



Land Use Committee Report

City of Newton In City Council

Tuesday, March 10, 2026

Present: Councilors Kelley (Chair), Leary, Lucas, Block, Irish, Roche, Farrell, and Golden

Also Present: Councilors Albright, Malakie, and Wright

City Staff Present: Acting Director of Planning and Development Katie Whewell, Assistant City Solicitor Jonah Temple, Planning Associate Zach Melcher, and Planning Associate Sonjia Berman

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 March 10, 2026, Land Use Meeting can be found at the following link: <https://www.youtube.com/live/uWa4vTIRKdQ?si=JQIVhk8pc5dUNnWe>.

#96-26 **Petition to Amend the Wells Avenue Deed Restriction for 60 Wells Avenue**
WELLS 60 Realty LLC petition to amend the deed restriction adopted by Board Order #276-68(3), dated November 18, 1963, as amended, to allow a veterinary hospital at 60 Wells Avenue, Ward 8, Newton, on land known as Section 84 Block 34A Lot 01, containing approximately 32,463 sq. ft. of land in a district zoned LIMITED MANUFACTURING.

Action: **Land Use Approved 7-0 (Councilor Golden Not Voting); Public Hearing Closed 7-0 (Councilor Golden Not Voting)**

Note: Chair Kelley introduced item #96-26. Additional back-up material can be found at the following link: [Record DRA-26-1 - NewGov - Newton, MA.](#)

Acting Director of Planning and Development Katie Whewell shared that the petitioner is seeking to change the deed restriction at 60 Wells Avenue to allow for a veterinary clinic on the site. She noted that a veterinary clinic is allowable under the existing zoning (limited manufacturing), but is not listed as an allowable use under the current deed restriction.

Steve Buchbinder, an attorney at 1200 Walnut Street, on behalf of the petitioner, noted that the veterinary clinic was single purpose use. There are 125 parking stalls. The only overnight boarding at the proposed facility is for sick animals. Kathy Winters, also representing the petitioner, noted that there are other similar businesses in the area that have used

amendments to the deed restriction to operate, including to allow tennis, racquetball, a gymnasium, and a for-profit educational business.

Chair Kelley opened the public comment portion of the hearing. There was no public comment.

Chair Kelley closed the public comment portion of the hearing.

A Councilor indicated that he was supportive of the amendment to the deed restriction and that the veterinary clinic would be a benefit to Ward 8.

Another Councilor indicated that she felt this was an appropriate use, but felt that 125 parking stalls were too many. She and several other Councilors noted that the Committee and City Council should re-think the overall deed restriction and several questioned whether a petitioner should even need to appear before the Committee for deed restriction relief of this sort.

A Councilor, noting that the deed restriction arose from circumstances that are no longer relevant, asked the Law and Planning Departments whether there was any need to continue the deed restriction. Jonah Temple of the Law Department responded that the deed restriction is valid as a matter of law. While he indicated that the City would need to change the restriction, he noted that research was needed to determine if the City has the authority in that the City was not the grantor of the restriction. Katie Whewell of the Planning Department noted that her department had not done a more comprehensive analysis of the deed restriction overall in their work on this specific project. The Councilor suggested the City should re-visit the overall restriction rather than forcing businesses to spend thousands of dollars getting it waived.

The public hearing was closed on a 7-0 voice vote after a motion by Councilor Farrell.

The petition was approved on a roll call vote unanimously by 7-0.

#104-26 Request to allow four attached single-family dwellings and associated relief at 60 Brookside Ave

60 BROOKSIDE AVENUE LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL, to raze the existing two-family dwelling and construct four attached single-family dwellings with reduced side and rear setbacks, that exceeds maximum lot coverage, exceeds maximum lot area per unit, dimensional parking relief, and a retaining wall over four feet tall at 60 Brookside Ave, Ward 2, Newton, on land known as Section 32 Block 04 Lot 13, containing approximately 10,256 sq. ft. of land in a district zoned MR1 . Ref: Sec. 7.3.3, 3.1.3, and 3.1.9, of Chapter 30 of the City of Newton Rev Zoning Ord, 2017. 60 Brookside Avenue-
<https://newtonma.portal.opengov.com/records/909930>

Action: Land Use Held 8-0

Note: Chair Kelley introduced Item #104-26. Additional back-up material can be found at the following link: <https://newtonma.portal.opengov.com/records/909930>.

