



Land Use Committee Report

City of Newton In City Council

Tuesday, October 24, 2017

Present: Councilors Laredo (Chair), Schwartz, Auchincloss, Cote, Harney, Crossley, Lipof

Absent: Councilor Lennon

City Staff Present: Senior Planner Neil Cronin, Chief Planner Jennifer Caira, Senior Planner Michael Gleba, Associate City Solicitor Robert Waddick

Request for a Consistency Ruling relative to 30 Caroline Park Requesting a change to the FAR calculations submitted and approved relative to Board Order #16-16.

Note: Senior Planner Michael Gleba reviewed details of the consistency ruling. When the petitioner applied for the Special Permit in 2016, the required relief was to exceed the allowable FAR at the site, increasing from .51 to .54. It was determined that some of the square footage in the attic was not included, when it should have been. The proposed plans would actually increase the FAR from .57 to .60. Mr. Gleba confirmed that the plans have not changed since approval of the project in 2016. Committee members were in agreement that the changes to the Special Permit are consistent.

Request for a Consistency Ruling relative to Chestnut Hill Square Requesting a change to allow infilling of the existing loading bay to locate 890 sq. ft. of retail space.

Note: Senior Planner Neil Cronin presented the proposed changes at Chestnut Hill Square. The petitioner proposes to convert an existing loading bay at the northeast corner of the site to allow an 890 sq. ft. retail tenant. Three new spaces will be located in front of the retail store. Mr. Cronin noted that the existing loading bay faces the interior of the site. A Committee member asked if the proposed changes will impact the flow of traffic through the site. Mr. Cronin confirmed that the sightlines and distance between traffic and new parking stalls remains adequate for maneuverability. Committee members were in agreement that the proposed changes are consistent with the existing Special Permit.

#228-17

Special Permit to extend non-conforming use at 69-71 Cherry Street

CAPPADONA CHERRY GROUP, LLC/ROSSANA CAMPOS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to legalize third unit and non-compliant lot area per unit in the existing non-conforming two-family at 69-71 CHERRY STREET, Ward 3, West Newton, on land known as Section 34, Block 42, Lot 15, containing approximately 23,511 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3, 7.4, 3.4.1, 7.8.2.C.2, 3.1.3 of the City of Newton Rev Zoning Ord, 2015.

Action: Land Use Held to November 14, 2017 4-0 (Cote, Crossley, Auchincloss not Voting)

Note: Atty. Peirce noted that the petitioner is awaiting a determination from the Commissioner of Inspectional Services relative to whether the proposal will require a variance. To allow the Council Order to be drafted appropriately, the petitioner asks for a continuance to November 14, 2017. The Public Hearing remains open. Councilor Harney motioned to hold the item which carried unanimously.

#229-17 Special Permit to allow vehicle sales at 454-458 Watertown Street

TEE GEE, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to expand the existing auto service business to allow the sale and service of up to ten used cars and waivers to requirements for parking facilities at 454-458 WATERTOWN STREET, Ward 1, Newtonville, on land known as Section 14, Block 16, Lot 35, containing approximately 14,277 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3, 7.4, 4.4.1, 5.1.4, 5.1.13 of the City of Newton Rev Zoning Ord, 2015.

Action: Public Hearing Closed; Land Use Approved 4-0 (Cote, Crossley, Auchincloss not Voting)

Note: Attorney Michael Peirce presented updates to the petition at 454-458 Watertown Street. At the public hearing on September 7, 2017, Committee members raised questions with regard to access and maneuverability of cars on the site in addition to protection of the sidewalk and an existing street tree between two existing curb cuts. Atty. Peirce reviewed changes to the proposed plans. The number of spaces for used car sales has been reduced from seven to five, reducing the requirement for customer parking from three to two. The petitioner has proposed to reduce the length of the parking stalls, allowing them to be pulled further back into the site. The two proposed customer parking spaces have been reoriented on the site to face west, which will encourage customers to use the east curb cut. Customers will be able to make a wide turn and exit easily. Atty. Pierce noted that a striped “no parking” zone has been added to the plan, between the two curb cuts, behind the street tree. This “no parking” zone should minimize conflict opportunities with the street tree. It was reiterated that the petitioner has been operating at the site for many years, has knowledge of the site’s limitations and is confident that he can operate successfully based on the new site plan. Atty. Peirce stated that the petitioner hopes to use the cars at the site to generate some interest, but will also rely on internet sales.

Mr. Gleba reviewed the proposed changes and stated that the realignment of the customer parking stalls will address concerns related to traffic flow at the site. He noted that the Planning Department is appreciative of the inclusion of the “no parking” zone and confirmed that the Planning Department is comfortable with the turning radius for customer cars. Committee members asked if Atty. Peirce has had the opportunity to review the proposed changes to the plan with the Ward 1 Councilors. Atty. Peirce noted that while he has not yet, he can prior to the full Council vote.

With no member of the public wishing to speak, Councilor Schwartz motioned to close the public hearing which carried unanimously. Councilor Schwartz motioned to approve the petition. Committee members reviewed the draft findings and conditions and voted unanimously in favor of approval.

