



Land Use Committee Report

City of Newton

In City Council

November 15, 2016

Chairs Note: The Committee will hear an update on the Site Plan for 283 Melrose Place.

Note: Chief Planner Alexandra Ananth provided an update to the Special Permit #480-14(4) approved in March 2016. The Council Order specified that the Committee be updated on the results of the adverse possession claim with the abutting property to the north (267 Melrose). The results of the settlement include the giving of an easement to the abutter. This settlement does not change the lot area of either property. At the request of the abutter, the petitioner will erect a fence to separate the properties. The fence will be along the easement line and will run parallel to the property line at 283 Melrose. The approved landscaping will move further south, closer to the building.

Committee members agreed that the updates were consistent with the plan as approved and requested that Attorney Morris confirm with the Law Department that the update satisfies the requirement to settle the claim.

#341-16 Special Permit Petition to extend nonconforming use at 220-222 California Street
AYENG FONG petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER EXTEND NONCOMING USE and ALLOW PARKING WITHIN A SETBACK AND WITHIN FIVE FEET OF A RESIDENTIAL STRUCTURE by adding a third unit to the rear of the existing two-family dwelling, maintaining driveways on either side of the house for parking,, further extending the nonconforming use at 220-222 California Street, Ward 1, Newton, on land known as SBL 11010 0016, containing approximately 9,510 sq. ft. of land in a district known as BUSINESS USE 1. Ref: 7.3.3, 7.4, 4.4.1, 5.1.8.A, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
Public Hearing Closed; Land Use Approved 7-0-1 (Auchincloss abstaining).

Note: Attorney Laurance Lee presented the petition to add a rear unit to the preexisting nonconforming 2-family at 220-222 California Street, in a business district. Atty. Lee stated that while the neighborhood encompasses both business and manufacturing districts, much of the area is composed of residences. The petitioner proposes to include landscaping as approved by the Planning Department and will evaluate the condition of an existing fence on the property. As the proposal includes the preservation of a home built in 1890; Senior Planner Katy Holmes has provided administrative review and approval of the plans. An additional public benefit includes the preservation of two modest sized units.

Senior Planner Michael Gleba reviewed the requested relief to allow a 3 unit multi-family on the ground level in a business district and parking in a setback. He presented the location of the additional unit and the shed, tree and deck to be demolished.

The Public hearing was opened. With no member of the public to speak, Councilor Lennon motioned to close the public hearing which carried 8-0.

Councilors had concerns that the proposed parking plan lead to the requiring of a 5' larger curb cut than exists. Additionally, one parking space is located within 5' of a bow window. Committee members discussed possible reorientation of the parking in order to eliminate the need for a larger curb cut and to pull vehicles away from the window. Councilors had concerns about the lack of open space. Mr. Gleba confirmed that the Planning Department is not concerned because they meet the open space requirements.

A Committee member questioned whether 6 parking spaces are necessary and if the petitioner could reduce the number of spaces. As it would require additional relief, some Committee members did not feel that it would be appropriate to ask the petitioner to reduce the number of parking spaces. Committee members noted that the current car centric standards may have negative impacts on the City and should be addressed in a different capacity.

Councilor Lennon motioned to approve the petition. The Committee reviewed findings for the petition and requested that a snow storage plan and landscaping plan be incorporated into the Council Order for review by Planning. Councilor Lennon's motion to approve 7-0-1 with an abstention from Councilor Auchincloss.

#326-16 Special Permit Petition to establish accessory apartment at 89 Hyde Avenue
ORLY MISHAN AND TIM CRAWFORD petition for SPECIAL PERMIT/SITE PLAN APPROVAL to ESTABLISH ACCESSORY APARTMENT by converting approximately 945 sq. ft. of existing basement space and allow parking within five feet of a street at 89 Hyde Avenue, Ward 7, Newton, on land known as SBL 72026 0008, containing approximately 13,889n sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 6.7.1.D, 6.7.1.F, 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 8-0.

