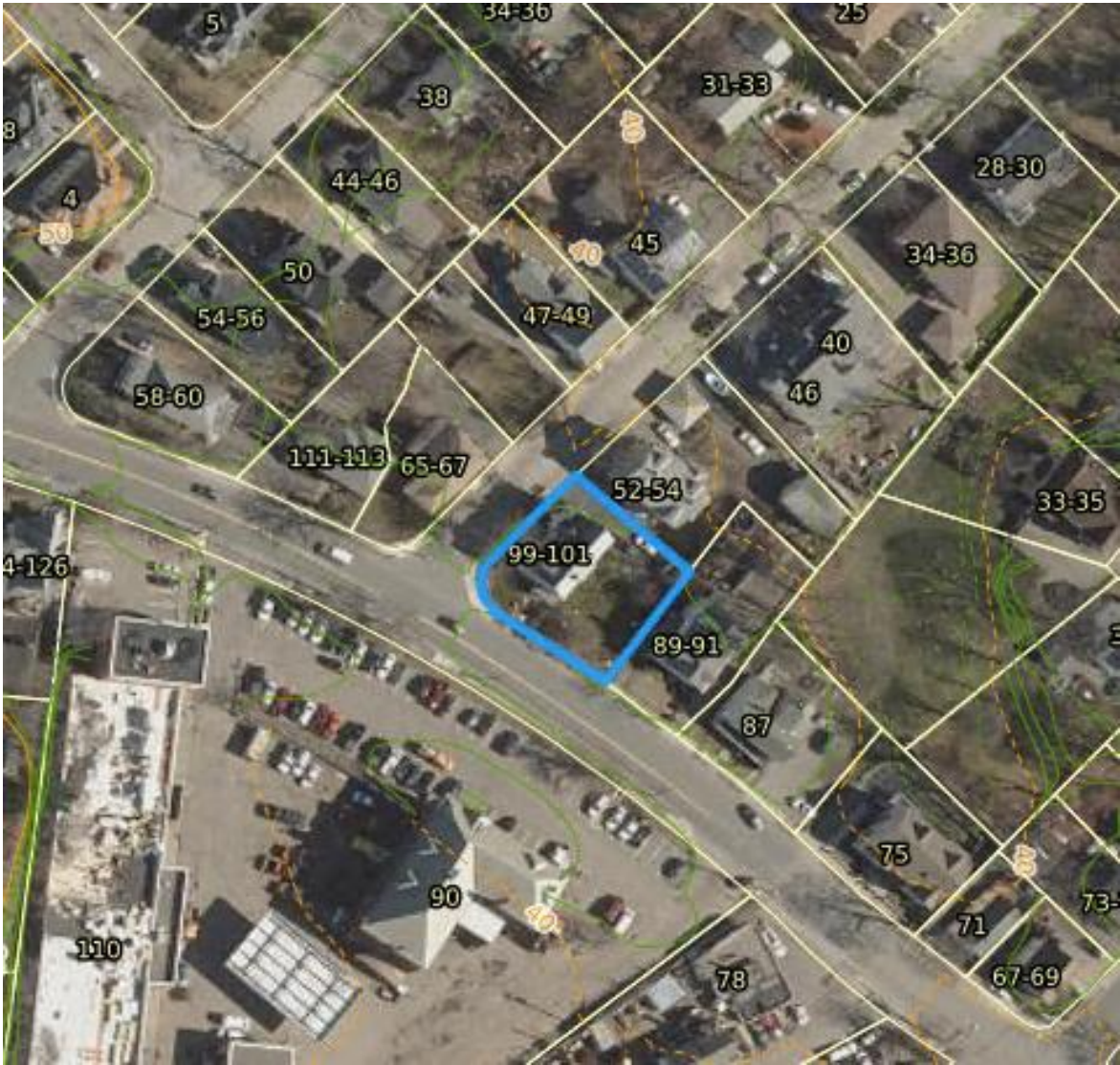
# Criteria to Consider



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

- the proposed structure with a floor area ratio of 0.58 where 0.53 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 (§3.2.11)

# AERIAL/GIS MAP





# Zoning



## ATTACHMENT B

### Zoning

99-101 Crafts St.

*City of Newton,  
Massachusetts*

### Legend

- Multi-Residence 1
- Multi-Residence 2
- Business 1
- Manufacturing
- Public Use



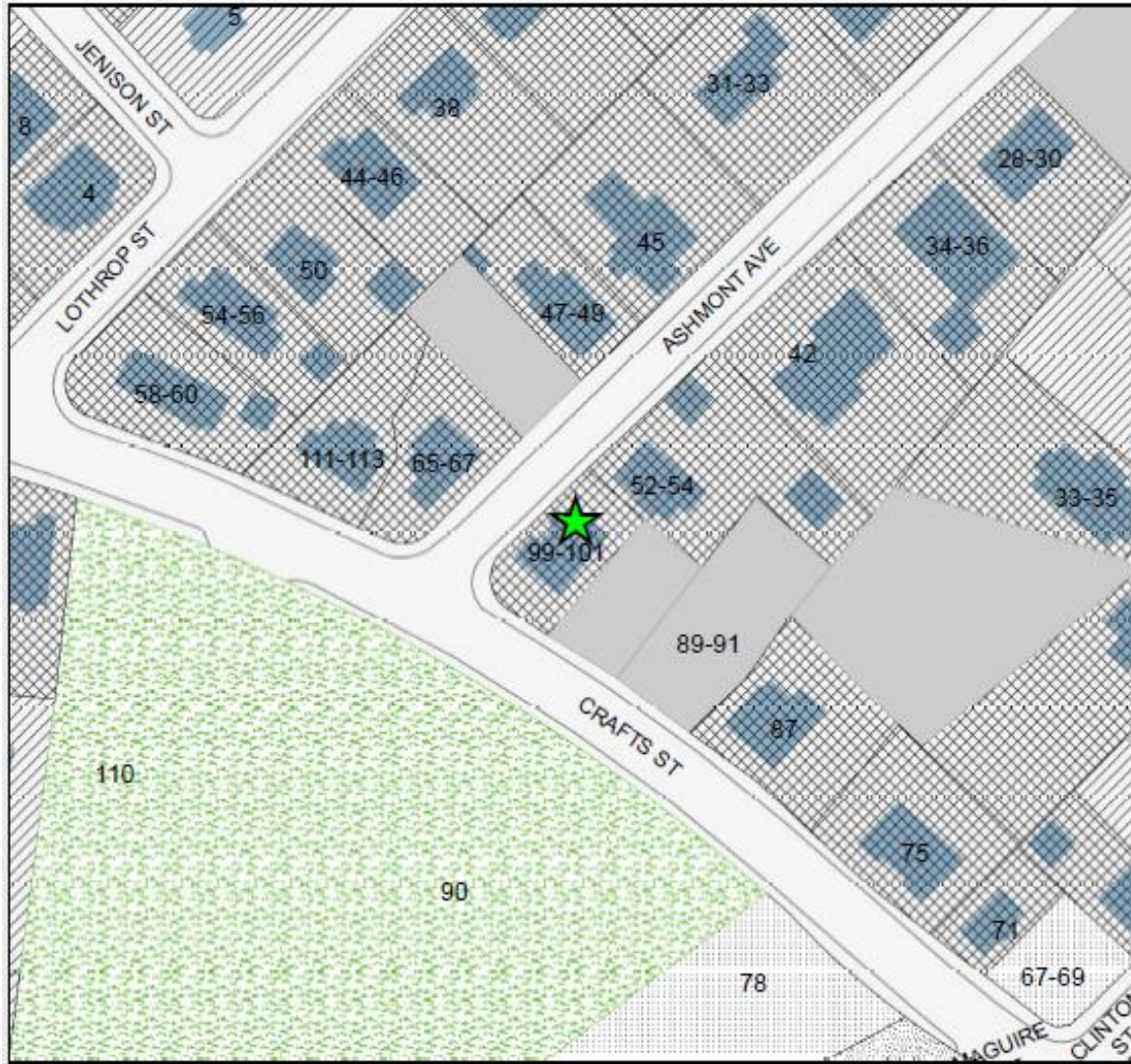
The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

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



Map Date: April 25, 2022

# Land Use



## ATTACHMENT A

### Land Use

99-101 Crafts St.

