



Land Use Committee Report

City of Newton In City Council

Tuesday, January 24, 2023

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

Also Present: Councilor Wright

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 24, 2023 Land Use Meeting can be found at the following link: [01-24-2023 NewTv Land Use Committee Meeting](#)

#23-23 **Request to amend Special Permit #289-18 at 697 Washington Street**
697 WASHINGTON STREET REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #289-18 to update signage and on-site parking at 697 Washington Street, Newton, Ward 2, on land known as Section 23 Block 19 Lot 1B, containing approximately 16,678 sq. ft. of land in a district zoned BUSINESS 2. 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 Held 8-0: the Public Hearing remains open**

Note: At the request of the petitioner, the Chair opened the Public Hearing for this petition and immediately took a motion to hold the item to a later date as the petitioners requested more time. For reference, documents associated with this petition can be found at the following link.

[697 Washington St - Petition Documents](#)

Public Comment

No member of the public spoke regarding this petition.

Committee Comments

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

Councilor Lucas motioned to hold the petition. The Committee voted in favor to hold the petition by a voice vote of 8-0.

#6-23 Request for Extension of Time to Exercise Special Permit #122-21 at 9-11 Noble Street
JOHN CARUSO petition for an EXTENSION OF TIME to September 9, 2024, to EXERCISE Special Permit Council Order #122-21 to construct dormers in the attic level, extending the nonconforming two-family use and extending the nonconforming FAR at 9-11 Noble Street, Ward 3, West Newton, on land known as Section 44 Block 4 Lot 19, containing approximately 6,258 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 8-0

Note: With no discussion, the Committee unanimously voted to approve the petitioner's extension of time request. For reference, documents associated with this petition can be found at the following link:

[9-11 Noble St - Petition Documents](#)

Public Comment

No member of the public spoke regarding this petition.

Committee Comments

No Committee Members made any comments of note pertaining to this petition. The Committee voted in favor of approval by a voice vote of 8-0.

#5-23 Request for Extension of Time to Exercise Special Permit #299-21 at 131 Rumford Avenue
PHARMACANNIS MASSACHUSETTS INC. D/B/A/ VERILIFE petition for an EXTENSION OF TIME to December 20, 2024 to EXERCISE Special Permit Council Order #299-21, allow a retail marijuana establishment, to allow parking facility requirements to be met off-site, to waive the minimum driveway width requirement, to waive perimeter screening requirements, to waive lighting requirements and to waive the 25% façade transparency requirement at 131 Rumford Avenue, Ward 4, Auburndale, on land known as Section 41 Block 31 Lot 50, containing approximately 20,443 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, 5.1.6.A, 5.1.6.B, 5.1.8.D.1, 5.1.13, 5.1.9.A, 5.1.10, 6.10.3.E.15 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0-1 (Councilor Lipof Recused)

Note: Citing a potential conflict of interest the Chair, Councilor Lipof, recused himself from the petition. Vice-Chair Councilor Kelley assumed responsibility and guided the petition.

With no discussion, the Committee voted to approve the petitioner's extension of time request.

Public Comment

No member of the public spoke regarding this petition.

Committee Comments

No Committee Members made any comments of note pertaining to this petition. The Committee voted in favor of approval by a voice vote of 7-0-1 with Councilor Lipof recused.

#21-23 Request to allow marijuana retailer at 131 Rumford Avenue

SSG LEXINGTON NEWTON, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend special Permit #299-21 to replace the operator to Community Care Collective, Inc. at 131 Rumford Avenue, Ward 4, Auburndale, on land known as Section 41 Block 31 Lot 50, containing approximately 20,443 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, 5.1.6.A, 5.1.6.B, 5.1.8.D.1, 5.1.13, 5.1.9.A, 5.1.10, 6.10.3.E.15 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0-1 (Councilor Lipof Recused); Public Hearing Closed 01/24/23

Note: Citing a potential conflict of interest the Chair, Councilor Lipof, recused himself from the petition. Vice-Chair Councilor Kelley assumed responsibility and guided the petition. All documents associated with this petition can be found at the following link:

[131 Rumford Ave - Petition Documents](#)

Attorney Phil Silverman of Vincente Sederberg, LLP, with offices at 800 Boylston Street, Boston was present and represented the petitioners, Community Care Collective, Inc. The owner and Chief Executive Office (CEO) of Community Care Collective, Inc, David Giannetta, was also present.

Atty. Silverman presented a brief overview of the petition pertaining to the business, location, functionality, and leadership team. Atty. Silverman's presentation can be found at the following link:

[131 Rumford Ave - Petitioner Presentation](#)

The petitioner seeks to operate a marijuana retail establishment pursuant to section 6.10.3 within the proposed building on the subject site that has been vacated by a previous marijuana retailer (Pharmacannis). The petitioner seeks to simply take over the previous Special Permit associated with 131 Rumford Avenue with no change to the previously granted conditions.

Public Comment

No member of the public wished to speak regarding this petition.

Committee Comments

The Committee Members simply questioned if the petitioner will maintain the same staffing levels as the previous petitioner as well as the number of point of sale (POS) machines that will be on site.

Mr. Giannetta responded in the affirmative that operating levels would remain the same as the previous occupants. Mr. Giannetta added that the site will maintain five (5) POS machines and twelve (12) employees on any given shift.

Councilor Markiewicz motioned to close the Public Hearing which carried 7-0-1. Councilor Markiewicz motioned to approve the petition. Committee Members reviewed the draft findings and conditions as related to the previous petitioner's approval. The Committee voted in favor of approval 7-0-1 with Councilor Lipof recused.

#22-23 Request to exceed FAR and to allow a garage exceeding 700 square feet at 4 Garrison Street

SUSAN AND ARNOLD SERVAIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing attached single-car garage and construct a two-car garage with living space above at 4 Garrison Street, Ward 7, Chestnut Hill, on land known as Section 61 Block 11 Lot 08, containing approximately 9,780 sq. ft. of land in a district zoned MULTI RESIDENCE 1. 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 8-0; Public Hearing Closed 01/24/23

Note: The petitioners, Susan and Arnold Servais, were present to represent the petition with their architect, Lee Maserian, the Director of Design and Development at Morse Constructions. Mr. and Mrs. Servais 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:

[4 Garrison St - Petition Documents](#)

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

[4 Garrison St - Planning Presentation](#)

The petitioners are proposing to demolish an existing attached single-car garage added in the 1980s and construct a two-car garage with living space above. The proposed garage addition will have a footprint exceeding 700 square feet and will exceed the maximum floor area ratio (FAR), requiring a special permit per Section 3.4.4.H.1.

Public Comment

No member of the public wished to speak regarding this petition.

Committee Comments

The Committee Members expressed support for the project and applauded the petitioners for contacting abutting neighbors and garnering support from the neighborhood for the petition.

Committee Members additionally noted that the proposed additions appeared to be quite close to the neighboring property line and questioned if the petitioners have given thought to potential screening options along that side of the property.

Mrs. Servais noted that they plan to install arborvitaes along that property line and that the neighbor along that property line had reviewed the plans for the project and signed onto a letter of support.

Councilor Laredo motioned to close the Public Hearing which carried 8-0. Councilor Laredo 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 8-0.

The Committee adjourned at 7:28 p.m.

Respectfully Submitted,

Richard Lipof, Chair