

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, JANUARY 13, 2015

Present: Ald. Laredo (Chairman), Ald. Cote, Lipof, Lennon, Harney, Schwartz, Crossley, and Albright; also present: Ald. Norton

Staff: Stephen Pantalone (Senior Planner), Robert Waddick (Assistant City Solicitor), Linda Finucane (Assistant Clerk of the Board)

#443-14 T. ANDREW HINTERMAN, LDA ARCHITECTS/TIRA KHAN & DAN WINSTON petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE in order to construct an approximate 148 square-foot kitchen, pantry, and mudroom addition, which will increase the Floor Area Ratio from .50 to .53, where .44 is the maximum allowed by right, at 89 ERIE AVENUE, Ward 6, NEWTON HIGHLANDS, on land known as SBL 52, 42, 20, containing approximately 6,500 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table A, 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 8-0

NOTE: The petition was presented by Mr. Hinterman, the petitioner's architect. The petitioners wish to construct a 148 square-foot addition and a deck on the rear of their c.1899 house. The proposed one-story addition, which will enlarge the kitchen and create a new mudroom on the first floor and provide additional useable space in the basement, will increase the Floor Area Ratio (FAR) from .50 to .53, where .44 is the maximum allowed by right. The petitioner is seeking relief to extend both the nonconforming FAR and the side setback. The proposed addition will not be visible from the public way and an existing sight-obscuring fence, approximately six feet in height, encloses the back yard. The city's Senior Preservation Planner approved a waiver of the demolition delay based on the petitioner's plans. The Planning Department believes the proposed addition fits in with the context of the neighborhood, where there are similar rear additions. There was no public comment and the hearing was closed.

In working session, Alderman Schwartz moved approval of the petition finding that the increase in FAR, which will increase the gross floor area by approximately 148 square feet, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood; the extension of the structure along the existing nonconforming side setback is not substantially more detrimental than the existing nonconforming structure as there is an existing 6-foot fence along the rear and side property lines; the site is an appropriate location for the addition, and the amount of open space will still exceed the minimum required. The motion to approve carried unanimously.

#472-14 BNTT, INC./CID REALTY, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING USE to expand the sale of food, extend self-service gas sales, modify signage, waive the dimensional requirements for maneuvering aisles and maximum driveway width, and to waive landscaping, screening and lighting requirements at 979 WATERTOWN STREET, Ward 3, West Newton, on land known as SBL 31, 16, 15, containing approximately 17,376 sf of land in a district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-21(b), 30-19(h)(3), (4)(b), (i)(l), (j)(1)a and b), and (m), and 30-20(1) of the City of Newton Rev Zoning Ord, 2012 special permit nos. 394-70, 677-73, 11-93(4), and 278-07.

ACTION: HEARING CLOSED; APPROVED 6-0-2 (Harney and Schwartz abstaining)

NOTE: The petitioner was represented by attorney Katherine Adams of Schlesinger & Buchbinder. The site, located at the corner of Watertown Street and Eden Avenue right outside West Newton Square, has been occupied by a gas station since 1920, prior to the city's enactment of zoning. The site is close to the intersection of Watertown, Washington, and Waltham Streets and is bordered at the rear by Eden Playground. It is a legal nonconforming use because gas stations and auto repair service are not allowed by right or by special permit in a Business 1 district. Five special permits have been granted for various changes to the site; currently, the uses are gasoline sales, auto repair, and a snack shop. The petitioner wishes to convert the remaining full-service pump island to self-service (there will be a person on the site to pump gas for people who need assistance) and convert the service bay into an expanded retail use. The petitioner applied in August for a building permit to expand the retail use. In September, a building permit for the expansion of the retail was issued in error. Ms. Adams explained that the Ward 3 Aldermen have been very helpful, meeting with the petitioner and the Newton Community Service Center, the Parks & Recreation Department, etc.; however, the petitioner had obtained a large bank loan for construction and the delay is causing him substantial hardship

The petitioner is seeking relief to:

- extend the nonconforming uses, the result of which will terminate the nonconforming auto service use and replace it with retail, which is a by-right use in the district;
- waive the design and dimensional controls for a parking facility, including maneuvering aisles, noncompliant landscaping and screening and driveways that exceed the allowable width because of the constraints of the site; and,
- amend the previously-approved sign packet by replacing an existing freestanding sign with a slightly smaller freestanding sign and replace two existing wall-mounted signs with a single wall-mounted sign and to replace the two existing canopy signs with two slightly larger canopy signs.

