



## **Land Use Committee Agenda**

### **City of Newton**

### **In City Council**

**Tuesday, December 13, 2016**

**7:00 PM  
Chamber**

**#337-16      Special Permit Petition to construct accessory apartment and garage at 41 Dorset Rd**  
**TIMOTHY LEARY** petition for SPECIAL PERMIT/SITE PLAN APPROVAL to CONSTRUCT AN ACCESSORY APARTMENT approximately 846 sq. ft. with dormer wider than 50% of the exterior wall below, above a three car garage at 41 Dorset Road, Ward 5, Waban, on land known as SBL 55010 0045, containing approximately 24,936 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 6.7.1.D, 3.4.3.A.4.c, 3.4.4.E.3, 1.5.4.G.2, 1.5.4.G.2.b of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**#392-16      Special Permit to amend Special Permit #416-12(3) at Modern Barre**  
**JULIA WILLIAMSON/WALLY ZAINOUN** petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend special permit #416-12(3) to allow for more than 3 customers at one time, expanded hours of operation and amend the previously approved site plan at 242-244 Commonwealth Avenue, Ward 7, Chestnut Hill, on land known as SBL 61, 13, 11, containing approximately 7,452 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**7:30 PM  
Or Later**

**#391-16      Special Permit to further extend nonconforming 2-family use at 37-39 North Gate Park**  
**JOHN & MARGARET SPENCE** petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a first floor addition and enclose an existing deck, further extending the nonconforming two-family use and FAR at 37-39 North Gate Park, Ward 3, West Newton, on land known as SBL 34028 0008, containing approximately 8,020 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**#361-16      Special Permit Petition to exceed FAR at 642 Centre Street**  
**LISA AND JOSH SCHWARZBERG** petition for SPECIAL PERMIT/SITE PLAN APPROVAL to CONSTRUCT a 1,087 sq. ft. two-story addition to the front of house, resulting in an FAR of .49 where .38 exists and .39 is allowed at 642 Centre Street, Ward 1, Newton, on land

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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.

known as SBL 72035 0002, containing approximately 9,600 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**#389-16 Special Permit to establish accessory apartment at 20 Metacomet Road**

REBECCA MILLER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an approximately 900 sq. ft. accessory apartment in the basement of a single family dwelling on a lot with less than 15,000 sq. ft. at 20 Metacomet Road, Ward 5, Waban, on land known as SBL 55005 0002, containing approximately 12,271 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 6.7.1.D, 6.7.1.F of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**8:00 PM  
Or Later**

**#390-16 Special Permit to extend nonconforming 3-story structure and FAR at 7 Manet Circle**

DAVID MORTON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow three-story single-family structure and exceed FAR by adding side and rear additions at 7 Manet Circle, Ward 7, Chestnut Hill, on land known as SBL 63004 0031, containing approximately 12,706 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 1.5.4.D-F, 3.1.3, 7.8.2.C.2, 3.1.9.A.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**#399-16 Special Permit to exceed FAR at 441 Ward Street**

YAKIR AND CHERYL LEVIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to add a 415 sq. ft. garage, creating an FAR of .42 where .39 is allowed at 441 Ward Street, Ward 7, Newton Centre, on land known as SBL 73030 0006, containing approximately 9,299 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**8:30 PM  
Or Later**

## **2017 Auto Dealer License Renewals**

### **Class 2**

**#410-16** STAN'S AUTOMOTIVE INC.  
249 Centre Street  
Newton Corner 02458

**#408-16** SAM'S AUTO CENTER  
875 Washington Street  
Newtonville 02460

**#404-16** NEWTON CENTRE SHELL, INC.

1365 Centre Street  
Newton Centre 02459

**#401-16** LIFT THROTTLE AUTOMOTIVE, LLC  
64 Hillside Avenue  
West Newton 02465

**#406-16** OLD TIME GARAGE LTD.  
1960 Washington Street  
Newton Lower Falls 02462

**#400-16** AUCTION DIRECT PREOWNED  
1545 Washington Street  
West Newton 02465

**#402-16** MAP DEVELOPMENT & INVESTMENTS  
d/b/a CHRISTIAN TAPIA/MASTER USED  
CARS of WATERTOWN  
175 North Street  
Newtonville 02460

