



Land Use Committee Report

City of Newton In City Council

Tuesday, June 28, 2016

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

Also Present: Leary, Albright

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

#194-16 Special Permit Petition to extend nonconformance & increase FAR at 110 Upland Ave

MICHAEL KIM petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER INCREASE NON-CONFORMING FAR and EXTEND NONCONFORMING USE to a three-story single-family structure by adding a 410 sq. ft. second floor addition on the existing footprint and an existing screen porch, increasing the FAR to .61 at 110 Upland Avenue, Ward 8, Newton Highlands, on land known as SBL 83009 0010, containing approximately 6, 304 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref 7.3.3, 7.4, 1.5.4.D-F, 3.1.3, 7.8.2.C.2, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

ACTION: **Public Hearing Closed; Land Use Committee Approved 4-0-1 (Lennon abstaining, Harney, Cote, Lipof not voting)**

NOTE: Architect Michael Kim presented the petition to add an addition at 110 Upland Avenue. Because the basement is above the floodplain it is counted is calculated within the FAR. Senior Planner Neil Cronin reviewed the requested relief and plans to the project. The Public Hearing was opened and closed with no comment. Councilor Schwartz motioned for approval. After a review of and correction to the Council Order, the Committee voted 4-0-1 in favor with one abstention from Councilor Lennon because he was not present for the petitioner's presentation.

#195-16 Special Permit Petition to extend nonconformance and increase FAR at 41 Chesley Rd

MICHAEL MCKAY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a rear addition to the existing dwelling, maintaining two units at 41 Chesley Road, Ward 6, Newton Centre, on land known as SBL 61027 0016, containing approximately 10,817 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.4, 7.8.2.C.2, 3.1.9.A.2 of the City of Newton Rev Zoning Ord, 2015.

ACTION: **Land Use Committee Held 5-0. (Harney, Cote, Lipof not voting)**

NOTE: Mr. Michael McKay, represented the homeowners at 41 Chesley Road and presented the petition to renovate the existing units to create two independent town house style units. The addition will be built towards the rear of the house and the petitioner proposes to renovate the structure while maintaining the details of the structure. Mr. Cronin reviewed the plans to the project and noted that the front elevation to the structure would not change.

Committee members had concerns about the storm water management system due to the large expansion of the footprint of the home. Mr. Cronin confirmed that the Engineering Department would review the plans in relation to runoff prior to the issuance of a building permit. Mr. McKay confirmed that although the homeowners have not yet submitted a storm water management plan, they are aware of and anticipate the need to do so. Because the petitioner proposes to remove 12 trees on the property, there were concerns that no landscape plan had been submitted. It was noted that an abutting property additionally has had significant tree removal recently.

The Public Hearing was opened.

Lindsey Berkowitz, 206 Sumner Street, is a trustee to the condo association directly abutting 41 Chesley. They have concerns about the removal of trees, privacy and the proximity of the addition to the property.

Caleb Tower, 77 Chesley Road, noted that the homeowners sought and incorporated some neighborhood feedback prior to applying for the special permit. Mr. Tower noted that some trees will remain on the property due to previous privacy concerns.

The figures reflected in the zoning memo were inconsistent with the site plan and Committee members requested that prior to approval, this should be adequately reflected. The Committee requested that Planning provide an open space calculation and storm water management details. Committee members requested that Marc Welch survey the trees proposed for removal and requested that the petitioner submit a landscape plan.

It was recommended to the homeowners that they collaborate with additional abutters and Councilor Schwartz offered to collaborate on behalf of Ward 6 with the petitioner. Councilor Schwartz motioned to hold the item which carried 5-0.

#126-16 Special Permit Petition for 17 Malvern Terrace
CHARLES B. COSSABOOM petition for **SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE** to modify an existing nonconforming two-family use and amend Special Permit #88702 to raze the existing buildings and rebuild the dwelling away from the floodplain and closer to the street at 17 Malvern Terrace, Ward 4, Auburndale, on land known as SBL 41 26 17, containing approximately 13,970 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 3.4.1, 7.8.2.C.2, 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
ACTION: **Public Hearing Closed; Land Use Committee Approved 5-0-1 (Schwartz abstaining, Cote, Lipof not voting)**

NOTE: The Chair stated for the record that some Committee members had visited the site to view and discuss factual, topographic site features but did not discuss the merits of the project. Attorney Terry Morris, representing the petitioner, clarified that pervious paving is acceptable to

both the Engineering Department and Conservation Commission because there is a 2 ft. or more area to accommodate seasonal high groundwater. Atty. Morris noted that a tree near the storm water drain was removed by the City after the initial Public Hearing date.

The abutting property to the North has vegetation for screening to the driveway. Because there is only a 6" buffer between the vegetation and the driveway, Committee members entertained the need for a fence.

Planner Michael Gleba confirmed that Atty. Morris had appropriately summarized updates to the petition. An abutting neighbor had concerns about parking in front of the garage where the driveway crosses the sidewalk. Attorney Morris confirmed that this area is used as an entrance to the garage and Mr. Gleba noted that this space is not counted towards parking on the property.