The Urban Design Commission reviewed and recommended approval of the proposed sign package. The Planning Department has no particular concerns with the conversion and extension of the nonconforming uses or with the legalization of the nonconforming site conditions; however, it recommends that the petitioner reduce the widths of the three driveway openings – a requirement of a previous special permit – to minimize potential hazards for pedestrian and vehicular movements. The Planning Department also suggests that the remaining segments of

chain-link fencing be replaced with chain-link fencing with vinyl slats inserted to match the existing fencing. There are landscaping beds with grass and trees in the northeast, southeast, and southwest corners of the site as well as along the fence on the northern property line.

Public Comment:

George Mansfield, 312 Lake Avenue, Newton Centre, is concerned that permits are being issued without verification that conditions in prior special permit have been complied with. There was a reason a previous Land Use Committee reduced the width of the curb cuts. This site is not located on a highway but in West Newton Square, where there are potentially many pedestrians. It is troubling when conditions are ignored by the administrative arm of the city.

Ms. Adams said the current owner was not aware of the conditions in previous special permits. She submitted a Consistency Ruling from 1994 (attached) in which the then-Commissioner of Inspectional Services states that delivery trucks observed by Planning Department staff cannot make the turn to enter the site with anything less than a 50-foot wide curb cut.

The parking requirement for the proposed uses is eight parking stalls; there are 11 stalls on the site, and the petitioner is adding an HP stall. Compared to the auto service component where cars must be parked and juggled on the site, the types of uses proposed typically generate short term, in and out parking.

The Planning Department suggested that the petitioner install a fence along the CVS property line; however, CVS already has a fence and the petitioner does not want to install a fence against a fence, and the committee agreed. Planning noted there is a sign on the corner of Watertown Street and Eden Avenue that was not shown with plans reviewed by the UDC. Another condition of a previous special permit required landscaping along the sidewalk. Planters were installed, but the impracticality became apparent after they were destroyed by snow plows.

Alderman Schwarz is very concerned that the width of the curb cuts compromises pedestrian safety. He asked if the transportation or pedestrian coordinator had been consulted. Mr. Pantalone explained that the Planning Department generally recommends that curb cuts not be wider than 25 feet; however, there are instances where a wider curb cut to accommodate large trucks is necessary to prevent damage to sidewalks and curbing. Alderman Schwartz supports the petition, but wants more information about the curb cuts. Alderman Harney shared his concern and said he would abstain this evening as well.

Alderman Cote said that initially he and his Ward 3 colleagues were upset when they learned about the issuance of the building permit, but after meetings with the petitioner and with elements of the community they are supportive of the petition. Alderman Hess-Mahan was unable to attend the meeting this evening; but he stated in an email (attached) that he supports the petition. Alderman Cote moved approval of the petition finding that the conversion and extension of nonconforming uses and replacing a portion with a by-right retail use will not be substantially more detrimental than the existing uses; waiving the design and dimensional controls for a parking facility are appropriate due to the use and the location of the site; the addition of an HP stall will not produce additional hazards to pedestrians or the neighborhood;

the modified sign package is appropriate due to uses and location of the site on a corner lot. The motion to approve with the conditions and findings in the draft special permit carried 5-0-2, with Aldermen Harney and Schwartz abstaining.

#474-14 THE MALL AT CHESTNUT HILL, LLC petition to AMEND special permit #307-12(2) in order to renovate the mall's exterior façade to incorporate newly-expanded vestibules at the north and south entrances, enhancing ADA accessibility, and to add six additional secondary signs not exceeding 250 square-feet each at 199 BOYLSTON STREET, Ward 7, Chestnut Hill, on land known as SBL 65-8-1, containing approximately 324,691 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-11(k), 30-20(f)(2) and (l) of the City of Newton Rev Zoning Ord, 2012 and special permit nos. 307-12 and (2), 162-86.

ACTION: HEARING CLOSED; APPROVED 8-0

NOTE: Justin Feldhouse, Manager of the Mall at Chestnut Hill, presented the petition. The Mall at Chestnut Hill, which was built by right in 1972, has been the subject of several special permits, the most recent in 2012. The petitioner wishes to expand the north and south vestibules utilizing a more contemporary design, which will also enhance ADA accessibility. The north vestibule will be increased from 225 square feet to 335 square feet and the south vestibule will be increased from 143 square feet to 640 square feet. Also proposed is a "table top" pedestrian walkway in the south parking lot - the front of the Mall on Boylston Street.