Sondria Berman of the Planning Department stated that the petitioner is seeking a special permit/site plan approval to allow single family attached dwellings, to reduce the side and rear setbacks, to exceed maximum lot coverage; to allow reduced lot area per unit; to allow parking in the front setback; to allow restricted end parking stalls, and to allow retaining walls over four feet in height. She shared details regarding the neighborhood.

Ms. Berman noted that the criteria to consider for this project are: the site is an appropriate location for the proposed single family dwellings as designed; the proposed attached single family dwellings as designed will not adversely affect the neighborhood; the proposed single family dwellings will not create a nuisance or serious hazard to vehicles or pedestrians; access to the site over streets is appropriate for the types and number of vehicles involved; literal compliance with the City's parking regulations 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.

The analysis from the Planning Department indicates that the net addition of two units is a minor contribution towards city priorities and is consistent with the City's goals of supporting incremental housing increase and housing options near transit. Planning indicated that the proposed building increases the distance to the northern side setback and respective abutter. The Planning Department recommended that the petitioner consider design options that would reduce massing and bring the project closer to the maximum lot coverage and setbacks allowed by right. Finally, Planning recommended that the Committee discuss further the parking configuration, turning radius plans, and number of proposed parking stalls to confirm there are no adverse impacts on safety or maneuverability of vehicles.

Lawrence Lee, an attorney at 256 Walnut Street, representing the petitioner, indicated that their plan is to tear down the existing two-family home on the site and construct four single-family homes in a single structure designed to appear as a single-family home. He noted that that all parking is contained in the garage at the basement level (for the residential units with two surface parking stalls proposed for visitors, guests, delivers, etc.). He informed the Committee that the Historic Commission approved the aesthetics of the design. He noted that while there is no net gain of trees on the site, the proposal complies with the City's Tree Ordinance. He also pointed out that the house is set back from the street to preserve the streetscape.

Mr. Lee also highlighted a series of community meetings on this design and the previous iteration. The petitioner responded to community concerns by shrinking the dwelling to four units instead of five, providing more screening, eradicating bamboo, providing a vermin eradication plan, making adjustments to the lighting plan, eliminating bedrooms, and providing a trash room. The petitioner also agreed to move all parking within the building with two guest parking slots in the front to address street parking issues, to add more trees, to provide a six to

8 foot screening fence for 52 Brookside, to make adjustments to the window plan, and to fix or replace the existing retaining wall. Finally, Mr. Lee provided an existing/by right and special permit comparison and noted that the lot coverage percentage is high because of the addition of a front porch at the suggestion of the Historic Commission.

Councilor Kelley opened the public comment period of the hearing.

Dan Pike, 59 Brookside Avenue, informed the Committee that he is one of 32 signers of the petition in opposition to the project. He opposes 4 units. He noted the neighborhood consists of all one and two family homes. He opposes such a large multi-family project so close to a single family abutter. He suggested limiting the project to three homes.

Rebecca Carroll, 52 Brookside, North abutter of the project, noted concerns about public safety and traffic in a street of single family homes. She shared concerns about the safety of children walking to school.

Ellen Meyers, 431 Albermarle Road, noted huge increases in vehicular and pedestrian traffic. She noted that a four family unit does not fit in the neighborhood.

Robert Pierson, 431 Albermarle Road, informed the Committee that four to five recent building constructions projects have doubled the number of families and cars from the previous homes. He noted that these homes are not affordable. He indicated that he would like to maintain a sense of proper size in the village.

Rick Frank, 68 Brookside, South abutter, wanted no more than 3 units. He expressed concerns about the underground parking and the need for deep excavation next to his home's foundation. He requested that a geotechnical study be performed before building an 8 car garage and thought other potential environmental assessments would be appropriate. He acknowledged that the property owner could build two units by right, but that he believed three units would be acceptable.

