



Land Use Committee Report

City of Newton In City Council

Tuesday, September 20, 2022

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

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

City Staff Present: Senior Planner Michael Gleba, Chief Planner Katie Whewell, Planning Associate Cat Kemmett, and Assistant City Solicitor Jonah Temple, The Planning Board: Peter Doeringer (Chair), Kelly Brown, Lee Breckenridge, Jennifer Molinsky, Amy Deane

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.

#416-22 Request to further extend nonconforming front setback at 39 Floral Street
CELIA IVANOV petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow the construction of an attached garage with living space above, further extending the nonconforming front setback and further reducing the nonconforming open space at 39 Floral Street, Ward 6, Newton, on land known as Section 52 Block 38 Lot 13, containing approximately 7,589 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 7-0 (Councilor Laredo not voting); Public Hearing Closed 9/20/22**

Note: The owner, Celia Ivanov, was present and presented an orientation of the property as well as proposed plans and general site information which can be found at the following link:

<https://www.newtonma.gov/home/showpublisheddocument/91279/637997862417730000>

The petitioner is proposing to construct an attached two-car garage with living space above. Care was given so that the proposed addition conforms aesthetically to the dwelling as well as the neighborhood. Additionally, the petitioner presented letters of support for the petition from four direct abutting properties.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and proposed plans which can be found at the following link:

<https://www.newtonma.gov/home/showpublisheddocument/91277/637997862412730000>

Public Comment

The Chair opened for Public Comment. No member of the public wished to speak regarding this proposal.

Committee Comments

Committee Members expressed support for the proposal. One concern of note was the proximity of the petitioner's property and a neighboring property. The petitioner responded that while the exact distance was unknown, there was yard space between the two properties.

Councilor Bowman motioned to close the Public Hearing which carried 7-0. Councilor Bowman motioned to 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.

#415-22 Request to allow for-profit educational use at 1221-1227 Centre Street
CENTRE-PELHAM REALTY TRUST, JUDITH LOCKE & SCOTT BERNSTEIN TRUSTEES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit education use at 1221-1227 Centre Street, Ward 6, Newton, on land known as Section 64 Block 28 lot 22, containing approximately 2,829 sq. ft. in a district zoned BUSINESS 1. Ref: 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.

Action: Land Use Approved 7-0 (Councilor Laredo not voting); Public Hearing Closed 9/20/22

Note: The owner of the proposed Penguin Coding School, Yumio Saneyoshi, was present and deferred to the City's Planning Department presentation for an orientation of the property as well as proposed plans and general site information.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and proposed plans which can be found at the following link:

<https://www.newtonma.gov/home/showpublisheddocument/91281/637997863712300000>

Mr. Gleba noted the previous occupant was a bank and a parking credit is attached to the location. As such, future businesses would not require parking relief.

Public Comment

The Chair opened for Public Comment. No member of the public wished to speak regarding this proposal.

Committee Comments

The Committee expressed enthusiasm for the project citing the school will diversify Newton Center, which is currently dominated by banking institutions.

Committee Members did express a concern over the drop-off/pick-up location for students. If a student was to be dropped off in the front of the building, traffic would have to be stopped and the student would have to try and get out of their vehicle against a parked vehicle on the street. It was encouraged that the drop-off/pick-up location be in the rear of the building where a parking lot exists.

Councilor Bowman motioned to close the Public Hearing which carried 7-0. Councilor Bowman motioned to 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.

#392-22 **Request to allow single-family attached dwellings in 2 buildings at 120 Norwood Avenue**
120 NORWOOD REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing dwelling and allow four single-family attached dwellings in two buildings, to allow three stories, and to allow a driveway within 10 feet of the rear lot line and parking within 20 feet of the front and rear lot lines at 120 Norwood Avenue, Ward 2, Newtonville, on land known as Section 22 Block 09 Lot 05, containing approximately 24,897 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.

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

Note: Attorney Terrence Morris, with offices at 57 Elm Road, Newton represented the petitioner and presented an orientation of the property as well proposed plans, general site information and landscape plans which can be found at the following link:

<https://www.newtonma.gov/home/showpublisheddocument/91265/637997860867500000>

The petitioner is proposing to demolish the existing single two-family dwelling on the site to construct four single-family attached units in two buildings, each with three stories.

Chief Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans which can be found at the following link:

<https://www.newtonma.gov/home/showpublisheddocument/91267/637997860872670000>

Ms. Whewell noted that the petitioner submitted a landscape plan showing screening along the property line, which will require relief for its location within ten feet from the side property line.