The petitioner is requesting six additional secondary building signs not to exceed 250 square feet each, mounted to new architectural panels on the Boylston Street facade. The proposed concept and design has been reviewed by the Urban Design Commission (UDC). The Mall will select which tenants it wishes to have the high visibility these signs will provide. The proposed signs are not strictly way-finding signs as defined as they will identify stores in the Mall.

The proposed new vestibules do not increase the square footage for any of the Mall's tenants, nor do they change the current parking requirements. The Planning Department considers the proposed façade enhancements to be a modern substantive and visual improvement to the building. However, Planning does agree with the UDC that the Mall should develop a comprehensive sign package, similar to the one developed by The Street, for future tenants and to address other portions of the building.

There was no public comment and the hearing was closed.

In working session, the Chairman reported that Alderman Fuller supports the petition. Alderman Crossley moved approval finding that the additions will not be substantially more detrimental than the existing building; the six secondary wall signs and changes to the façade will improve the appearance of the existing structure and will help identify stores within the mall; the use as developed and operated with the expanded vestibules will not adversely affect the neighborhood; the additions, signs, and "table top" walkway will not create a nuisance or serious hazard to vehicles or pedestrians. The Planning Department included in the draft special permit for the committee's review a condition similar to one in the Chestnut Hill Square special permit that

would allow the Mall without amending its special permit(s) to make modifications, e.g., to signage, via an administrative process; however, the committee was not comfortable doing so and the condition was eliminated. The motion to approve carried unanimously with the findings and conditions contained in the draft special permit.

#475-14 THOMAS ENSELEK/S&H NEWTON REALTY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING USE to allow 17 indoor seats and ten outdoor seats for a total of 27 seats for an existing yogurt shop that currently operates as a retail use with no seating and to waive four parking stalls at 665 WATERTOWN STREET, Ward 2, Newtonville, on land known as SBL 21, 23, 1 in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 39-19(d)(13) and (m) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 8-0

NOTE: This property at the corner of Watertown and Edinboro Streets consists of commercial space on the ground floor and a residential unit on the second floor. It has a two-car garage and undeveloped open space along Edinboro Street. The commercial unit has been in existence since 1904, and it is a nonconforming use because it is located in a residential district. For many years it was Petrillo's Market, a neighborhood institution. Several other businesses occupied it unsuccessfully until the petitioner opened a frozen yogurt shop this past September. The petitioner is seeking a special permit to add 17 indoor seats and ten seasonal outdoor seats. Currently, people must consume their yogurt outside. Seating would increase business.

The addition of seating will change the use from its current retail use to a restaurant use. A change in use from one nonconforming use to another nonconforming use requires a special permit. As a restaurant use also requires more parking, the petitioner is seeking a parking waiver of four stalls. The Planning Department believes the proposed seating will have little impact on the number of vehicle trips to the site. Located in a thickly populated residential neighborhood and next to the Girls & Boys Club, the Horace Mann School, and Albemarle Park, many customers will walk. Based on site visits by city staff, on-street parking is available on both sides of Watertown Street. However, the Planning Department is concerned about the proposed location of the outdoor seating in the lawn area adjacent to residential properties where the petitioner is proposing to place two picnic tables. The Planning Department has suggested that the petitioner install a six-foot stockade fence along the northern property line and plant vegetation around the lawn area along Edinboro Street to provide screening and mitigate noise. The Planning Department also suggested that the dumpster be enclosed.

As an alternative to seating in the lawn area, the petitioner proposed putting seats on the sidewalk along Edinboro Street (additional outdoor seating is proposed for the front sidewalk). The committee agreed that seating on the lawn is preferable to seating along the narrow Edinboro Street sidewalk. Mr. Pantalone noted that it is the Health Department, not the Board, which issues permits for café furniture on sidewalks. The petitioner explained that when he moved into the space the lawn area was overgrown and strewn with trash. He cleaned up the area and re-sodded it and the abutters thanked him. He has no objection to installing a wood fence along the northern property line which abuts a residential property. There is an existing

sight-obscuring fence along the eastern side of the property, which is the other residential property. The dumpster is partially screened with shrubs but if the committee prefers a fence, he will install a fence.

Alderman Norton supports the petition. She pointed out that since Petrillo's Market closed no business has succeeded in this space. The petitioner opened in September, missing the summer; it is a challenge to survive. After complaints about trash in general, the petitioner placed a trash receptacle outside. She has no issue with tables on the grassy area.

