



Land Use Committee Report

City of Newton In City Council

Tuesday, January 10, 2023

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

Also Present: Councilor Wright

Absent: Councilor Laredo

City Staff Present: Senior Planner Cat Kemmett, Senior Planner Michael Gleba, Chief Planner Katie Whewell, and Assistant City Solicitor Jonah Temple

All Special Permit Plans, Designs, Plan Memoranda and Application Materials can be found at the following link [NewGov - City of Newton Land Use Committee Special Permit Search](#).

The full video of the January 10, 2023 Land Use Meeting can be found at the following link: [01-10-2023 NewTV Land Use Committee Meeting](#)

- #554-22** **Class 1 Auto Dealers License**
VILLAGE MOTORS GROUP INC D/B/A HONDA VILLAGE
371 Washington Street
Newton, MA 02458
- #555-22** **Class 2 Auto Dealer License**
AUCTION DIRECT PREOWNED, INC
1545 Washington Street
West Newton, MA 02465
- #556-22** **Class 2 Auto Dealers License**
OLD TIME GARAGE LTD.
1960 Washington Street
Newton, MA 02462
- #557-22** **Class 2 Auto Dealers License**
STAN'S AUTOMOTIVE INC.
249 Centre Street
Newton Corner, MA 02458

#558-22 **Class 2 Auto Dealers License**
MOTORCARS OF BOSTON INC.
1191 Washington Street
West Newton, MA 02465

#3-23 **Class 1 Auto Dealer License**
NEWTON CENTRE SHELL
1365 Centre Street
Newton, MA 02459

#4-23 **Class 2 Auto Dealers License**
UNITED AUTO CENTER INC
454 Watertown Street
Newton, MA 02460

Action: **Land Use Approved 7-0**

Note: Prompted from the Chair, the Clerk noted that all the petitions read into the record are in good standing and were approved by a voice vote of 7-0.

Public Comment

Approval of auto dealer licenses does not require a Public Hearing and no member of the public made comments.

Committee Comments

No Committee Members made any comments of note pertaining to these petitions.

#559-22 **Class 2 Auto Dealers License**
KC AUTO
55 Farwell Street
Newton, MA 02460

Action: **Land Use Held 7-0**

Note: Prompted from the Chair, the Clerk noted that Petition #559-22 has been the subject of numerous complaint calls made to the City Clerk's Office. One resident brought action against KC Auto through the Massachusetts Office of Consumer Affairs and Business Regulation. An arbitration hearing date was assigned for October 28, 2022, and no representative for KC Auto was present resulting in a default finding for the consumer.

Additionally, KC Auto is operating out of a residence at this time, yet has not registered as a "Home Business" with the City's Inspectional Services Division (ISD) as noted by Assistant City Solicitor Jonah Temple.

The Chair notified the petitioner that the Committee could not approve his auto license renewal in good faith until the two above issues were addressed and the Committee subsequently Held the petition.

Public Comment

Approval of auto dealer licenses does not require a Public Hearing and no member of the public made comments.

Committee Comments

No Committee Members made any comments of note pertaining to this petition.

#561-22 Request to change from a nonconforming personal service use (spa) to a different nonconforming personal service use (commercial prep kitchen) at 624-628 Commonwealth Avenue

ALICE SPECK petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow the conversion of an existing spa to a commercial prep kitchen at 624-628 Commonwealth Avenue Street, Ward 7, Newton, on land known as Section 61 Block 01 Lot 05, containing approximately 3,164 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0

Note: The petitioner, Alice Speck, was present to represent the petition. Ms. Speck did not submit a multimedia presentation but provided an oral overview of the proposed petition. Documents pertaining to this petition can be found at the following link:

[624-628 Commonwealth Ave - Petition Documents](#)

Senior Planner Cat Kemmett presented the requested relief, criteria for consideration, land use and zoning which can be found at the following link:

[Planning Presentation - 624-628 Commonwealth Ave](#)

The petitioner is seeking to convert space currently used as a spa into a prep kitchen for a mobile bar business. No food or drinks will be sold on site at 624-628 Commonwealth Avenue.

To change from one nonconforming use to another requires a Special Permit per section 7.8.2.C.2.

Public Comment

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

Committee Comments

Committee Members expressed excitement at a new business coming to the area. Members noted the minor change from its previous use and had no reservations for approval.

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 is shown in the attached presentation. The Committee voted in favor of approval 7-0.

