



# Land Use Committee Report

## City of Newton In City Council

**Tuesday, February 10, 2026**

**Present:** Councilors Leary (Vice-Chair), Leary, Block, Farrell, Golden, Lucas, and Roche

**Absent:** Councilors Kelley (Chair) and Irish

**Also Present:** Councilors Wright, Oliver, Albright, Greenberg, Malakie and Dahmubed

**City Staff Present:** Senior Planner Sondria Berman, Deputy Chief Planner Cat Kemmett, Deputy City Solicitor Jonah Temple, Acting Planning & Development Director Katie Whewell and Planning Associate Zach Melcher

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 February 10, 2026, Land Use Meeting can be found at the following link: [https://www.youtube.com/watch?v=I3nY6eZjy1A&list=PLqJiDbsvfNjUwMJnmuRsKZOBf\\_K9kq5C7](https://www.youtube.com/watch?v=I3nY6eZjy1A&list=PLqJiDbsvfNjUwMJnmuRsKZOBf_K9kq5C7)

**#71-26**      **Request to Rezone 148 California Street to Business Use 2**  
KF REALTY TRUST petition to rezone 148 California Street, Ward 1, Newton, on land known as Section 11 Block 12 Lot 11, from MANUFACTURING to BUSINESS USE 2.

148 California Street - <https://newtonma.viewpointcloud.com/records/903666>

**Action:**      **Land Use Approved 5-0-1 (Councilor Block Abstaining); Public Hearing Closed**

**Note:**      Please see note for item #70-26.

**#72-26**      **Petition seeking release from the Restrictive Covenant at 148 California Street**  
KF REALTY TRUST petition requesting that the City of Newton release the restrictive covenant, adopted by Board Order #162-88 and recorded with the Middlesex South Registry of Deeds in Book 30627, Page 331, as amended, on the property at 148 California Street, Ward 1, Newton, on land known as Section 11 Block 12 Lot 11, containing approximately 231,486 sq. ft. of land in a district zoned MANUFACTURING.

148 California Street - <https://newtonma.viewpointcloud.com/records/902648>

**Action:**      **Land Use Approved 6-0**

**Note:**      Please see note for item #70-26.

**#70-26 Request for a special permit to allow for shared parking at 148 California Street**  
KF REALITY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL, to allow for a one-third reduction in parking of 260 stalls, resulting in an on-site requirement of 519 stalls, allowing for more flexibility for future tenanting of the commercial spaces at 148 California Street, Ward 1, Newton, on land known as Section 11 Block 12 Lot 11, containing approximately 231,486 sq. ft. of land in a district zoned Manufacturing . Ref: Sec. 7.3.3, 5.1.4.A and 5.1.4.D, of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
148 California Street - <https://newtonma.viewpointcloud.com/records/902648>

**Action: Land Use Held 6-0 ; Public Hearing Closed**

**Note:** The Chair read 70-26, 71-26 and 72-26 into the record, so that they can be discussed together. It was noted that if the rezone and the deed restriction was approved then the special permit application would not be needed. The Planning & Development Board joined the committee to discuss the rezone.

Sondria Berman, Senior Planner joined the committee to present the requests to rezone 148 California Street, release the restrictive covenant, adopted by Board Order #162-88 and recorded with the Middlesex South Registry of Deeds in Book 30627, Page 331, as amended, on the property at 148 California Street, and allow for a one-third reduction in parking of 260 stalls, resulting in an on-site requirement of 519 stalls, allowing for more flexibility for future tenanting of the commercial spaces at 148 California Street.

Ms. Berman provided an aerial map overview of the site, detailing its location, size, and current zoning. The rezoning to a BU2 district aligns the zoning with the existing commercial uses and removes parking requirements for nonconforming commercial uses. The restrictive covenant, enacted in 1988, requires approval from the city of Newton over any changes to the site plan and has resulted in the need to go through the special permit process to waive parking requirements that are now routinely approved.

A 1/3 reduction in parking would support commercial businesses by reducing regulatory barriers and aligning with the city's economic development goals.