Allison Conant, 68 Brookside, South abutter, noted that the project changes the character of the neighborhood in unacceptable ways and suggested that these four units did not represent true affordable housing. She indicated that three units would be acceptable.

Bar Littman-Pike, 59 Brookside, noted that MR2 and MR3 zoning exists in the city to increase housing in a range of price ranges, but that MR1 (where this property is located) is designed for maintaining the traditional look and feel of Newton. She asked the Committee to respect the existing zoning.

Margaret Ward, 957 Washington Street, noted that many historic homes in Newton are being converted into small condos, which is how she was able to purchase her home in the city. She suggested that the developer convert the existing historic home into condos rather than razing

it and re-building it. She believes that such an approach will keep the character of the neighborhood and offer true affordability.

Jessica Flynn, 75 Brookside, noted that no homes on the street are more than 2 family currently. She believes that the parking design will not accommodate the larger vehicles favored by families, including minivans. She raised concerns about the overflow of street parking from the Boys and Girls Club and the increase of service vehicles parked on the street.

Thomas Flynn, 75 Brookside, raised the issue of overdevelopment of Brookside. He noted that four single family homes have been destroyed in recent years and have been replaced with \$ million per unit duplexes. He noted that the real estate market has been dominated by developers out for a quick buck without regard to the character of the neighborhood. Finally, he believes that the project will lead to more congestion in what is already a cut-through neighborhood for commuters.

Ted Filece, 46 Brookside, a resident two doors down from the proposed development noted that a variance in this case creates a precedent. He indicated that this is not an opportunity for a first time home buyer. He lives in a multi-generational home with his mother living upstairs. He is concerned that going from two units to four units creates a cascading precedent to replace aging housing stock with expensive multi-units.

A resident, 40 Brookside Avenue, raised concerns about retaining walls. He indicated he has had previous experiences with the hill behind his property subsiding. He echoed an earlier comment that a geotechnical study is needed. He also testified that four units is too many.

Nancy Lane, 46 Brookside, told the Committee that she is the mother of the earlier speaker and raised affordability and neighborhood character issues.

Chair Kelley closed the public comment portion of the hearing and opened the hearing to comments and questions from the Committee.

A Councilor indicated that he liked the design of the structure and the placement of the units. He posed a question to the Planning Department asking if there was enough space in the garage. The Planning Department indicated that the petitioner was seeking relief for the end parking units. The Councilor indicated that there are too many units and that the massing is excessive. He also noted that the porch pushes the project to 29 percent lot coverage, well above the 25 percent limit. He indicated that the project is still too large and recommended three units rather than four. Several other Councilors echoed those sentiments, preferring three units to four. Several other Councilors indicated that four units is appropriate (and preferred).

A Councilor indicated that his determination will be based on factors such as impact on the neighborhood, including issues regarding more cars, more traffic, and pedestrian safety. He is

also concerned about the destruction of the existing historic home. He further indicated that he was unlikely to vote for the project in its current form.

Several Councilors indicated that they like the design of the project, but still fear that it does not fit into the character of the neighborhood. A Councilor indicated that the sheer number of residents on the street in opposition to the project was concerning.

A Councilor reminded her colleagues that Multi-Residence Transit is a program available in the city and noted that the developer has been responsive to the concerns of the neighbors and community, but that more work needs to be done to reduce the scale. Finally, she noted that a development of two homes by right on the site might actually be worse, a sentiment shared by several other Councilors.

A Councilor indicated that four units with four bedrooms in each was excessive and unaffordable for young families. He also suggested that the parking be unbundled, a concern expressed by several other Councilors.

A Councilor asked the Planning Department to share details regarding the by right option to build two homes on the site. The Planning Department stated that a two family dwelling by right alternative could have a FAR of .48 with a 0.02 bonus if the developer meets the new setback requirements. This allows for a total size of approximately 7300 square feet. The Councilor asked the petitioner for the size of each unit. The petitioner indicated that the proposed units are 1771, 1641, 1919, 2150 square feet, respectively. The Councilor noted that these units represent a part of the local real estate market that has very little availability even if they are not really affordable housing.