*City of Newton,  
Massachusetts*

### Land Use

#### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Mixed Use
-  Open Space
-  Vacant Land



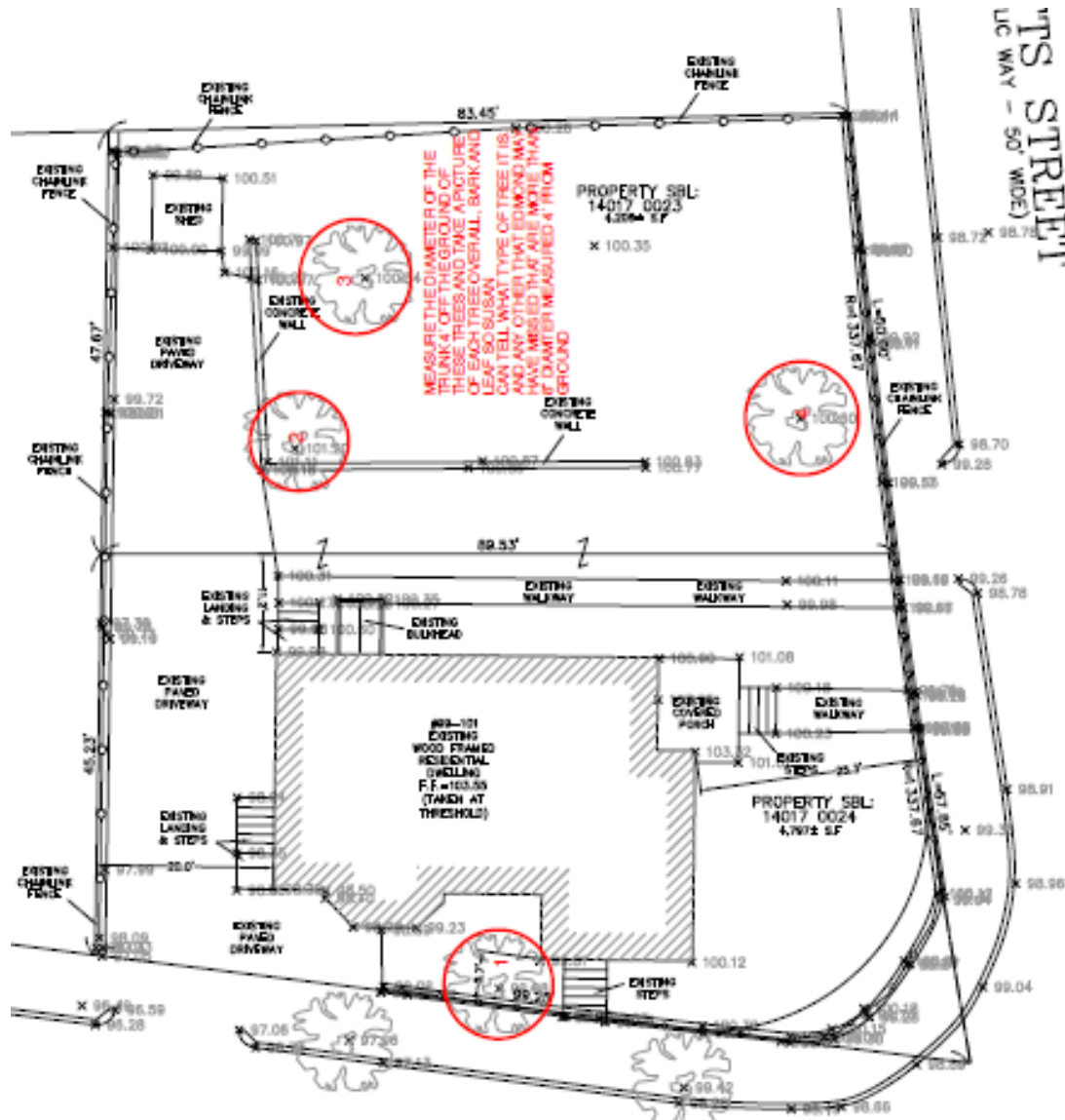
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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Barbara Fuller  
GIS Administrator - Douglas Greenfield



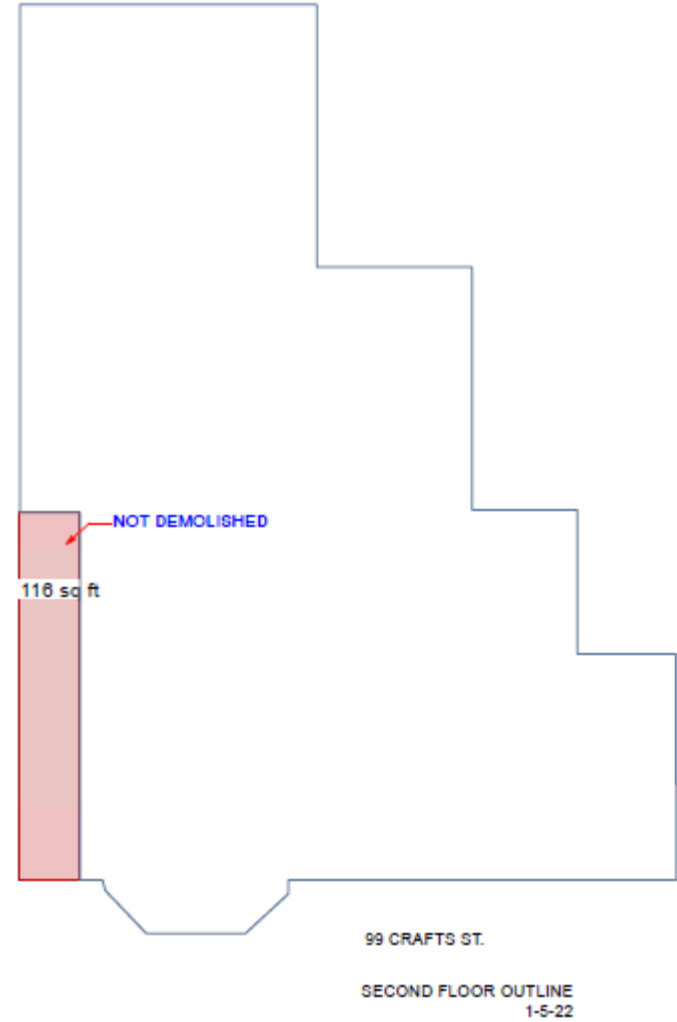
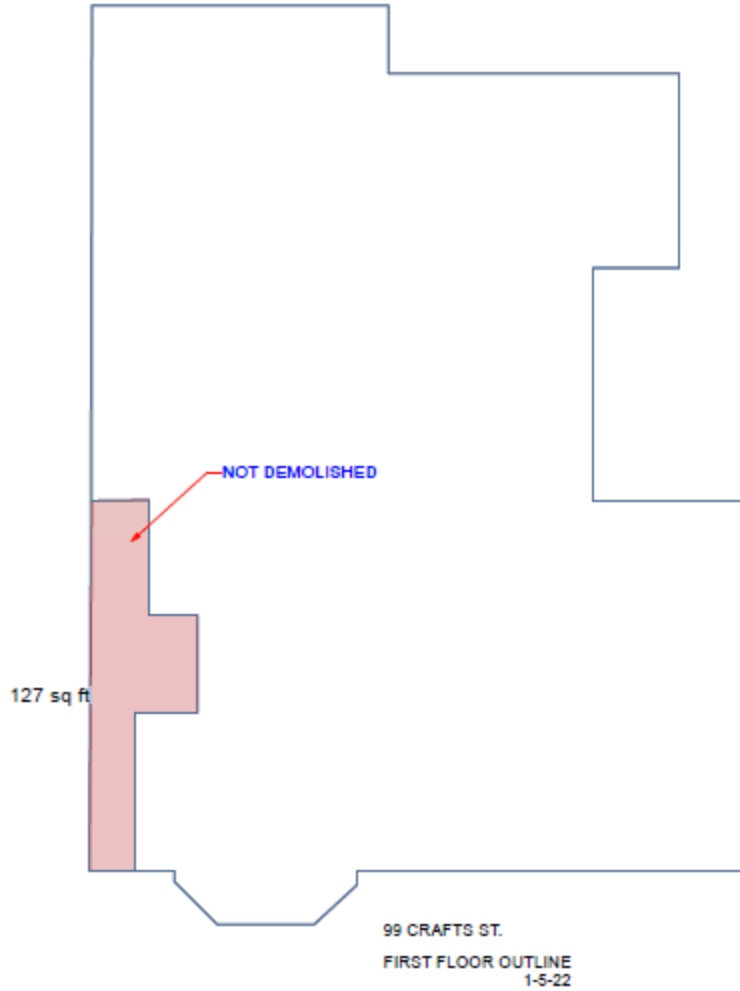
Map Date: April 25, 2022