Discussion ensued about how to best screen the lawn area from the closest abutter and how to buffer any noise. Seating on the lawn might provide a place for unwanted gatherings late at night. The small café tables and chairs at the front can be removed each night, but obviously that's not possible with picnic tables. The committee was sympathetic to the petitioner's need for seating. Alderman Lennon proposed a look-back period condition to allow review of the lawn seating at the end of the summer. The committee agreed that in October of 2015, which will be a year after the business opened, to have the Planning Department review the site plan and determine whether additional landscaping should be planted along the fence on the northern side of the property and along Edinboro Street to mitigate the impacts of the outdoor seating on the adjacent residential properties.

Alderman Albright moved approval of the petition finding that restaurant use will not be substantially more detrimental than the existing nonconforming retail use is to the neighborhood; the addition of seating will not significantly impact the amount of noise and traffic; the use as developed and operated will not adversely affect the neighborhood because the petitioner will construct a sight-obscuring fence along the northern property line and because there is an existing sight-obscuring fence along the eastern property line; waiving up to four parking stalls is appropriate because literal compliance with the parking requirements is impracticable due to the size of the lot and its location adjacent to residential land uses; there is adequate parking on Watertown Street proximate to the site to accommodate the parking demand of the proposed use. The motion to approve with the findings and conditions in the draft special permit carried unanimously.

#477-14 JANNA & RONALD CURTIS petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to construct an addition containing approximately 1,142 sf at the rear of an existing single-family dwelling (571 sf of basement space to be used as a garage and 571 sf on the first floor for an expanded kitchen and family room), which will increase the Floor Area Ratio from .35 to .48, where .40 is the maximum allowed by right, at 15 LARCHMONT AVENUE, Ward 5, Waban, on land known as SBL 54, 7, 2, containing approximately 8,552 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u)(2), 30-15 Table A, and Table 1 of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 8-0

NOTE: The petitioners and their architect Donna Miller presented the petition. Since purchasing their home in 2004 the petitioners have had two children and the house is not large

enough to accommodate their growing family. The house is considered a nonconforming three-story structure because the basement is considered the first floor due to the sloping topography.

The petitioners wish to construct a two-story addition in the rear where a deck is currently located and to construct a new deck adjacent to the proposed addition. The proposed addition will increase the Floor Area Ratio (FAR) from .35 to .48, where .40 is the maximum allowed by right, and extend a nonconforming structure. The proposed addition consists of approximately 1,142 square feet, which exceeds the FAR by approximately 672 square feet. The proposed addition excluding the proposed deck will expand the existing building by approximately 571 square feet.

Seasonal screening along the property lines will partially obscure the proposed addition from abutting properties. However, the petitioner has indicated that the abutting property owners along the western property line, where the addition will be most visible, do not wish additional screening at this time. The Planning Department has no particular concerns with this petition.

Speaking in support of the petition were John Ryan, 21 Larchmont Avenue, and Wendy Cohen, 726 Chestnut Street, both immediate abutters. The petitioners submitted a petition (attached) signed by several other neighbors in support of their petition. The hearing was closed.

In working session, Alderman Crossley moved approval finding that the increase in FAR is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. The addition is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because it will be located in the rear of the existing structure and does not encroach into the side and rear setbacks; the site is an appropriate location for the addition and the amount of open space still exceeds the minimum required. The motion to approve with the findings and conditions in the draft special permit carried unanimously.

#478-14 JAMES B. CORSI/CORSI REALTY LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE in order to remodel and construct a two-story addition to the rear of a single-family dwelling and a single-story attached garage and foyer, which will increase the Floor Area Ratio from .39 to .44, where .35 is the maximum allowed by right, at 1004 CENTRE STREET, Ward 7, Newton Centre, on land known as SBL 73, 49, 1, containing approximately 13,238 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u), 30-15 Table A of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 8-0

NOTE: The petitioner purchased this nonconforming 2½-story 1920 single-family dwelling after a fire destroyed a portion of the house. Although the petitioner is in the process of remodeling the house, he was aware prior to purchasing the property that he would need a special permit to construct a two-story addition to the rear and to construct an attached garage and foyer. The proposed addition will increase the Floor Area Ratio from .39 to .44, where .35 is the maximum allowed by right. The petitioner explained that the existing house has an open “U” which he is

proposing to fill in. The addition will enlarge the dining room, kitchen, create a new rear entry and foyer on the first floor, create two bathrooms on the second floor, and create a bathroom and additional living space in the half story. The Planning Department noted that the addition is designed to be subordinate to the existing house. The addition will be mostly hidden from view from Centre Street and only partially visible from Ward Street

The petitioner plans to demolish the existing single-story detached garage, which sits on the property line. The addition with the attached garage will make the house compliant with the setback requirements.

