



## Land Use Committee Report

### City of Newton

### In City Council

**Tuesday, October 25, 2016**

**#263-16**

#### **Special Permit Petition for a rear lot subdivision at 100 Christina Street**

IRENE OSTROVSKY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing dwelling and subdivide the land, creating a rear lot, to construct a new single family dwelling on each lot at 100 Christina Street, Ward 8, Newton Highlands, on land known as SBL 83030 0006, containing approximately 31,372 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref. 7.3.3, 7.4, 3.1.10 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**Public Hearing Closed; Land Use Approved 6-0-1 (Schwartz abstaining).**

**Note:** Attorney Terry Morris presented changes to the petition heard at the initial public hearing on September 27, 2016. A major change is the shifting of infiltration units further into the lot as requested by the City Engineer. In response to Committee advice, the petitioner also had a community meeting on October 15, 2016 to seek neighborhood feedback. The public hearing continued.

Regina O'Neil, 136 Charlemont Street, lives directly behind the petitioner's property. They have corresponded with the petitioners but were unable to get to the community meeting. They have concerns about privacy and were specifically looking for additional screening details in the form of the fence.

The Committee allowed time for the petitioner to speak with the abutters to the property before resuming discussion.

David Conklin, 136 Charlemont Street, voiced appreciation for the time to talk to the petitioner and requested that the petitioner allow them time to react to when the surveyor stakes the lot.

With no additional public comment, Councilor Lipof motioned to close the public hearing. Councilor Lipof motioned to approve. Committee members reviewed the Council order. Councilors requested that the Council Order reflect a condition that a final planting plan be reviewed. Committee members that although trees will be replaced, there are a significant number being taken down. It was noted that the landscape plan includes fencing and planting to help screening the property from abutting properties. The petitioner requested that a condition exist to allow for a Certificate of Occupancy after the first building is built. It was determined that this condition would reduce ambiguity when the petitioner goes to apply for a building permit. The petitioner intends to build the second dwelling immediately. Deputy City Solicitor Ouida Young noted that there is no timed completion for any approved project. Councilors requested that the construction management plan be

amended to highlight the need for structural evaluation and continued monitoring of the adjacent property. The petitioner requested guidance from the Engineering Department related to this condition. With Councilor Lipof's motion to approve, the Committee voted 6-0-1 in favor with an abstention from Councilor Schwartz.

**#311-16 Special Permit Petition to exceed FAR at 235 Woodcliff Road**

CARY AND SUZANNE ROBINS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to EXCEED FAR by adding a basement level two-car attached garage with great room above, creating an FAR of .60 where .49 is allowed at 235 Woodcliff Road, Ward 8, Newton Highlands, on land known as SBL 81 21 04, containing approximately 7,500 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.9.A.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**Public Hearing Closed; Land Use Approved 6-0 (Cote not voting).**

**Note:** Architect Steve Riley presented the petition to build an addition including a garage and a family room in the rear of the home. Mr. Riley presented a short presentation demonstrating the way the driveway will wrap around one side of the house showing the addition in the back. The space is to accommodate their children and grandchildren returning home. Mr. Gleba reviewed the requested relief and showed photos of the site.

Ajaz Beloit, 229 Woodcliff, abut the petitioner's house and are in support of the project.

The petitioner submitted an updated site plan based on Conservation Commission recommendations. Mr. Gleba reviewed the requested relief for the project, noting that the back left corner of the site cannot be built on because it is under conservation Commission jurisdiction. Additionally Mr. Gleba noted that the petitioner has attempted to build into the grade of the backyard.

It was noted that the primary purpose is to relocate the cars to the back of the house and provide additional parking and entertainment space for family and guests. Councilors had concerns that the amount of added asphalt was substantial. Mr. Riley stated that an attempt was made to minimize the amount of asphalt used, but there are setback issues on the left side of the driveway so they could not set the garage straight back. The new driveway is 3 feet off of the lot line. The homeowners wanted a two car garage. They attempted to push it as far back as possible and angle it to reduce the size of the driveway. Councilors noted that half of the added FAR is in the basement space and the additions will be mostly not be visible from the street and these are positive benefits. There is a proposed balcony facing the south side neighbor which is to replace a previously existing deck and the abutter has not noted dissatisfaction with that aspect of the project.

Seeing no additional public comment, the public hearing was closed. Councilor Lipof motioned to approve. Committee members reviewed the Council Order. Councilors requested that because removal of the ledge by blasting can be noisy; the abutters be notified in advance. Mr. Gleba noted

that no work can be done in the Conservation Commission's jurisdiction. Councilor Lipof's motion to approve carried 6-0.