A Councilor stated that there is no mechanism in Newton to buy a house such as the one proposed to be torn down and affordably and legally improve it and offer it at a lower price. He suggested a mix of bedrooms (some units with fewer) might make the project more appealing.

Several Councilors indicated that the parking situation is concerning due to the dimensions of the driveway. The eight foot height of the fence was also raised as a concern by several Councilors. Most Councilors indicated that the approval of the Historic Commission is a positive step.

Chair Kelley closed the public hearing.

Councilor Lucas made a motion to hold the item, which passed unanimously.

#103-26 Request for a special permit to allow three attached single-family dwellings and reduced front and side setbacks at 11 Parsons Street

KZ FLEET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL, proposes to raze the existing single-family dwelling and construct three single family attached dwellings in two buildings with reduced front and side setbacks at 11

Parsons Street, Ward 3, Newton, on land known as Section 31 Block 10 Lot 02, containing approximately 17,678 sq. ft. of land in a district zoned MR1 . Ref: Sec. 7.3.3, 3.1.3, 3.1.9, and 7.8.2.C.2, of Chapter 30 of the City of Newton Rev Zoning Ord, 2017. 11 Parsons Street-

<https://newtonma.portal.opengov.com/records/907539>

Action: **Land Use Approved 7-0-1 (Councilor Block Abstained); Public Hearing Closed 8-0**

Note: Chair Kelley introduced Item 103-26. Additional back-up can be found at the following link: <https://newtonma.portal.opengov.com/records/907539>.

Planning Associate Zach Melcher presented the findings of the Planning Department: item #103-26 is a petition for a special permit/site plan approval to allow three single family attached dwellings and to reduce front and side setback requirements at 11 Parsons Street. The special permit is required to allow single-family attached dwellings in Multi-Residence 1 (MR1). The proposed work will encroach into the front and side setbacks.

Using the Criteria to Consider, the Planning Department indicated that the site is an appropriate location for the proposed three-unit single family-attached dwellings with reduced front and side setbacks. The proposed single family attached dwellings, as designed, will not adversely affect the neighborhood. There will be little nuisance or serious hazards to vehicles or pedestrians. Finally, access to the site over streets is appropriate for the types and numbers of vehicles.

In terms of analysis, the Planning Department determined that the lot is oversized and can accommodate two residential buildings. The proposal divides three units between two buildings, helping to keep the overall height and massing in line with nearby homes. The lot is uniquely shaped, and the Cheesecake Brook conservation area lends itself to position the buildings and parking in one area of the site. Parking will be partially below grade, helping to minimize visual impact of the site and surrounding area (petitioner provided a turning analysis showing how vehicles will enter and exit the parking stalls below the buildings). Finally, the Planning Department reported that the proposal has been reviewed and approved by the Historical Commission and the Conservation Commission.

Terry Morris, law office at 57 Elm Road, representing the petitioner, Tong Zou, who owns the property under KZ Fleet, LLC, stated that the number of units is three in two separate buildings. The overall project has shrunk since it was previously presented to the Committee in December to accommodate abutter concerns. The property is the largest and most irregular lot in the neighborhood. The petitioner reported that two trees are being removed if the project is approved, although the tree screening will remain along the North and West lot lines. The petitioner additionally reported that the project is compliant with all dimensional controls except for the front and north side setbacks. The petitioner responded to an earlier concern about proximity to the carriage house on the property of an abutter by increasing the setback. Finally, he noted that the Conservation Commission has approved the Mitigation Planting Plan.

Chair Kelley opened the Public Hearing.

Xi Tong, 12 Cross Street, stated that tearing down a single family home to construct two buildings and three units is problematic. He raised concerns about social responsibility and overcrowding in public schools. He also raised concerns about alleged illegal dumping without a permit by the developer on the site. He does not believe that this project is consistent with the nature of the existing neighborhood.

Harold Hatch, 19 Parsons Street, South abutter, raised concerns about traffic, particularly when there are cars parked on the street making the road effectively a one lane road. He indicated he wants increased flood protection beyond what the Conservation Commission required.