The petitioner submitted letters from the O'Neill's at 460 Ward Street and from Celine Gregoire, 31 Loring Street, in support of the petition (attached). The hearing was closed.

In working session, Alderman Crossley noted that the petitioner is actually proposing a more compact form on the site by filling in the "U" and attaching the garage to the house. Although there is an increase in the FAR, the perception of the actual appearance of mass is probably less than the existing house and garage, and the siting of the house provides more opportunity for landscaping.

Alderman Lennon moved approval of the petition finding that the increase in FAR is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood; the addition is a modest increase to the dwelling's footprint and is not substantially more detrimental than the existing nonconforming structure; the site is an appropriate location for the addition, and the amount of open space exceeds the minimum required. The motion to approve with the findings and conditions in the draft special permit carried unanimously.

#479-14 DANIEL & BRENDA KOSTYK petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to extend an existing 18-foot dormer by an additional 11.5 feet, which will create a dormer wider than 50% of the length of the exterior wall of the story next below, at 29 KEWADIN ROAD, Ward 5, Waban, on land known as SBL 55, 51, 9, containing approximately 13,400 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15(t)(1) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 8-0

NOTE: The subject property contains a 2½-story single-family dwelling constructed in 1929. The petitioners wish to enlarge their attic, which currently has a "tent effect," in a manner that creates functional space. To do so they are seeking a special permit to extend an existing shed dormer that will exceed the allowable 50% length of the story below and add a bay window extension. The proposed dormer, which will create approximately 85 square feet of additional space, is set back from the story below so as to not create the appearance of an uninterrupted wall plane. The proposed dormer is located on the rear and side elevation and will not be visible from either Kewadin or Devonshire Roads. The Planning Department believes this is the type of modest proposal that allows residents to adapt and remain in their homes. There was no public comment and the hearing was closed.

In working session, Alderman Crossley moved approval finding that the dormer, located on the rear and side elevations, is appropriate for the existing structure and the residential neighborhood. The motion to approve with the findings and conditions in the draft special permit carried unanimously.

#473-14 TIMOTHY BURKE for ROGER & AFARIN GREIGER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish a one-story portion of an existing two-family dwelling consisting of a two-car garage and to construct a three-car garage and living space with an accessory apartment exceeding 1,000 sf above it, increasing the Floor Area Ratio from .28 to .39, where .33 is allowed by right, at 100 EVELYN ROAD, Ward 5, Waban, on land known as SBL 53, 3, 13, containing approximately 18,052 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15(u)(2), 30-15 Table 3, and 30-8(d)(c) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CONTINUED TO DATE TO BE DETERMINED

#476-14 JOHNNY'S LUNCHONETTE/KRASNER METRO BOSTON ASSOC. LP & HKS PROPERTIES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a NONCONFORMING USE to expand the number of seats in an existing restaurant from 88 to 96 and to waive three parking stalls at 30 LANGLEY ROAD, Ward 6, Newton Centre, on land known as SBL 61, 33, 14 in a district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-21(b), 30-11(d)(9), 30-19(c)(2)a), (d)(13), and (m) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CONTINUED TO DATE TO BE DETERMINED

NOTE: Alderman Schwartz noted that most of the petitions this evening, indeed many of the petitions before the Land Use Committee, are for FAR, which he finds troubling. Many requests are de Minimis in nature. Is FAR really the tool most suited to address the issues for which it was intended? Alderman Crossley echoed Alderman Schwartz's concern about the value of FAR. FAR is one tool, but is it a poor tool? Are there inadequate criteria? Aldermen Albright and Lipof concurred. Alderman Albright pointed out that the Land Use Committee docketed item #267-13, which proposes amending Sec. 30-21(b) to permit de Minimis relief for alterations, enlargements, reconstruction of or extensions to lawfully nonconforming structures in which the nonconformity is due to Floor Area Ratio (FAR) requirements. Although this item is still on the Zoning & Planning Committee's agenda, the Chairman suggested to Alderman Albright that she draft an item for the Land Use Committee to ask the Planning Department to provide information relative to all the special permits granted for FAR from 2009 to the present.

The meeting was adjourned at approximately 10:30 PM.