#201-17 Special Permit to construct three-story building at 386-394 Watertown Street

JLM REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a three-story building, up to 36' high, allow an FAR of 1.5, waivers to allow parking in the side setback, waiver to allow parking within 5' of a building or structure containing dwelling units, waivers to allow a reduction in the parking requirement to 1.25 per dwelling unit, relief from parking facility landscaping, and a waivers to the lot area per unit in a multifamily dwelling by 25% to allow for an affordable unit at 386-394 Watertown Street, Ward 1, Newton, on land known as Section 14, Block 14, Lots 37-38, containing approximately 9,542 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Ref: 7.3, 7.4, 4.1.2.B.3, 4.1.3.3, 5.1.4, 5.1.8, 5.1.8.A.2, 5.1.13, 5.1.9, 5.1.1.13, 5.11, 5.11.15.A of the City of Newton Rev Zoning Ord, 2015.

Action: Land Use Approved 4-0 (Cote, Crossley, Auchincloss not Voting) Public Hearing Closed
09/07/2017

Note: Attorney Terry Morris, office at 57 Elm Road, presented revisions to the proposed plan for 386-394 Watertown Street. The item was recommitted to Land Use to review changes made based on feedback from two abutters to the property. Atty. Morris noted that the largest change in the plan relates to the removal of a second floor terrace above the parking area at the rear of the site. This change was made in response to abutter concerns that the space would be used inappropriately.

Mr. Cronin reviewed this change to the plan and noted that the drainage plans will be slightly revised as a result. He confirmed that due to the shape of the lot, the terrace was visible from the street, but set back.

One abutter Doug Dubois, 382 Watertown Street expressed concern about the impact of construction on his property. Atty. Morris confirmed that neither the foundation nor the first floor of the structure will be demolished during construction. Mr. Dubois stated that the shape of the proposed structure may limit his access to portions of his property. Atty. Morris confirmed that a limited access mutual easement agreement for maintenance and repair can be included as a condition of the Special Permit. He added that a gutter and down spout will be added where the buildings meet. Should the system fail, the petitioner is committed to repairing it. Mr. Dubois confirmed that he is comfortable, as long as no changes to the plans are made. Councilor Lipof motioned to approve the item, which carried unanimously.

#49-16(2) Petition to amend Board Order #49-16 at 103 Court Street (including 15 Wilton Road)
ALAN AND BARBARA QUEBEC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #49-16 to allow for changes to the site plan at 103 Court Street, Ward 2, on land known as Section 23, Block 16, Lots 36 and 36A containing approximately 22,848 sq. ft. of land in a district zoned MR1. Ref: 7.3.3, 7.4, of the City of Newton Rev Zoning Ord, 2015.

Action: Public Hearing Closed; Land Use Approved 4-0 (Cote, Crossley, Auchincloss not Voting)

Note: Attorney Terry Morris represented petitioners Alan and Barbara Quebec. Atty. Morris reviewed proposed amendments to the Board Order for the Special Permit approved in 2016. The changes include the elimination of two retaining walls, a driveway constructed 2' lower than was

approved, the reconfiguration of two outdoor parking spaces to be located in tandem and the reorientation of the right stairway to face the rear driveway. Because the driveway was constructed at a lower grade, there is an additional 37 square feet in the garage mass below grade (equivalent to .003 FAR). Several sections of the retaining walls were modified to allow the grade to continue at the same level and the Wilton Road retaining wall was eliminated. Atty. Morris noted that the petitioner also installed tree wells. Architect Ron Jarek confirmed that the driveway elevation was lowered 2' due to field conditions.

The Public Hearing was opened.

Mr. Gleba noted that the Commissioner of Inspectional Services determined an amendment to the Special Permit was necessary because the number of changes were too many to be ruled on as part of a consistency ruling. Mr. Gleba noted that the Planning Department's only concern related to the proposed changes is with regard to the tree wells that were constructed in a City owned easement. He noted that a licensing agreement is required and has not yet been finalized. Mr. Gleba confirmed that a condition can be made to require that a licensing agreement is made with the City prior to the issuance of the final Certificate of Occupancy. With no member of the public wishing to speak, Councilor Lipof motioned to close the public hearing which carried unanimously. Committee members reviewed the draft findings and conditions. Mr. Gleba confirmed that the Council Order will consolidate the details of the previous Board order. Committee members voted unanimously in favor of approval.

#282-17 Special Permit to exceed FAR at 45 Chester Street

JEFFREY AND JUSTINE COHEN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing detached garage structure and rear portion of the dwelling and replace it with a two-car attached garage, mudroom, living space and a rear pool, creating an FAR of .37 where .21 exists and .33 is allowed at 45 Chester Street, Ward 6, Newton Highlands, on land known as Section 52, Lot 03 Block 08, containing approximately 19,800 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 3.1.9 of the City of Newton Rev Zoning Ord, 2015.

