



# Land Use Committee Agenda

## City of Newton In City Council

**Tuesday, June 26, 2018**

**7:00 PM**  
**Chamber**

- #392-18      Extension of time to exercise Special Permit #179-15 for 1349 Centre St**  
MYRTHA CHANG petition for an EXTENSION of TIME to EXERCISE Special Permit Board Order #179-15 allowing a freestanding sign at 1349 CENTRE STREET, Ward 6, Newton Centre, on land known as SBL 62, 10, 1, containing approximately 10,579 sf. of land in a district zoned BUSINESS 2. Said EXTENSION to expire September 21, 2018 Ref: Sec 30-24, 30-23, 30-20(f)(1), 30-20(l) of the City of Newton Rev Zoning Ord, 2012.
- #254-18      Request for an extension of time for Special Permit at 283 Melrose Street**  
STEPHEN VONA requesting an EXTENSION OF TIME in which to EXERCISE special permit #480-14(4) granted on March 21, 2016 to change one nonconforming use to another by restoring and expanding an existing structure known as the Turtle Lane Playhouse with office space above, to provide a mixed-use building with an addition containing 4 dwelling units at street level and above and a second building containing a 16-unit multi-family dwelling with a below grade parking garage for 27 cars at 283 MELROSE STREET, Ward 4, Auburndale; said EXTENSION will run to November 14, 2018. Ref: 7.4.5.E of the City of Newton Rev Zoning Ord, 2017.  
***Please see the attached request to Withdraw the Request for an Extension of Time***
- #338-18      Special Permit Petition to exceed FAR at 22 Beecher Place**  
BEN BRESSEL petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to enclose the front porches, adding approximately 158 sq. ft. to the structure, creating an FAR of .49 where .48 is allowed at 22 Beecher Plane, Ward 6, Newton Centre, on land known as Section 81 Block 01 Lot 03 containing approximately 10,146 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 3.2.11 of the City of Newton Rev Zoning Ord, 2015.
- #215-18      Special Permit Petition to allow a rear-lot subdivision at 156 Otis Street**  
156 OTIS STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a rear lot subdivision to create two lots, raze the existing single-family dwelling and construct single-family dwellings on each lot at 156 Otis Street, Ward 2, West Newton, on land known as

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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.

Section 24, Block 13, Lot 14A, containing approximately 43,700 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 3.1.5, 3.1.10 and 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**#289-18**

**Special Permit Petition to amend Board Order #167-14 for Garden Remedies**

GARDEN REMEDIES, INC/697 WASHINGTON STREET REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #167-14 to allow the retail sale of recreational marijuana and medical marijuana, to delete Condition #3 relative to customer appointments, to amend Condition #4 to allow up to 12 employees at one time, to amend Condition #5 to modify the hours of operation, to expand the premises to include additional space, to allow waivers to perimeter screening requirements, to allow waivers to interior landscaping requirements, to allow waivers for parking facility requirements for; parking in the front setback, waivers to interior landscaping, waivers for interior planting area requirements, waivers to requirements for tree planting, waivers to requirements for bumper overhang area landscaping, waivers to requirements for 1-foot candle lighting, waivers for retaining walls over 4' in height and a waiver for 5 parking stalls to the extent necessary in Ward 2, Newton at 697 Washington Street (Section 23 Block 19 Lot 01B), 691 Washington Street (Section 23 Block 19 Lot 01A), 681 Washington Street (Section 23 Block 19 Lot 01) and 2 Court Street (Section 23 Block 19 Lot 23), containing approximately 16,669 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 5.1.8.A.1, 5.1.13, 5.1.9.A, 5.1.9.B, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10.A.1, 5.4.2.B of the City of Newton Rev Zoning Ord, 2015.

***Chairs Note:*** The Committee will discuss the request from the Planning Department to allow the hiring of consultants to be “on-call” for peer review of major Special Permit petitions.

**Respectfully submitted,**

**Greg Schwartz, Chair**

Ms. Nadia Khan  
Committee Clerk, City Council  
City of Newton  
1000 Commonwealth Ave  
NEWTON, MA 02459  
617-796-1218 nkhan@newtonma.gov

May 20, 2018

Re: Time Extension to Record Special Permit in Registry of Deeds

Dear Ms. Khan,

I am writing to request a Time Extension to get my Special Permit (granted Sep 21, 2015) recorded in the Registry of Deeds in Boston.

I truly apologize for the delay. I was a new property owner and I failed to pay attention to the proper protocol of Special Permits. Applying for the Special Permit required a lot of time, efforts, legal fees, and appearances in front of the board, I was so happy I got the Special Permit, I failed to carry through the last step of getting it recorded in the Registry of Deeds.

I am a long-time Newton resident, I am grateful for these protocols which serve us. Please forgive me for this mistake. I will not let something like this happen again.

If you have any questions, please don't hesitate to contact me.

Reference: Petition Number: #179-15, Free-Standing Sign. Sep 21, 2015

Your sincerely,



Myrtha Chang



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

RECEIVED  
 Newton City Clerk  
 2018 JUN -7 PM 4:01  
 David A. Olson, CMS  
 Newton, MA 02459

June 5, 2018

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

Re: 283 Melrose Street: Board Order #480-14(4)  
 Extension of Special Permit: Withdrawal

Dear Ms. Khan:

I am writing this letter to request withdrawal of the request for an extension of time in which to exercise the above-referenced special permit. Section 7.3.2.E of the Zoning Ordinance states in relevant part that "*a substantial use of such special permit or construction required by such special permit*" has to have been begun within one year of the grant. However, the Board Order contained a Condition 30(e), which stated in relevant part, that no building permit for the multifamily building only, be issued until the petitioner has "*submitted evidence to the Planning and Law Departments that the pending adverse possession lawsuit has been resolved with no change to the site*".

The extension request was made on April 13, 2018, as a precautionary measure in the belief that the resolution of the adverse possession claim, which was not resolved until February 21, 2018, posed a potential bar to the successful exercise of the special permit. However, after a subsequent conversation with Commissioner John Lojek, it has been determined that: (1) the special permit was exercised within one year of the grant, upon the issuance of several permits related to *construction required by the permit*, including a demolition permit and tree removal permit and (2) to the extent that the time in which it took to resolve the adverse possession lawsuit prevented the issuance of a building permit, it did not prevent the exercise of the special permit, which had already begun in a timely manner. In any event, the pending lawsuit could not have been fatal to the exercise of the special permit since that time period would have been tolled as a matter of law.



Accordingly, the request for the extension of time has become a moot point.  
Thank you for your attention to this matter.

Sincerely,

*Terrence P. Morris*

Terrence P. Morris, Esq.  
Counsel for Turtle Lane, LLC

cc. John Lojek, Commissioner, ISD  
Councilor Gregory Schwartz, Land Use Chair  
Councilor Christopher Markiewicz, Ward 4 Councilor  
Buddy Lamplough, Building Inspector