Respectfully submitted,

Marc C. Laredo, Chairman

DEPARTMENT OF PLANNING AND DEVELOPMENT

CITY OF NEWTON
Massachusetts

INTER-OFFICE CORRESPONDENCE

DATE: December 23, 1994
TO: Walter Adams
Commissioner of Inspectional Services
FROM: Eugene A. Bober *EAB*
Director of Planning and Development
SUBJECT: 979 Watertown Street
Special Permit #11-93
Consistency Ruling

1995 JAN 30 PM 12:03
CITY CLERK
NEWTON, MA 02159

Mr. Mazzola, owner of the gasoline service station at the above address, has requested three changes to his plans: 1) widening the proposed canopy by from 32 feet to 36 feet, 2) the addition of a 5' x 7' attendant booth which requires widening the rear service island by one foot, and 3) retaining the existing curb cut which is 50 ft. wide. I have no objection to your finding these changes consistent with the approved plans.

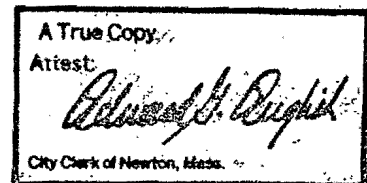
Part of the changes to this service station will be the installation of updated EPA approved equipment. Part of the regulations require the canopy to cover the cement pad around the pumps. Thus, the canopy needs to be wider than the originally submitted.

The attendant booth is needed because of a proposed change in operation. Mr. Mazzola would like to completely close the building when the repair activity ends around 6 pm. An attendant booth would permit customer gasoline pumping service to continue into the evening.

One of the fourteen board order conditions required that the driveway be narrowed to 42 feet. this condition was imposed as part of a citywide effort to narrow excessively wide curb cuts. However, the reality is that gasoline delivery trucks cannot make the turn to enter the site with anything less than a 50 foot wide curb cut. Planning Department staff has observed a delivery to confirm this.

Susan Glazer has consulted with Alderman Salvucci on this matter and he has no objection to the requested changes.

cc: Susan Glazer, Director of Current Planning
Harold Hewett, Inspectional Services Department



Linda M. Finucane

From: Theodore M. Hess Mahan
Sent: Tuesday, January 13, 2015 4:19 PM
To: Linda M. Finucane; Marc C. Laredo; Gregory J. Schwartz; Scott F. Lennon; Susan Albright; James R. Cote; John W. Harney; Deborah J. Crossley; Richard Lipof
Cc: Barbara Brousal-Glaser; Alexandra Ananth; Stephen Pantalone; Buchbinder, Stephen; Ouida C. M. Young
Subject: 979 Watertown Street

Dear Members of the Land Use Committee:

I will not be able to attend tonight's public hearing and working session this evening due to a death in the family and an early morning medical appointment which I must attend with another member of my family tomorrow morning.

My colleagues from Ward 3 and I have met with the petitioners and their counsel several times and reviewed the plans for the mini-mart and gas station at 979 Watertown Street, and I wholeheartedly support this application, subject only to reviewing any comments from the neighbors at the public hearing. In particular, I am satisfied that the proposed fence abutting the softball field on Eden Avenue and the other improvements and conditions that that petitioner has agreed to are sufficient to mitigate the impact of the project, including removal of excess signage.

In addition, I do not believe that the restoration of the landscaping along the border along the sidewalk is either necessary or desirable. For the past 18 years I have lived on Watertown Street a few blocks away from the gas station, used it regularly, and passed this station on my way to the commuter rail station daily and on the way to church every Sunday. Prior to being removed, the vegetative border next to the sidewalk was regularly run over by cars and gasoline trucks exiting and entering the station, and in that condition only detracted from its appearance.

Moreover, I believe that the fence along the CVS parking lot belongs to the owner of that building, and I would not support requiring that the petitioner erect another fence right next to it as a condition of the special permit. While not beautiful, the chain link fence next to the CVS parking lot is in good condition and need not be replaced. I have no strong feeling one way or the other on the enclosure for the dumpster, provided that it is easily accessible for pick up and will be screened from view from the street.

Finally, while I understand why it may be desirable from a pedestrian perspective to reduce the size of the curb cuts, I am concerned whether the gasoline trucks will just end up running over the curbs when exiting and entering the station, and would also not support requiring it as a condition. Again, I have observed cars, landscaping trucks (of which there are many from West Newton who visit this station on their way to work) and gasoline trucks exiting and entering that station for the past 18 years, and because of the dimensions of the lot and the street and the locations of the curb cuts, I think it will be difficult for trucks to make a left turn in or out if the curb cuts are reduced. The problem will only be exacerbated by cars parking or standing next to the curb in the additional space that would be created while picking up their takeout orders from Sweet Tomatoes or Shing Yee, or parking illegally and running into the bank or CVS on a "quick" errand.

