



## Land Use Committee Agenda

### City of Newton In City Council

June 18, 2024

7:00 PM  
Room 205

The Land Use Committee will hold this meeting as a hybrid meeting on June 18, 2024 at 7:00 pm that the public may access in-person or virtually via Zoom. To attend this meeting via Zoom use this link <https://newtonma.gov.zoom.us/j/83902319240> or call 1-646-558-8656 and use the following Meeting ID: 839 0231 9240

*The committee will be taking public comment on the items #253-24, #256-24, #255-24, #254-24, and #257-24. Please click the raise hand button on the bottom of your screen if you would like to speak. There is a 5 second delay after you are promoted to panelist. After your done speaking, the clerk will change you back to an attendee.*

**\*Submitted documents for each petition can be viewed via the digital hyperlink following the item below\***

**#270-24 Request for Extension of Time to Exercise Special Permit #302-21 at 386-394 Watertown Street**

JLM REALTY TRUST petition for Extension of Time to December 6, 2024 to amend Special Permit Order #201-17 to allow the reconfiguration of the parking stalls, to waive one parking stall, to reduce minimum maneuvering aisle width, to allow restricted end parking stalls and to waive lighting requirements at 386-394 Watertown Street, Ward 1, Newton, on land known as Section 14 Block 14 Lots 35, 37 and 38, containing approximately 9,542 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3. 7.4. 5.1.4, 5.1.13, 5.1.8.B.6, 5.1.8.C.1, 5.1.8.C.2, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

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The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

- #253-24 Request to alter and extend a nonconforming front setback and to exceed FAR at 3 Valley Spring Road**  
DANIEL RUBIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct additions to the dwelling which extends the nonconforming front setback and exceeds the maximum as of right FAR at 3 Valley Spring Road, Ward 7, Newton, on land known as Section 82 Block 14 Lot 09, containing approximately 8,980 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 3.1.3, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
*3 Valley Spring-* <https://newtonma.viewpointcloud.com/records/827764>
- #256-24 Request to further extend nonconforming FAR at 124 Hunnewell Avenue**  
KATE BARTON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 58 square foot addition to the kitchen further extending the nonconforming FAR at 124 Hunnewell Avenue, Ward 1, Newton, on land known as Section 71 Block 31 Lot 05, containing approximately 6,820 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 3.1.3, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
*124 Hunnewell-* <https://newtonma.viewpointcloud.com/records/828028>
- #255-24 Request to allow a free-standing sign at 1150-1152 Walnut Street**  
ROBERT W. JOYCE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a free-standing sign along the Walnut Street frontage at 1150-1152 Walnut Street Ward 6, Newton Highlands, on land known as Section 52 Block 21 Lot 01, containing approximately 8,596 sq. ft. of land in a district zoned BUSINESS2. Ref: Sec. 7.3.3, 5.2.13.A of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
*1150-1152 Walnut-* <https://newtonma.viewpointcloud.com/records/828419>
- #254-24 Request to allow a retaining wall exceeding four feet in height at 6 Brush Hill Road**  
LOUIS FRANCHI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a series of constructed retaining walls exceeding four feet at 6 Brush Hill Road, Ward 8, Newton Highlands, on land known as Section 83 Block 26 Lot 01, containing approximately 16,701 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
*6 Brush Hill-* <https://newtonma.viewpointcloud.com/records/828222>

**#257-24**

**Request to amend Special Permit #176-19 to allow for changes to the approved site plan and for additional relief to allow a garage exceeding 700 square feet, to exceed FAR and retaining walls exceeding four feet in height at 1188 Chestnut Street**

PATRICIA AND CARLOS FERRIERA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #176-19 to allow for as built changes to the approved site plan, for additional relief to allow a garage exceeding 700 square feet, to exceed FAR, and for retaining walls exceeding four feet in height at 1188 Chestnut Street, Ward 5, Newton Upper Falls, on land known as Section 51 Block 40 Lot 22, containing approximately 5,807 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 3.4.4.E, 3.4.4.H.1, 3.1.3, 3.1.9, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
*1188 Chestnut-* <https://newtonma.viewpointcloud.com/records/828255>

**Respectfully Submitted,**

**Andrea Kelley, Chair**

*Terrence P. Morris, Esq.*  
*Law Offices of Terrence P. Morris LLC*  
*57 Elm Road*  
*Newton, MA 02460*  
*617 202-9132*

June 3, 2024

Scott Matthews, Clerk of Committee *By electronic transmission*  
Newton City Council  
City of Newton  
1000 Commonwealth, Avenue  
Newton, MA 02459

Re: 386-394 Watertown Street: Council Order #302-21  
Extension of Special Permit

Dear Mr. Matthews:

On December 6, 2021, the City Council granted a special permit (Council Order #302-21) for the above-referenced property. I am writing this letter to request an extension of the time in which to exercise this special permit until December 6, 2024. This request is being made pursuant to Section 7.3.2.E of the zoning ordinance, which provides that “[t]he City Council may extend the period of time granted under this subsection for good cause, whether or not such period of time shall have expired, without the necessity of a further public hearing thereon”.

The reason for this request and basis for the good “cause” is the protracted effort required to resolve certain building design issues occasioned by construction within a densely built urban setting. As a result, the project underwent significant value-engineering re-design to reduce the construction costs. Notwithstanding those efforts the financial climate contracted in the aftermath of the pandemic effect on the overall economy. Resolution of these matters was a necessary predicate to obtaining the financing for construction of the project. Those matters were not ultimately resolved until recently.

Thank you for your attention to this matter.

Sincerely,

*Terrence P. Morris*

Terrence P. Morris, Esq.  
Counsel for JLM Realty Trust

Cc: John Mula, [salvisbarbershop@gmail.com](mailto:salvisbarbershop@gmail.com)  
Robert Laughrea, [bob@wearegeneris.com](mailto:bob@wearegeneris.com)  
Katie Whewell, Chief Planner, [kwhewell@newtonma.gov](mailto:kwhewell@newtonma.gov)