#564-22 Request to allow a free-standing sign at 2345 Washington Street

PAMELA JAGIELLO, SIGNS BY J, INC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to replace an existing sign with a 26 square foot free-standing sign at 2345 Washington Street, Newton, Ward 4, on land known as Section 42 Block 30 Lot 08, containing approximately 12,017 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 7.4, 5.2.13.A, 5.2.13.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0; Public Hearing Closed 12/13/22

Note: The petitioner was present to represent the petition but made no comments of note or presentations. Instead, the petitioner deferred to the Planning Department's more thorough presentation for an overview of the proposed petition. Documents pertaining to this petition can be found at the following link:

[2345 Washington St - Petition Documents](#)

The property has an existing free-standing sign which never received a Special Permit and for which no historical building permits are available in the Inspectional Services files.

The petitioner seeks to replace the existing sign with a 26 square foot free-standing sign perpendicular to Washington Street approximately three feet in from the existing retaining wall along the frontage.

The Urban Design Commission (UDC) has approved the sign with the condition that the new sign height matches the existing sign height.

Per section 5.2.13, a Special Permit is required for the proposed free-standing sign.

Senior Planner Michael Gleba presented an orientation of the property as well as the proposed plans, and general site information in addition to the requested relief, criteria for consideration, land use, and zoning which can be found at the following link:

[Planning Presentation - 2345 Washington St](#)

Public Comment

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

Committee Comments

Committee Members noted how the changes from the previous sign to the proposed sign are minimal and that the effects on traffic in the area would be negligible.

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

#562-22 Request to exceed FAR at 28 Putnam Street

TREVOR AND LUBA STRICKER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a first-floor study and accessory apartment with additional living space above at 28 Putnam Street, Ward 3, Newton, on land known as Section 32 Block 07 Lot 18, containing approximately 11,747 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 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 7-0

Note: Architect Peter Sachs was present to represent the petitioners. Mr. Sachs did not present a multimedia presentation. Instead, Mr. Sachs just stated that the Historical Commission administratively approved the proposed project. Mr. Sachs also added that there are no drainage issues associated with the project and that the Owners had received support for the petition prior to coming before the Committee. The Documents pertaining to this petition can be found at the following link:

[28 Putnam St - Petition Documents](#)

The petitioners propose to construct a first-floor study and accessory apartment addition with additional living space above.

The proposed addition increases the Floor Area Ratio (FAR) from .35 to .43 where .36 is the maximum allowed.

A Special Permit per sections 3.1.3 and 3.1.9 is required.

Senior Planner Michael Gleba presented an orientation of the property as well as the proposed plans, and general site information in addition to the requested relief, criteria for consideration, land use, and zoning which can be found at the following link:

[Planning Presentation - 28 Putnam St](#)

Public Comment

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

Committee Comments

No Committee Members made any comments of note pertaining to this petition.

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

#563-22 Request to raze and construct a two-unit dwelling at 219 Melrose Street

FOX AND TOBY, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing two-family dwelling and construct a two-unit dwelling at 219 Melrose Street, Ward 4, Newton, on land known as Section 41 Block 18 Lot 26, containing approximately 16,976 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.1.2.A.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0; Public Hearing Closed 12/13/22

Note: Attorney Terrence Morris, of the Law Office of Terrence Morris, LLC, with offices at 57 Elm Road, Newton, was present to represent the petitioner. Atty, Morris was joined by members of the project development team including Architect Trevor Olieri, Civil Engineer Verne Porter, and the property owner Jon Fox.

Atty. Morris did not utilize multimedia slides to present the proposed petition, but rather used petition materials throughout his presentation as references which can be found at the following link under FILES:

[219 Melrose St - Petition Documents](#)

Noting that the entry driveway is narrow and rather steep for possible emergency vehicles, Mr. Olieri, who also serves as a Fire Lieutenant in Framingham, MA, stated that the project team had numerous conversations with the Newton Fire Marshal. An agreement between the Fire Marshal and the project development team involved the installation of sprinklers in the building.

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

[Planning Presentation - 219 Melrose St](#)

The property at 219 Melrose Street consists of 16,976 square feet in the Single Residence 3 (SR3) Zoning District improved with a two-family dwelling constructed around 1870. The parcel gains access Melrose Street via a twenty-foot wide right of way, which is shared with 215 and 223 Melrose Street. Additionally, the parcel thirty feet of frontage along the unimproved portion of Higgins Street.

