



# Land Use Committee Report

## City of Newton In City Council

**Tuesday, May 07, 2024**

**Present:** Councilors Kelley (Chair), Block, Downs, Farrell, Laredo, Leary, Lobovits and Lucas;

**Also Present:** Councilors Albright, Gentile, Krintzman, and Wright

**City Staff Present:** Senior Planner Cat Kemmett, Chief Planner Katie Whewell, Assistant City Solicitor Jonah Temple, and Housing Program Manager Shaylyn Davis-Iannaco

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

The full video of the May 07, 2024, Land Use Meeting can be found at the following link: [May 07, 2024, Land Use Meeting](#)

**#207-24 Request for a Special Permit to waive 15 parking stalls at 1173-1177 Walnut Street**

HAEMEE, INC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the basement space for use as an office and waive 15 parking stalls at 1173-1177 Walnut Street, Ward 6, Newton Highlands, on land known as Section 52 Block 39 Lot 01, containing approximately 10,799 sq. ft. of land in a district zoned BUSINESS 1. Ref: Sec. 7.3.3, 5.1.4, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:** **Land Use Approved 8-0; Public Hearing Closed 8-0**

**Note:** Katie Whewell, Chief Planner presented the request for a Special Permit to waive 15 parking stalls at 1173-1177 Walnut Street. The presentation is attached, and additional back-up can be found at the following link: [Record SP-24-17 - ViewPoint Cloud](#). The site is across from the Newton Highlands T Station. No changes are proposed to the exterior of the building or parking area. The office use requires 15 parking stalls. The 15 parking stalls currently on site are allocated for the 2 existing personal service uses on site, so none of these stalls can be allocated towards the required number of stalls for this site. Ms. Whewell noted that the office use will have different peak times than the personal care uses, so traffic should not conflict with each other, and in addition there is public parking on Hartford Street.

Hunter Guarino, CFO of the tenant, noted the lease allocates 3 parking stalls for the usage of the business. They have three employees in the Boston area, and anticipate only adding a couple more team members in the coming months. Noted the use would be a workspace for employees and it is not

intended to be a space where members of the public are invited in. Victor Hung, CEO of the tenant, noted he is one of the individual that will work in the space.

A councilor asked for clarification about the current 15 parking stalls being allocated to the 2 personal care uses, and then the basement tenant also having three stalls. Ms. Whewell noted that is because there is 2 different calculations. One is what it required by zoning which is the 15 stalls currently there being credited to the two businesses resulting in the need for this waiver. The other calculation is what is being leased. There are three of these stalls being leased to the business, but that does get credited to the petitioner.

A councilor asked if this tenant is moving into the basement, and if there are signs noting which parking stalls are for which business. Ms. Guarino noted that they would be located in the basement, and they have signs that note their parking stalls.

A councilor inquired into what the space will be used for. Ms. Guarino noted that they design immersive experiences, and this will be used for team meetings to work on those designs. Occasionally they may bring a client in for a meeting.

A councilor inquired what would happen to the special permit if a new tenant moves in. Ms. Whewell noted that it depends on how the council order is written. The committee could decide to allow this waiver if a tenant came in with the same use, or they could approve this waiver just for this tenant. Ms. Whewell noted that there is a standard condition that says if a different use comes into the space they would have to come in front of the committee for a special permit.

A councilor spoke in favor of this petition noting it is a transient oriented neighborhood. Encouraged the tenant to use bikes or take public transit. Ms. Guarino noted currently the businesses uses a hybrid model, so not every employee drives every day.

A councilor asked for clarification on what the square footage is, and if they could sublease the space. A councilor noted that it is 3,650 square feet, and Ms. Guarino noted they are not allowed to sublease the space.

A councilor noted a desire to bring in businesses that will bring in employees next to T stations, and spoke in favor of less required parking than mandating more, which will reduce the amount of pavement in the village centers.

A councilor asked if the special permit stay with the owner or the space. Jonah Temple, Assistant City Solicitor noted that typically special permits stay with the land, but in this case it would stay with the use.

Councilors spoke in favor of conditioning the council order to allow this waiver if the same use came into this space in the future.

A councilor noted the council order should state any use that results in a higher parking requirement would require an amendment to the special permit.

The committee discussed the draft council order, and Councilor Lobovits motioned to approve, which passed unanimously.