Action: Public Hearing Closed; Land Use Approved 3-0-1 (Schwartz abstaining, Cote, Crossley, Auchincloss not Voting)

Note: Architect Treff LaFleche, of LDA Architecture, represented petitioners Jeffrey and Justine Cohen. Mr. LaFleche reviewed the details for the proposed renovations at 45 Chester Street. He stated that the expansion of the house will include a new garage, master bedroom, family room and indoor pool house. The petitioners have a passion for swimming and hope to be able to accommodate their family's passion in the house. When the petitioners began to review their options, they determined that demolishing and rebuilding the house, without a third floor would allow for the same programming, without zoning relief. Because the petitioners hope to maintain the character of the historic home, they decided to keep the existing house and propose the current plan, requiring FAR relief for approximately 783 sq. ft. This would increase the FAR from .21 to .37 where .33 is allowed. Mr. LaFleche noted that the positioning of the pool house is set back and shielded by a substantial number of plantings and mature trees. The proposed pool house is located to the rear of the house,

running parallel to the lot line. Mr. LaFleche stated that the petitioners have spoken to each of their direct abutters who have been supportive of the proposed plans.

Mr. Cronin noted that the relief is to exceed the FAR. He reviewed criteria for consideration and demonstrated the proposed site plan, noting that the proposed garage doors will not face the street. The Planning Department notes that the proposed plans are in keeping with the historic features of the house. Mr. Cronin stated that the Planning Department would prefer that the massing of the pool house is moved from the street. He noted that as part of the renovations, the petitioners have proposed the creation of a second curb cut, which is not generally supported by the Planning Department. Mr. LaFleche stated that the second curb cut would be created in order to allow for a rounded driveway to facilitate easy drop-offs at the house and the new addition before exit onto the street. Mr. LaFleche noted that the frontage of the house is long and allows the creation of a driveway that connects the proposed addition to the house.

In response to questions from Committee members, Mr. Cronin noted that the Planning Department is not typically supportive of creating additional curb cuts because of the added potential for vehicle and pedestrian conflict. He stated that there is a general practice to minimize curb cuts, where feasible. It was noted that the semi-circular driveway will eliminate the need for backing out and will create clearer sightlines for drivers. In response to the Planning Department's request to reconfigure the pool house, Mr. LaFleche noted that the pool house was located in a position to take advantage of the natural light. Ms. Justine Cohen noted that the pool house was located to the rear of the principal structure so as not to be visible from the street. Additionally, Ms. Cohen noted that the nearest abutters (62 Forest Street) have a preference for the pool house being located on the edge of the privacy because of the added privacy it offers.

Mr. Cronin noted that most of the homes in the neighborhood are vertically prominent. He stated that the horizontal construction will vary from that model. Mr. Cronin acknowledged that there are a lot of large houses in the neighborhood and given the size of the lot, he does not believe it will be in derogation of the neighborhood.

The Public Hearing was opened and closed with no member of the public wishing to speak with a motion from Councilor Lipof. A Committee member expressed concern about the second curb cut and questioned if other Councilors might raise concerns at the Council meeting, requiring the petition to be sent back to Committee. Committee members were in agreement that they value the expertise of their colleagues and suggested that an item can be put on second call at any time prior to the vote. Councilor Lipof motioned to approve the petition. Committee members asked that the petitioner communicate with appropriate Councilors, prior to the Council vote. The Committee voted 3-0-1 with an abstention from Councilor Schwartz.

#223-17 **Special Permit to amend Board Order #64-02 to allow for a garage at 1080 Walnut St**
MICHAEL E. LIU petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #64-02 to allow for the construction of a detached garage at 1080 WALNUT STREET, Ward 6, Newton Highlands, on land known as Section 52 Block 20 Lot 8,

containing approximately 21,331 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4 of the City of Newton Rev Zoning Ord, 2015.

Action: **Public Hearing Closed; Land Use Approved 4-0 (Cote, Crossley, Auchincloss not Voting)**

Note: Attorney Peirce represented petitioner Michael Liu to amend the Board Order for the Special Permit at 1080 Walnut Street. The Special Permit, approved in 2002 was to allow an accessory apartment. The petition to amend the Board Order, is to allow the construction of a garage. The proposed garage meets all dimensional standards, but requires a Special Permit to amend the site plan. Atty. Peirce noted that the house is well screened and set back on the property. The Planning Department asked whether the petitioner considered a reduction in the amount of bituminous pavement. Atty. Peirce stated that while there will be places where the pavement is extended and places where it is reduced, the petitioner hopes to maintain the plan as proposed to allow for guest parking, when necessary. The open space at the site will be decreased by approximately 2.5%. It was noted that the petitioner has also spoken with abutters to the site, who have expressed no concerns related to the proposal. Additionally, Atty. Peirce stated that there is a dense buffer between the properties.

Mr. Gleba confirmed that the relief required is to amend the site plan as approved in 2002. He demonstrated the location of the proposed garage and noted that an existing gazebo will be preserved and moved forward on the site. Mr. Gleba confirmed that there is no livable space in the second floor of the garage. Petitioner Mr. Liu stated that the second floor space above the garage is loft space for storage. It was noted that a trench drain will be installed which is an improvement to the existing conditions.