# Site Plan- existing

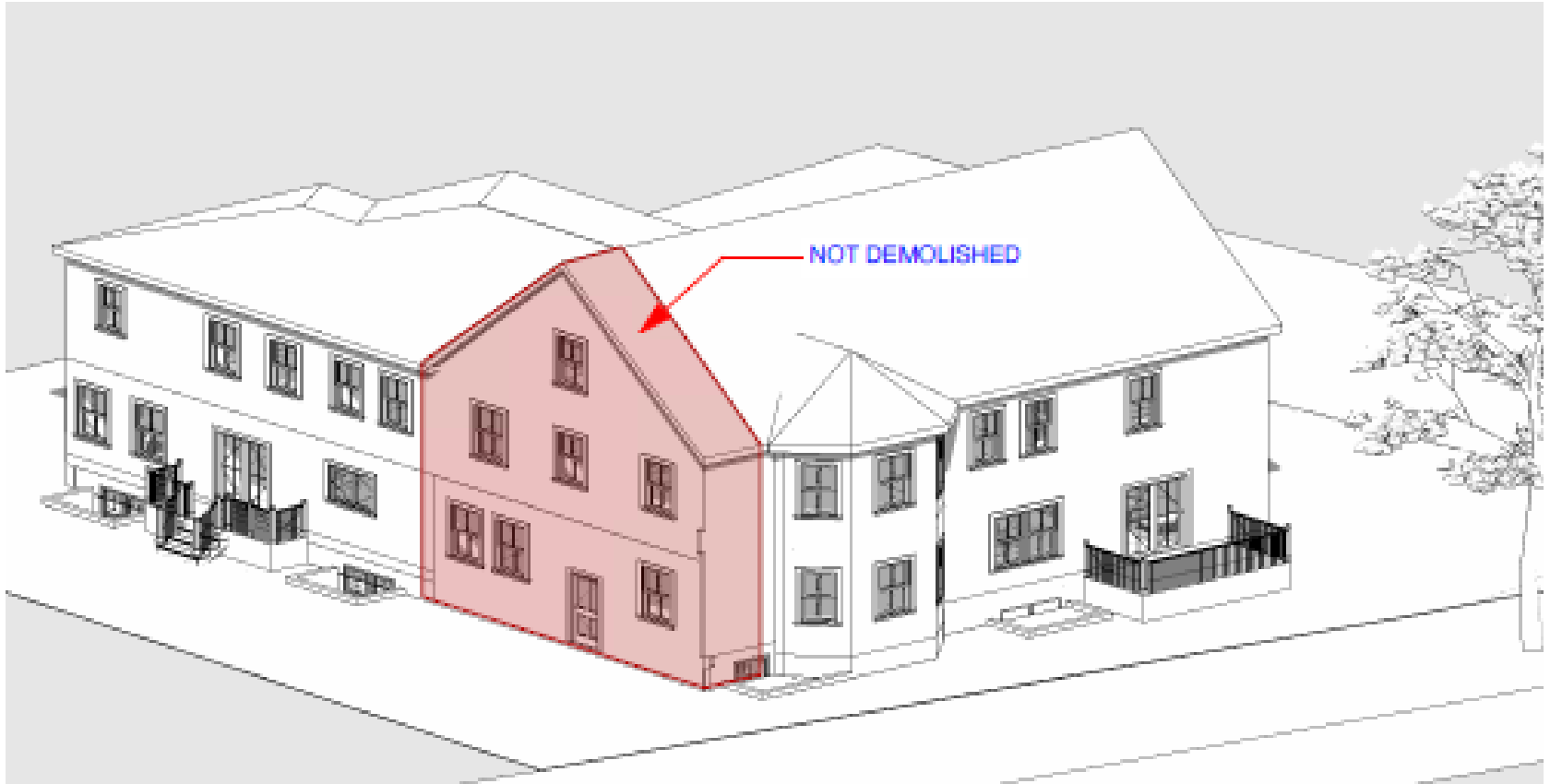




# 1<sup>st</sup> & 2<sup>nd</sup> Floors- proposed (detail)



# Elevations- existing



# Photos



# Photos





# Photos



# Proposed Findings



1. The proposed structure is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood (§3.2.11)
  - (retaining existing portion of the dwelling)

# Proposed Conditions



1. *Plan Referencing Condition*
2. *Standard Building Permit Condition.*
  - *Curb cut location*
  - *Landscaping plan with screening on Crafts to screen parallel stall*
3. *Standard Final Inspection/Certificate of Occupancy Condition.*

# Department of Planning and Development



**PETITION #258-22**  
**109 PRINCE STREET**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO EXCEED THE  
NONCONFORMING FLOOR AREA  
RATIO

MAY 3, 2022



# Requested Relief



Special Permits per §7.3.3, 7.8.2.C.2 of the Newton Zoning Ordinance to:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9 §7.8.2.C.2	Request to further extend nonconforming FAR	S.P. per §7.3.3

