

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, MAY 13, 2014

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

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

#109-14 GEORGE SALLES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL
to EXTEND A NON CONFORMING STRUCTURE to construct a one-story
kitchen addition containing approximately 200 square feet at the rear of an
existing single-family dwelling, which will reduce the rear setback from 10.6 ft.
to 8.5 ft., where 15 feet is required, at 11 SOLON STREET, Ward 5, Newton
Highlands, on land known as SBL 81, 23, 5, containing approximately 7,589 sq.
ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23,
30-15 Table 1, 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

ACTION: PUBLIC HEARING CLOSED; APPROVED 7-0

NOTE: As noted in the docket item, the petitioner is seeking to construct a modest addition to
his kitchen for which he needs relief to extend the legal nonconforming structure by reducing the
existing nonconforming rear setback of 10.6 feet to 8.5 feet, where 15 feet is required. The
corner lot also has a nonconforming side setback which will not be impacted by the proposed
addition. A previous owner was granted, but never exercised, a special permit in 1997 to
construct a similar addition that included a second floor over the garage. The Board received
letters from Julie Sall, 18 Solon Street, Suzanne and Paul Finnerty, 24 Solon Street, Deborah &
Jeff Linder, 39 Solon Street, and Nasreen Quibria and Michael Arroyo at 11 Solon Street,
supporting the petition. The hearing was closed.

In working session, the committee noted that the proposal had been reviewed by the city's
preservation planner who found the architectural style and façade treatment of the proposed
addition appropriate for the site and the 1930 structure. The petitioner is proposing to extend
existing landscaping around the area of the addition. The proposed landscaping, likely a mix of
arborvitae and spruce will screen the addition and provide a safe enclosure for his children. The
committee agreed that a professional landscaping plan was not required and that final review of
the proposed screening could be delegated to the Planning Department.

Alderman Schwartz moved approval of the petition finding that the proposed addition is not
substantially more detrimental than the existing nonconforming structure and that the site is an
appropriate location for the one-story kitchen addition. The motion to approve carried 7-0.

#129-14 MICHAEL & MARTHA GANGEMI petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to replace an existing detached garage with a new detached garage at the rear of an existing single-family home, which will increase the nonconforming Floor Area Ratio from .36 to .37, where .29 is the maximum allowed by right, at 96 LENOX STREET, Ward 2, West Newton, on land known as SBL 32, 49, 7, containing approximately 19,071 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(u)(2), 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

ACTION: PUBLIC HEARING CLOSED; APPROVED 7-0

NOTE: The property is improved with a 2½-story circa 1875 single-family dwelling. The petitioners wish to demolish the existing one-story two-car garage and construct a larger one-story two-car garage that will include storage space. The proposed garage would increase the existing nonconforming Floor Area Ratio from .36 to .37, where .29 is the maximum allowed by right. The proposed ±698 square-foot garage will be situated closer to the southeastern corner of the site and the existing gravel driveway will be extended by approximately 25 feet. The property to the rear has a garage located behind the proposed garage and there is fencing and vegetation along the property line to provide screening.

There was no public comment and the hearing was closed

Alderman Crossley was unable to attend the meeting this evening because of a family medical issue. However, she asked Alderman Schwartz to inquire whether the impervious surface was calculated from the garage or the from the drip line of the roof. If calculated from the roof it could increase the lot coverage, which could in turn require a variance from the Zoning Board of Appeals. Mr. Sexton assumed it was from the footprint of the garage, not the drip edge of the roof and said the associate city engineer did not raise any concerns when reviewing the petition. However, he will confirm with Mr. Daghlian if this assumption is correct.

Clerk's note: Subsequent to the meeting, the associate city engineer confirmed that for the purposes of calculating "lot coverage" the area of any roof overhang of up to 2 feet shall not be included in the calculation of lot coverage.

Alderman Albright moved approval of the petition finding that the increase in the Floor Area Ratio is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood; the site is an appropriate location for the proposed garage; the garage will not adversely affect the neighborhood; the 698 square-foot garage is not substantially more detrimental to the neighborhood than the existing nonconforming structure; and there will no nuisance or serious hazard to vehicles or pedestrians from the garage. The motion to approve carried 7-0.