The public hearing was opened. With no member of the public wishing to speak, Councilor Schwartz motioned to close the public hearing which carried unanimously. Committee members reviewed the draft findings and conditions. Mr. Gleba confirmed that the previous Board Order will be consolidated with the current Order. Committee members asked that the Law Department continue to work to ensure that Special Permits are consolidated into stand-alone documents. Committee members voted unanimously in favor of approval.

#261-17 Special Permit to exceed FAR at 14 Pond Avenue

KEVIN FAHEY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 1,026 sq. ft. rear addition to the basement, first and second stories, creating an FAR of .67 where .58 is allowed and .44 exists at 14 POND AVENUE, Ward 1, on land known as Section 11, Block 20, Lot 14, containing approximately 4,530 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3, 7.4, 3.2.11 of the City of Newton Rev Zoning Ord, 2015.

Action: **Public Hearing Closed; Land Use Approved 4-0 (Cote, Crossley, Auchincloss not Voting)**

Note: Attorney Terry Morris, represented petitioner Kevin Fahey to construct a rear addition at 14 Pond Avenue. Atty. Morris stated that Mr. Fahey has communicated the proposed plans to abutters who have offered their support. Atty. Morris noted that when the petitioner purchased the house in 2007, the front yard was paved for parking. As the Planning Department has requested that the petitioner consider a reduction in the amount of pavement at the site, the petitioner proposed to

use alternate materials and reduce the length of the stall to 24'. The petitioner, Mr. Fahey noted that after the passing of his wife, he has moved his office to his home in order to be accessible to his children. He stated that he often has family members who visit in an effort to help support the family, requiring additional space.

Mr. Cronin reviewed the required relief to exceed the FAR at 14 Pond Avenue. He noted that one garage stall will be created in the basement level and demonstrated photos of the proposed addition. Mr. Cronin stated that the front elevation has received approval by the Historic Commission. It was noted that the Historic Commission requested that the front exposed foundation wall be covered with a fieldstone veneer to mimic the retaining wall.

The Public Hearing was opened.

James Fanning, 5 Pond Avenue, noted that the petitioner has made improvements to the property. He noted that the improvements will help to increase property values in the neighborhood.

No other member of the public wished to speak. With a motion from Councilor Lipof to close the public hearing, Committee members voted unanimously in favor. Committee members asked the petitioner to address concerns raised by an abutter to the property, sent by email.

Mr. Fahey confirmed that when he moved to the property, the front yard was asphalt, contained by a chain link fence. He replaced the chain link fence with a stone wall and the asphalt with a grass front yard. It was noted that because the house is on a private way, the petitioner owns to the middle of the road. The Planning Department expressed no concerns relative to the issues raised by the abutter. Councilor Lipof motioned to approve the Special Permit. Committee members reviewed the draft findings and conditions. As the petitioner committed to reducing the amount of pavement on site, Atty. Morris noted that a condition could be included that states that the asphalt will be reduced to the minimum amount required for a parking space. It was noted that the condition can also include that the pavers will be used. Committee members voted unanimously in favor of the petition.

#132-14(2) Special Permit Petition to amend Board Order #132-14 at 49 Winchester Street
THE CREATIVE KIDS STUDIO, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #132-14 to allow parking within the front setback and waive the requirement for outdoor play area screening at 49 Winchester Street, Ward 8, on land known as Section 51, Block 28, Lot 30, containing approximately 79,500 sq. ft. of land in a district zoned MULTI USE 1. Ref: Sec. 7.3.3, 7.4, 5.1.8.A.1, 7.8.2.C.2, 6.3.4.B.3 of the City of Newton Rev Zoning Ord, 2015.

Action: Public Hearing Closed; Land Use Approved 4-0 (Cote, Crossley, Auchincloss not Voting)

Note: Atty. Terry Morris, 57 Elm Road, represented Creative Kids Studio to amend the Board Order at 49 Winchester Street. The day care received approval via administrative site plan review and the requested relief is relative to amending the site plan of the Special Permit approved in 2014 to allow the location of one playground. Atty. Morris confirmed that the petitioner will install a 6' black, vinyl clad chain link fence to screen the playground. Additionally, plantings and bollards will be placed

outside of the fence. As a result of the elimination of a second proposed playground, no reconfiguration of the existing parking stalls will be required.

The Public Hearing was Opened.

Mr. Cronin reviewed the proposed site plan, noting the playground to the right of the principal structure. He noted that the fence, plantings and bollards will help protect the playground from traffic. To ensure the safety of the playground, the Planning Department will need to review the details of the bollards and plantings.