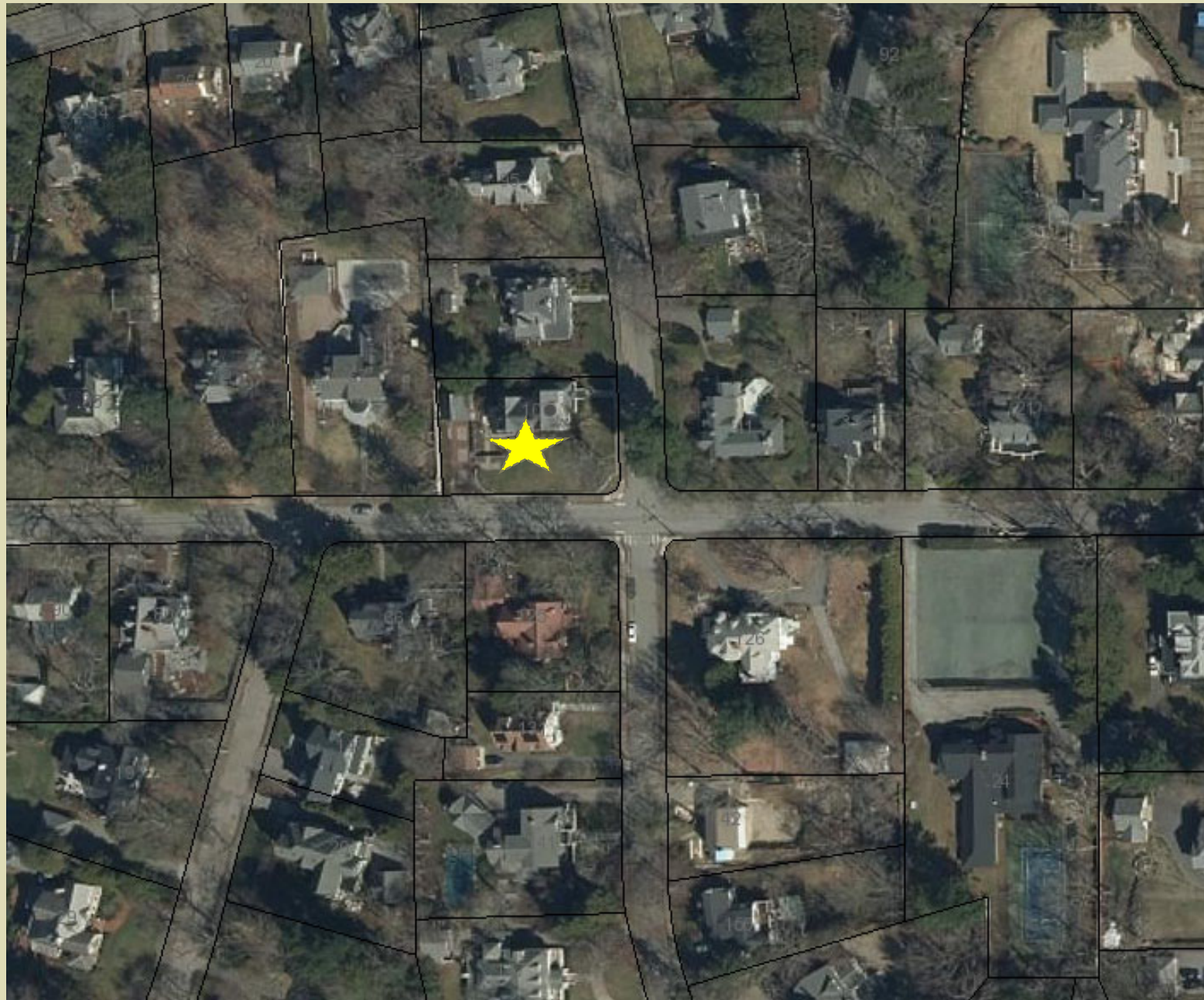
# Criteria to Consider



When reviewing this request, the Council should consider whether:

- The proposed increase in the nonconforming FAR from .34 to .35 where .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, and §7.8.2.C.2).
- The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood (§3.1.9, and §7.8.2.C.2).