**#79-24 Request to amend Special Permit #395-22 to allow for a cash payment in lieu of providing IZ units at 136-144 Hancock Street**

TERRENCE P. MORRIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend the special permit to substitute a cash payment in lieu of providing the units at 136-144 Hancock Street, Ward 4, Auburndale, on land known as Section 43 Block 31 Lot 01, containing approximately 58,492 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3, 5.11.5.A.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Held 7-0 (Councilor Downs Not Voting); Public Hearing Opened on February 6, 2024**

**Land Use Held 8-0; Public Hearing continued on March 12, 2024**

**Action: Land Use Approved Withdrawal Without Prejudice Subject to Second Call 8-0; Public Hearing Closed 8-0**

**Notes:** David Oliveri, the petitioner, noted that he submitted paperwork via NewGov 20 minutes earlier to withdraw this request, and noted they would like to discuss the future plans for the project.

Some councilors expressed concern with talking about news plans that are not in the docket item.

Mr. Temple noted that there should be a vote at this meeting to allow the withdrawal without prejudice. He noted that before the taking the vote it would be ok for the petitioner to give an update on the project with the understanding that nothing with the current plans are within the Land Use's jurisdiction at this point.

Some councilor expressed the desire to hear the plans and that they could have a brief discussion before the vote to withdraw.

Some councilors expressed a desire to wait until the next meeting as the withdrawal request came in during the meeting.

Mr. Oliveri noted that the discussion of the plans has to do with the reason they are withdrawing this petition.

Councilors noted it would be appropriate for the petitioner to explain why they are withdrawing the petition, but they should not have discussions surrounding the new plans.

Mr. Oliveri noted they are withdrawing the request for payment in lieu because there is strong support to have affordable units on site. He stated they brought a new structural and architectural team who created new plans that will save construction cost that will allow them to reallocate the IZ units between the Barton House and the Walker Center. He noted that the FAR and unit count would not change, but there would be an increase of 12 bedrooms. He noted they believe this will fit in with the IZ ordinance.

Mr. Temple noted that public comment should still be taken, and that discussion should revolve around the withdrawal without prejudice and the current item, and the specifics of the new information should not be discussed.

The public hearing was continued.

David Hedison, 215 Waverly, expressed happiness with the possible changes on site.

Councilors expressed pleasure with the withdrawal without prejudice and the possibility of the IZ units being provided.

Some councilors expressed a desire for a vote to be taken tonight on the request for withdrawal.

A councilor noted a desire to wait until the next meeting to consider this request, since the request for withdrawal came in during the meeting.

Terry Morris, representing the petitioner, noted that Mr. Oliveri decided to withdraw, and was going to make the case publicly as he did, but they wanted to submit something in writing as well which resulted in the written request coming in at 7:23pm this evening. He would like to see a vote taken tonight with the option it could be voted on subject to second call.

A councilor noted the committee has routinely entertained motions to withdraw regularly both in the committee and at full council, and they could vote subject to second call which will give councilors time to look at the letter.

A councilor requested that the public hearing remain open for the public to have a chance to discuss the new plans. A councilor noted the public hearing is only open for the payment in lieu of the IZ units. The future plans might result in a constituency ruling or a whole new special permit. If it comes back for a special permit it would be noticed to the public like the normal process.

The public hearing was closed.

Councilor Block motioned to approve the request for withdrawal without prejudice subject to second call, which passed unanimously.

The committee adjourned at 8:30PM.

**Respectfully Submitted,**

**Andrea Kelley, Chair**

# City of Newton Planning and Development

Petition: #207-24  
**Special Permit/Site Plan Approval**  
Conversion to Office Space Requiring 15  
Parking Stalls  
May 7, 2024



1173-1177 Walnut St.

## Zoning Relief

Zoning Relief		
<i>Ordinance</i>		<i>Action Required</i>
§5.1.4		
§5.1.13	Request to waive 15 parking stalls	S.P. per §7.3.3

