



Land Use Committee Report

City of Newton In City Council

Tuesday, July 26, 2016

Present: Councilors Laredo, Schwartz, Lennon, Cote, Crossley, Harney. Absent: Councilors Auchincloss, Lipof. Also Present: Councilor Gentile.

City Staff Present: Chief Planner Alexandra Ananth, Planner Neil Cronin, Deputy City Solicitor Ouida Young.

#215-16 Special Permit Petition to construct parking stalls and retaining wall at Dunn Gaherin's

SEANA GAHERIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct six parking stalls and retaining wall greater than four feet within the setback, waive security lighting and parking in a setback requirements at 342, 342A, 344-346 Elliot Street, Ward 5, Newton Upper Falls, on land known as SBL 51041 0010, 51041 0011, 51041 0012, containing approximately 9,676 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 7.4, 5.1.8.A.1, 5.1.13, 5.1.10.A, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Please see the attached request to withdraw the petition without prejudice.

ACTION: **Land Use Approved Withdrawal without Prejudice 5-0 (Harney not voting).**

NOTE: The Chair explained that there were some issues with the filing of the application and noted that a new petition would be filed. Councilor Crossley motioned to withdraw which carried 5-0.

#177-16 Special Permit Petition to waive 13 parking stalls at 1375-1379 Washington Street
RON STOLOFF/KENMORE REALTY CORPORATION petition for SPECIAL PERMIT/SITE PLAN APPROVAL to take over the adjacent 996 sq. ft. space at 1379 Washington Street to add 37 seats at Blue Ribbon BBQ 1375-1379 Washington Street, Ward 3, West Newton, on land known as SBL 33015 0032, containing approximately 1,957 sq. ft. of land in a district zoned BUSINESS 1. Ref: 5.4.1, 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Please see the attached request to withdraw the petition without prejudice.

ACTION: **Land Use Approved Withdrawal without Prejudice 5-0 (Harney not voting).**

NOTE: After the Chair read the item into the record, Councilor Cote motioned to withdraw the request which carried 5-0.

Request for a Consistency Ruling relative to #93-16. The petitioner proposes to move an existing carriage house at 413 Hammond Street.

NOTE: Chief Planner Alexandra Ananth presented the request to the special permit. The petitioner proposes to relocate existing carriage house on the property. The Chestnut Hill Historic District Commission is supportive of the plan. The carriage house will be made more visible from the street. The relocation will allow for more yard space and will comply with setback requirements. Ms. Ananth stated that Planning has no concerns with the relocation and the Committee felt that the relocation was consistent with the special permit.

#214-16 **Special Permit Petition to allow 3 story single family structure at 65 Oakmont Road**
CHRIS & SUSAN KIM petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second floor, creating a three-story structure due to the average grade of the property at 65 Oakmont Road, Ward 6, Newton, Centre, on land known as SBL 65012 0008, containing approximately 13, 301 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref 3.1.3, 1.5.4.D-F, 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

ACTION: **Public Hearing Closed; Land Use Approved 6-0**

NOTE: Architect Peter Sachs presented the request to expand the home at 65 Oakmont Road. Due to the grading on the property, the basement of the house is counted as the first story. The petitioner proposes to add a third story to the house, creating additional living space. Mr. Sachs noted that the petitioner has sought and received neighborhood feedback regarding the addition. Senior Planner Neil Cronin reviewed the requested relief and changes to allow a three story dwelling at 65 Oakmont. Mr. Cronin noted that there is screening to the rear of the dwelling which helps to shield the bulk of the home from the neighbors. Councilor Schwartz motioned to close the Public Hearing which carried 6-0. After a review of the draft Council Order referencing standard conditions, Councilor Schwartz' motion to approve carried 6-0.

#216-16 **Special Permit Petition to continue non-conforming use & FAR at 17-19 Pulsifer St**
NANCY BOLANIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to add rear sunrooms to first and second floor, exterior stair from third floor to grade, a one car garage at the rear, replace the front porch and add two parking stalls at 17-19 Pulsifer Street, Ward 2, Newtonville on land known as SBL 22018 0003, containing approximately 7,964 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.1.9.A.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

ACTION: **Land Use Held 6-0**

NOTE: Architect Stephen Hamilton presented the petitioner's proposal to add sunrooms to the first and second floor units of the home. The interior of the house is dark and the petitioner hopes that the sunrooms will help improve the living conditions. Mr. Hamilton noted that the home is constructed of hollow clay stucco. There is an existing staircase that is not safe. The petitioner proposes to add an exterior staircase from the third floor to grade adjacent, but separate from the sunrooms in order to make the point of egress safer.

