

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, FEBRUARY 3, 2015

Present: Ald. Laredo (Chairman), Ald. Albright, Crossley, Schwartz, Lipof, Cote, and Harney;
absent: Ald. Lennon; also present: Ald. Gentile, Lappin, and Fuller
Staff: Daniel Sexton (Senior Planner), Robert Waddick (Assistant City Solicitor), Linda
Finucane (Assistant Clerk of the Board)

102-06(13) PRESIDENT LENNON appointing the following individuals to the Neighborhood Liaison Committee as established in Condition 16 of Special Permit 102-06(12) granted on November 17, 2014 to Chestnut Hill Realty Development, LLC for an 80-unit multi-family building with a partially below grade parking garage and related site amenities.

Vine Street representative(s): John and Anne Decker

Rangeley Road (Brookline) representative(s): Joe and Alice Bresman

(Chestnut Hill Realty Development's two designees, *informational only*:
Brad Allen and Anna Mandell)

ACTION: APPROVED 6-0

Hearing opened on October 14, continued to January 6, continued to January 27:

#318-14 88 CRESCENT STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct three single-family attached dwelling units at 88 CRESCENT STREET, Ward 3, Auburndale, on land known as SBL 33, 6, 34, containing approximately 23,739 sf of land in a district zoned MULTI RESIDENCE 1. Ref: 30-24, 30-23, 30-9(b)(5) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 6-0-1 (Harney abstaining)

NOTE: The public hearing was opened on October 14, 2014. However, in response to the Planning Department memorandum dated October 10 in which it suggested that the petitioner consider reducing the bulk and mass of the proposed dwelling, create more diversity in unit sizes, as well as consider other design modifications, and the fact that the memorandum was not received until that date prior to a long weekend, the petitioner asked to continue the hearing. Subsequent to that date, the petitioners met with the Planning Department to discuss modifications to the project and the hearing was continued on January 6, 2015.

Present on January 6: Ald. Laredo (Chairman), Ald. Albright, Cote, Crossley, Lipof, Schwartz, Harney, and Lennon; also present: Alderman Hess-Mahan
Staff: Stephen Pantalone (Chief Planner), Ouida Young (Associate City Solicitor), Linda Finucane (Assistant Clerk of the Board)

The petition was presented by attorneys Stephen Buchbinder and Franklin Schwarzer, petitioner Scott Zink, architect Peter Quinn, and engineer Joe Porter. The subject property is improved with a c.1880 Greek Revival style two-family dwelling. The petitioner is seeking a special permit for three attached dwellings. The proposed dwellings meet the dimensional requirement of 25-foot setbacks for attached dwellings and meet parking, lot coverage, and open space requirements. The only relief needed is for attached dwellings under Sec. 30-9(b)(5).

The petitioner is proposing to restore the front unit and incorporate restored design elements into the two rear units. The existing hip roof will be converted to a detailed gable roof style. Detailing on the front porch and facades will be restored. The Planning Department's historic staff believes the proposed designs resonate with the character and design detailing typical of the Greek Revival style; however, staff suggested that a more historically accurate window arrangement would be a two-over-two configuration. The Planning Department supports the petitioner's desire to retain and restore the existing two-family structure as a single unit as proposed. Each unit has a garage, one of which is detached.

Although the petitioner has reduced the size of unit #3 by approximately 578 square feet, the other two units remain the same sizes. Unit #1 is approximately 2,197 square feet and Unit #2 is approximately 2,877 square feet. Modifications also include reconfiguring the units to one two-bedroom unit, one three-bedroom unit, and one four bedroom unit. Although there is no Floor Area Ratio (FAR) requirement for attached dwellings, the FAR for the proposed petition is .35, which is well below the .39 maximum allowed by right for a single- or two-family dwelling. The FAR is also lower than the FAR approved in special permit #200-07, the attached dwelling development at 94-98 Crescent Street. There is a 72-foot rear setback, where 25 feet is required. The Planning Department would prefer a greater diversity in unit sizes to provide opportunities for different households and incomes. The proposed building height of the rear units has been lowered from 34.34 feet to 33 feet, which aligns with the height of the existing dwelling.

In response to a suggestion that the detached garage be moved to align better with the proposed dwellings, the petitioner agreed that if the committee wishes the garage to be relocated or moved, it is an easy fix given the 72-foot rear setback and amount of open space. The petitioner also said there is wiggle room in the third unit for the 9'x10' study to be removed.