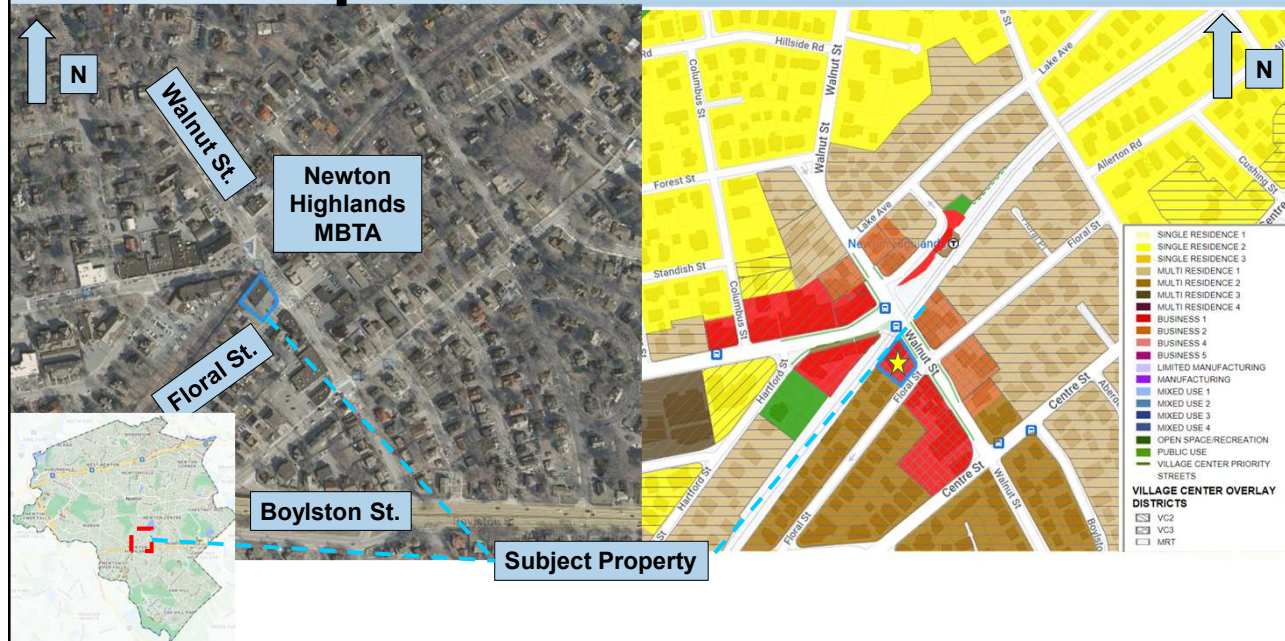
# Criteria to Consider

When reviewing this request, the Council should consider:

- The site in BU-1 is an appropriate location for the requested parking waivers of 15 spaces. (§7.3.3.C.1)
- The requested parking waiver will not adversely affect the neighborhood. ( 7.3.3.C.2)
- The requested parking waiver will not create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- Literal compliance with the required amount of parking 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 (§5.1.13)

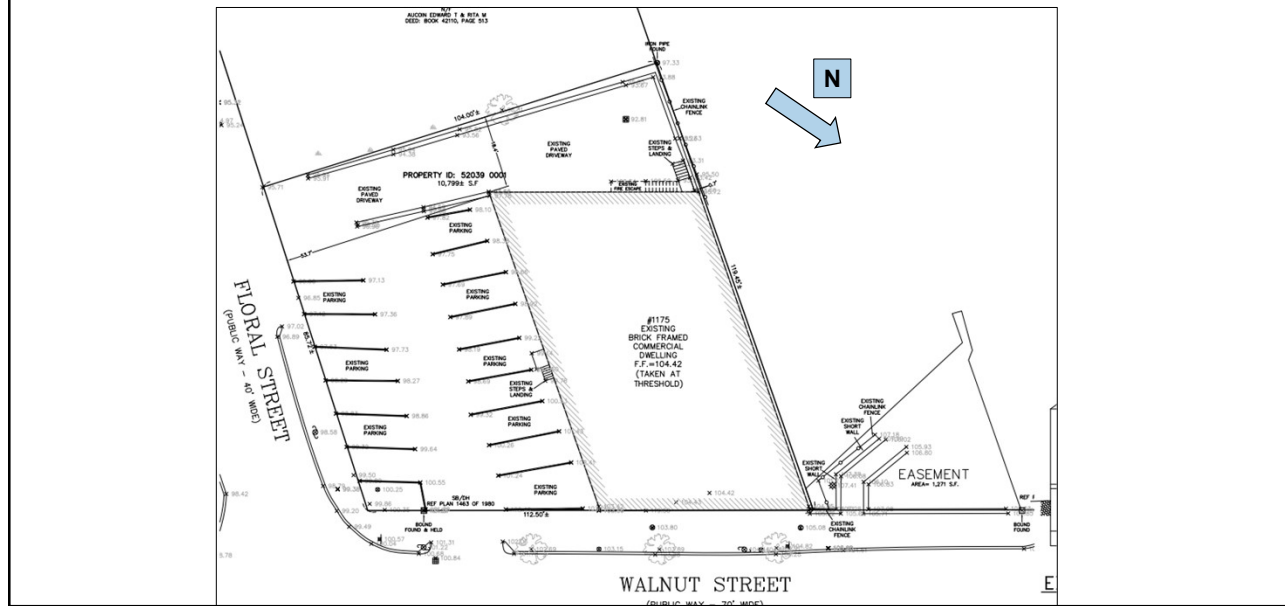
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# Aerial Map