Tim Techler, 40 Cross Street, raised concerns about the impact of the project on the prevailing nature of the community. He stated there have been six tear-downs in 8 years, all of which were replaced with two unit buildings. Three units is out of context with the nature of the community. The project is better than it was, but the rear unit is still too large. He recommended reducing the size of the second building and third unit further.

Alex Krohto, 166 Pond Brook Road, supported the project because it adds desperately needed housing stock in a middle price range. He stated the developer has designed an attractive project that blends in with the neighborhood. He stated his further desire to keep young families in Newton and in Massachusetts.

Sharon Harrick, 814 Watertown Street, stated she is in favor of additional housing in Newton, especially at lower ranges for younger families. However, she opposes such a large project in the neighborhood when the existing infrastructure does not support the cars and traffic it already has. She was particularly concerned about children on their way to school because Parsons Street is a narrow road, making the addition of more cars difficult.

Sonia Gregory, 16 Cross Street, preferred a two-unit project rather than building the third unit in a second building in the back.

A resident noted that Parsons Street is very narrow and cannot accommodate more parking and more cars.

Jeff Ford, 826 Watertown Street, an abutter, raised concerns about parking on the street. He indicated he did not approve of the tandem parking design. He further stated that the lot is not as big as it appears when the conservation set-aside is taken into account. Finally, he agreed with other speakers that the project does not fit into the neighborhood.

Another resident, an abutter immediately to the left of the project, objected to the project on the grounds that it further blocks sunshine into her yard.

A resident who lives across the street from the project, noted there is simply not enough room on Parsons Street for more cars and traffic. He recommended a wider driveway to better enable ingress and egress and to make cross traffic safer.

Arto Dermovsesian, 38 Parsons, supported the project and stated that it fits in the neighborhood. He further noted that the same developer did fine work on a project across the street in recent years.

Chair Kelley closed the public hearing.

A Councilor asked the petitioner whether he had conducted an additional public meeting regarding the changes to the project since he had appeared before the Committee in December and expressed disappointment when he learned that such a meeting did not occur, despite obstacles such as the weather and holiday season.

The same Councilor also sought clarification that the third unit had, in fact, been reduced in size by ten percent (from 3300 to 2900 square feet). The developer confirmed the reduction and stated that the other two units are proposed to be 2400 square feet each.

The Councilor indicated that the developer had done what the Committee requested at the December meeting and noted that the by-right option for this property would be two units of 4000 square feet (an outcome that would not reduce traffic or parking concerns, either). The by-right option was also considered a less favorable outcome by several other members of the Committee and other Councilors in attendance.

A Councilor asked the Planning and Law departments whether an Accessory Dwelling Unit (ADU) could be built by right later. According to both Departments, an ADU at a later date would probably need to be a subsequent permit depending upon the petition. The Councilor and the developer engaged in a discussion about the concerns raised by a member of the public regarding the blocking of sunlight on an abutter's carriage house and whether a shadow study had been performed. The developer stated that the sun rises and sets over the project in a manner that does not further obstruct sunlight on the abutter's property. The developer stated that a shadow study was neither conducted nor necessary given the circumstances. The Councilor argued that a shadow study would have been an inexpensive way to put the matter to rest.

A Councilor indicated that the project, as currently designed, is not unreasonable. She disputed that the public schools are over-crowded, an issue raised by a member of the public. She indicated the school population is falling so we need more accessible and affordable units. She also stated that more families in Newton is better for local businesses.

Several additional Councilors indicated that while they do not care for the project's overall design, particularly the size of the units and the practical feasibility of the parking design and the fact that the parking spaces are bundled, they liked the by-right option even less.

Several Councilors indicated support for three units, while several others indicated support for as many as four smaller units to better address the City's affordable housing issues.

In response to a question from a Councilor, the petitioner indicated that cars parked in the tandem stalls will be able to pass one another within the space of the driveway rather than needing to drive into or back out into Parsons Street.

Councilor Lucas moved to close public hearing. The motion was approved by a vote of 8-0.

Zach Melcher of the Planning Department shared the draft Findings, Conditions, and Council Order.

Chair Kelley requested a roll call vote. The item was approved 7-0 (Councilor Block abstained).