The petitioner proposes to raze the existing two-family dwelling and construct a dwelling with two units. The proposed two-unit dwelling is designed so that the garage for Unit 1 shares a party wall with Unit 2's habitable space.

The proposed two-unit dwelling configuration requires a Special Permit to change from one nonconforming use to another, requiring a Special Permit per sections 3.4.1 and 7.8.2.C.2 to extend a nonconforming two-family dwelling in an SR3 District.

Public Comment

GORDON MORIARTY, of 223 Melrose Street, Newton, thanked members of the Committee for speaking with him prior to the Meeting. Mr. Moriarty expressed that much of what was presented by Atty. Morris and his project development team were new to him as an abutting neighbor.

Mr. Moriarty noted that the current driveway he shares with his neighbors is approximately 9.5 feet wide, but in the Planning Memo there is a proposal for a 12-foot-wide driveway. Mr. Moriarty questioned if there indeed a plan was to widen the driveway and where that land would come from.

Atty. Morris stated there was a plan to widen and stated that there was some land to the immediate left and right of the driveway that could be paved without encroaching on the neighbors' property.

Mr. Moriarty additionally asked if utilities would be going in under the driveway and at a cost to who. Mr. Porter answered that Gas and Water lines would come up the driveway (which are shallow excavations) and the Sewer line would go out to Higgins. The maintenance of these would be the responsibility of the owners of 219 Melrose Street.

Mr. Moriarty also wanted to go on record that he opposed the overall height of the project but made no additional comments as to whether he was in favor or opposed the project overall.

MARSHA KESSLER of 227 Melrose Street, Newton, questioned Mr. Fox on when construction would begin in earnest for the project and how long it would take. Mr. Fox replied with a start time of late spring if everything went well, and the project would last for roughly seven months.

Ms. Kessler additionally asked what hours of the day crews would be working and operating in. Mr. Fox replied, that while the city ordinance for weekdays says 7:00am to 7:00pm crews would generally not work that late, maybe ending for the day around 4:00pm and there would be no work done on Sundays.

Committee Comments

The Committee Members appreciated the efforts made by Mr. Fox and his team to reach out to neighbors and abutting properties.

Members questioned if gas was currently installed in the building. Mr. Fox answered that it was previously oil and had been converted to gas.

Members challenged Mr. Fox if he could commit to being 100% electric and he answered in the affirmative.

Members also questioned the size of the project but noted that it was outside of the Committee's purview to criticize the size of individual units. The Committee Members' concerns stemmed from the size of the building relative to current housing in the neighborhood and the current housing needs throughout the city.

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

#560-22 Request to allow rear-lot subdivision at 19 Staniford Street

MICHAEL QUINN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to subdivide the current lot into two, with one single-family dwelling each at 19 Staniford Street, Ward 4, Newton, on land known as Section 41 Block 31 Lot 21, containing approximately 25,366 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.5, 3.1.10, 1.5.6, 3.1.10.B.3.a of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Held 7-0; Public Hearing Closed 12/13/22

Note: The petitioner Michael Quinn was present and provided an oral history of the site. Mr. Quinn did not present graphics and deferred to the Planning Department's more thorough presentation for an overview of the proposed petition. Documents pertaining to this petition can be found at the following link:

[19 Staniford St - Petition Documents](#)

Senior Cat Kemmet presented the requested relief, criteria for consideration, land use and zoning which can be found at the following link:

[Planning Presentation - 19 Staniford St](#)

The property at 19 Staniford consists of 25,366 square feet in the SR3 zoning district. The site was previously improved with a single-family dwelling which has been razed. The petitioner is proposing to subdivide the lot to create two lots intended for the construction of one single-family dwelling each.

The petitioner proposes to create a rear lot subdivision per sections 3.1.5 and 3.1.10. To subdivide the land as proposed, the petitioner must obtain a Special Permit from the City Council per section 3.1.10.A.

Public Comment

GEORGE ZHANG, of 27 Staniford Street, Newton, expressed his opposition to the project citing privacy concerns for his family and environmental issues due to the proximity to the wetlands.

Ms. Kemmett responded that the Conservation Commission has not weighed in on this petition and has found no evidence that the petitioner has made overtures to the Conservation Commission.

Mr. Quinn stated that he has had numerous conversations with members of the Conservation Commission, but that the person he has been working with is currently out on vacation.

The Chair noted that the Committee could not give its approval to the project without prior approval from the Conservation Commission regarding the wetlands.

