

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, DECEMBER 1, 2015

Present: Ald. Laredo (Chairman), Ald. Crossley, Albright, Lipof, Schwartz, Cote, Harney, and Lennon; also present: Ald. Leary, Baker, Sangiolo, Fuller, and Gentile
Planning Board (for #480-14): Scott Wolf, Peter Doeringer, Jonathan Yeo, Megan Risen, James Freas
Staff: Alexandra Ananth (Chief Planner for Current Planning), Stephen Pantalone (Senior Planner), Robert Waddick (Assistant City Solicitor), Linda Finucane (Assistant Clerk of the Board)

#416-12(6) MAIN GATE REALTY LLC request to WITHDRAW WITHOUT PREJUDICE its request to AMEND Special Permit/Site Plan Approval for a Change in Nonconforming Use #416-12(3), granted August 12, 2013, which limited two existing tenant spaces to office, low parking demand/turnover service, or retail uses in order to allow office space in the basement at 242-244 COMMONWEALTH AVENUE, Ward 7, Chestnut Hill, on land known as SBL 61, 13, 11, containing approximately 7,452 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(h)(2)a) and (m) of the City of Newton Rev Zoning Ord. *A Public Hearing was opened on July 14, continued on August 4, October 13, October 20, November 17, when the hearing was closed.*

ACTION: WITHDRAWAL WITHOUT PREJUDICE APPROVED 7-0 (Lennon not voting)

NOTE: Attorney Michael Peirce is seeking to withdraw the request to occupy a 250 square-foot portion of the basement for use as an office. The petitioner wishes to pursue the request for the parking stall dimensional waiver to allow five stalls to be located to the rear of the site where currently there are four stalls. Withdrawing without prejudice the request to use a portion of the basement for office space will allow his client the option to return at a later date should the special permit be approved for Modern Barre and its operation does not result in any detriment to the neighborhood.

Hearing continued on November 17:

#364-14 PHI PROPERTIES LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a ~~four~~ three-unit multi-family dwelling with 9 below grade parking stalls and associated parking waivers if necessary at 9 CHANDLER STREET, Ward 1, NONANTUM, on land known as SBL 14, 10, 4 and 5, containing a combined total of 13,153 sf of land in a district zoned MULTI RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-9(c)(1), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012. *(A public hearing without a presentation was opened on December 9, 2014; however, the petition has been amended.)*

ACTION: HEARING CLOSED; APPROVED 7-0 (Lipof not voting)

NOTE: The petition was presented by attorney Alan Schlesinger. The property consists of two lots which formerly contained a single-family dwelling which has been demolished. Originally, the petitioner sought to construct four units, but after three redesigns and a number of meetings with the neighbors and the Ward 1 Aldermen, the building size has been reduced and the current proposal is to construct a three-story, three-unit dwelling with nine below-grade parking stalls. The petitioner is seeking a special permit to allow a multi-family dwelling in a Multi Residence 2 zoning district.

The property is located on a short, narrow street of predominately two-family dwellings in a dense neighborhood near the center of Nonantum. Each of the units will be approximately 2,146 square feet. The total floor area of the building, excluding the below-grade parking, will be approximately 6,440 square feet. The total aggregate floor area is slightly less than that of a by-right two-family dwelling. The below-grade parking is partially covered. The petitioner is proposing vegetation along the side and rear property lines and lawn in the front setback. The rear of the site also has a grassed area. There is a retaining wall along the driveway ramp. Snow will be removed from the site or stored at on grassed area at the rear.

Entrances to two units face the street; access to the third unit is on the side. There are porches on the front and side of the dwelling. There is no basement; however, there is an interior stairwell from the below-grade parking area to a common interior hall.

Three significant trees in the rear will be retained. The site has 56% open space. The drainage is designed for a 100-year storm event. Although there is no Floor Area Ratio (FAR) requirement for multi-family dwellings, the FAR is .49.

Several committee members asked why there are nine parking stalls, when only six are required. Alderman Lennon explained that the petitioner and the Ward 1 Aldermen have worked with the neighborhood over the course of the past year. Chandler Street is very narrow with parking prohibited on the north side, where this property is located. Although there are only eight other houses on the street, there are few on-street parking spaces because of the curb cuts. There are a couple of recent by-right projects whose residents park on the street. Currently the vacant lot is an eyesore and the neighbors believe this petition with a third unit as opposed to a by-right two-family is an opportunity to get cars off the street. He noted that even Alderman Leary supports the additional on-site parking, which will also provide guest parking.

There was some discussion about the turning radius as cars will drive down the driveway, take a hard right, then a left to access the three outside parking stalls, one of which is an HP stall. Mr. Pantalone said the driveway meets the 20 foot requirement and the Planning Department is confident there is room to maneuver. The committee asked if the petitioner had considered covering the parking as suggested by the Planning Department. Mr. Schlesinger said it is not practical or affordable to build a deck over the parking. After conferring with the petitioner, Mr. Schlesinger said it would probably cost around \$150,000.

There was no public comment. Alderman Lennon reported that there was a neighborhood meeting this past weekend and everyone knew this petition would be later in the evening. By and large the neighbors are pleased with the ultimate design of the project. They are pleased that it is the same size as a by-right two-family; pleased with the landscaping; and the private trash pickup and snow storage. They have asked that the Construction Management Plan include a condition that as many construction vehicles as possible utilize the site for parking. The petitioner has agreed to not charge tenants for parking and to include in leases a provision that tenants utilize the on-site parking.