As you may be aware, last Fall, the petitioner was originally issued a building permit in error and work on the project was stopped pending the grant of an amendment to the existing special permit. My colleagues and I have discussed it and we have no desire to further delay this project unnecessarily. I therefore hope that the Land Use committee will vote this petition out favorably tonight if at all possible.

Thank you. Please contact me if you have any questions.

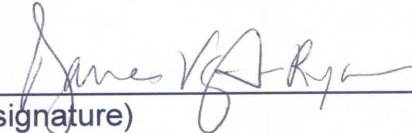
Ted Hess-Mahan
Alderman-at-Large Ward 3
871 Watertown Street
Newton, MA 02465
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thessmahan@newtonma.gov

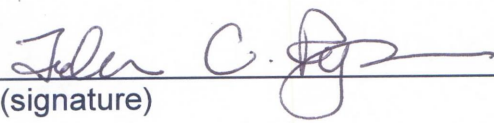
When responding, please be aware that the Secretary of the Commonwealth of Massachusetts has determined that email may be considered a public record, and therefore cannot be kept confidential.

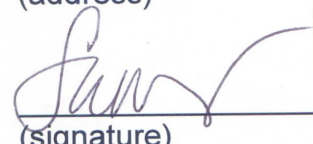
"Sunlight is said to be the best disinfectant." --Louis D. Brandeis


REC'D 1/13/15

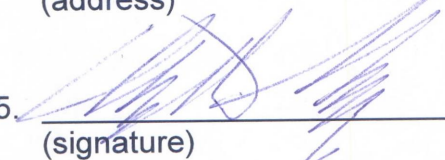
We, the neighbors of Janna Curtis of 15 Larchmont Ave in Newton, have reviewed their plans to expand their home at the above mentioned address. Furthermore, we support their petition for a special permit to allow them to proceed with this addition.

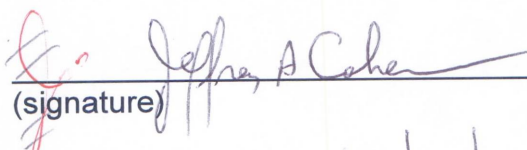
1.  DAWNE VOGI-RYAN
(signature) (name)
21 LARCHMONT AVENUE
(address)

2.  John C. Ryan
(signature) (name)
21 Larchmont Ave Waban MA
(address)

3.  Sarah Birkeland
(signature) (name)
33 Larchmont Ave, Waban, MA 02468
(address)

4.  ROY EDELSTEIN
(signature) (name)
33 Larchmont Ave, Waban MA 02468
(address)

5.  Elizabeth Zegerianides
(signature) (name)
20 Larchmont Ave. Waban
(address)

6.  Jeffrey Cohen
(signature) (name)
726 Chestnut St Newton 02468
(address)

7. Wendy Cohen Wendy Cohen
(signature) (name)

726 Chestnut St. Waban 02468
(address)

8. Elizabeth C Lieberman Elizabeth Lieberman
(signature) (name)

25 Larchmont Ave, Waban 02468
(address)

9. Natalie A Atri Natalie Atri
(signature) (name)

46 Larchmont Ave. Waban 02468
(address)

10. _____
(signature) (name)

(address)

11. _____
(signature) (name)

(address)

12. _____
(signature) (name)

(address)

13. _____
(signature) (name)

(address)