Frank Stearns, Attorney for the petitioner, explained the history and current uses of the property. The property has been in a manufacturing zoning district since the 1920s, but it now houses retail, restaurant, and personal service uses. The restrictive covenant, enacted in 1988, requires the site plan to remain unchanged, which has created unnecessary regulatory burdens. Atty. Stearns emphasized the need for flexibility in making improvements to the parking lot and site plan without requiring full special permit processes.

The public hearing was open.

Anthony Donato, resident on Los Angeles Street asked the committee to consider how the rezone would effect the neighborhood for future projects.

The Chair then brought the conversation back into committee.

Councilors asked questions related to the difference between BU1 and BU2 zones. Below is a link to the Zoning Ordinance which specifies what is allowed under each zone.

<https://www.newtonma.gov/home/showpublisheddocument/29823/639035614023930000>

Councilors expressed their support for the rezone and the amendment to the deed restriction. It was noted that this is an easy way to support commercial businesses in Newton and that BU2 did make more sense than BU1 for the needs of the petitioner.

Ms. Berman explained that BU2 allows for mixed-use development with residential on the second floor, while BU1 requires special permits for ground-floor residential. Atty. Stearns explained that the petitioner was encouraged by the city to seek a BU2 zone for its flexibility and alignment with the city's economic development goals.

The Planning & Development Board voted to approve the rezone, also noting that it was important to support commercial space in Newton.

Councilor Lucas motioned to close the public hearing, which passed unanimously.

Councilor Lucas motioned to approve item #71-26 which passed 5-0-1 with Councilor Block abstaining.

Councilor Lucas motioned to approve item #72-26 which passed unanimously.

Councilor Lucas motioned to hold item #70-26 which passed unanimously. It was noted that the special permit can be withdrawn once the rezone and amendment to the deed restriction is approved by the full City Council.

**#69-26 Request to allow a home business in a detached accessory building and to allow the business to exceed 30% of the ground floor area**  
BENJAMIN GRACE petition for SPECIAL PERMIT/SITE PLAN APPROVAL, to construct a two-story detached accessory building with an office for a home business on the first story and an ADU, a home business that exceeds 30% of the ground floor area of the dwelling, and more than two parking stalls within the side setback at 224 Melrose Street, Ward 4, Newton, on land known as Section 41 Block 17 Lot 25, containing approximately 15,750 sq. ft. of land in a district

zoned Single Residence 3. Ref: Sec. 7.3.3, 6.7.3.B.1.k.iv, 6.7.3.B.1.b, 5.1.7.A and 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

224 Melrose Street - <https://newtonma.viewpointcloud.com/records/907874>

**Action:** **Land Use Approved 5-0 (Councilor Golden not voting); Public Hearing Closed**

**Note:** Sondria Berman, Senior Planner joined the committee to discuss the request , to construct a two-story detached accessory building with an office for a home business on the first story and an ADU, a home business that exceeds 30% of the ground floor area of the dwelling, and more than two parking stalls within the side setback at 224 Melrose Street.

Ms. Berman described the subject property, located at 224 Melrose Street, as a 15,750-square-foot lot improved with a single-family residence constructed in 1863 and an existing detached, one-story garage. She noted that the site includes topographical changes, particularly toward the middle and rear of the lot, where the elevation slopes downward toward the rear lot line to the east with an average elevation change of approximately 10 feet.

Ms. Berman reviewed the zoning relief requested by the petitioner, including permission to operate a home business within a detached accessory building, to exceed the 30 percent ground-floor area limitation of the primary dwelling, and to allow more than two parking stalls within the side setback.

Ms. Berman outlined the criteria considered by the Planning Department in its review, including the standard special permit criteria and the additional criteria applicable to parking relief. These criteria include whether the site is an appropriate location for the proposed use; whether the proposed accessory building is designed so as not to adversely affect the surrounding neighborhood; whether the use would constitute a nuisance or pose a hazard to pedestrians or vehicles; and whether access to the street is appropriate for the type and number of vehicles anticipated.

Naomi Bass Grace, accompanied by her husband, Ben Grace, presented their request for a special permit for 224 Melrose Street. Ms. Grace stated that her family has lived at the property for approximately fifteen years and has strong ties to the neighborhood, noting that several neighbors submitted letters in support of the proposal.

