



# Land Use Committee Report

## City of Newton In City Council

**Tuesday, May 24, 2016**

Present: Councilors Laredo, Lipof, Auchincloss, Schwartz, Cote, Lennon, Harney

Absent: Councilor Crossley

Also Present: Councilors Albright, Leary

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

**#193-16**      **NEWTON HIGHLANDS NEIGHBORHOOD AREA COUNCIL** requesting a temporary one-day license pursuant to Sec. 30-2.3.3 of the City of Newton Ordinances to hold its 41st Annual Newton Highlands Village Day on Sunday, June 12, 2016.

**ACTION:**      **Land Use Committee Approved 4-0 (Lennon, Lipof, Harney not voting)**

**NOTE:**                      After a review of the petition for the Newton Highlands Neighborhood Area Council Village Day, Councilor Schwartz moved to approve which carried 4-0.

### ***Item recommitted by the Full Council on May 16, 2016***

**#129-16**      **Special Permit Petition to exceed FAR at 23 Howe Road**

RICHARD SEVERIN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to exceed the Floor Area Ratio to .64 at 23 Howe Road where .46 is the maximum allowable at 23 Howe Street, Ward 8, Newton Centre, on land known as SBL 81 11A 37, containing approximately 6, 591 sq. ft. of land in a district zoned SINGLE RESIDENCE 2 . Ref: 7.3., 7.4, 3.1.9.

**ACTION:**      **Land Use Committee Approved 5-0 (Lennon, Harney not voting)**

**NOTE:**                      Attorney Morris reviewed changes to the plans at 23 Howe Road that the petitioner made after the item was recommitted to the Land Use Committee. After a visit to the site, it was recommended that the width of the building could be reduced. The petitioner modified the plans to remove one foot from the garage and one foot from the side of the house resulting in a reduction in the requested FAR from .64 to .64. The house will also be further set back to ten feet. The petitioner will reduce 2-3 ft. from the dormers. It was noted that while this change will not reduce the FAR substantially it will reduce the massing on the house.

Planner Neil Cronin reviewed the changes on behalf of the Planning Department. Mr. Cronin stated that the existing carport would not be counted towards FAR but by enclosing the garage the FAR would be impacted. The attic and basement will also contribute to the increase in FAR. Mr. Cronin confirmed that had this project not been previously approved, Planning would still recommend approval.

It was requested that the Council Order reflect the 10 foot setback and change to the dormers. The petitioner will need a consistency ruling with ISD. Councilor Lipof motioned to approve which carried 5-0.

**#97-16 Special Permit Petition for 27 Waverley Avenue**

ALICE SCHAEFER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow an association of persons in a common dwelling where inhabitants will share common living spaces at 27 Waverley Avenue, Ward 1, Newton Corner on land known as SBL 71 36 09 containing approximately 10,480 sq. ft. of land in a district zoned MULTI-RESIDENCE 1. Ref: Sec. 3.4.1, 5.1.4, 5.1.13, 5.1.7.A, 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord., 2015.

***Public Hearing Opened April 12, 2016 and Continued to May 3, 2016.***

**Public Hearing Closed**

**ACTION: Land Use Committee Approved 7-0.**

**NOTE:** The Committee heard public comment from one person at the meeting. Kathleen Kouril Grieser, 258 Mill Street, had concerns about the number of individuals who would be residing in the house and why they would be granted a special permit. The Chair explained that the special permit petition is specifically to address the number of individuals residing in the house.

Councilor Cote motioned to close the public hearing which carried 5-0. After a motion to approve by Councilor Lipof, the Committee reviewed findings and a draft Council Order. The Council Order includes references to the association of persons' tenets of organization. Assistant City Solicitor Ouida Young reviewed the inclusion of specific organizational and operational guidelines such as; the maintenance of two units, the maintenance of the non-profit status, an ownership/investment component, a cap to the number of persons (14). It was noted that children will not count towards the cap. The Committee determined that each person residing in the household should either be a member or an immediate family member of a member. There was discussion of conditioning the Council Order so only residents in the house could be members, however Atty. Young noted that could prohibit people who need to reside elsewhere for a period of time.

Because there is a request to waive 9 parking stalls, Committee members requested that the Council Order reflect the nature of the residence, its accessibility in relation to public transportation and commitment to car sharing and environmental sustainability on behalf of the petitioner. Additionally, the parking demand is currently being met. Should the organization begin functioning in a way that was a burden to the neighborhood, the Council would be notified and could reevaluate at that time. Atty. Young stated that a new non-profit organization, with the same organizing principles and function would be acceptable at the same site.