#130-14 RUSSELL & TRACY RICHMOND petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to (1) enclose a portion of an existing front porch to create a larger entry and (2) to add a one-story cantilevered bay containing approximately 19 sq. ft. to the kitchen, which will increase the nonconforming Floor Area Ratio from .43 to .44, where .37 is the maximum allowed by right, at 36 BILLINGS PARK, Ward 7, Newton, on land known as SBL 72, 8, 16, containing

approximately 11,080 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(u)(2), 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

ACTION: PUBLIC HEARING CLOSED; APPROVED 7-0

NOTE: This existing single-family 2½-story circa 1880s dwelling is on the National Register of Historic Places. The petitioners wish to accommodate their growing family by constructing a cantilevered bay window on the eastern side of the dwelling and enclosing approximately 100 square feet of the front porch to create a “graceful” entry. The proposed modifications will result in an increase in the Floor Area Ratio from .43 to .44, where .37 is the maximum allowed by right. The proposed plans have been reviewed and approved administratively by the city’s senior preservation planner. There was no public comment and the public hearing was closed.

In working session, the committee agreed this type of project should be an administrative process, not a special permit. Alderman Albright moved approval finding that the increase in the Floor Area Ratio is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood; the addition of a bay window and enclosure of a portion of the front porch are not substantially more detrimental to the neighborhood than the existing nonconforming structure and will not adversely affect the neighborhood; the site is an appropriate location for the modification. The motion to approve carried 7-0.

#131-14 ARTISAN CHILDCARE CENTER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a freestanding sign at 2330 WASHINGTON STREET, Ward 4, Newton Lower Falls, on land known as SBL 42, 31, 18, containing approximately 28,277 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-20(1) of the City of Newton Rev Zoning Ord, 2012.

ACTION: PUBLIC HEARING CLOSED; APPROVED 6-0 (Schwartz not voting)

NOTE: The petitioner is in the process of opening a childcare center in this circa 1840 building, which is set back from Washington Street by approximately 50 feet. The site is accessed by a wide entrance drive on the west side of the site. The site’s visibility is affected by existing mature trees and plantings. The previous tenant of 40 years had two freestanding signs located kitty corner on the site, which were discovered to have never been permitted. Initially, the petitioner proposal was for two freestanding signs. The petitioner is seeking relief for one two-sided freestanding sign, approximately 28.4 square feet of sign area, approximately five feet in height, and externally illuminated. The petitioner upon the recommendation of the Urban Design Commission proposes to place the freestanding sign between the entrance drive and walkway in front of the site, perpendicular to the existing fence along Washington Street. The Planning Department recommended that the petitioner selectively trim some of the vegetation in the front of the site; however, the rear of the site is within 200 feet of a riverfront which is under the jurisdiction of the Conservation Commission.

There was no public comment.

In working session, the committee reviewed a draft special permit board order prepared by the Planning Department. Alderman Harney moved approval of the petition finding that the freestanding sign on a site with low visibility from Washington Street is in the public interest as it will improve way finding and provide visibility and it will not create a nuisance or serious

hazard to pedestrians or vehicles. The motion to approve carried 6-0, with Alderman Schwartz not voting.

#132-14 STONE GALLERYLLC/CLINE REALTY LIMITED petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow retail use and associated outdoor display of goods with various waivers from parking requirements including minimum aisle, entrance, exit, widths, parking in front setback, landscape screening, lighting, ~~bicycle parking~~, exclusive use of two parking spaces, etc. at 49-51 WINCHESTER STREET, Ward 5, Newton Highlands, on land known as SBL 51, 28, 30, containing approximately 79,500 sf of land in a district zoned MIXED USE 1. Ref: 30-24, 30-23, 30-13(b)(1) and (16), 30-19(c)(4), 30-19(h)(3)b), (4)(a), (h)(1), (i)(1) and (2), (j)(1), (j)(2)c), (k), and 30-19(m) of the City of Newton Rev Zoning Ord and Special Permit #219-05.