Ms. Grace explained that the project would replace an existing non-historic one-story detached garage with a two-story detached accessory building designed to match the primary dwelling. The proposed building would include a first-floor chiropractic office for Mr. Grace and a second-floor accessory dwelling unit.

Ms. Grace noted that Mr. Grace has operated a chiropractic practice in Newtonville for over twenty years as a sole proprietor with no employees and intends to maintain a low-volume, neighborhood-compatible home business.

Ms. Grace outlined that zoning relief is requested to allow the detached accessory building with a home office and ADU, to exceed the 30 percent home business area limit, and to allow more than two parking spaces within the side setback. She stated that parking demand is expected to be minimal, as Mr. Grace sees one patient at a time by appointment.

Ms. Grace concluded that the proposal would support a long-standing local business and create an additional housing unit while remaining consistent with the character of the neighborhood, and requested approval of the special permit.

The public hearing was opened.

Andrew Marchand, a direct abutter to the property, raised concerns regarding the project. He noted that the area is a residential neighborhood and expressed concern about the potential increase in pedestrian traffic through the neighborhood and across his property.

Councilors raised questions about the parking arrangement and the potential impact on future owners.

A councilor asked about the configuration of the outer stair case. It was noted that the staircase needs to be placed their due to fire code.

Councilors noted that there may be ways to work the abutter to help with privacy, including extending the fence, landscaping and frosted glass windows.

The public hearing was closed.

The committee reviewed the draft council order. Councilor Block motioned to approve which passed 5-0 with Councilor Golden not voting.

**#16-26      Request to exceed FAR and to allow three stories at 89 Redwood Road**  
**89 REDWOOD LLC** petition for SPECIAL PERMIT/SITE PLAN APPROVAL, to raze the existing structure to construct a three-story single-family dwelling exceeding the maximum FAR at 89 Redwood Road, Ward 8, Newton, on land known as Section 82 Block 15 Lot 77, containing approximately 12,860 sq. ft. of land in a district zoned . Ref: Sec. 7.3.3, 5.2.13.A, 5.2.13.B, and 5.2.8, of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
89 Redwood Road - <https://newtonma.viewpointcloud.com/records/904907>  
**Land Use Held; Public Hearing Continued 8-0 on 01/06/2026**  
**Action:      Land Use Approved 6-0; Public Hearing Closed**

**Note:** Zach Mechler, Planning Associate joined the committee to discuss the request raze the existing structure to construct a three-story single-family dwelling exceeding the maximum FAR at 89 Redwood Road. The petition was first discussed on January 6<sup>th</sup>, where the

councilors asked the petitioner to make several changes to the project. The property is located in a single-residence zoning district in Newton Centre.

The proposed project would increase the building height from approximately 22.5 feet to 33.7 feet, which remains below the maximum height allowed by zoning. All other zoning requirements are met. Although classified as three stories due to the basement midpoint being above average grade, the dwelling will appear as a two-story structure from the street and be consistent with surrounding homes.

The petitioner has revised the proposal in response to committee feedback, reducing the floor area ratio from 0.50 to 0.47 through reductions to the deck and basement areas. The existing driveway will remain, limiting the increase in impervious surface, and the building footprint has been adjusted to preserve existing trees.

The Planning Department finds that the proposal meets the special permit criteria and is appropriate in scale, design, and impact for the neighborhood.

Victoria Sirotin, owner of the property, presented the revised plan, addressing feedback on impervious surface, driveway size, landscaping, and stormwater management. She was joined by Edwin Spruhan, Spruhan Engineering. Mr. Spruhan explained the stormwater management system, including infiltration systems and drainage design. He emphasized the unique groundwater conditions at 89 Redwood Road, justifying the proposed design adjustments.

The public hearing was continued from the previous meeting and with no member of the public wishing to speak, the public hearing was closed.

Councilors thanked the petitioner for making the requested changes.

The committee reviewed the draft council order. Councilor Farrell motioned to approve which passed unanimously.

The Committee adjourned at 10:32 p.m.

**Respectfully Submitted,**

**Andrea Kelley, Chair**