LISA LUO, of 27 Staniford Street, Newton also voiced her opposition to the petition. Ms. Luo also cited privacy and environmental concerns related to this petition.

CHENG DAYANG, of 24 Staniford Street, Newton, stated that the configuration of the neighborhood would be altered if this petition was approved. He asked that the builder consider changing the configuration.

Committee Comments

To assuage Mr. Zhang's privacy concerns, Committee members questioned if the petition had proper screening, more specifically the types and height of the proposed trees along the property line with Mr. Zhang.

Mr. Quinn responded that the trees were Red Cedars and would be between 8ft-9ft tall.

Committee Members noted that there was a proposal of 3,800 square feet of paving and two curb cuts, one of which is two feet wide, associated with this petition. Members urged the petitioner to reconsider the driveway configuration due to the proximity of the wetlands. Additionally, Committee Members would like the petitioner to limit the petition to one curb cut.

Committee Members also questioned that since these are new buildings, would they be all-electric. Mr. Quinn aptly noted that the two proposed homes would be electric.

Councilor Markiewicz motioned Hold the petition which carried 7-0. The Public Hearing for this petition remains open.

#448-22 Request to extend nonconforming parking structure to construct six dwelling units above at 1 Jackson Street

345 BOYLSTON, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a three-story structure with 36 feet in height; to allow an FAR of 1.48; to vertically extend a nonconforming front setback; to waive 8 parking stalls and to allow assigned parking at 1 Jackson Street, Ward 6, Newton, on land known as Section 65 Block 10 Lot 19, containing approximately 12,512 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 7.4, 4.1.2.B.3, 4.1.3, 7.8.2.C.2, 5.1.4, 5.1.13, 5.1.3.E of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 6-0-1 (Councilor Lucas Abstained); Public Hearing Closed 12/13/22

Note: Attorney Franklin Schwarzer of the Law Office of Schlessinger & Buchbinder, LLP, with offices at 1200 Walnut Street, Newton represented the petitioner. Petition materials can be found at the following link under FILES:

[1 Jackson St - Petition Documents](#)

Atty. Schwarzer provided updates since the petition was last before the Land Use Committee on October 18, 2022. The updates included, adding two additional units for a total of six, the project will be all electric, incorporating suggestions from the UDC to activate streetscape, window design and emplacement and finally, the entrance vestibule design.

The existing two-level, 24-stall parking garage was built by right in 1973 to provide parking for the abutting office building at 345 Boylston Street. At the time, the office building required 30 parking stalls. As such,

there are ten surface parking stalls located behind the office building on that parcel accessed by a shared driveway.

The petitioner proposes to construct two stories with six residential units above the parking garage. The surface parking on the adjacent parcel will remain unchanged, and there will continue to be 34 parking stalls between the two parcels.

Senior Planner Cat Kemmett presented an orientation of the property as well as the proposed plans, and general site information in addition to the requested relief, criteria for consideration, land use, and zoning which can be found at the following link:

[Planning Presentation - 1 Jackson St](#)

Ms. Kemmett did say the Planning Department had some concerns, most notably accessibility after speaking with the City's Americans with Disabilities Act (ADA) Coordinator. The shared entrance to the rear provides minimal protection for pedestrians as well as noted by Ms. Kemmett.

Public Comment

SEAN ROCHE, of 42 Daniels Street, Newton, stated that he lived near the site and viewed the proposal very favorably. As a housing advocate, Mr. Roche added that this petition is the type of housing that should be occurring throughout Newton.

Mr. Roche applauded the range of sizes in the units from as small as 880 square feet to the largest being just over 2,000 square feet.

Mr. Roche also wanted to congratulate the Committee on making the suggestions that the petitioner adhered to.

Committee Comments

Committee Members also praised the developer to going back and looking at the suggestions that were previously made by the Committee and making good on them. Committee Members would still like to see the accessibility issues addressed.

Members questioned the parking arrangement regarding the project considering there are a proposed six units and only four parking spaces. Members added for those who did not have vehicles, the only bus servicing the area is the 60 Bus and the site is about a mile away from the MBTA Green Line.

Members additionally asked if the parking would be bundled or unbundled. Atty. Schwarzer responded that it will be unbundled. If you come to rent a unit, you can also optionally rent a parking space. The parking spaces are not tied to a specific unit.

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 is shown in

the attached presentation. The Committee voted in favor of approval 6-0-1 with Councilor Lucas abstaining.

The Committee adjourned at 10:13 p.m.

Respectfully Submitted,

Richard Lipof, Chair