

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, JULY 15, 2014

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

#223-14      BERNARD BUNNER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a dormer above a new interior staircase between the second and third floors and to raze an existing detached garaged, which is 2½ feet from the side lot setback, and to construct a new smaller detached ~~garage~~ shed maintaining the 2½ foot side setback though closer to the rear of the property, which although not encroaching further into the setback will alter an already nonconforming setback, at 454 WALNUT STREET, Ward 2, NEWTONVILLE, on land known as SBL 22, 24, 19 , containing approximately 12,063 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(t)(2), 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

ACTION:      HEARING CLOSED; APPROVED 7-0

NOTE: The petitioner recently purchased the subject property, a c. 1865 single-family dwelling listed on the National Register of Historic Places. The petitioner has young children and wants to replace an existing narrow, steep interior rear staircase with a new staircase. To accommodate the proposed staircase, the petitioner is seeking a special permit to construct a dormer with an uninterrupted wall plane between floors on the rear of the house between the second and third floors. The driveway is off of Clyde Street, where the petitioner wishes to demolish an existing nonconforming detached garage and replace it with a small shed further towards the rear property line, which needs relief because it is considered an alteration to a nonconforming structure. The petitioner plans to construct a porte-cochere, which does not require any zoning relief. Demolishing the c. 1927 metal garage and replacing it with a small shed will create a useable back yard, while the porte-cochere will provide covered parking.

The Historical Commission reviewed and approved the proposed plans, which are sensitive to the architecture of the house and include replicating the existing staircase window. Letters supporting the petition were received from the immediate abutters at 462 Walnut Street and 70-72 Clyde Street.

Alderman Albright moved approval of the petition finding that the site is an appropriate location for the extension; the amount of open space exceeds the minimum required; the extension of the structure is not substantially more detrimental than the existing nonconforming structure and will be minimally visible from the public view; the plans were approved by the Newton Historical Commission. The motion to approve carried unanimously.

#225-14      WABORA NEWTON LLC/MONTROSE 1229-1249 CENTRE LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive five parking stalls for a 19-seat sushi restaurant at 1247-1249 CENTRE STREET, Ward 6, NEWTON CENTRE, on land known as SBL 64, 28, 25, containing approximately 1,427 sq. ft. of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-19(d)(13), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

ACTION:      HEARING CLOSED; APPROVED 7-0

NOTE:      Attorney Adam Barnosky, 300 Washington Street, Brookline, presented the petition. The petitioner, who has a successful business in Toronto and hopes this will be the first of many in this country, is proposing to locate a 19-seat sushi restaurant in a 695 square-foot space most recently occupied by Centre Wine and Spirits, a retail use. The one-story commercial building has no on-site parking. The previous retail use had a parking credit of four stalls, which credit can be applied to the proposed restaurant. With five employees expected on the largest shift, the restaurant requires nine parking stalls. The petitioner is seeking a waiver for five parking stalls. The petitioner submitted a parking analysis by Howard/Stein-Hudson Associates, Inc. The analysis was conducted on a typical weekday and on a typical Saturday, which is standard for a study of this scope. It appears there is sufficient short-term parking in the area, although a study sponsored by the city indicates a need for long-term parking for employees and commuters. The petitioner has offered to subsidize T passes for employees and to contribute \$1,500 for pedestrian accessibility or circulation improvements in the Newton Centre vicinity.

There was no public comment.

Aldermen Albright and Schwartz said that parking in Newton Centre is not a minor issue. However, they and other members recognize that the Pelham Street municipal lot, which is proximate to the site, usually has short-term parking available, particularly in the evening.

Alderman Schwartz moved approval finding that literal compliance with the parking requirements is impracticable because the existing building comprises almost the entire site; the site is located closed to public transit and to a municipal parking lot; the restaurant use is consistent with the *2007 Newton Comprehensive Plan* which supports unique and viable businesses that contribute to the vitality of village centers. The motion to approve carried unanimously.

#226-14      ALAN MAYER, MAYER & ASSOCIATES ARCHITECTS/DAWNE VOGHT & JOHN RYAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to construct an approximately 1,300 sq. ft. addition to the rear of an existing single-family dwelling, which will increase the Floor Area Ratio from .31 to .48, where .42 is the maximum allowed by right, at 21 LARCHMONT AVENUE, Ward 5, WABAN, on land known as SBL 54, 7, 3, containing approximately 7,593 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 7-0

NOTE: The petitioner wishes to construct a three-story addition onto the rear of an existing single-family house where a deck is currently located and to construct a new deck onto the proposed addition. The petitioner is seeking a special permit to increase the Floor Area Ratio (FAR) from .31 to .48, where .42 is the maximum allowed by right, and to extend a nonconforming structure. The site slopes steeply to the rear and the house is nonconforming as to the number of stories, with a walkout basement. A portion of the existing asphalt driveway will be replaced with grass, decreasing the amount of impervious surface on the site. Drainage flows downhill to an existing drain located in a 10' drainage easement on the abutter's property at the rear of the site.

Although the proposed increase in FAR appears to be significant, it is in part because the lot is smaller than the average for the surrounding properties and therefore has a higher allowable FAR. With the addition, the site will still exceed the minimum amount of open space required. The Planning Department believes the proposed addition is a fairly modest increase in FAR in terms of square footage, excluding the proposed deck it exceeds the allowed FAR by approximately 423 square feet, and the addition will not be visible from the street. Although the Planning Department recommended additional screening at the rear, that abutter has indicated that they do not wish screening at this time. Letters in support of the petition were received from abutters at 15, 20, 25, and 103 Larchmont Avenue, and 736 Chestnut Street.

Alderman Crossley moved approval finding that the increase in FAR to .48, where .42 is the maximum allowed by right and .31 exists is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood; the proposed addition on the rear of the existing three-story single-family will increase the gross floor area by approximately 1,265 square feet; the addition is not substantially more detrimental than the existing nonconforming structure is to the neighborhood; the site is an appropriate location for the proposed addition and the amount of open space exceeds the minimum required. The motion to approve carried unanimously.

#214-13(2)      REQUEST for a ONE-YEAR EXTENSION OF TIME in which to EXERCISE Special Permit/Site Plan Approval #214-13, granted on July 15, 2013, to Linda Heffner for an accessory apartment in the loft of an existing detached carriage house and for exterior alterations (reconfiguring existing dormers) at 15 FARLOW ROAD, Ward 7, Newton; said EXTENSION will run from July 15,

2014 to July 15, 2015. Ref: 30-24(c)(5) of the City of Newton Rev Zoning Ord,  
2012.

**ACTION:** APPROVED 6-0 (Crossley not voting)

**NOTE:** Ms. Heffner experienced some delays with her architect and contractor, but anticipates applying for a building permit before the end of summer.

Respectfully submitted,

Marc C. Laredo, Chairman