Seeing no public comment Councilor Harney motioned to close the Public Hearing which carried 6-0. Councilor Harney motioned to approve the item.

In lieu of the fence, the Committee requested that the petitioner submit a final landscape plan. Committee members expressed appreciation for the petitioner's effort to maintain the house in an area that is accustomed to flooding. The Committee voted 5-0-1.

#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: **Public Hearing Closed; Land Use Committee Approved 6-0-2 (Schwartz, Harney abstaining)**

NOTE: The Chair of the Committee gave an overview of how the Land Use Committee reviews Special Permit petitions for the benefit of the public. He explained how rezoning of the property cannot happen without the consent of the property owner as it has been requested by members of the public at previous meetings. The Chair added that allowing a special permit, the City has the ability to enforce conditions of the special permit.

Attorney Alan Schlesinger, representing Storage Pros reviewed details of the traffic study and reiterated the low impact nature of storage facilities. He noted that the storage facility is

consistent with the City's comprehensive plan and that the petitioner has put in significant effort ensuring that the facility transitions well within a residential neighborhood. Attorney Schlesinger stated that because of the way the City's Ordinances read; when granted a special permit for 3 stories, an FAR of 1.5 and 36' are allowed, which Attorney Young confirmed. Atty. Schlesinger noted that because the City's traffic consultant felt that the parking could be inadequate, the petitioner revised the site plan to incorporate 5 additional spaces. The petitioner's proposal includes \$160,000 dollars to the tree fund, cleaning and managing Laundry Brook, \$180,000 relocating and replacing the sewer line, locating a cistern to collect rainwater and maintain plant life on the property.

Mr. Gleba reviewed changes to the parking on the site plan and provided a summary of the proposal. He noted that the 5 additional parking spaces will be set into the first floor and the second and third floors will remain unchanged. Mr. Gleba noted that the Planning Department recommends that the facility change the hours of operation to 7:00 AM – 9:00 PM with a lookback to determine the appropriateness of those hours. He provided information relating to the cost of green roofs. Committee members determined that the green roof would not be appropriate at this facility.

Committee members deliberated whether the voluntary contribution of \$10,000 dollars proposed for a traffic study by the petitioner should go to a traffic study in the area or if it would be more impactful if it were towards the rehabilitation of Cabot Park. The petitioner stated that he would be willing to voluntarily contribute \$10,000 dollars to the traffic study and \$10,000 towards Cabot Park improvements.

Members of the public were invited to comment.

Kathleen Kouril Grieser, 258 Mill Street, feels that the process in granting special permits is flawed because the public does not have the opportunity to prepare for projects as the petitioners do. She has concerns about the traffic impacts, safety and infestations in the area. She does not feel there will be benefit to the community.

Anthony Picariello, 21 Lexington Street, noted that he lives next to a storage facility and that there is essentially no traffic. He also noted that other uses would require substantially more parking.

Laura Woodward, 26 Lewis Terrace, requested that there be no additional lighting, minimal signage and staffing during all hours of operation. She additionally requested that there be no storage of propane.

Mary Heney, 214 Bellevue Street, noted an article in the Globe about a fire at a storage facility that was difficult to manage because public safety officials had concerns about what was stored inside. She has concerns about what will be stored in the facility.

Ben Ho, 185 Newtonville Avenue, is concerned about safety and traffic.

Harry Triantafilles, 302-304 Newtonville Avenue, has traffic and safety concerns

Cheryl Turner, 20 Harvard Street, noted that neighbors could be storing anything in their homes and other uses will generate more traffic. She also added that the restriction of hours could increase the number of people during high peak traffic times.

Donato Buccello, 165 Newtonville Avenue, provided a presentation to Committee members. He suggested that much of the space in the storage facility will be taken up by commercial businesses not residents. He has concerns about the traffic impacts after the construction of the storage facility.

Robin Lapidus, 12 Princeton Street, feels that a look back for an already completed structure is too late. She has traffic and safety concerns.

Pat Abbott, 314 Newtonville Avenue, offered that people don't generally store unsafe items in their homes. She added that the addition of trees on the island is not safe.

Kenneth Roberts, 252 Cabot Street, noted that storage facilities are the least impact use.

Rebecca Katsenes, 174 Newtonville Avenue, noted various types of people who use storage facilities including contractors, pharmaceutical companies and retail stores. She has concerns related to traffic and safety.

Joe Price, 1997 Beacon Street, Reviewed potential uses that would generate additional traffic including health clubs, kennels, offices or a bottling facility.

Susan Bottino, 67 Lewis Street, has concerns about access and egress on the site. He also feels that the traffic study should be prior to construction.

Richard Grantham, 46 East Side Parkway, thinks that the facility will help reduce traffic. Mr. Grantham is a direct abutter and proponent of the project.

Deborah Dreier, 157 Newtonville Avenue, has concerns about traffic and auctions on the site.

Edward Mintz, 7 Munroe Street, has concerns about his property values.

Tamara Bliss, 9 Lewis Street, has heard no reasonable alternative and feels that this use will reduce traffic to the area.