The landscape plan also calls for a six-foot-high fence. Ms. Whewell also noted that the petitioner should provide details around the fence such as materials and design.

Public Comment

SUSAN KORGEN of 10 Clarendon Street, Newton stated she had signatures from 64 neighbors living in 20 abutting properties that were in opposition of the petition. Ms. Korgen cited the existing traffic and parking issues with the neighborhood prior to the petition possibly moving forward. Ms. Korgen noted the streets are narrow already and added vehicles to the neighborhood would present more danger to children who utilize Norwood Ave to get to Cabot School.

TRICIA LENEHAN of 114 Norwood Ave, Newton echoed many of the similar sentiments of Ms. Korgen. Ms. Lenehan stated her main objection was not to building in the neighborhood itself, but rather the proposed number of dwelling units (4), which could potentially add upwards of 8-10 vehicles to the already limited parking situation.

SEAN ROCHE of 42 Daniel Street, Newton, voiced opposition to the project due to its scope and size. Mr. Roche noted that Newton did not need more large condominiums, but rather more modest and affordable housing. Mr. Roche also noted that the problem wasn't the size of the buildings, but the size of the units. If the size of the units were scaled down, more units could fit in the building.

More than a dozen members of the public spoke in opposition of this petition, echoing similar sentiments to the above abutters.

Committee Comments

Committee Members and additional Councilors present immediately noted that the neighborhood surrounding the petition has a parking/traffic issue that needs to be addressed. Councilors stated that they will work with the neighborhood to address these concerns and schedule a site visit.

Committee Members also questioned where construction vehicles would park should the project move forward. The Committee asked that construction vehicles not park on Norwood Ave considering the stated concerns by the neighborhood.

The Committee noted that vehicles do block driveways and that enforcement is lacking in the neighborhood and should be addressed.

Councilor Laredo motioned to hold the petition. The motion carried 8-0 and the Public Hearing remains open.

#393-22 Petition to extend nonconforming height at 1 Ridge Road

YAN YAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow additions to the basement, first and second stories of the existing dwelling, further extending the nonconforming height at 1 Ridge Road, Ward 5, on land known as Section 55 Block 36 Lot 01, containing approximately 15,000 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 Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 7-0 (Councilor Laredo not voting); Public Hearing Closed 9/20/22**

Note: The general contractor for the proposal, Joseph Zhang of Lexington, MA, represented the petitioner and deferred to the City's Planning Department presentation for an orientation of the property as well as proposed plans and general site information.

Chief Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans which can be found at the following link:

<https://www.newtonma.gov/home/showpublisheddocument/91273/637997861879730000>

Ms. Whewell noted that the petitioner is seeking to construct additions in the basement as well as first and second stories that alter the average grade of the site, which results in a technical increase of the height.

Ms. Whewell also took care to note that only the grade of the site is changing, the dwelling is not getting any taller or higher visually than what is currently in place. The distance from the average grade to the peak of the roof is increasing.

Public Comment

THAD BEAL of 170 Varick Road, Newton voiced no objection to the project if there indeed would be no net increase in height for the petitioner's property. It was discussed that as a courtesy to the abutting neighbors, the petitioner could have noticed the neighborhood either verbally, electronically or in writing.

SARAH HOLT of 170 Varick Road, Newton, was also appreciative of the height clarification. Ms. Holt noted she was discouraged by the recent trend of houses getting larger and larger in the neighborhood and was relieved to hear that was not the case with this petition.

DAVID NOYMER of 160 Varick Road, Newton, echoed similar sentiments of previous speakers. He also noted that because of the very steep slope associated with this lot that construction will present some risk.

Committee Comments

In response to Public Comment, the Committee reiterated Ms. Whewell's notes stating that the petitioner's dwelling was not getting physically or visually taller.

Committee Members stated that moving forward, it would be good practice to notify abutting properties of possible construction to alleviate misunderstandings with projects.

Councilor Downs motioned to close the Public Hearing which carried 7-0. Councilor Downs motioned to 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.