Mr. Cronin provided an overview of the plans and requested relief for the project. He noted that the petitioner additionally hopes to add a garage to allow for additional and enhanced parking options.

Committee members had concerns about the aesthetics of the exterior staircase because it resembled a fire escape and asked if the petitioner had done neighborhood outreach to seek feedback. Mr. Hamilton confirmed that no outreach has been done relating to the plans. He stated that the decision to put the staircase outside of the sunrooms was done to avoid second floor residents having to decline through the first floor unit's sunroom and they chose not to enclose the staircase because they did not want the structure to go above the second floor. A Committee member noted that the staircase does not require relief and could be put in outside of the special permit request.

Ron Nedelkovich, 414 Walnut Street, feels that the changes are inconsistent with the neighborhood's character and that the scale of the house is not in line with the lot size. While he is supportive of some changes, he does not feel that the staircase is aesthetically pleasing and is not sure the driveway and parking changes are necessary. He also has concerns that there is no landscape plan.

Peter Doeringer, 25 Pulsifer Street, noted dissatisfaction that there has not been any attempt on behalf of the petitioner to engage the neighborhood.

Ronald Walsworth, 372 Cabot Street, has concerns about how the existing parking conditions and the proposal for additional parking at the site.

Nancy Bolanis, 17-19 Pulsifer Street, is the owner of the property. Ms. Bolanis explained that she would like to have the staircase as a fire escape.

Because an abutter commented on the number of cars that park somewhat erratically at the site, Mr. Hamilton suggested that while he has not seen cars parked in front of the house, construction vehicles from interior construction could be what the abutter was referring to. He noted that the requests to reorient the parking only brings the parking into compliance as there are currently only 3 spaces for the two units. The Committee members had concerns about how the cars are currently parking at the site and suggested that the proposed parking changes would be an improvement. The Committee requested clarification relating to parking in the front setback and the number of allowable spaces. The Planning Department also noted that the curb cut cannot be extended to 22' and will remain as it exists. Committee members also requested that the landscaping be reflected on the plan.

The Chair and Committee members urged the petitioner to obtain feedback from the neighborhood and noted that it could be valuable input. Councilor Crossley motioned to hold the item which carried 6-0 with the public hearing remaining open.

#217-16 **Special Permit Petition to extend nonconforming two-family use at 50-52 Rowe St**
NEW NEWTON, LLC./DANIEL SZETO petition for SPECIAL PERMIT/SITE PLAN
APPROVAL to EXTEND NONCONFORMING USE by building a rear addition to existing
building and construct a second two-family dwelling at 50-52 Rowe Street, Ward 4,
Auburndale, on land known as SBL 44023 0006, containing approximately 19,321 sq.
ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.4, 7.8.2.C.2,
3.1.3, of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

ACTION: Land Use Held 6-0.

NOTE: Attorney Terry Morris provided an overview of the project. The petitioner proposes to extend the existing non-conforming two family in the rear and add a second two family home. The second dwelling would go where a barn was taken down. Atty. Morris noted that the neighborhood has a significant number of non-conforming two family dwellings. The site additionally abuts a manufacturing district. He noted that the Historic District Commission is supportive of the changes to the existing residence but there was no discussion relating to the new structure. Plans have been distributed amongst the neighbors. Atty. Morris noted that the project will help in diversifying the types of housing available in the City. Additionally, there will be a reduction in asphalt at the site from previous manufacturing use.

Chief Planner Alexandra Ananth reviewed the relief requested and plans for the project. Ms. Ananth noted that the lot is large and confirmed the prevalence of two family homes in the neighborhood. She stated that the projects is complex and reviewed the benefits to the project including; the preservation of an existing 1860s structure, the addition of modest sized units, the decrease in paved area and a good design. She did note however that the proposal does further extend the non-conforming use by adding a second two family and that it is not an appropriate match in the neighborhood.

The Public Hearing was opened.

Philip Kaska, representing the 62-64 Rowe Street Condo Association, has concerns about the proximity of the dwelling to one of the units (12'). The property owners have concerns that it will be detrimental for their home values. Mr. Kaska presented a fact sheet suggesting that there is not a great need for additional two families in Auburndale.