Seeing no member of the public wishing to speak, Councilor Lipof motioned to close the public hearing, which carried unanimously. A Committee member noted that the current travel lane between the existing building and existing landscaping is where the playground will be located. The cut through will no longer be used. It was noted that the Greenway is located to the left of the site. Councilor Lipof motioned to approve the item. Committee members reviewed the draft findings and conditions. Committee members noted questioned whether the hours of operation should be detailed in the Council Order, but determined that it is not necessary. Associate City Solicitor Bob Waddick confirmed that the Board Orders would be consolidated. Committee members voted unanimously in favor of the petition.

#284-17 Request to Rezone three parcels on Langley Road

LANGLEY MONTROSE LLC AND LANGLEY FARLOW LLC petition for a change of zone to MR-3 for land located at 392-396 Langley Road(MR-2; Parcel 1), 400 Langley Road (MR-2; Parcel 2), and 402-404 Langley Road (BU-1; Parcel 3), also identified as Section 65, Block 010, Lots 001, 008, 030.

Land Use Held 7-0

#285-17 Special Permit to allow multi-family on Langley Road

LANGLEY MONTROSE LLC AND LANGLEY FARLOW LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to develop 20,000+ sq. ft. of gross square area by razing the existing two-family at 400 Langley and constructing a three-story, 20-unit multi-family apartment building, legitimize a nonconforming deck and setback at 402-404 Langley Road, a reduction of parking to 1.25 stalls per unit or 83 stalls, parking in the side setback, a waiver of dimensional requirements for parking, a waiver for requirements for end stalls, a waiver for the minimum aisle width, a waiver of perimeter screening and interior landscaping requirements, a waiver for lighting and surfacing requirements and a waiver to allow multi-family dwellings in the MR-3 zone, at 392-396, 400, 402-404 Langley Road, Ward 6, containing approximately 79,636 sq. ft. of land in a district zoned MR-2 and BU-1. Ref: 7.3.3, 7.4, 7.3, 5.1.13, 3.4.1, 4.1.2.B.1, 5.1.4, 5.1.8.A, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.C.2, 5.1.9.A, 5.1.9.B, 5.1.10, and 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

Action: Land Use Held 7-0

Note: Attorney Steve Buchbinder, Schlesinger and Buchbinder, office at 1200 Walnut Street, represented petitioners Langley Montrose LLC and Langley Farlow LLC. The petitioner proposes to develop the site, containing 392-396, 400 and 402-404 Langley Road and combine the properties, requiring a rezoning to MR3. It was noted that the request for the zone change will be heard by the Planning Board on November 6, 2017. The parcel of land at 392-396 Langley Road, zoned MR2, contains 55,159 sq. ft. of land, three apartment buildings and thirty apartment units. The parcel of land at 400 Langley Road, zoned MR2, contains 7,348 sq. ft. of land and one two-family dwelling. The parcel of land at 402-404 Langley Road, zoned BU1, contains 17,130 sq. ft. of land and 16 units. The proposed combined parcel totals 79,876 sq. ft. of land and would contain a total of 48 units. The petitioner proposes demolishing the existing two-family and constructing a new building with twenty units. This results in a net increase of eighteen units.

Attorney Buchbinder noted that the property's situation on Langley Road is amongst other Business and Multi-Residence zoned properties and there are a number of multi-unit condo buildings in the neighborhood. Architect for the project, Jana Silsby (Perkins Eastman) and Landscape Architect Lisa Giersbach (G2 Collaborative) presented details of the proposal, noting that the petitioner has emphasized the desire to improve the public realm. Ms. Silsby presented details of the project on the attached PowerPoint, stating that a major element of the project will be enhancing the landscaping, reducing the asphalt and burying the power lines at the site. The proposed structure to replace the existing two-family at 400 Langley, is pulled back on the site; allowing the creation of a front yard. A courtyard, to be the center of the development will be created between the new structure and 392-394 Langley Road. All structures will have access to the courtyard which will incorporate planting beds, pavers, low shade trees, site furniture and bicycle parking facilities. Ms. Silsby demonstrated the slope of the site, noting how the mass steps down the further it is into the site. The development is three stories at the street level and the corners are minimized to reduce the impact of the massing. The proposed structure will utilize brick masonry and zinc metals with precast elements around the windows. The petitioner confirmed that they will design the proposed structures to match the structures that will remain. An underground garage containing 16 parking stalls will be located at 400 Langley Road and will connect to the garage at 402-404 Langley Road. It was noted that the first and second floor of the proposed building will each contain two, two-bedroom units, three, one-bedroom units and two studio units. The top floor is reduced by one, one-bedroom unit in order to allow for the creation of a roof terrace and mechanical rooftop equipment.

Traffic Engineer Randy Hart (VHB) prepared the traffic impact and access report. Mr. Hart noted that there are currently three points of access to the site (North, Middle, South). The proposed plan includes the consolidation of two access points. Mr. Hart noted that the level of traffic is estimated to increase by 108 vehicle trips to the site over the course of the day. He stated that during the morning peak time, traffic would be increased by seven trips and during the evening peak time, traffic would be increased by approximately ten trips. He noted that there will be no level of service change based on the operational analysis. Mr. Hart stated that while there is no public transit option located at the site, bus options are available on Route 9 and on Parker Street. He confirmed that the Newton Centre MBTA station is also approximately 9/10 of a mile away.