# Aerial/GIS Map

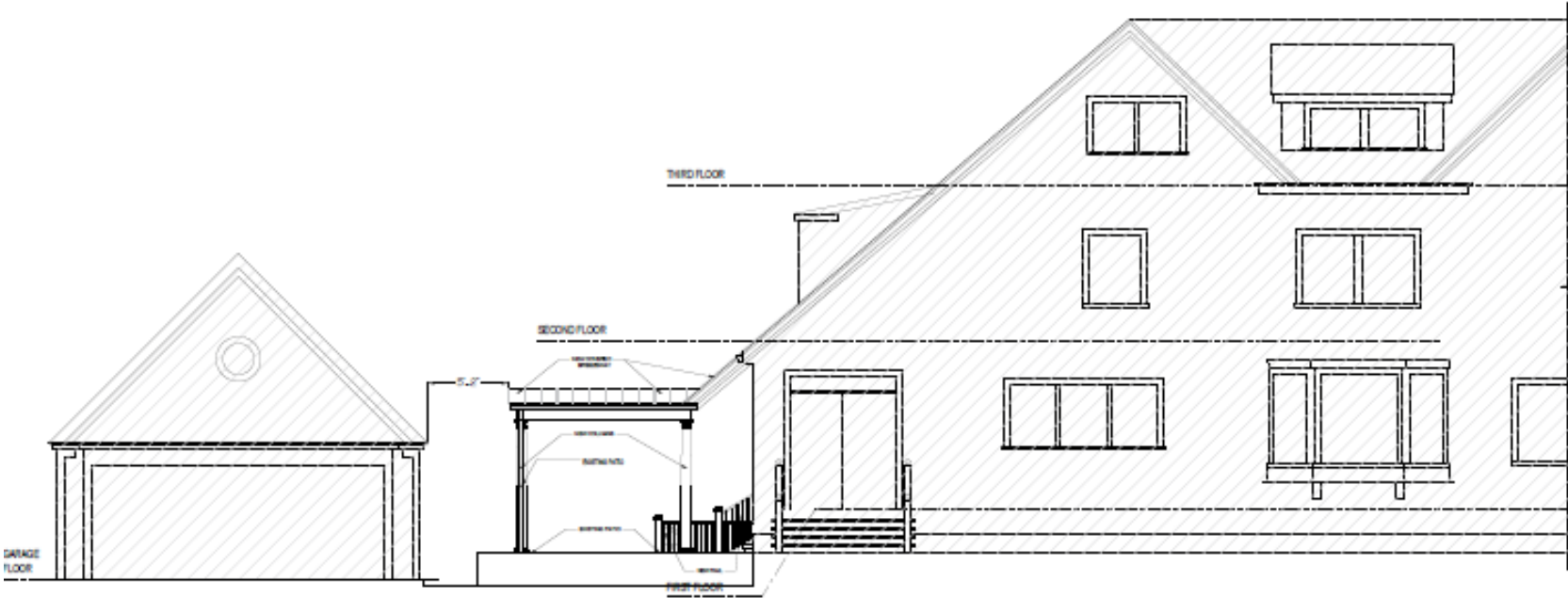






# Elevations

Proposed Front Elevation  
Berkeley St

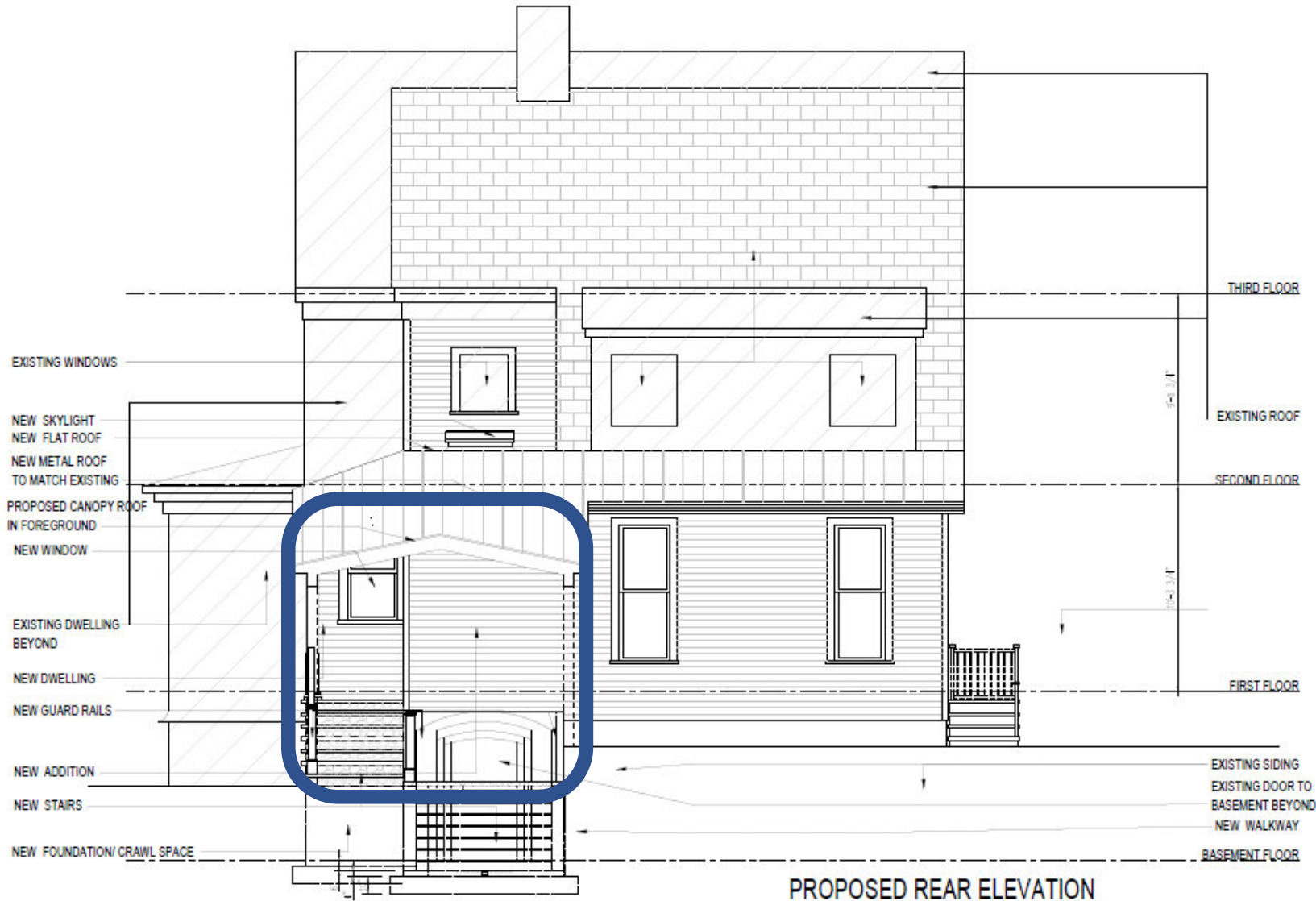


PROPOSED LEFT SIDE ELEVATION

SCALE - 1/4" = 1'-0"

# Elevations

Proposed Rear Elevation  
Opposite Prince Street



**PROPOSED REAR ELEVATION**

SCALE - 1/4" = 1'-0"

# Proposed Findings



1. The proposed increase in the nonconforming FAR from .34 to .35 where .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 **because the addition only adds 89 square feet to the dwelling** (§3.1.9, and §7.8.2.C.2).
2. The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood **because the addition does not further encroach on a nonconforming 3.4 foot side setback** (§3.1.9, and §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 #273-22**

**78 COMMONWEALTH PARK  
WEST**

**SPECIAL PERMIT/SITE PLAN  
APPROVAL TO CONSTRUCT AN  
ATTACHED GARAGE AND TWO-  
STORY REAR ADDITION,  
EXCEEDING THE MAXIMUM  
ALLOWABLE FAR**

*MAY 3, 2022*



# Requested Relief



Special permit per §7.3.3 to:

- exceed maximum FAR (§3.1.3, §3.1.9)

*(proposed additions would increase the property's floor area ratio (FAR) from 0.36 to 0.45 where 0.41 is the maximum allowed)*

