



# Land Use Committee Report

## City of Newton In City Council

**Tuesday, April 26, 2016**

Present: Councilors Laredo (Chair), Schwartz, Auchincloss, Lipof, Lennon.

Absent: Councilors Cote, Crossley, Harney.

City Staff Present: Associate City Solicitor Ouida Young, Chief Planner Alexandra Ananth, Planner Michael Gleba, Planner Neil Cronin.

**#40-15(2) Request for Extension of Time for Special Permit at 95-97 Elm Street**  
CURTIS P. O'HARA, JOHN O'HARA & KARL J. O'HARA, TRUSTEES of the BB&G REALTY TRUST petition for an EXTENSION OF TIME to EXERCISE Special Permit #40-15 granted on April 6, 2015 construct additions to the northeast side and to the rear of an existing restaurant, which will increase the existing nonconforming Floor Area Ratio and front and side setbacks, to increase the seating from 116 seats to 146 seats, and to waive 11 parking stalls at 95-97 ELM STREET, Ward 3, West Newton, on land known as SBL 33 13 11, containing approximately 3,506 sq. ft. of land in a district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-11(d)(9), 30-15 Table 3, 30-19(c)(2)a), 30-19(d)(13), 30-19(m), 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

**Action:** Land Use Approved 5-0.

**Note:** Attorney Franklin Schwartz appeared on behalf on the petitioner. There are no delays in the project, however some improvements have been made and they are seeking an extension of time to remain in compliance. Councilor Schwartz motioned to approve and the Committee voted in favor 5-0.

**#94-16 Special Permit Petition for 2171 Commonwealth Avenue**  
PHILIP HRESKO/THEODOROS VENTOURIS petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to build a two story garage/barn style addition to the rear of an existing structure to allow a private garage with a footprint of 1,169 square feet with provisions for four cars where 700 sq. ft. and three cars is allowed by right at 2171 Commonwealth Avenue, Ward 4, Auburndale on land known as SBL 41, 18, 32A containing approximately 20,952 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 7.3.3, 7.4, 3.4.2.C.1 of Chapter 30 of the City of Newton Rev Zoning Ord., 2015.

***Public Hearing Opened April 12, 2016 and Continued to April 26.***

**Action:** Land Use Approved 4-0-1 (Laredo Abstaining)

**Note:** Architect Philip Hresko and Theodoros Ventouris appeared to present the revisions to the plans. The updated plans reflected the removal of the circular driveway to avoid disturbing the City easement as requested by the Committee. Mr. Hresko reviewed the enhancements made to the landscape plan to include additional hedging and plants. In an effort to create a more defined property line with better grading, the petitioner has decided to build a stone wall. The stone wall will also aid in shielding of the property from Lyons Park. The architect noted that the

house has changed color in photos because of construction that does not pertain to the special permit request including siding the house. Mr. Hresko stated that the previous homeowner had built the deck too close to the property line and that the planned construction would result in a smaller deck.

There was some concern about the size and proportion of the garage in relation to the house. The total garage space would be approximately 1500 sq. ft. Committee members had questions about the necessity of six bays in total. The size of the garage raised questions about its purpose. Mr. Hresko noted that the petitioner leaves the country for extended periods and would like to be able to house the cars while he is away.

Planning confirmed that the garage space could easily be converted into livable space and would result in a structure still within the allowable FAR. Planner Michael Gleba reviewed the changes made to the revised plans. The Planning Department recommends approval of the project. Chief Planner Alexandra Ananth noted that should the property owner not build the garage, it is likely that the cars will remain on the property, visible to the neighborhood. Mr. Gleba added that the positioning of the garage and house would make it difficult to see the addition from Commonwealth Ave. There was some support for the petition from Committee members due to the unique size and orientation of the lot. It was noted that there are not many places in the City that could host a garage of this size.

The Public Hearing was closed after a motion from Councilor Lipof.

Mr. Gleba reviewed the findings and the draft Council Order for the petition. Committee members requested a revised Council Order prior to the full Council meeting. It was requested that emphasis to specific, accurate and unique features of the property and plans be reflected in the Council Order. Committee members specifically requested that the Council Order reflect the addition of screening, the property's lack of immediate abutters, the two driveways and that the property would not exceed allowable FAR even with the additional garage space.

It was requested that a condition of the Council Order be written so that there are limitations to the ability at the property to house commercial vehicles or activity. As the petitioner has one commercial vehicle, it was confirmed that his needs would be satisfied by allowing one commercial vehicle within those limitations. Attorney Young noted that the Council Order should reference the language pertaining to commercial vehicles in the ordinances.

It was requested that the Council order reflect that the homeowner will annually inspect the planted screening and replace or maintain it accordingly. Committee members also requested that due to the benefit the stone wall provides as a shield, it become a condition of the special permit. It was confirmed that the stone wall would not exceed 2 feet.

Councilor Lipof moved for approval and the Committee approved 4-0-1 with one abstention.

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