#417-22 Request to allow parking in the front setback and allow an additional front entrance at 154 Oliver Road

FRANK LASKI and NANCY ZOLLERS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow parking in the front setback and to allow a second front entrance at 154 Oliver Road, Ward 5, Newton, on land known as Section 54 Block 01 Lot 18, containing approximately 6,343 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 5.1.7.A, 5.1.13, 6.7.1.D.4 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0 (Councilor Laredo not voting); Public Hearing Closed 9/20/22

Note: Jay Walter of Entasis Architects, PC represented the petitioner. Mr. Walter presented an orientation of the property as well proposed plans, general site information and landscape plans which can be found at the following link:

<https://www.newtonma.gov/home/showpublisheddocument/91271/63799786133490000>

The petitioner is proposing to construct an accessory apartment by making additions to the rear of the dwelling. The accessory will be coming off the first floor of the dwelling, that also has a lower-level garage. The lower-level garage will be redesigned and repurposed as the entrance to the accessory unit by removing the garage door and installing a pedestrian entrance.

Chief Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans which can be found at the following link:

<https://www.newtonma.gov/home/showpublisheddocument/91269/637997861329730000>

Public Comment

The Chair opened for Public Comment. No member of the public wished to speak regarding this proposal.

Committee Comments

The Committee expressed strong support for the project highlighting the creativity of repurposing the unusable lower-level garage for a pedestrian entrance to the proposed accessory unit.

Committee Members additionally noted the project's minimal impact on the neighborhood as well as for the implementation of a ribbon driveway, which will reduce impervious surfacing at the site.

Councilor Downs motioned to close the Public Hearing which carried 7-0. Councilor Downs motioned to 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.

#394-22 Request to Rezone 2 parcels to MR2

WALKER CENTER FOR ECUMENICAL EXCHANGE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone parts of the following 2 parcels: 136-144 Hancock Street (Section 43 Block 31 Lot 01) and 169 Grove Street (Section 43 Block 31 Lot 16) from SINGLE RESIDENCE 3 TO MULTI RESIDENCE 2.

#395-22 Special Permit Petition to allow single- and multi-family development at 136-144 Hancock Street and 169 Grove Street

WALKER CENTER FOR ECUMENICAL EXCHANGE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow multi-family dwellings, to allow single-family attached dwellings, to allow a reduced rear setback, to allow reduced lot area per unit, to alter and extend a nonconforming side setback, to waive parking stalls, to waive perimeter screening requirements and to waive lighting requirements at 136-144 Hancock Street and 169 Grove Street Ward 4, Newton, on land known as Section 43 Block 31 Lots 01 and 16 containing approximately 58,492 sq. ft. of land in a district zoned SINGLE RESIDENCE 3 (rezone to MULTI RESIDENCE 2 proposed). Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 4.1.3, 7.8.2.C.2, 5.1.4, 5.1.13, 5.1.9.A.1.ii, 5.1.10.A of the City of Newton Rev Zoning Ord, 2017.

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

Note: David Oliveri, Principal of Civico Development along with Attorney Terrence Morris, with offices at 57 Elm Road, Newton presented the project with an orientation of the property as well proposed plans, general site information and landscape plans. At the time this report was published his presentation had not yet been submitted.

The petitioner is proposing the property be rezoned from a SINGLE RESIDENCE 3 (SR3) to a MULTI RESIDENCE 2 (MR2). Additionally, the petitioner has requested to allow multi-family dwellings and single-family attached dwellings at the site, a total of 16 units.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and proposed plans which can be found at the following link:

<https://www.newtonma.gov/home/showpublisheddocument/91418/637999553725270000>

Public Comment

SEAN ROCHE of 24 Daniels Street, Newton voiced overall support for the petition as he appreciated the repurposing of the property for more housing. Mr. Roche did express concern over the size of the units which is close to 2,300 Sq Ft. Mr. Roche states Newton needed more housing in the 1,200 Sq Ft to 1,500 Sq Ft range. By reducing the size of the units to the 1,200 Sq Ft range, Mr. Roche noted that a total of 27 living units could be accommodated at the site instead of the proposed 16.

MICHAEL MUSEN of 147 Hancock Street, Newton, spoke in support of the project. He stated the petitioners had done an admirable job designing the project and is consistent with what the neighborhood wants and needs.

ANNIE RAINES of 50 Court Street, Newton, voiced support for the petition. Ms. Raines noted that the project sought to preserve the historical structure of the Walker Center and repurpose it. Ms. Raines echoed similar sentiments of previous public speakers regarding the size of the units, but also states that smaller units do not accommodate families well.

Committee Comments

Committee Members felt reassured that several direct abutters approved of the project. Members additionally appreciated the presented landscape plan that included native and urban appropriate sustainable plants that can be drought tolerant.