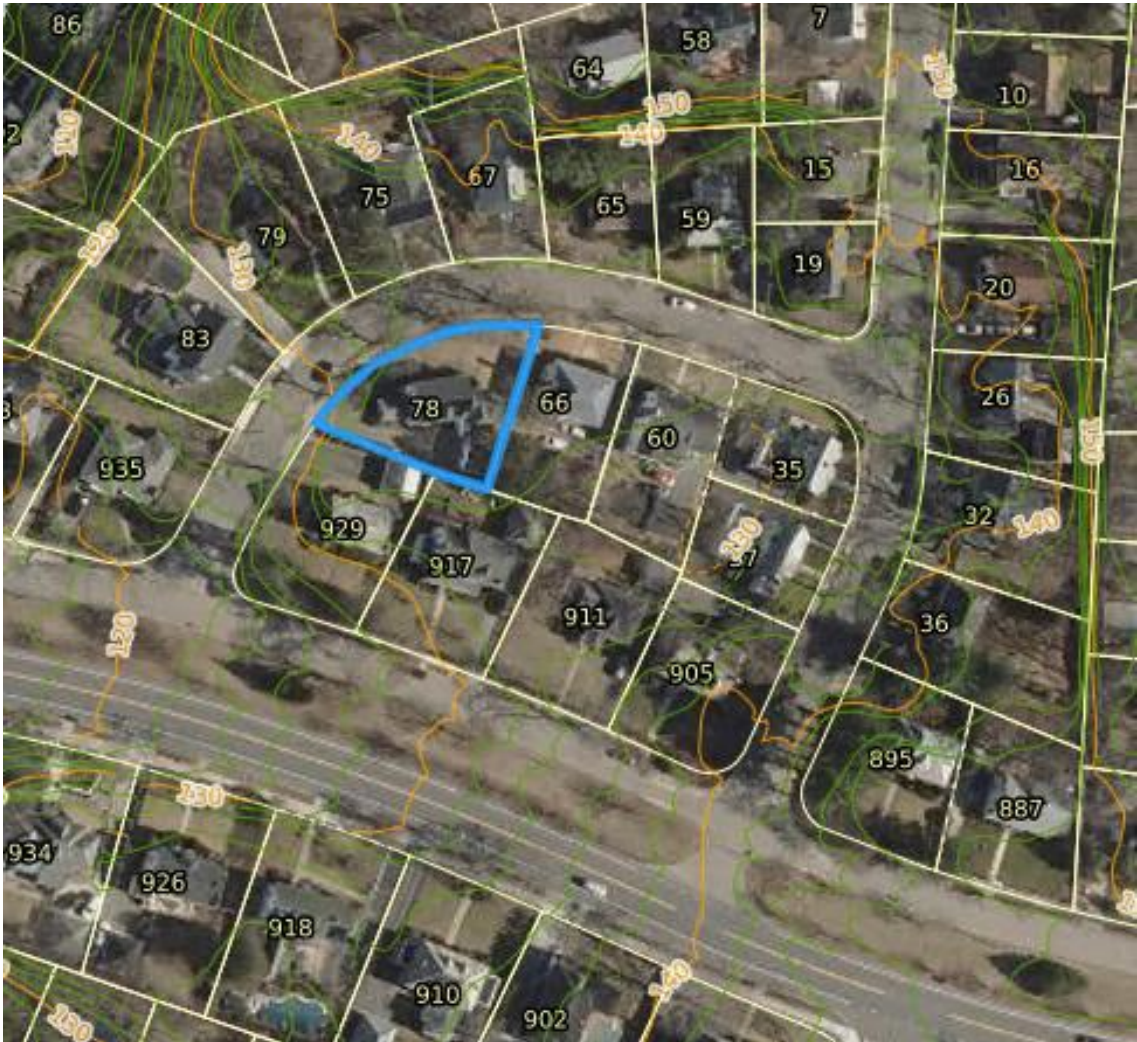
# Criteria to Consider



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

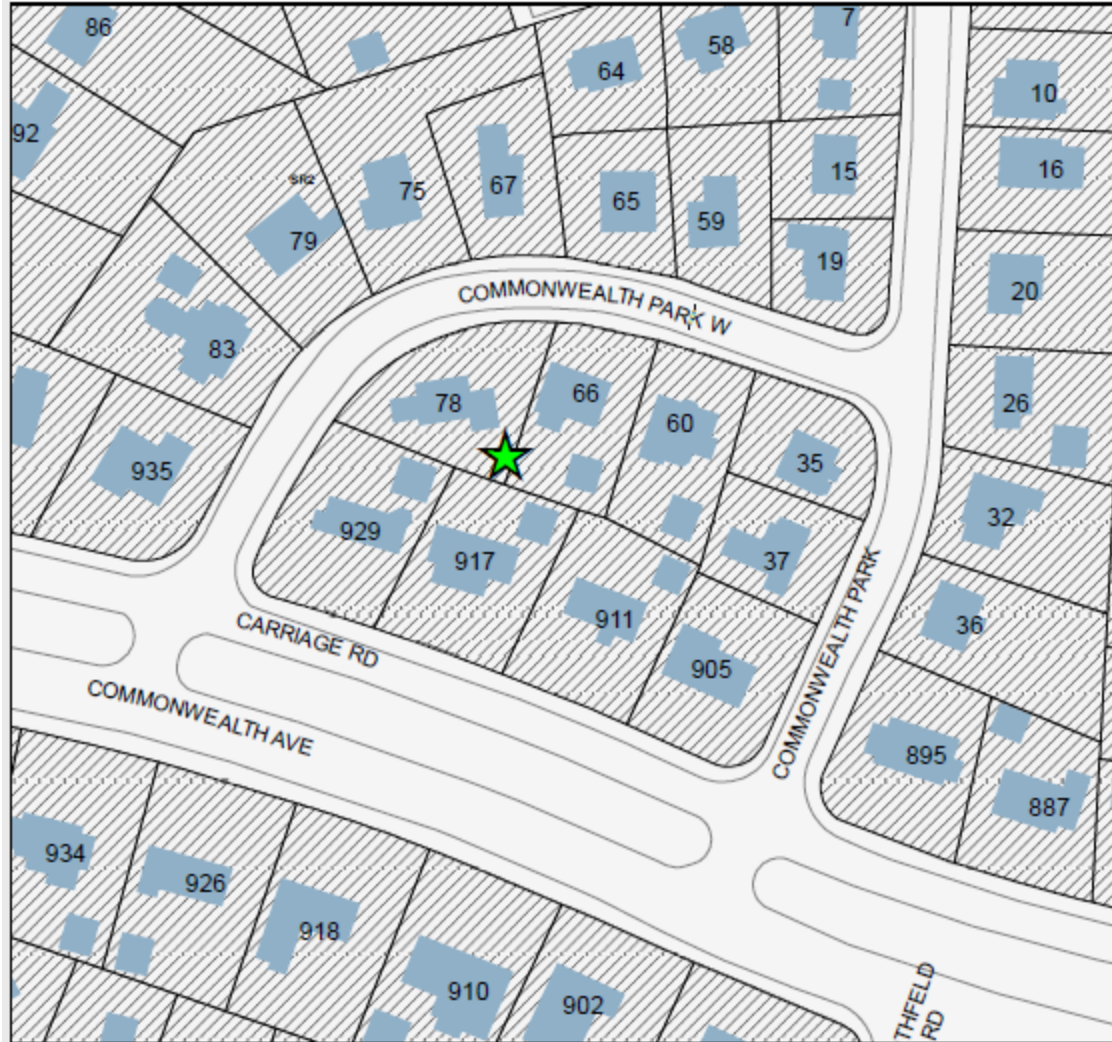
- the proposed structure is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood (§3.1.9.A.2)

# AERIAL/GIS MAP





# Zoning




## ATTACHMENT B

### Zoning

### 78 Commonwealth Park West

*City of Newton,  
Massachusetts*

### Legend

 Single Residence 2



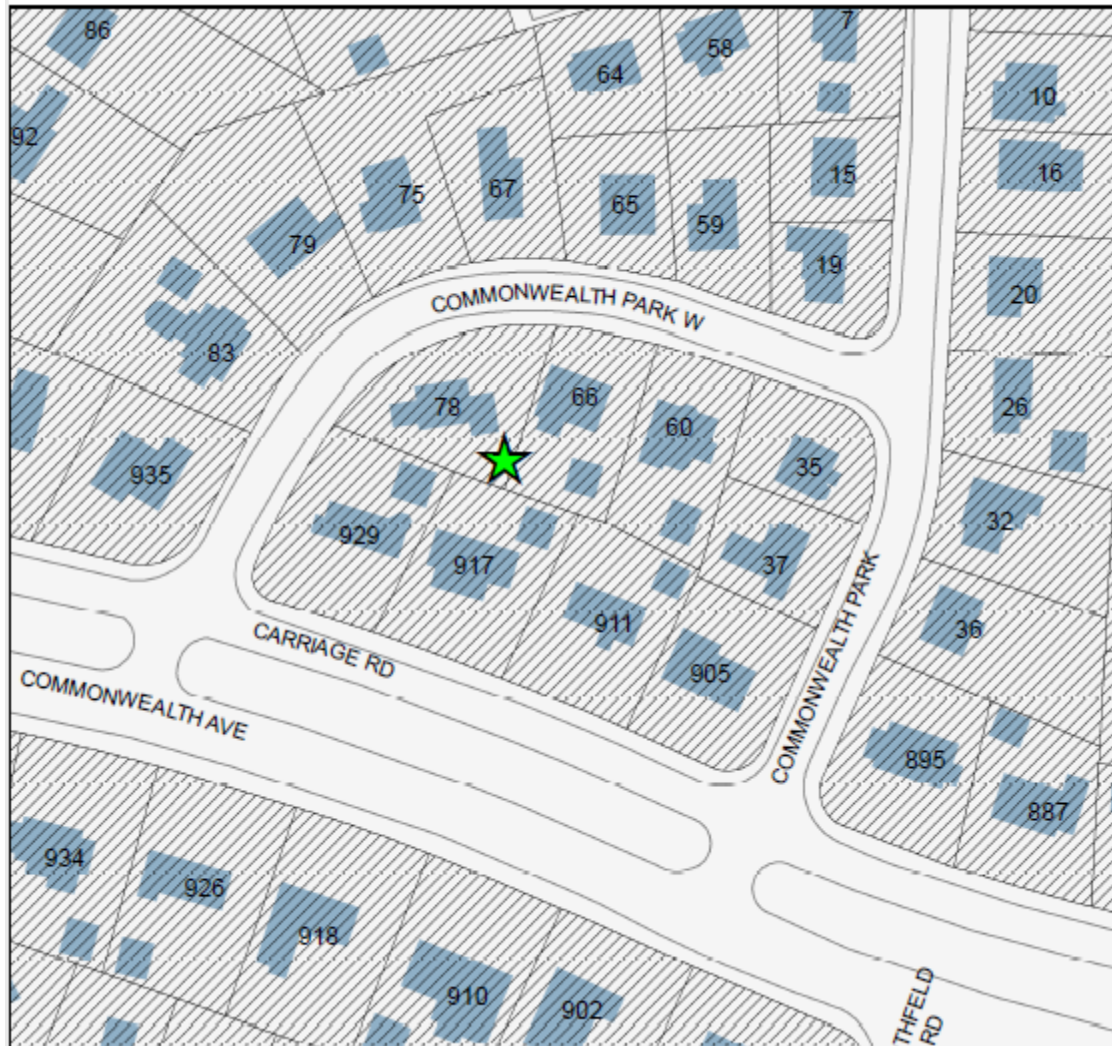
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CITY OF NEWTON, MASSACHUSETTS  
Map - Rathanne Fuller  
GIS Administrator - Douglas Greenfield