Michael Wordell, 334 Wolcott St, has concerns about the massive development. He also noted that the petitioner would be removing yard/play space at the site.

Chris Markowitz, 382 Wolcott Street, stated that there are abutters who are out of town and would otherwise be present. He added that the growth impacts not only the house or taxes, but the stress on the school system. Mr. Markowitz also has concerns about traffic in the neighborhood.

James Streicher, 59-61 Rowe Street, noted that the multi families that exist in the area have existed for a long time. The creation of a new nonconforming structure does not seem appropriate.

Bill Wallace, 340 Wolcott Street, thinks that the creation of a new structure sets a bad precedent.

The Committee requested that Atty. Morris ask the petitioner if they would be willing to make one of the units an affordable one. They additionally urged neighborhood collaboration. Councilors expressed dissatisfaction with not being consulted earlier in the planning process.

Councilor Harney motioned to hold the item which carried 6-0.

#218-16 Special Permit Petition to allow 3 story structure and exceed FAR at 20 Ferncroft Rd

MATT AND WENDY FEINER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to add a second floor, creating a three-story structure due to the average grade of the property and increase the FAR to .45 where .40 is allowed at 20 Ferncroft Road, Ward 5, Waban, on land known as SBL 53008 0009, containing approximately 9,793 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 1.5.4.D-F, 3.1.3, 3.1.9.A.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

ACTION: Public Hearing Closed; Land Use Approved 6-0.

NOTE: Architect Peter Sachs reviewed the request to add a third story to a dwelling where the basement is considered the first floor due to grading issues at the site. The proposed construction would happen in the rear of the building below the ridgeline. Additional improvements to the front of the house are proposed as well. Mr. Sachs noted that an architectural detail in front that appeared boxy had a form following function.

Mr. Cronin reviewed the proposal and requested relief. He added that the addition is largely in the rear of the structure. There is an addition of a front porch and the roofline is increased.

With no public comment, Councilor Crossley motioned to close the Public Hearing which carried 6-0. The Committee reviewed the Council Order. After a minor change, the Committee voted 6-0 in favor.

#233-16 Special Permit Petition to increase FAR & nonconforming use at 45-47 Noble Street

ANNA RUMSHISKY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to add a rear dormer to the attic level to finish the attic for livable space, expanding the nonconforming two-family use and FAR to .57 at 45-47 Noble Street, Ward 3, West Newton, on land known as SBL 44004 0013, containing approximately 6,278 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.9, 3.4.1, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

ACTION: Public Hearing Closed; Land Use Approved 6-0.

NOTE: Ms. Rumshisky presented the petition to add a rear dormer to make the third floor livable space, increasing the FAR.

Mr. Cronin presented the relief requested. He noted that the lots in the area are small which contributes to the high FARs. He added that the dormer would be in the rear of the home. Ms. Rumshisky also added that there are several properties in the area that have dormers. The Committee requested that the petitioner include a skirt below the dormer and Ms. Rumshisky confirmed that she was fine with that change. The public hearing was opened with no comment. Councilor Cote motioned to close the Public Hearing which carried 6-0. After adding a condition to add the skirt, the Councilor Cote's motion to approve carried 6-0.

#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: Public Hearing Closed; Land Use Approved 6-0.

NOTE: Architect Michael McKay presented the changes made to the petition from the initial public hearing on June 24. Committee members had requested a neighborhood meeting and landscape plan. While the petitioner will be removing 9 trees that are overgrown, they will be complying with the tree ordinance. The petitioner will be adding two rows of landscaping on the property to shield the abutters from car lighting. The parking at the site has been an ongoing issue because there is currently no garage.

Mr. Cronin confirmed that the Planning Department is satisfied with the changes to the plan including a subsurface drainage system.

Caleb Tower, 37 Chesley Road, noted that the applicant has solicited feedback from the neighbors and the changes are satisfactory to the neighbors.

The applicant noted that they will try to keep the trees but have concerns about their condition. Councilor Schwartz and Councilor Brousal-Glaser were present for the neighborhood meeting which was successful. Councilor Schwartz noted that while they did discuss trying to save the trees, they are on the edge of a poorly maintained commercial lot and unlikely to be saved.

Councilor Schwartz motioned to close the Public Hearing and for approval. After adding the tree ordinance condition, the Committee voted 6-0 in favor.

Respectfully submitted,

Marc C. Laredo, Chair