The organization has offered to submit to annual inspections by ISD to ensure their continued compliance with building and fire code.

Councilors were in support of the nature of the organization and the idea of the co-op. The petitioner's cooperation in refining the details of the petition was appreciated. There was neighborhood support and the concept is in line with the City's Comprehensive Plan. The Chair noted that he would be cautious of approving subsequent, similar requests without full review. The Committee voted to approve 7 in favor and none opposed.

**#48-16****Special permit petition for 255-257 Newtonville Avenue**

STORAGE DEVELOPMENT PARTNERS, LLC/NORCROSS TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a three-story, 113,187 square foot self-storage facility with a building height of 36 feet which will increase the Floor Area Ratio to 1.5, where 1.0 is the maximum allowed by right as well as a waiver of 36 parking stalls and waivers of other parking requirements at 255-257 NEWTONVILLE AVENUE, Ward 2, Newtonville, on land known as SBL 12, 16, 8, containing approximately 75,634 sf of land in a district zoned MANUFACTURING. Ref: 7.3.3, 7.4, 4.3.1.B.1, 4.3.2.B.3, 4.3.3, 5.1.4, 5.1.8.A.1, 5.1.8.B.3, 5.1.9.A.1, 5.1.10.A, 5.1.13, of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

***Public Hearing Opened on April 5, 2016, Continued to May 3, 2016 May 24 and June 28, 2016.***

**ACTION:** Land Use Held 7-0

**NOTE:** Attorney Schlesinger appeared to review changes to the petition. He highlighted that the storage facility is the lowest impact use on a manufacturing zoned site and noted the consideration to the property and environment in drafting the plans. Because of where the building is proposed to sit, 28 trees can be saved. Atty. Schlesinger reviewed changes to the landscape plan including a total of 165 trees and 1,490 plants and shrubs for habitat preservation. The Conservation Commission has approved the plan and is in support of the reduction in off/onsite parking, landscaping plan, water treatment and the reduction of two curb cuts into one. The petitioner has submitted a low level lighting plan but would be receptive to feedback. While the petitioner has made changes based on community feedback, they are unable to incorporate a green roof in the plans. Although lightly colored roofs are more effective from an energy standpoint, they would be willing to consider other colors if the Committee felt it appropriate. The petitioner would add an underground cistern for the roof to collect rainwater for plant maintenance.

The Committee considered a lookback period to review the hours of operation at the facility. Atty. Schlesinger. Planner Michael Gleba spoke on behalf of the Planning Department. He stated that the information given by Attorney Schlesinger was consistent with the Planning Department's review.

Committee members had concerns about the feedback from the community about the traffic generation, hours of operation and continued request to rezone the property. It was explained to the Public that rezoning this property needs to be done with the consent of the

property owner and in another committee. The Chair requested that the Law Department draft a brief memo in addressing this concern. Some concerns regarding the operating hours relate to the storage and removal of construction equipment on a daily basis as has been seen at other storage facilities. The Committee requested that an independent review of traffic be conducted in order to obtain unbiased, accurate and comparable data to address the ongoing traffic concerns. The Planning Department confirmed that they would produce the traffic study in the form of a memo.

There was discussion from Committee members about the green roof. While some Committee members feel that the green roof has aesthetic, environmental benefits; others feel that the green roof is not appropriate at this site.

The Public Hearing was continued. There are concerns from the community that a storage facility does not belong in a residential neighborhood, the adverse effects that the business could have on traffic, parking and safety, the mass of the structure, the loss of trees, vandalism, the hours of operation and the storage of dangerous items. Members of the public opposed to the proposed storage facility included:

Kathleen Kouril Grieser, 258 Mill Street  
Mark Widdam, 11 Pillion Court  
Jeffrey Kane, 157 Newtonville Avenue  
Harry Triantafilles, 302-304 Newtonville Avenue  
William Roesner, 72 Fuller Street  
Kara Vanhorn, 399 Newtonville Avenue  
Lisa Vanhorn, 399 Newtonville Avenue  
Charles Katsenes, 174 Newtonville Avenue  
Andrea Katsenes, 175 Newtonville Avenue  
Peter Bruce, 11 Claflin Place  
Rebecca Katsenes, 174 Newtonville Avenue  
Lynne Leblanc, 43 Brookvale Road  
Donato Buccello, 165 Newtonville Avenue  
Patricia Abbott, 314 Newtonville Avenue  
Robin Lapidus, 12 Princeton Street  
Edward Murphy, 31 Lewis Street  
Edward Mintz, 7 Munroe Street  
Lee Warren, 53 Newtonville Avenue  
Rita Kronis, 24 Lewis Street  
Claire Robertson, 158 Newtonville Avenue  
Sue Bottino, 67 Lewis Street  
James Pacheco, 48 Circuit Avenue  
Barbara Herrman, 17 Winchester Road