**#405-16** NTC-NEWTON TRADE CENTER  
103 Adams Street  
Nonantum 02458

**#409-16** ROBERT'S TOWING, INC.  
926r Boylston Street  
Newton Highlands 02461

**#403-16** NEWTON AUTO GROUP, INC.  
1235 Washington Street  
West Newton 02465

**#407-16** REGANS INC.  
2066 Commonwealth Avenue  
Auburndale 02466

**#411-16** JOHN BORTONE d/b/a ENZO'S AUTO SALES  
10 Hawthorn Street  
Nonantum 02458

**#412-16** JOHN & CATALINA BORTONE  
d/b/a VELOCITY MOTORS  
14 Hawthorn Street  
Nonantum 02458

JOHN BORTONE d/b/a ENZO'S AUTO SALES  
10 Hawthorn Street

Nonantum 02458

NEW ENGLAND MOTOR MART, INC.  
1221-1229 Washington Street  
West Newton 02465

R.J.S. SERVICE, INC.  
361 Washington Street  
Newton Corner 02458

**Class 2 & 3**

**#413-16** ECHO BRIDGE SALVAGE CO.  
16-24 Maguire Court  
Newtonville 02460

**#414-16** SCHIAVONE BROTHERS, INC.  
16-24 Maguire Court  
Newtonville 02460

**Respectfully submitted,**

**Marc C. Laredo, Chair**

## Auto Dealer Licenses

### Sec. 17-14. Denial, revocation or suspension of certain local licenses and permits for failure to pay municipal taxes or charges.

(a) The collector-treasurer shall annually provide each officer, board, department or commission having the power to grant licenses or permits (each of which hereinafter referred to as the "licensing authority") a list of any person, corporation or business enterprise that has failed to pay any local taxes, fees, assessments, betterments or any other municipal charges for at least twelve months and that has not in good faith filed a pending abatement application for such tax or a pending application before the appellate tax board. The licensing authority may deny an application for, revoke or suspend, or deny an application for renewal or transfer of such license or permit, if the name of such applicant for or holder of such license or permit appears on the collector-treasurer's list, or if the name of the owner of the real estate on which the licensed or permitted activity is or is to be carried out or exercised, appears on such list, provided that the procedures described in paragraphs (b) through (g) below are followed.

(b) Such licensing authority shall send written notice to the collector-treasurer and to the applicant for or holder of such license or permit, if the name of such applicant for or holder of such license or permit appears on the collector-treasurer's list, or shall send written notice to the collector-treasurer and the owner of the real estate on which the licensed or permitted activity is or is to be carried out or exercised, if the name of the owner of such real estate appears on such list. Such written notice shall state the name of the individual whose name appears on the collector-treasurer's list, briefly describe the action which the licensing authority is considering and the license or permit which may be affected and provide a notice of the hearing described in paragraph (c).

(c) The applicant for or holder of the license or permit, or the owner of the real estate on which the licensed or permitted activity is or is to be carried out or exercised, shall be given a hearing before such licensing authority, which hearing shall occur no sooner than fourteen (14) days after the notice provided for in paragraph (b). The collector-treasurer shall have the right to intervene in such hearing and the collector-treasurer's list shall be prima facie evidence for the denial of an application for, revocation or suspension of, or denial of an application for renewal or transfer of such license or permit. Any findings made by the licensing authority shall be made only for the purposes of the hearing and shall have no relevance to or be introduced in any other proceeding of law, except for an appeal from such denial, revocation or suspension of such license or permit.

(d) No license or permit denied, suspended or revoked shall be reissued, renewed or transferred until the licensing authority receives a certificate issued by the collector-treasurer that the applicant, holder or owner, as the case may be, is in good standing with regard to any and all local taxes, fees, assessments, betterments or any other municipal charges payable to the city as of the date of issuance of such certificate.

(e) The applicant for or holder of the license or permit, or the owner of the real estate on which the licensed or permitted activity is or is to be carried out or exercised, shall be given the opportunity to enter into a payment agreement. If such agreement is entered into, the licensing authority shall issue a certificate limiting the license or permit pursuant to the payment agreement and indicating that the validity of such license or permit is conditioned upon satisfactory compliance with such agreement. Failure to comply with the payment agreement shall be grounds for the suspension or revocation of the license or permit, subject to written notice and a hearing as described in paragraphs (b) and (c) above.

(f) Either the board of aldermen or the mayor may waive such denial, revocation or suspension by finding there is no direct or indirect business interest by the real estate owner, its officers or stockholders, if any, or members of the owner's immediate family, as defined in G.L. Chapter 268A, Section 1, in the business or activity conducted

on the real estate.

(g) Notwithstanding the foregoing paragraphs, there can be no denial, revocation or suspension of the following licenses or permits for failure to pay any local taxes, fees, assessments, betterments or any other municipal charges pursuant to G.L. Chapter 40, Section 57: open burning permits pursuant to G.L. Chapter 48, Section 13; bicycle permits pursuant to G.L. Chapter 85, Section 11A; sales of articles for charitable purposes permits pursuant to G.L. Chapter 101, Section 33; children work permits pursuant to G.L. Chapter 149, Section 70; clubs, associations dispensing food or beverage licenses pursuant to G.L. Chapter 140, Section 21E; dog licenses pursuant to G.L. Chapter 140, Section 137; fishing, hunting, trapping licenses pursuant to G.L. Chapter 131, Section 12; marriage licenses pursuant to G.L. Chapter 207, Section 28 and theatrical events, public exhibition permits pursuant to G.L. Chapter 140, Section 181. (Ord. No. V-41, 10-16-95)



*2017 Auto Dealer License Renewals – the past due balance information as of 11/18/2016*

**TOTAL PAST DUE OWED CITY PER TREASURY RECORDS IS \$22,208.69**

**Class 1**

MCGOVERN CHRYSLER JEEP DODGE RAM

777 Washington Street

Newton, MA. 02460

\$0.00 past due

CLAY NISSAN OF NEWTON INC.