The City requires that 15% of the units that are set aside per the Inclusionary Zoning Ordinance. As the proposed development generates 18 net units, Atty. Buchbinder noted that the petitioner is committed to providing either four affordable units in the new structure or three in the new structure and two in an existing building. Atty. Buchbinder noted that the petitioner held a community meeting and have had ongoing discussions with neighbors. In response to the Planning Department's note that the proposed development is not in a village center, Atty. Buchbinder stated that the development will help to diversify the housing stock and is not unlike other developments in the vicinity.

The Public Hearing was Opened.

Dave Segal, owns the buildings at 422, 424, 391, 393 Langley Road, has concerns about the impact of the proposed development on traffic. Mr. Segal believes that the development will create added congestion.

Sherry Marifzali, 6 Dudley Road, is around the corner from the project. Ms. Mariselli noted that she was not included in the community meeting. She has concerns about the additional traffic and the impact on the school system.

Anita Regan, 15Beecher Place, has concerns about the impact on traffic and school system.

Richard Carver, 5 Dudley Road, is concerned about the impact on the Bowen School.

Anna Weiss, 392 Langley Road, had questions about sunlight and construction impacts. She asked about the measures that will be taken to reduce the noise. Ms. Weiss asked what the impact on rent will be. Ms. Weiss noted that she was not invited to the community meeting.

Sergio Vespa, 90 Jackson Street, Mr. Vespa believes that the project will enhance the neighborhood. He does not think traffic can be worse than the existing conditions.

Committee members asked that the existing level of service be evaluated. Committee members asked that the petitioner provide an overview of what the market rate pricing might be in order to analyze how many affordable units will actually be created as a result of the development. It was stated that while the impact on the school system may or may not be significant, that is not a consideration in the purview of the Land Use Committee. The Committee asked that the Law Department provide an overview on the Committee's duties relative to reviewing the appropriateness of the mix of units. A Committee member noted that the quality of the design is impressive and stated that the utilization of the slope of the site increases the opportunity for outdoor experiences and activities. It was asked that the petitioner identify how they are meeting the fifth special permit criteria. The Chair asked that Atty. Buchbinder take contact information from interested parties and reach out to tenants at the site. Committee members held both the request to rezone and the Special Permit Petition. The public hearing and discussion will continue on November 14, 2017.