Members of the public spoke for the proposed storage facility with reasons including; the low impact use of storage facilities, the thought of other, more detrimental facilities that could come to the property and the cleaner site as a result. Members of the public contributed the idea of the negative impact on traffic that condensed operating hours could offer and how most people who rent storage units live in the community. The property owner also noted that the property is not currently fully leased and does not accurately reflect the traffic that could be at the site. Community members in support of the proposed storage facility included:

Paul Macguire, 18 Fisher Avenue

Mary Bell, 24 Oak Terrace

Cheryl Turner, 20 Harvard Street

Ruth Chapman, 158 East Side Parkway

Elaine Norcross, 21 Fisher Avenue

Kate Mackay, 26 Parsons Street

Karen Price, 1997 Beacon Street

joe price, 1997 beacon street

Dan Mackay, 26 Parsons Street

Kenneth Roberts, 252 Cabot Street

Tamara Bliss, 9 Lewis Terrace

Eric Ziering, 16 Kingman Road

Bernie Hinteregger, 20 Lewis Terrace was previously opposed to the storage facility but is providing feedback to improve the plans.

Members of the public requested that an access road be put in on Newtonville Avenue. The Chair of the Committee requested that the Planning Department draft a memo to address this. Additionally, some analysis and guidance was requested in relation to crime statistics and real traffic generation. It was suggested that the Urban Design Commission review the landscape and lighting plans and provide suggestions.

The Committee held the item until June 28, 2016.

**#127-16      Special Permit Petition to locate a daycare at 288 Walnut Street**

THE BEANTOWN COMPANIES, INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to locate a day care center at 288 Walnut Street, Ward 2, Newtonville, on land known as SBL 22 04 15, containing approximately 21,988 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.4.5, 7.3.3, 5.1.4, 5.1.3.D, 5.1.13, 6.3.4.B.3.a, 6.3.4.B.3.c.

**ACTION:**      Land Use Approved 3-0-2 (Schwartz, Cote abstaining, Laredo, Harney not voting)

**NOTE:**      The Public Hearing was closed at the May 10, 2016 meeting. Councilor Auchincloss moved to approve the item. Planner Neil Cronin reviewed the findings for the site and noted that the Planning Department would recommend approval of the revised site plan and waiver of parking stalls.

Councilors had some concerns about the availability of parking at the site. There was considerable discussion about the availability of parking on Bowers and Newtonville Avenue. It was noted during a visit to the site, there were no available parking spots at 5:00 pm. The petitioner is confident that they have adequate parking with the inclusion of 20 leased spots across the street from the proposed daycare. The traffic management plan includes staff for pickup and drop off.

Committee members noted that there is significant development occurring in the area and parking needs should be appropriately addressed. The petitioner has agreed to a 6 month lookback period to evaluate the traffic and pickup drop off strategy. Additionally, the petitioner is reviewing the option to provide subsidized MBTA passes for employees and will be encouraging ride sharing amongst parents. The petitioner stated that they will designate 3 staff members to adequately ensure that children are dropped off and picked up efficiently. It was confirmed that the daycare does not anticipate having more than 2 infants and primarily toddlers and preschool aged children.

While there is currently a wrought iron fence surrounding the property, the petitioner plans to put mesh in it to prevent any child injuries/escapes. There is a waiver for a 4ft vegetative buffer. It was noted that all changes and plans will have to be approved by the Office of Childcare Services.

Committee members requested that the Council Order reference the parking management plan and that it be emphasized and distributed to parents biannually. The Committee also stated that the Council Order also reference the number of staff available for pickup and drop off at peak hours.

Committee members requested that the Police Department review and provide feedback on the traffic management plan. It was also requested that the petition return to the Land Use Committee after the lookback period. The Committee voted 3 in favor and 2 abstentions with none opposed.

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**Respectfully submitted,**

**Marc C. Laredo, Chair**