431 Washington Street

Newton Corner 02458

\$0.00 past due

VILLAGE MOTORS GROUP, INC.

d/b/a HONDA VILLAGE

371 Washington Street

Newton Corner 02458

\$0.00 past due

**Class 2**

AUCTION DIRECT PREOWNED

1545 Washington Street

West Newton 02465

\$0.00 past due

NAJIM & YOUSUF AZADZOI

d/b/a AZAD MOTORS GALLERIA

280 California Street

Newton 02458

\$0.00 past due

CICCONE MOTORS

75 Adams Street

Newtonville 02458

**\$67.96 past due MV excise charges**

JOHN BORTONE d/b/a ENZO'S AUTO SALES

10 Hawthorn Street

Nonantum 02458

**\$537.75 past due MV excise & Personal Property tax**

**Owner named owes \$2017.08 Utility bills at residence**

JACOB'S AUTO SERVICE  
1232 Washington Street  
West Newton 02465  
\$0.00 past due

LIFT THROTTLE AUTOMOTIVE, LLC  
64 Hillside Avenue  
West Newton 02465  
\$0.00 past due

MAP DEVELOPMENT & INVESTMENTS  
d/b/a CHRISTIAN TAPIA/MASTER USED  
CARS of WATERTOWN  
175 North Street  
Newtonville 02460  
\$0.00 past due

MAVERICK MOTORS  
1209 Washington Street  
West Newton 02465  
Nothing found for this entry

NEW ENGLAND MOTOR MART, INC.  
1221-1229 Washington Street  
West Newton 02465  
**\$58.78 past due for MV Excise Tax**

NEWTON AUTO GROUP, INC.  
1235 Washington Street  
West Newton 02465  
\$0.00 past due

NEWTON CENTRE SHELL, INC.  
1365 Centre Street  
Newton Centre 02459  
**\$382.32 past due for Personal Property Tax**

NEWTON COLLISION INC.  
d/b/a GM AUTO BODY  
64 Crafts Street  
Newton 02458  
\$0.00 past due

NTC-NEWTON TRADE CENTER  
103 Adams Street  
Nonantum 02458

**Owner past due \$3890.88 in MV Excise Tax  
& \$9502.10 in Personal Property  
TOTAL OWED = \$13,392.98**

Mailing Address: NTC-Newton Trade Center  
86 Hutchinson Dr.  
Marlborough, MA 01752

OLD TIME GARAGE LTD.  
1960 Washington Street  
Newton Lower Falls 02462  
\$0.00 past due

PARAGON GLOBAL PARTNERS, INC.  
259 Walnut Street  
Newtonville 02460  
**\$215.00 past due for MV Excise Tax**

R.J.S. SERVICE, INC.  
361 Washington Street  
Newton Corner 02458  
\$0.00 past due

REGANS INC.  
2066 Commonwealth Avenue  
Auburndale 02466  
\$0.00 past due

ROBERT'S TOWING, INC.  
926r Boylston Street  
Newton Highlands 02461  
**Business name not found**

SAM'S AUTO CENTER  
875 Washington Street  
Newtonville 02460  
**\$2205.52 past due Personal Property Tax**



SONOMA CLASSICS LLC.  
1215 Chestnut Street/145 Wells Avenue  
Newton, MA  
**Past due \$152.51 Personal Property tax owed at  
Chestnut St address under STE Development**

STAN'S AUTOMOTIVE INC.  
249 Centre Street  
Newton Corner 02458  
\$0.00 past due

JOHN & CATALINA BORTONE  
d/b/a VELOCITY MOTORS  
14 Hawthorn Street  
Nonantum 02458  
**\$1471.47 past due MV Excise Tax**

CITY OF NEWTON  
1000 Commonwealth Avenue 02459

**Class 2 & 3**

ECHO BRIDGE SALVAGE CO.  
16-24 Maguire Court  
Newtonville 02460  
\$0.00 past due

SCHIAVONE BROTHERS, INC.  
16-24 Maguire Court  
Newtonville 02460  
\$0.00 past due

TODY'S SERVICES, INC.  
1362 Washington Street  
West Newton 02465  
**\$1707.32 past due MV Excise Tax**