Public comment:

Kent Shea (sp?), 94 Crescent Street, believes that, although he would rather see a more cohesive approach to development, this is a better direction than the two large units that could be built by right.

Shule Aksan, 98 Crescent Street, said the neighborhood is a mix of single- and two-family homes. She is aware of the by-right alternative and it is sad that the special permit scenario looks better than that. The units are very large. The middle unit could be reduced by 6 feet or so. There should be no living space in the garages. The petitioner should provide more landscaping. This is setting a precedent. She would not have purchased her condominium if she knew it was built under a special permit.

Elaine Rush-Arruda, 1921 Commonwealth Avenue, agreed with Ms. Aksan. The middle unit is too big. There is a loss of middle-class housing. What about police, firefighters, teachers, and

retirees? Approximately one half acre within 500 feet of the subject property has been lost to development. What about the city-owned former Parks & Recreation site? Developers and the city's dysfunctional zoning are holding neighborhoods hostage.

Mr. Torgersen, 96 Crescent Street, agreed, the view is squelched and he is deeply bothered by the garage not being attached.

Chris Ludwig, 7 Weir Street, said this is more than bricks and mortar; it is setting a precedent with implications for the future.

Debbie Torre, 9 Sharon Avenue, a 35-year resident, spoke in favor of the petition. Initially, the development at 94-98 Crescent Street was shocking and different, but it cleaned up the neighborhood and brought in young families, whom the neighborhood welcomed.

Prior to the next meeting, the petitioner will submit plans reflecting the following:

- the detached garage will be attached, with no living space above;
- Unit #3 will be shrunk, with the 9'x10' study removed, to create a true two-bedroom unit,
- additional landscaping

The petitioner agreed to take another look at Unit #2. Several committee members pointed out that is unrealistic to think that shaving off several feet will change the structure and reduce the mass. It was noted that the attached dwellings at 94-98 Crescent Street are approximately 3,000 square feet each. Mr. Sexton pointed out that the Planning Department doesn't generally comment on floor plan design, but focuses more on the exterior to manipulate bulk and mass. Several members agreed that the property should be attractive relative to mass and FAR, not the number of bedrooms. The committee did not agree with Planning Department's suggestion that the windows be changed to a two-over-two configuration.

Alderman Harney suggested a site visit would be helpful for members to take in the context of the neighborhood. The site visit occurred on Monday, January 12. The petition was scheduled for January 27, but that meeting was canceled because of a snow storm.

This evening, February 3, the Planning Department reviewed with the committee the revised plans reflecting the modifications agreed upon at the meeting of January 6. The size of Unit #3 shows the reduction proposed at the last meeting; the size of Unit #2 remains the same. The garage is attached and a revised landscaping plan shows additional landscaping and an on-site infiltration system. When asked, Mr. Sexton said he believes there are approximately five other parcels in the area with the potential for attached dwellings, but it's not possible to speculate how many units they could be support.

Public comment:

Elaine Rush-Arruda, 1921 Commonwealth Avenue, said the neighborhood was told that 94-98 Crescent Street was not a precedent. The community is being strong-armed into accepting three units instead of two larger units.

Shule Aksan, 98 Crescent Street, reiterated her comments of January 6. These proposed units are not varied in size.

Melissa Wylie, 24 Sharon Avenue, supports the preservation of the existing house. This petition is the lesser of two evils. Two big units would be closer to the lot lines, but she has reservations about the size of the middle unit.

Mr. Buchbinder said the petitioner has made many accommodations. Originally, the petitioner proposed four units. Unit #3 has been shaved and the study removed and it is now 1,930 square feet. Unit #1 is 2,197 square feet and Unit #2 is 2,877 square feet. The petitioner feels strongly about restoring the existing house and has spent time and effort to get to this point. The Planning Department believes this project as designed is a good project, balancing the development potential of a given site, protecting existing open space and preserving and restoring an historic structure.

Alderman Cote moved approval of the petition, with the findings and conditions enumerated in the draft special permit dated February 17, 2015. The motion to approve carried 6-0-1, with Alderman Harney abstaining.

Please note, that all documents related to this petition, previously distributed to the Board, including emails from the speakers listed above are available online on the city's website on the Board of Aldermen page under Current Special Permits/88 Crescent Street.

The meeting was adjourned at approximately 11:00 PM

Respectfully submitted,

Marc C. Laredo, Chairman