Committee Members questions for the petitioner and developer included:

Where will bike parking be located?

Will parking be bundled or unbundled?

Will EV charging be available?

Due to the proximity to the MBTA, will there be discounted fare T Passes?

Will the Mature Tree on the corner of Hancock Street and Grove Street be retained?

Councilor Markiewicz motioned to hold the petition. The motion carried 8-0 and the Public Hearing remains open.

#259-22 Request to Rezone 7 parcels to BU4

CRAFTS DEVELOPMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone 7 parcels as follows: 34 Crafts Street (Section 23 Block 16 Lot 11), 36 Crafts Street (Section 23 Block 16 Lot 10), 38 Crafts Street Section 23 Block 16 Lot 09), 48 Crafts Street (Section 23 Block 16 Lot 08), and 50 Crafts Street (Section 23 Block 16 Lot 07) from MANUFACTURING TO BUSINESS 4; and 19 Court Street (Section 23 Block 16 Lot 12) and 21 Court Street (Section 23 Block 16 Lot 13) from MULTIRESIDENCE 1 TO BUSINESS 4.

#260-22 Petition to construct elderly housing with services at 34, 36, 38, 48, 50 Crafts Street, 19-21 Court Street

CRAFTS DEVELOPMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow an Elder Housing with Services facility, to allow a development in excess of 20,000 sq. ft., to allow a seven-story building, to allow a building 84 feet in height, to allow parking within the side setback, to reduce the required parking stall width, to reduce the required parking stall depth, to reduce the required parking stall depth for accessible stalls, to allow a reduced drive aisle width for two-way traffic and to waive the lighting requirements at 34, 36, 38, 48, 50 Crafts Street, 19-21 Court Street, Ward 2, Newton, on land known as Section 23 Block 16 Lots 7, 8, 9, 10, 11, 12 and 13, containing approximately 115,818 sq. ft. of land in districts zoned MAN and MR1 (to be rezoned to BU4). 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, 5.1.8.A.1, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.C, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

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

Note: Attorney Stephen Buchbinder of Schlesinger and Buchbinder, LLP, with offices at 1200 Walnut Street, Newton, represented the petitioner. Also, in attendance in support of the petitioner were officers of Mark Development; Principal Damien Chaviano and Senior Vice-President of Development David Roache.

Atty. Buchbinder provided updates since Petition 260-22 was last before the Committee on August 9, 2022. His updates addressed the concerns of both the Committee Members and the Planning Department such as a staggered employee shift schedule, the petitioner's commitment to provide 28 Electronic Vehicle (EV) charging stations, protocols relative to emergency vehicle access and a definitive answer from the abutting property to create a pedestrian connection in the form of a denial (Whole Foods).

Mr. Roache detailed the pedestrian loop around the property as well as the proposed pick-up/drop-off location on Crafts and Mr. Chaviano a proposed mitigation package; not all the presentations were submitted at the time this report was published. The submitted presentations can be found at the following link:

<https://www.newtonma.gov/home/showpublisheddocument/91283/637997865378070000>

Public Comment

ADAM LUNIN of 24 Court Street, Newton, asked for accurate renderings from the petitioner as the previous drawings showed plants and trees that do not exist in the neighborhood. Mr. Lunin also raised concerns about the project's effects on his property. Mr. Lunin asked if structural engineers would be a part of the project moving forward.

Mr. Chaviano responded that there were some inaccuracies in previous renderings and have resubmitted and that information is now public. Mr. Roache also noted that abutters will have access to a fund set up by the petitioner through a third-party administrator with the City should damages occur to abutting properties.

ANNIE RAINES of 50 Court Street, Newton, raised concerns about Craft Street becoming an auxiliary parking lot for visitors and staff members of the proposed development. Ms. Raines was also concerned with light pollution and its effect on birds and other wildlife.

Atty. Buchbinder addressed Ms. Raines' light concerns by stating they were seeking a waiver for the one-foot candle, which is generally a large amount of light. Additionally, the lighting that will be in place will be directed down at the property.

Committee Comments

Councilors expressed enthusiasm for the proposed printed crosswalks citing a pedestrian safety article is safer for pedestrians than a standard crosswalk. Councilors additionally noted these crosswalks are not only safer according to data but beautify the city.

Councilor Lucas motioned to hold the petition. The motion carried 8-0 and the Public Hearing remains open.

The Committee adjourned at 9:58 p.m.

Respectfully Submitted,

Richard Lipof, Chair