#102-26 Request to amend Special Permit #474-14 to allow an oversized secondary sign at 199 Boylston Street

THE MALL AT CHESTNUT HILL petition for SPECIAL PERMIT/SITE PLAN APPROVAL, to install a 202 square foot internally illuminated sign with relief to allow an oversized secondary sign at 199 Boylston Street, Ward 7, Newton, on land known as Section 65 Block 08 Lot 99, 99A, 100, containing approximately 324,691 sq. ft. of land in a district zoned BU1 . Ref: Sec. 7.3.3, 5.2.8 and 5.2.13.A, of Chapter 30 of the City of Newton Rev Zoning Ord, 2017. 199 Boylston Street-
<https://newtonma.portal.opengov.com/records/909416>

Action: Land Use Approved 7-0 "under the condition that the sign be turned off at closing of the last business in the mall and only turned back on at the start of business the next day" 7-0 (Councilor Lucas Not Voting); Public Hearing Closed 7-0

Note: Chair Kelley introduced Item #102-26. Additional back-up material can be found at the following link: <https://newtonma.portal.opengov.com/records/909416>.

Zach Melcher from the City Planning Department: Item #102-26 is a Special Permit/Site Plan Approval to amend Special Permit #471-14 to allow an oversized secondary sign at The Mall of Chestnut Hill at 199 Boylston Street. There is an existing free-standing sign identifying an existing store front, therefore the proposed illuminated wall sign is classified as a secondary sign. Under current zoning, secondary signs may not exceed 50 square feet. The proposed illuminated wall sign is 202 square feet, which requires relief.

The Criteria to Consider consist of the following: The site in the Business Use 1 (BU1) zone is an appropriate location for the proposed sign. The proposed sign will not adversely affect the neighborhood. The proposed sign will not create a nuisance or serious hazard to vehicles or pedestrians. Access to the site over streets is appropriate for the types and numbers of vehicles involved. The proposed exceptions to the sign ordinance should be permitted and are

appropriate due to the nature of the use of the premises, the architecture of the buildings, or their locations with reference to the street is such that such exceptions are in the public interest.

The planning analysis consisted of three items: The Urban Design Commission reviewed the proposal and recommended approval on November 12, 2025. The sign is consistent with the intent and purpose of Section 5.2.1 of the Zoning Ordinance. The sign will improve orientation, visibility, and legibility at the site without creating traffic hazards or adversely affecting the visual quality of the area.

Camille Watson, Integrated Sign and Graphics, on behalf of the Shops at Chestnut Hill, noted that the sign is on the rear of the building away from the local roads. The wall is currently vacant. The proposed sign will direct visitors to the mall entrance from that side of the building. The sign is 202 square feet.

The public comment period was opened. No one wished to speak.

Councilor Kelley closed public comment portion of the hearing.

A Councilor asked the petitioner if the proposed sign could be turned off overnight. The petitioner indicated that the proposed sign will be on the same timed sequence as the other signs at the mall and will be illuminated from sundown to sun rise. The Councilor and several others suggested that the sign should be turned off after the closure of the latest-closing shop or restaurant at the mall.

A Councilor questioned why this matter needed to be in front of Council. He indicated that such matters should be handled administratively and expressed a desire to address this with the full Council, stating that this is an issue that needs to be addressed.

A Councilor requested clarification about the allowable maximum square footage for a primary sign. The Planning Department stated that the standard is 100 square feet or 3 square feet per linear foot of the building wall frontage, whichever is less. Whenever there is a free standing sign, it is always considered the primary sign.

A Councilor asked the petitioner if the signs against the highway are illuminated. The petitioner responded that the signs are backlit.

Councilor Golden made a motion to approve the petition.

The public hearing was closed.

The Planning Department shared the draft order.

After further discussion, Councilor Roche proposed an amendment to require the lighted sign be turned off from the final close of business at the shops or restaurants until the open of business the following mornings. The motion was adopted on a voice vote.

After a motion from Councilor Golden, Chair Kelley ordered a roll call vote. The motion passed 7-0.

The meeting was adjourned at 10:12 PM.

Andrea Kelley, Chair of Land Use Committee