NOTE: Massachusetts classifies auto dealer licenses into three categories: A Class 1 license holder is a recognized agent of a motor vehicle manufacturer with a signed contract with the same; Class 2 is for used vehicles; and Class 3 for junk vehicles. The criteria for issuance are whether it is the applicant's principal business, whether the applicant is a "proper person," and has available a "suitable place of business." §17-14 of the ordinances allows the city to deny, revoke, or suspend certain licenses for failure to pay municipal taxes or charges. Class 2 dealers are required to post a \$25,000 bond or equivalent proof of financial responsibility for the benefit of a person who purchases a second-hand vehicle and suffers losses because of the dealer. The following licenses were approved 7-0, with Alderman Lipof not voting.

2016 Auto Dealer License Renewals

Class 1

#240-15 CLARK & WHITE, INC. d/b/a BAYSTATE
CHRYSLER JEEP DODGE RAM
777 Washington Street
Newtonville 02460

Class 2

#244-15 AUCTION DIRECT PREOWNED
1545 Washington Street
West Newton 02465

#253-15 LIFT THROTTLE AUTOMOTIVE, LLC
64 Hillside Avenue
West Newton 02465

#254-15 MAP DEVELOPMENT & INVESTMENTS
d/b/a CHRISTIAN TAPIA/MASTER USED
CARS of WATERTOWN
175 North Street
Newtonville 02460

#256-15 NEW ENGLAND MOTOR MART, INC.
1221-1229 Washington Street
West Newton 02465

#257-15 NEWTON AUTO GROUP, INC.
1235 Washington Street
West Newton 02465

#260-15 NTC-NEWTON TRADE CENTER
103 Adams Street

- #261-15 Nonantum 02458
OLD TIME GARAGE LTD.
1960 Washington Street
- #263-15 R.J.S. SERVICE, INC.
361 Washington Street
Newton Corner 02458
- #264-15 REGANS INC.
2066 Commonwealth Avenue
Auburndale 02466
- #265-15 ROBERT'S TOWING, INC.
926r Boylston Street
Newton Highlands 02461
- #268-15 STAN'S AUTOMOTIVE INC.
249 Centre Street
Newton Corner 02458
- #270-15 CITY OF NEWTON
- Class 2 & 3**
- #271-15 ECHO BRIDGE SALVAGE CO.
16-24 Maguire Court
Newtonville 02460
- #272-15 SCHIAVONE BROTHERS, INC.
16-24 Maguire Court
Newtonville 02460

- The following were voted NO ACTION NECESSARY:
- #243-15 AUBURNDALE SERVICE CENTER, LLC
d/b/a AUBURNDALE MOBIL
2105 Commonwealth Avenue
Auburndale 02466
- #245-15 AUTO EUROPA, INC.
38 Ramsdell Street
Newton Highlands 02461
- #249-15 GLOBAL VENTURES GROUP INC.
d/b/a LUX AUTO PLUS
1197-1201 Washington Street
West Newton 02465
- #250-15 MAVERICK MOTORS, INC.
1209 Washington Street,
West Newton 02465
- #252-15 L. A. AUTO BODY, INC.
41 Los Angeles Street
Nonantum 02458

REFERRED TO LAND USE AND FINANCE COMMITTEES

#375-14(5) HIS HONOR THE MAYOR requesting that Sec. 17-3. **Fees for certain licenses and permits.** of the Rev Ordinances of the City of Newton, 2012, Special Permit fees, be amended by striking in (15)a “\$350.00” and in (15b) “\$750.00” and by substituting “\$500.00” and “\$1,000.00,” respectively, and by deleting (15c) in its entirety and re-lettering d) to c) and e) to d), effective 07/01/15.
FINANCE VOTED NO ACTION NECESSARY 7-0 on 11/09/15
ACTION: NO ACTION NECESSARY 7-0 (Lipof not voting)

#214-10(7) ALD. HESS-MAHAN, ALBRIGHT, CROSSLEY, BAKER, LAREDO, LIPOF, FULLER requesting a discussion with the Inspectional Services and Planning Departments and New England Development about the as-built condition of Chestnut Hill Square and its apparent lack of conformity with the plans and elevations as approved and conditioned by the Board of Aldermen in special permit #214-10, granted on December 6, 2010.
ACTION: NO ACTION NECESSARY 7-0 (Lipof not voting)

#75-15 KENNETH LYONS, 170 Suffolk Road, appointed by President Lennon as a member of the BOSTON COLLEGE NEIGHBORHOOD AREA COUCIL for a term to expire December 3,1 2015
ACTION: NO ACTION NECESSARY 7-0 (Lipof not voting)

REFERRED TO ZONING & PLANNING, LAND USE AND FINANCE COMMITTEES

#104-15 ALD. JOHNSON, LAREDO, AND GENTILE requesting a report from the Planning Department re how many of the affordable units developed at Commonwealth Avenue, Pearl Street, and Eddy Street qualify for inclusion on the State’s Subsidized Housing Inventory List; if a property is not on the list, what can be done to make it eligible.
ZONING & PLANNING HELD 6-0 (Hess-Mahan not voting) on 11/09/15
FINANCE HELD 7-0 on 11/09/15
ACTION: LAND USE REFERRED 7-0 (Lipof not voting) to 2016-2017 CITY COUNCIL

REFERRED TO ZONING & PLANNING, LAND USE & FINANCE COMMITTEES

#273-12 ALD. CROSSLEY & HESS-MAHAN requesting a restructuring and increase in fees for permits charged by the Inspectional Services Department and fees charged by the Planning Department and City Clerk to assure that fees are both sufficient to fund related services provided and simple to administer.
ACTION: REFERRED 7-0 (Lipof not voting) to 2016-2017 CITY COUNCIL

Respectfully submitted,
Marc C. Laredo, Chairman