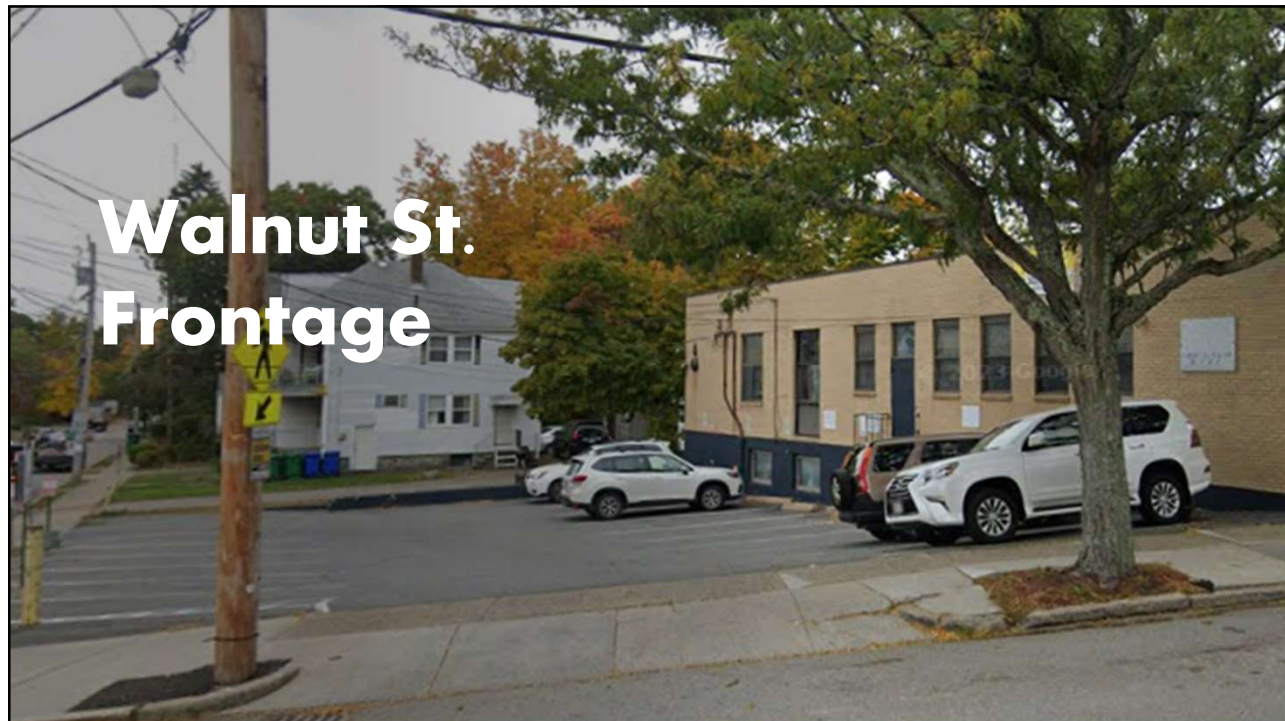


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# Site Plan



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# Findings

1. The site in BU-1 is an appropriate location for the requested parking waivers of 15 spaces because it is located in a village center with access to public transit and the area has a diverse mix of uses. (§7.3.3.C.1)
2. The requested parking waiver will not adversely affect the neighborhood because the site is in a Village Center with close proximity to public transit options and public parking. (§7.3.3.C.2)
3. The requested parking waiver will not create a nuisance to vehicles or pedestrians because the existing curb cuts and driveway access are being maintained. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved as parking demand is mitigated by proximity to public transit and by the different peak demand for parking between uses on the site. (§7.3.3.C.4)
5. A waiver of 15 parking stalls is in the public interest because constructing 15 additional parking stalls would require a substantial increase in impervious paving on the site and the site is within a Village Center with access to public transit. (§5.1.13)

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## Conditions



Plan referencing



Standard building permit conditions



Standard occupancy conditions



Any change in use with a higher parking requirement will require an amendment to this special permit

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