Councilor Auchincloss motioned to close the Public Hearing which carried 7-0. Councilor Auchincloss motioned to approve the item.

Committee members acknowledged the existing and potential traffic concerns and the need for a traffic study and look back on the site. It was noted that the property is not currently fully utilized so does not represent full use of the site. Committee members also shared concern that the loading area was not adequate space for multiple trucks to maneuver in and that the petitioner has not reduced the proposed size of the structure.

Councilor Lennon reviewed data collected from visits to storage facilities in Medford and Somerville. Please find his email attached.

The petitioner's effort to accommodate neighborhood feedback relating to screening and loading was commended. It was also stated that the lookback will be beneficial in determining if operational modifications are necessary at the facility. The look back will allow residents to continue to provide valuable feedback to Committee members. It was noted that Councilors consider the alternatives to the site when determining appropriateness of a project and are aware of other, less beneficial uses to the site.

The Committee reviewed the findings for the special permit. Committee members felt that the findings should reflect that the traffic data is based on projections from traffic consultants. Additionally, significant environmental contributions include the improvement of Laundry Book, collection and use of on-site rainwater, the saving of some trees and inclusion of building materials that are environmentally better than required.

When reviewing the conditions, Committee members requested that the Council Order include:

- Submission of a final landscape plan
- Submission of a site lighting plan reflecting the use of low level lighting
- A condition requiring the landscaping plan for the island to be submitted to the Transportation Director. Additionally, the plantings should not be done until after the traffic analysis.
- The petitioner shall not oppose parking restrictions within 50 ft. of the property line.
- Hours of operation will be 6:30 AM – 9:00 PM on weekdays and 8:00 AM – 9:00 PM on the weekends. (The Committee was evenly divided between a 6:00 AM and 7:00 AM opening time on the weekdays. It was noted that the traffic studies do not reflect business at the 6:00 AM hour.)
- The proposed cistern at the site
- The prohibition on the sale, rental or storage of flammables including propane.

Committee members requested that the look back be to address noise, lighting, parking/loading space use, and traffic. Attorney Young stated that the Council Order would need to define and quantify what is acceptable for the purpose of the look back. Councilor Auchincloss' motion for approval carried 6-0-2.

Respectfully submitted, Marc C. Laredo, Chair

Nadia Khan

From: Scott F. Lennon <sflennon@comcast.net>
Sent: Tuesday, June 28, 2016 3:27 PM
To: Marc C. Laredo; Gregory R. Schwartz; Jacob Auchincloss; James R. Cote; John W. Harney; Deborah J. Crossley; Richard Lipof
Cc: Nadia Khan; Susan Albright; emily; Leary, Alison; Allan CicconeJR_Comcast
Subject: Self Storage Facilities Visits

Hello Colleagues

As I mentioned at our last L/U meeting, I had a chance to visit two [PS] Public Storage sites near my office and I spoke with Drew Berg who is the Regional Manager for both of these facilities. He also mentioned he is the Regional Manager for the Lexington Street/Moody Street facility on Newton/Waltham line.

While at both facilities, I was there somewhere between 130pm and 3pm. I did not see anyone at Medford; I did not see anyone at Somerville. A few weeks ago when I visited Medford Self Storage (different facility) on the day of our meeting, I saw two different customers come in.

Some details on the Medford and Somerville sites while speaking with Drew:

Medford (Mystic Avenue):

600 units; No drive up units.

Hours: 6am to 9pm. Gated / code access.

Staffed: 930 to 6 weekdays; 930-5 on weekends.

Parking: 4 spaces (1 handicap). There is a general loading area behind the gate not 'lined' and can be used for parking/loading/truck turnaround, etc.

Very minimal contractors rent here. No street access for them so not easy.

Moving companies do not operate here. No subletting to them.

They sell moving supplies.

No issues of queuing; traffic; idling; parking, etc.; low intensity

Somerville (Next to Assembly Row):

1100 units; No drive up units

Hours: 6am to 9pm. Gated / code access.

Staffed: 930 to 6 weekdays; 930-5 on weekends.

Parking: Specifically for S/S = 6 spaces (1 handicap) inside gate; Approx 8 spaces outside gate = Total 14. Also has a number of street / metered parking; own the building so can use spaces used by other tenants.

Very minimal contractors rent here. No street access for them so not easy.

About 6 contractors rent here. Said they are close to Assembly Row construction. Usually in early and out early.

Moving companies do not operate here. No subletting to them.

They sell moving supplies.

No issues of queuing; traffic; idling; parking, etc.; low intensity

Said on average, they see 6-12 trips a day. They have peaks (specifically mentioned Labor Day) but other than that it is very quiet. Said he has never received a resident complaint regarding Lexington / Moody since they've been there. In terms of crime, very few instances. Mentioned usually there is something in a unit that an old roommate knows the other has and the roommate is trying to get it back. Not cases of random B&E; vandalism, etc.

He said he is happy to talk to anyone else who'd like to talk with him. He can be reached at [REDACTED]

Scott