**#312-16      Special Permit Petition to establish accessory apartment at 74 Waban Street**  
JOE ROMAN/BROWN DOG PROPERTIES, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to ESTABLISH AN ACCESSORY APARTMENT in an existing third unit of a two-family dwelling, add dormers and raze the existing detached garage to build a 652 sq. ft. three car garage and construct two parking stalls within 5' of a street at 74 Waban Street, Ward 1, Newton, on land known as SBL 12 05 05A, containing approximately 12,155 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 6.7.1.D, 5.1.7.A, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.  
**Public Hearing Closed; Land Use Approved 7-0.**

**Note:**            Petitioners Joe and Matt Roman presented the petition to establish an accessory apartment at 74 Waban Street. Mr. Roman and Mr. Roman have been rehabilitating the historically recognized house that has been used as a three-family for over 60 years. The petitioners held a neighborhood meeting to seek feedback and have obtained signatures from abutters in support of the petition.

Mr. Gleba reviewed the requested relief and demonstrated the location of the property. The Public Hearing was opened.

Greg, 74 Walnut Park, has concerns that the acceptance of the accessory apartment would set a precedent and encourage other accessory apartments in the neighborhood.

The petitioners hope to renovate the home to allow for multi-generational living. Councilors questioned if they considered pushing the parking further back at the site. Because it would result in a lengthy driveway, the petitioner chose to locate the driveway closer to the street. They do intend to use cobblestone for the apron and driveway to ensure consistency with the historic nature of the property. Councilor Crossley motioned to close the public hearing which carried 7-0. Councilor Crossley motioned to approve. Committee members reviewed the Council order and requested minor changes to the language referring to the curb cuts. Additionally Councilors requested that the findings show that the sight line would be appropriate. Committee members requested a condition for appropriate landscaping that does not interfere with the sightline. With Councilor Crossley's motion to approve, the Committee voted 7-0 in favor.

**#313-16      Special Permit to allow three-story single-family structure at 84 Roundwood Rd**  
RICHARD BLISS AND CHRISTINE MURPHY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to ALLOW THREE-STORY SINGLE-FAMILY STRUCTURE by adding a second floor over the existing floor print, creating a three story structure at 84 Roundwood Road, Ward 5, Newton Upper Falls, on land known as SBL 51 15 43, containing

approximately 12,150 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 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**Public Hearing Closed; Land Use Approved 7-0.**

**Note:** Petitioners Richard Bliss and Christine Murphy presented the petition. Mr. Bliss noted that the topography at the lot prohibits them from expanding horizontally. And due to the grade of the property, the basement, which does not have livable space, is counted as a story. The petitioner proposes to build a third story. Mr. Gleba reviewed the requested relief. Seeing no comment from the public, Councilor Crossley motioned to close the public hearing which carried 7-0. Councilor Crossley motioned to approve. The Committee reviewed the Council Order. Councilors commended the petitioner for not seeking to maximize the dimensions at the house. Councilor Crossley's motion to approve carried 7-0 in favor.

**#262-16** **Special Permit Petition to increase nonconforming setback at 112-114 Carlisle Street**  
MICHAEL VAHEY & MOK JIANG PANG/CARLISLE STREET DEVELOPMENT, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER INCREASE EXISTING NONCONFORMING FRONT SETBACK, by razing the existing two family dwelling, and construct a new, enlarged two family, further increasing the front setback, allowing a parking stall within 5' of a street, allowing a driveway entrance greater than 20' and reducing the required parking stall depth at 112-114 Carlisle St, Ward 6, Newton Centre, on land known as SBL 65008 0006, containing approximately 9,196 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref 7.3.3, 7.4, 3.2.3, 7.8.2.C.2, 5.1.7.B.2, 5.1.13, 5.1.7.A, 5.1.7.C of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**Public Hearing Closed; Land Use Approved Subject to Second Call 7-0.**

**Note:** Petitioner Michael Vahey met with Planning Department staff after his initial public hearing to review changes as requested by the Land Use Committee. Changes to the plan include reduced massing, reduction in ornamental gables, garage ornamentation and reducing the roof connecting the garage to 114 Carlisle by 6 inches. To address concerns relating to the width of the driveway, they reduced the proposed driveway from 36' to 30', indenting the first story of the garage. Mr. Vahey noted that cars should be able to safely exit the garage if cars are parked in the driveway. Councilor Schwartz motioned to closed the public hearing which carried 7-0.

Councilors remained concerned about granting relief for parking within 5' of the street and the size of the stall simultaneously. Councilors also requested that they receive revised hard copy plans showing the garage indentation prior to the full Council vote on November 7, 2016. Committee members added that Carlisle Place should be restored to its existing condition prior to construction, as it is a private way. After further review of the Council order, the Committee voted unanimously to approve the item subject to second call pending the receipt of the revised plans.

The Committee adjourned at 8:54 pm.

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