Note: Architect Frank Dill presented the petition to locate an accessory apartment in the existing basement space at 89 Hyde Avenue. When the petitioners purchased the home in 2003, the basement space had been previously rented. Upon renovating the basement with upgrades to energy codes, building codes and fire separation, the petitioners used the basement space as a guest suite for parents. The petitioner proposes to add a fire door and full kitchen to the interior and make no changes to the exterior of the property.

Mr. Gleba reviewed the request including relief to allow parking within 5' of the street and to locate an accessory apartment on a lot with less than 15,000 sq. ft. With no member of the public wishing to speak, Councilor Crossley's motion to close the public hearing carried 8-0.

Mr. Gleba confirmed that the while relief is sought to locate parking within 5' of the street, the sidewalk is interpreted as part of the street. Councilors had concerns that locating vehicles so close to the street could impact the line of sight for drivers exiting the driveway. Mr. Gleba noted that the Planning Department did not have concerns with the line of sight due to the width of the driveway. It was also noted that vehicles currently are parking within 5' of the street.

Councilor Auchincloss motioned to approve the item. The Committee reviewed the findings and the draft Council Order. With no changes, the Committee voted 8-0 in favor of the motion.

#339-16 Special Permit Petition to further extend nonconforming structure at 44 Oakmont Rd
ANA AND MATTHEW VOPI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER EXTEND NONCONFORMING THREE-STORY SINGLE-FAMILY STRUCTURE by constructing a rear addition to the basement, first floor and second floor at 44 Oakmont Road, Ward 6, Newton Centre, on land known as SBL 65019 0077, containing approximately 7,840 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 1.5.4.D, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
Public Hearing Closed; Land Use Approved 8-0.

Note: Petitioner Ana Vopi presented the petition to add a rear addition to the dwelling at 44 Oakmont, further extending the nonconforming three-story use. Due to the grading of the property, where the rear lot slopes down; the basement is considered a floor, creating three stories.

Mr. Gleba reviewed the requested relief and renderings of the proposal. He noted that the rear addition would be 24', approximately 2' higher than the front structure. He confirmed that while the rear addition is taller, it may not be visible from the street due to the slope of the lot.

The Public Hearing was opened. With no comment, Councilor Schwartz moved to close the public hearing which carried 8-0.

Ms. Vopi confirmed that she did review plans with two abutters to the property and they were in support of the petition. Councilors noted that while the landscaping will help in shielding, the third story will be visible from Bowen Field.

Councilor Schwartz motioned to approve the item. Committee members requested that the findings reflect the impact of the topography of the site. The petitioner agreed to the Committee's added condition to preserve the existing landscaping to the rear of the site. The Committee voted 8-0 in favor of Councilor Schwartz's motion.

#340-16 Special Permit Petition to increase nonconforming front setback at 15 Cottage Court
SEAN ELISEEV AND EVGENIA ELISEEVA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER INCREASE NONCONFORMING SETBACK AND USE by enclosing the front porch and extending a bathroom on the second floor, adding a new roofline and further extending the front setback, nonconforming residential use and number of stories at 15 Cottage Court, Ward 1, Newton, on land known as SBL 14014 0031,

containing approximately 6,000 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 4.1.3, 7.8.2.C.2, 4.1.2.B.3, 7.8.2.C.2, 4.4, 6.2.2, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Land Use Held 8-0.

Note: Petitioner Sean Eliseev presented the petition to replace the existing farmer's porch with an enclosed mudroom, extend the second floor bathroom above the porch and create a new front roof at 15 Cottage Court. Mr. Eliseev confirmed that the new mudroom would not be larger than the existing front porch. The unit is the front condo in a 2 unit dwelling.

Mr. Gleba presented the requested relief for the project and showed renderings of the proposal. He noted that because the project requires partial demolition of a structure older than 50 years old, the petition has been also referred to the Historic Commission for review and approval.

With no member of the public to speak for or against the petition, Councilor Lennon motioned to close the public hearing which carried 8-0.

While it was determined that if approved, the Special permit could not be exercised without the approval of the Historic Commission, Committee members did not think it was appropriate to approve plans prior to Historic Commission review. The Committee voted 8-0 to reconsider the motion to close the public hearing. Councilor Harney moved to hold the item until after Historic Commission review which carried 8-0.

The Committee adjourned at 8:40 pm.

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