**Respectfully submitted,
Marc C. Laredo, Chair**

LANGLEY TERRACE
 392-404 LANGLEY ROAD, NEWTON, MASSACHUSETTS
 REQUEST FOR ZONE CHANGE AND SPECIAL PERMIT



	STUD.	1B1b	2B2b	TOTAL
GARAGE	-	-	-	-
LEVEL 1	2	3	2	7
LEVEL 2	2	3	2	7
LEVEL 3	2	3	1	6
TOTAL	6	9	5	20

	GFA
GARAGE	2899 SF
LEVEL 1	6696 SF
LEVEL 2	6696 SF
LEVEL 3	5608 SF
TOTAL	21899 SF

SITE LOCATION

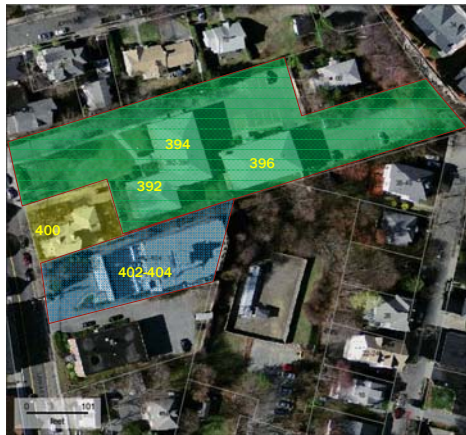
OCTOBER 24, 2017



LAND USE
 BU1
 MR1
 MR2

LAND USES

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SITE AREAS

	55159 SFT
	7348 SFT
	17130 SFT

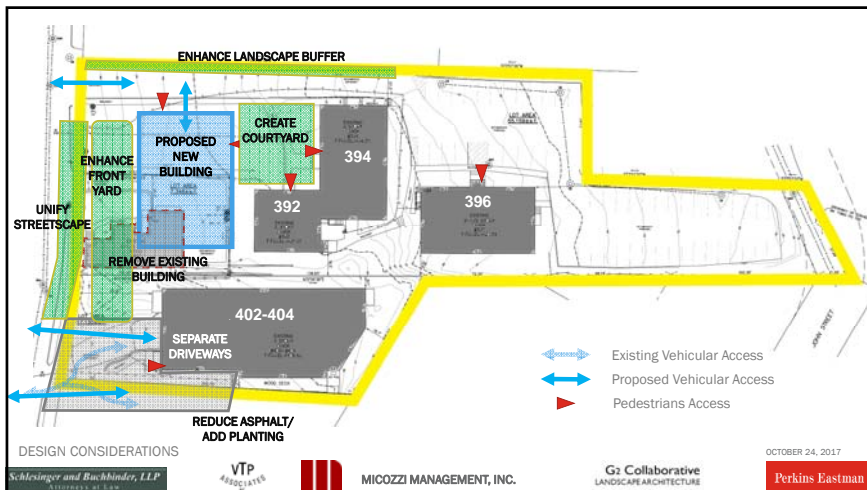
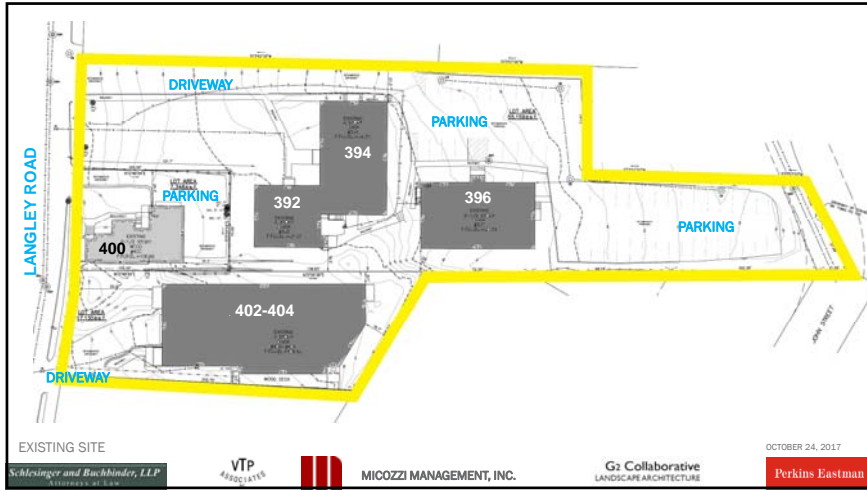
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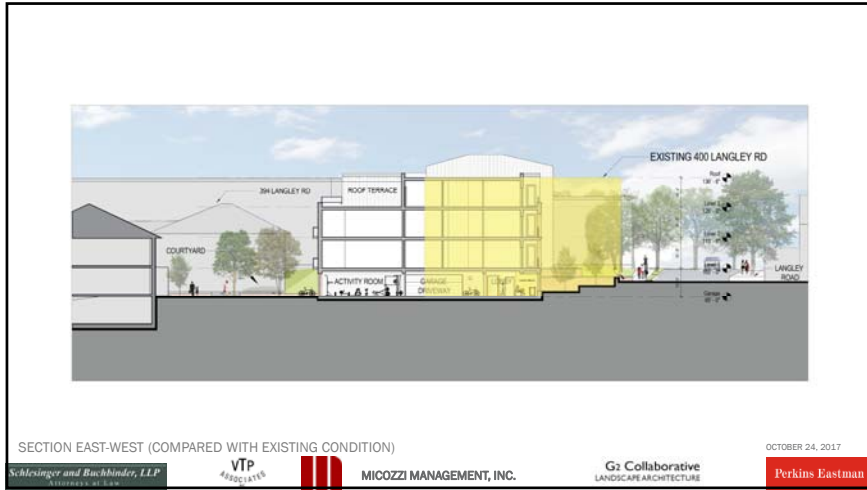
OCTOBER 24, 2017



SITE PHOTOS

OCTOBER 24, 2017





SECTION EAST-WEST (COMPARED WITH EXISTING CONDITION)

OCTOBER 24, 2017

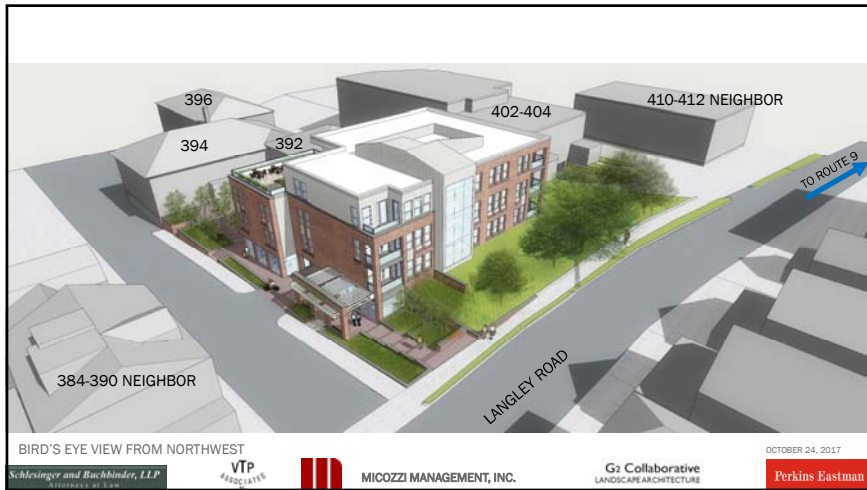
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BIRD'S EYE VIEW FROM NORTHEAST

OCTOBER 24, 2017

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BIRD'S EYE VIEW FROM NORTHWEST