Map Date: April 25, 2022

# Land Use



## ATTACHMENT A


### Land Use

### 78 Commonwealth Park West

*City of Newton,  
Massachusetts*

### Land Use

### Land Use

 Single Family Residential



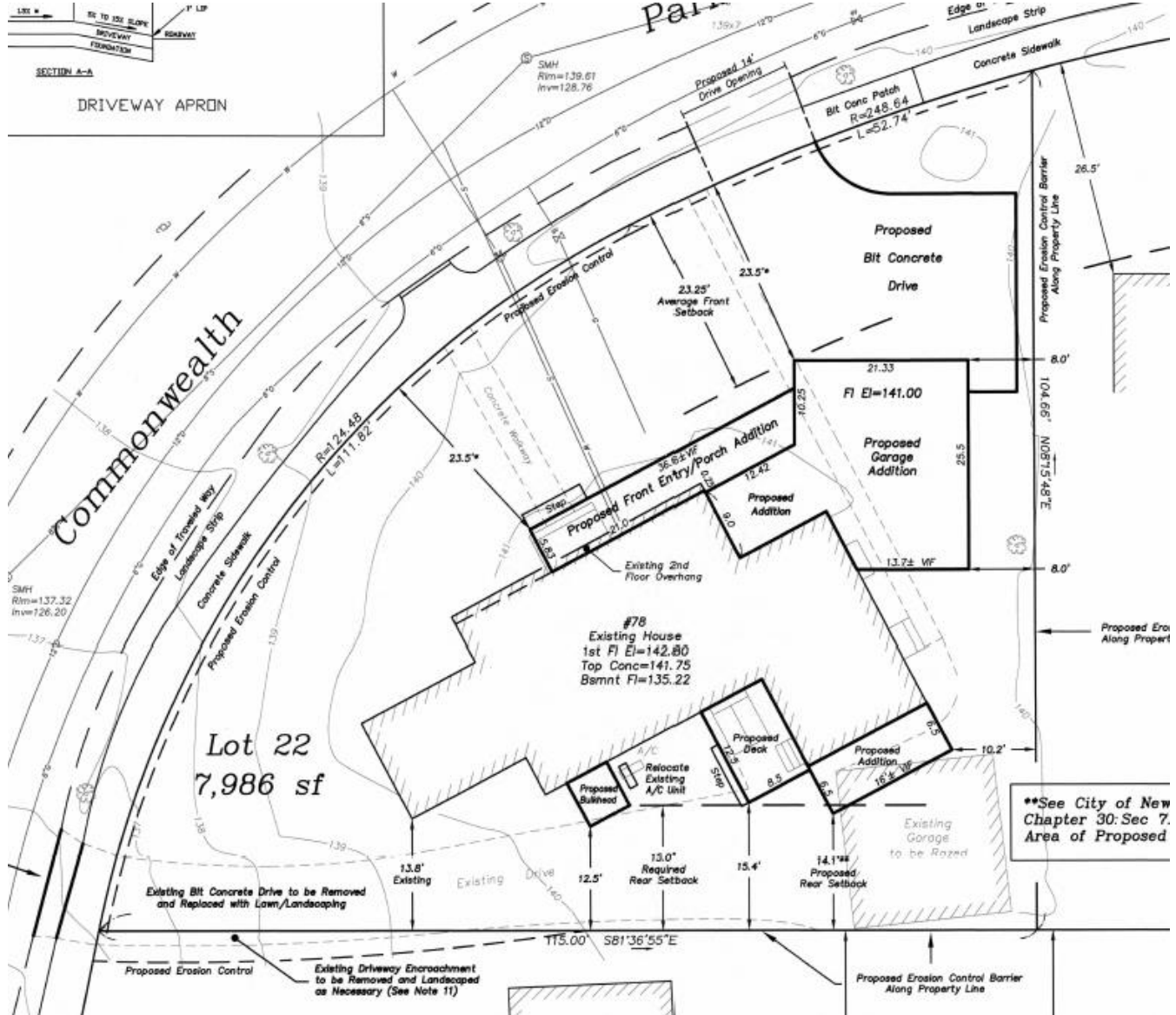
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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Rachana Pillay  
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 Feet

Map Date: April 24, 2025

# Site Plan- proposed



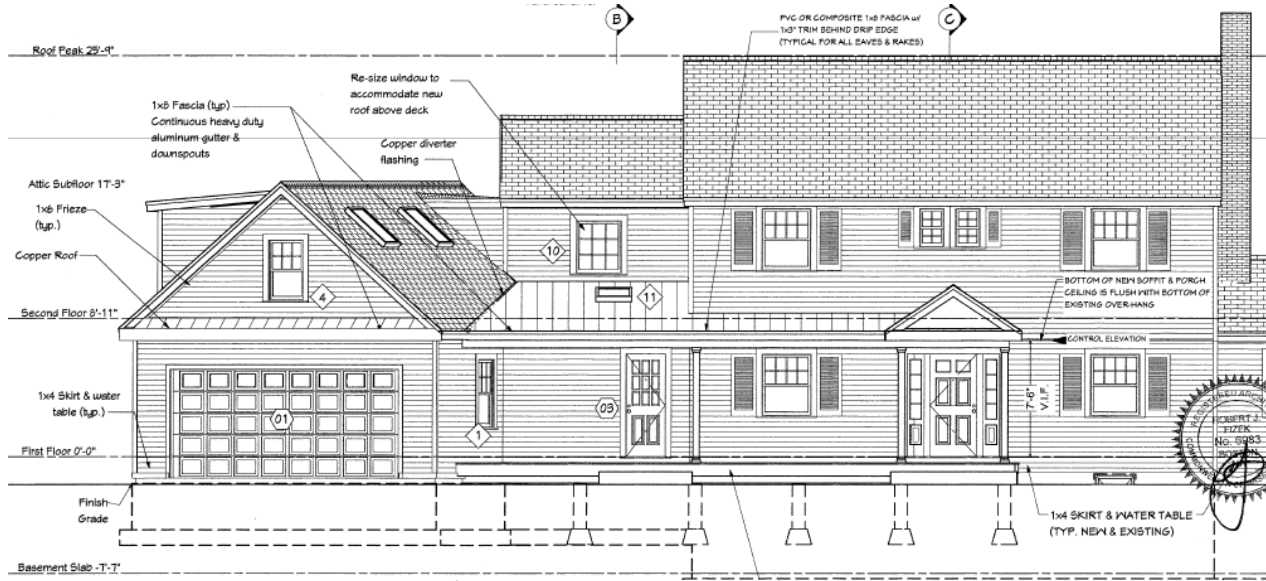
# Site Plan- proposed: Detail



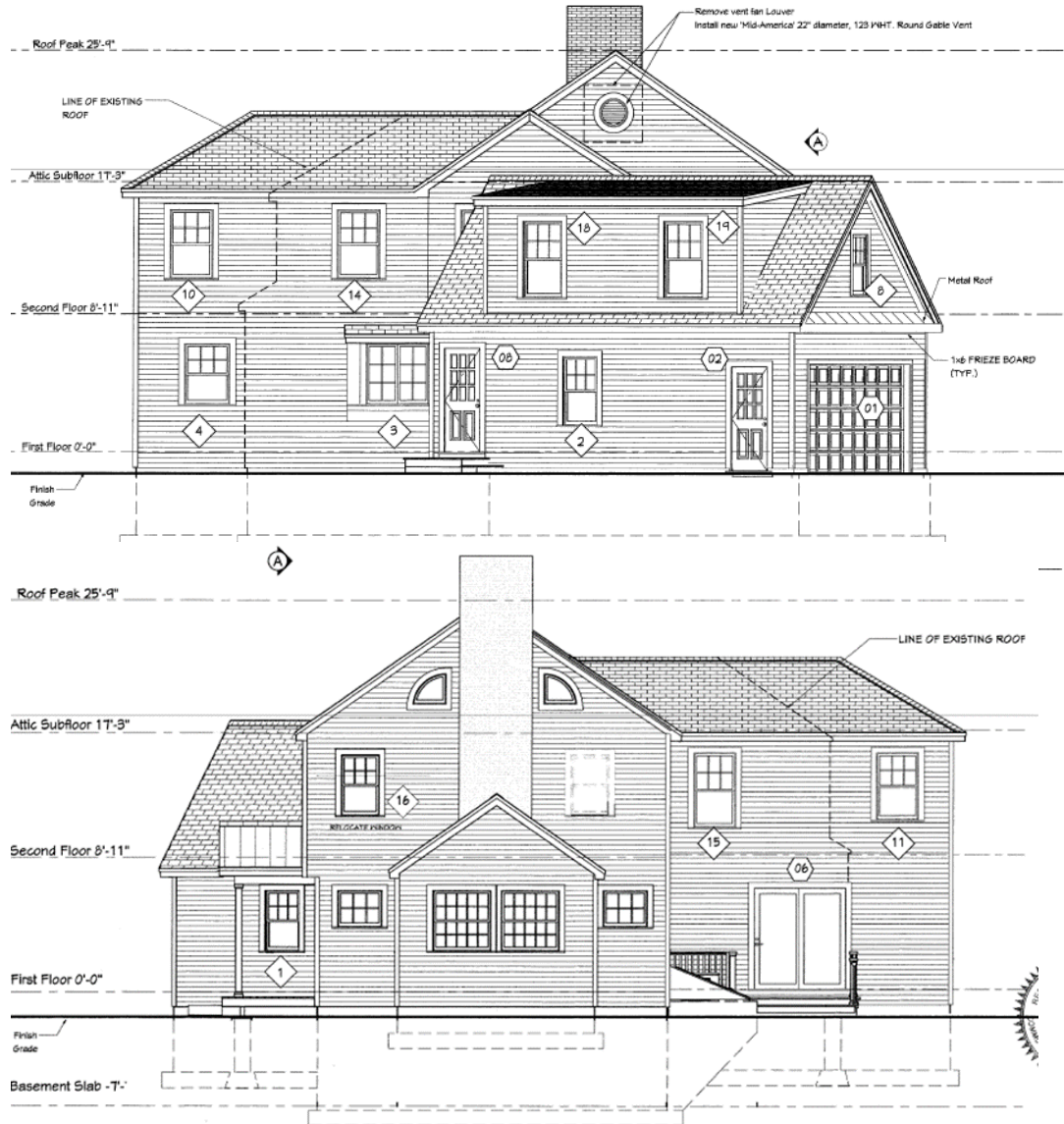
# Landscaping plan (rec'd 5/3/22)