ACTION: PUBLIC HEARING CLOSED; APPROVED 7-0 SUBJECT TO 2nd CALL
NOTE: Attorney Jason Rosenberg presented the petition. The site contains a two-story 19,500 square-foot commercial building, a metal storage shed that abuts the National Lumber site, a small wood-frame building, and a large parking lot. Current tenants are offices, storage, and Create-a-Cook a for-profit cooking school that was granted a special permit in 2005, which is located on the other side of the building. The petitioner wishes to operate a retail business that sells manufactured and natural stone products for landscaping and architectural uses. The petition also seeks to legalize the existing nonconforming parking lot which does not meet the dimensional and design controls for parking facilities with more than five stalls.

The retail/office operation would be located in approximately 400 square feet of the existing commercial building, the metal shed and a fenced in area behind the building will be used for storage, and approximately 1,150 square feet of vegetated area surrounding the wood frame building at the northeast corner of the site will be used as an outdoor display for products. Some products will be displayed affixed to the building. There will be no fabrication on-site. Most stone or elements will be available on-site, if not then an order will be place and it will either be delivered or picked up. The petitioner proposes to create a display area on a gravel base and integrate existing and additional vegetation. Most deliveries will be by box truck. The parking lot provides a sufficient number of parking stalls, but it does not meet other requirements of the ordinance. The petitioner will re-stripe the lot and install wheel stops for the spaces along Winchester Street, as required in the 2005 special permit. Currently, there are barriers along Winchester Street and a tree stump, which the petitioner has agreed to remove.

Public Comment:

George Kirby, 19 Cummings Road, was not opposed to the petition, but he was opposed to waiving the requirement for the installation of a bike rack. A bike rack would be an amenity for folks using the rail trail as well as potential customers.

Alicia Bowman, 19 Chestnut Terrace, agreed with Mr. Kirby. Encouraging people to get out of their cars is important. It is currently an unattractive site. There is no delineation of the site's parking and the sidewalk on Winchester Street. Cars encroach over the sidewalk. The exit at the end of the site near Rte. 9 underpass is difficult for pedestrians.

Chairman's note: The petitioner has agreed to install a bicycle rack on the site and is no longer seeking a waiver from that requirement. In addition, the petitioner will install way-finding signage to the flat portion of the lot where it will be located. Also, the wheel stops have been installed along Winchester Street.

In working session, Mr. Rosenberg provided a computer generated rendering of what the site as proposed would look like. The petitioner is proposing to install large box planters (most likely planted with boxwood) along the Winchester Street frontage and a row of arborvitae along the Curtis Street lot line. The associate city engineer reviewed the plans and had no concerns about drainage as there is additional pervious area i.e., gravel, shown on the plan. The committee agreed this is currently an unattractive site and was favorably disposed towards this use, but had concerns about a future tenant and a different type of outdoor display. It suggested that the special permit specify that it is for display of natural and man-made stone for architectural and landscaping purposes and goods of a like nature only and if that use is abandoned, then the special permit will terminate.

Alderman Lipof moved approval of the petition finding that the site, which is within the Needham Street commercial corridor, is an appropriate location for the retail use and display area; the use will not adversely affect the surrounding neighborhood; it will not change the existing vehicle circulation on the site and therefore will not result in a nuisance or serious hazard to vehicles or pedestrians in the surrounding neighborhood; access to the site over streets is appropriate for the types and numbers of vehicles involved; requested waivers of the dimensional and design controls for parking facilities are appropriate because literal compliance with the dimensional parking requirements is impracticable due to the existing use and development patterns present on the subject property. The motion to approve carried 7-0, subject to second call because the Planning Department wished to combine conditions in prior special permit #219-05 into this special permit.

All other items were held without discussion and the meeting was adjourned at approximately 10:15 PM.

Respectfully submitted,

Marc C. Laredo, Chairman