OCTOBER 24, 2017

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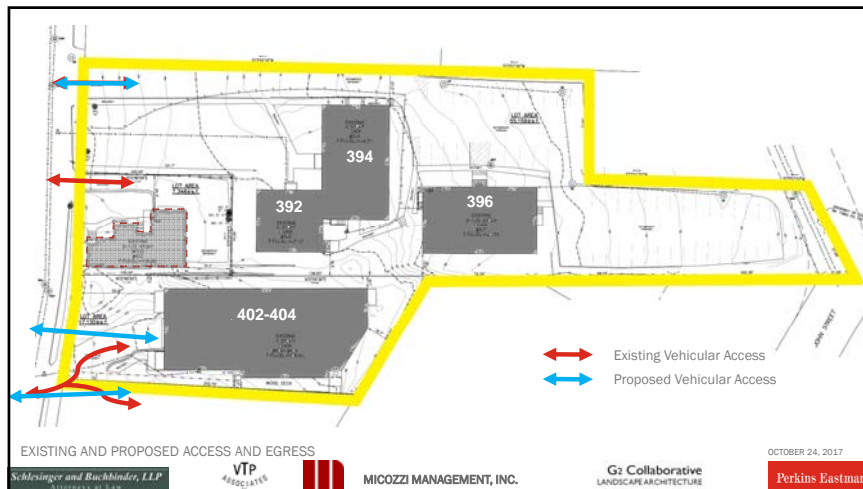
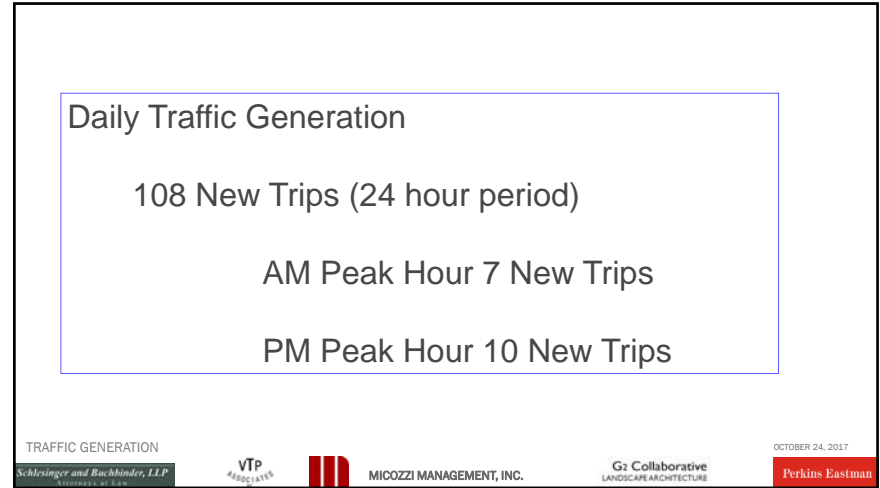


STREET VIEW FROM LANGLEY ROAD LOOKING NORTH

OCTOBER 24, 2017

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change of zone to MR-3
multifamily dwelling pursuant to Section 3.4.1.
development of more than 20,000 square feet pursuant to Section 4.1.2.B.1.
legalization of nonconforming setback pursuant to Section 3.4.1 and 7.8.2.C.2
1.25 parking stalls per unit pursuant to Sections 5.1.4 and 5.1.13
waivers relating to the design of parking facilities of greater than five stalls pursuant to Section 5.1.13

Relief Requested

OCTOBER 24, 2017

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ATTORNEYS AT LAW

VTP
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STREET VIEW FROM LANGLEY ROAD

OCTOBER 24, 2017

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ATTORNEYS AT LAW

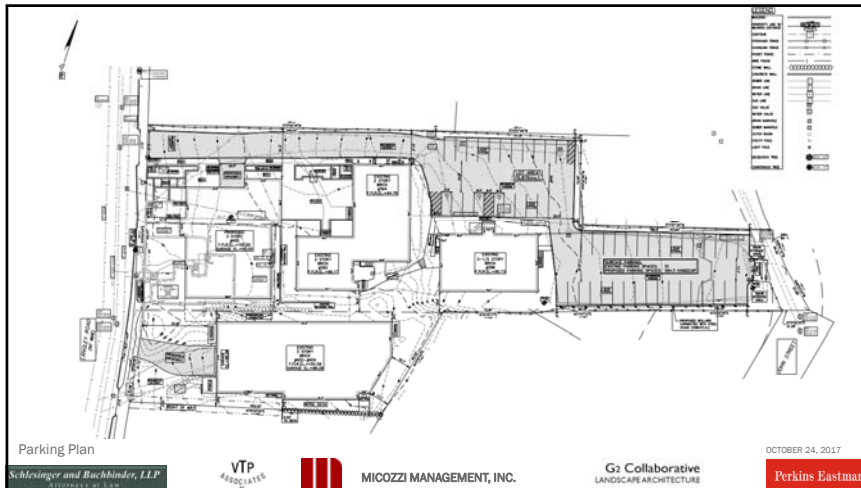
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Parking Plan

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