# Elevations- proposed: Front & Rear



# Elevations- proposed: Left & Right



# Photos





# Photos



# Photos



# Proposed Findings



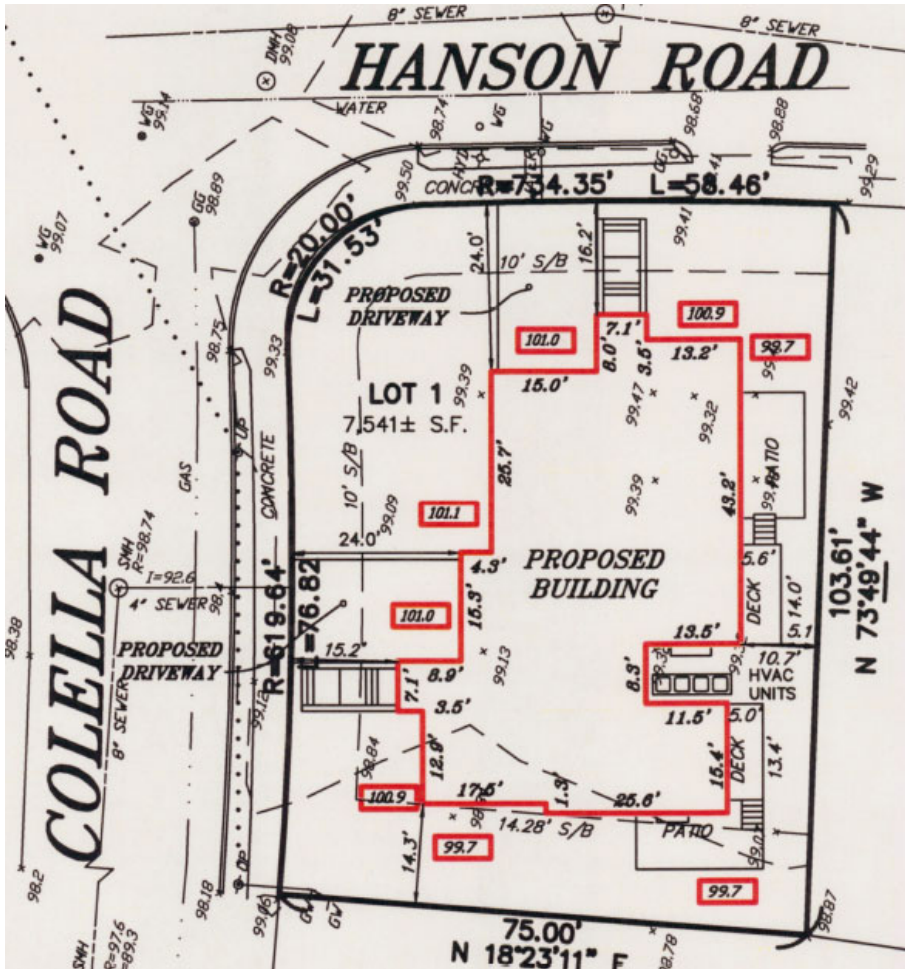
1. The proposed structure is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood (§3.1.9)

# Proposed Conditions

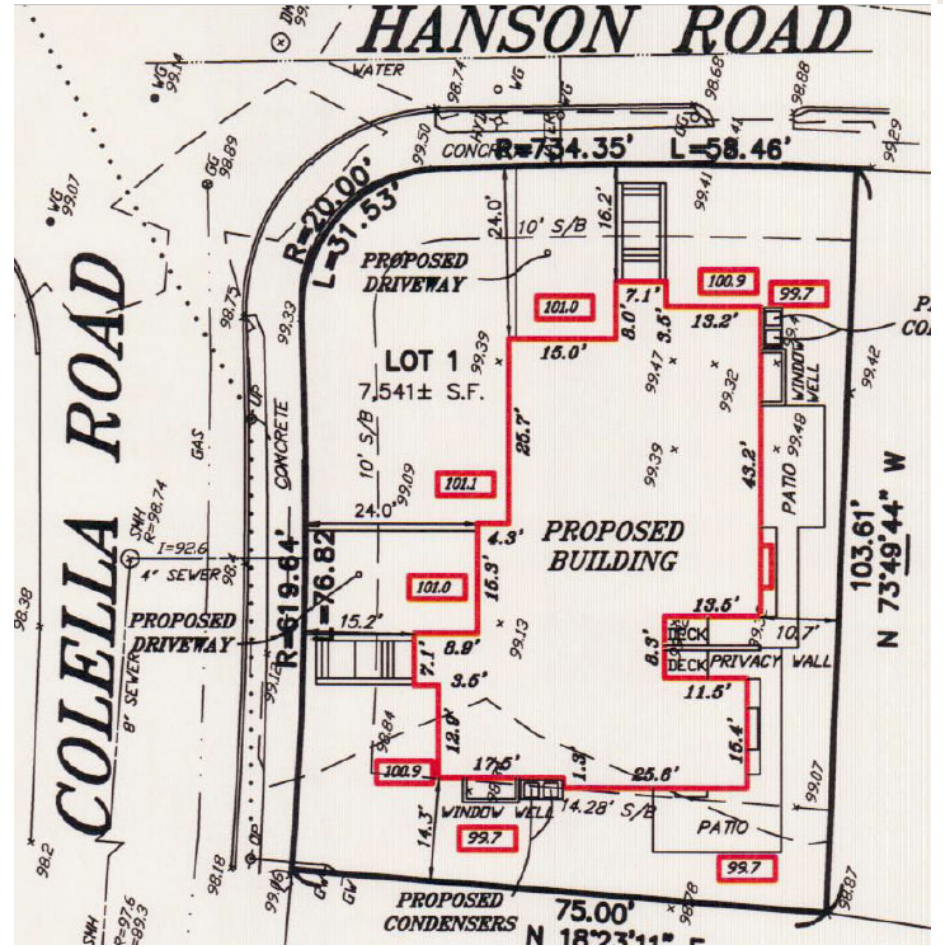


1. *Plan Referencing Condition*
2. *Standard Building Permit Condition.*
  1. *Final Landscape Plan with screening along left side near driveway*
3. *Standard Final Inspection/Certificate of Occupancy Condition.*

Initial Submission 2022



REVISED



# Initial Submission 2022



REAR ELEVATION

# REVISED