Land Use Map 15 Larchmont Avenue

*City of Newton,
Massachusetts*

ATTACHMENT B

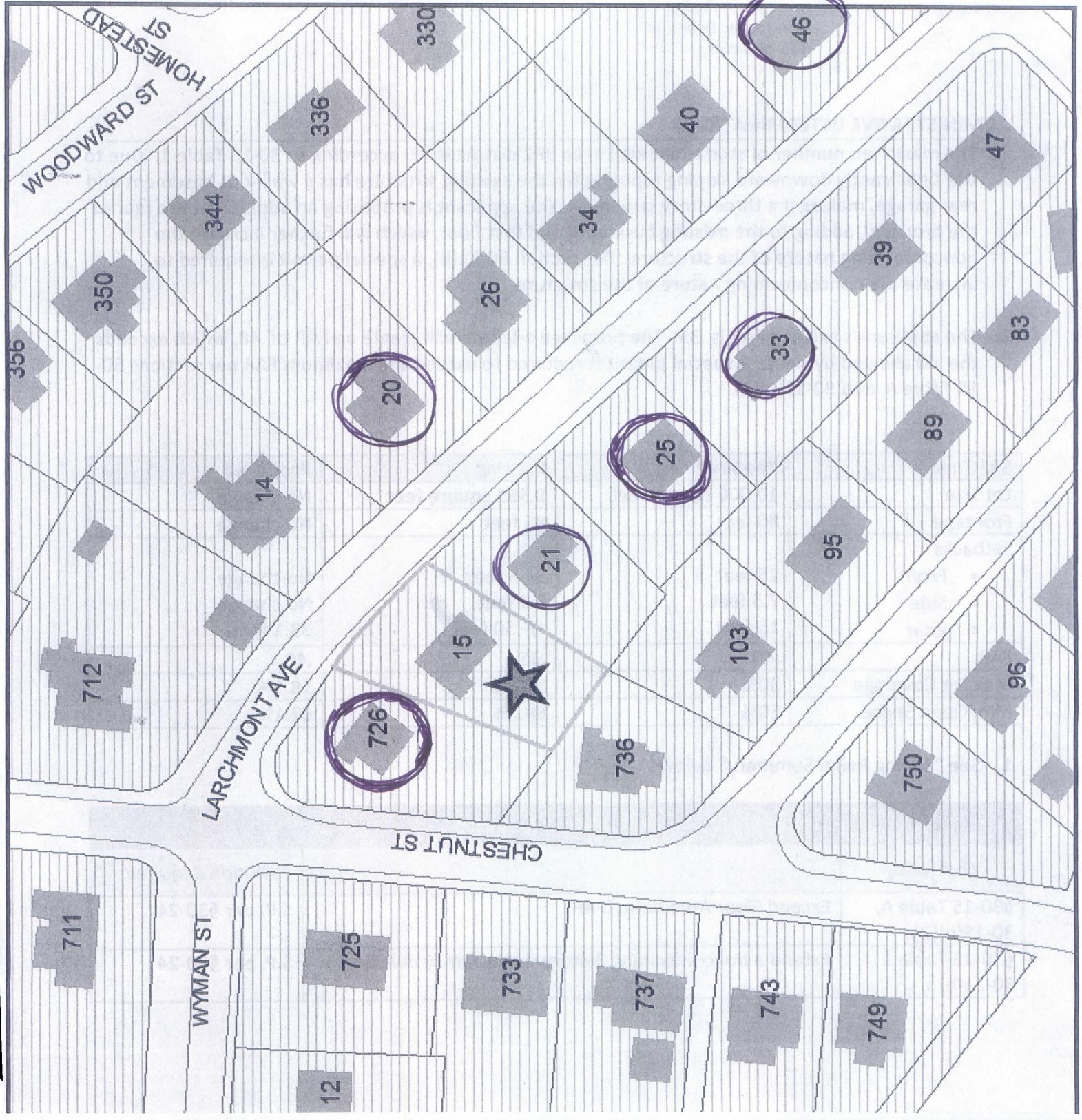
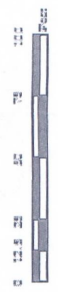
Legend

- Streets - Pavement Edge
- Building Outlines
- Land Use
- Single Family Residential



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
 Mayor - Seth D. Warren
 GIS Administrator - Douglas Greenfield



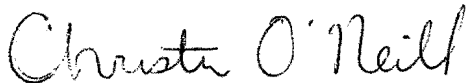
O'NEILL
460 Ward Street
Newton, MA 02459

January 10th 2015

To Whom It May Concern:

We have reviewed the plans for the house renovation at that is being done by Jim Corsi. We are supportive of the plans and believe it will be a benefit to our neighborhood.

Thank you



Brian and Christine O'Neill
617-820-8693

RECEIVED
Newton City Clerk
2015 JAN 13 PM 10:30
DAVID A. OLSON, CLIC
Newton, MA 02459

January 15th, 2015

To the Board of Alderman,

This is to inform you that I reviewed the renovation project for the property located at 1008 Centre Street and I support it. I discussed the extension plan with Mr. James Corsi and it will improve our neighbourhood. I am the neighbour located at 31 Loring Street.

Thanks and regards,



Celine Gregoire

31 Loring ST

Newton MA 02459

Tel: 617-501-2788

RECEIVED
NEWTON CITY CLERK
2015 JAN 13 PM 10:30
DAVID A. OLSON, CLAC
Newton, MA 02459