

CITY OF NEWTON
IN BOARD OF ALDERMEN
LAND USE COMMITTEE REPORT
TUESDAY, AUGUST 5, 2014

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

Hearing opened on July 15, continued to August 5, 2014:

#224-14 DEBORAH PIERCE & STEPHEN TISE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING USE to construct an attached two-story addition with a two-car garage with living space above onto an existing two-family dwelling, which will increase the Floor Area Ratio from .45 to .70, where .55 is the maximum allowed by right and to increase the maximum lot coverage from 31.3% to 39.1%, where 30% is the maximum required, at 126-128 WESTLAND AVENUE, Ward 3, WEST NEWTON, on land known as SBL 33, 34A, 10, containing approximately 5,000 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 30-24, 30-23, 30-21(b), 30-15 Table 1, 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 5-0

NOTE: The petitioners are seeking a special permit increase the Floor Area Ratio (FAR) for a legally nonconforming 1½ story, two-family dwelling constructed in 1917. The property has a troubled history that includes foreclosure and an illegal basement apartment. A unique structure, it was in disrepair inside and out with crumbling masonry when the petitioners began renovations in 2012. The petitioners wish to embark on the next phase which long-term will allow them to live on one floor with an accessible garage. The lot, the smallest one on the street, is long and shallow. The petitioners are proposing to demolish the side porch, rear staircase, and a detached garden shed, and construct a two-story addition totaling approximately 1,243 square feet onto the west side of the dwelling, increasing the FAR from .45 to .70. The addition will consist of a two-car garage (which is now included in calculating the FAR) at ground level and additional living space on the second floor. The proposed addition will increase the gross floor area of the dwelling from 2,266 square feet to 3,509 square feet. The city's Senior Planner for Historic Preservation determined that the portions of the dwelling proposed to be demolished along with the shed are not preferably preserved.

The Planning Department has no concerns relative to the construction of an addition, but has reservations about the bulk and mass of the one proposed and its visual fit with surrounding buildings and residential context. The Planning Department has encouraged the petitioners to reduce the size of the proposed addition or incorporate different architectural features to reduce the visual impact. Also, the Planning Department recommended the petitioners install a sight obscuring fence or plant native species with year-round vegetation along the south property line

instead of the proposed bamboo, which is considered an invasive species. The petitioners submitted revised plans on July 15.

Public comment:

Michael Rabbitt, 118 Westland, said the petitioners' home is a mirror image of his. The petitioners are a welcome addition to the neighborhood and the work they have done on the house is welcome too. The proposed addition is not too large or overwhelming to the neighborhood.

A 10-year resident, who lives across the street, noted the property's colorful history and agreed they have been a great addition to the street and have improved the whole appearance of the house.

Stern Hadley, 263 Cherry Street, agreed the house looks much better than before and the addition will further improve it

Two letters, one from the Palumbo's at 271 Cherry Street and another from Lou Solis-Vaquez at 287 Cherry Street support the petition.

The public hearing was continued to August 5 to allow review of revised plans submitted this evening.

The revised elevation plans show a hip roof on the proposed addition, which will lower the addition's roof line by approximately 3½ feet. The Senior Planner for Historic Preservation believes the revision is consistent with Historical Commission's previously issued record of action waiving the demolition delay for the project. The revised elevations are more attractive because the addition will be subordinate to the original structure. While the Planning Department believes the new design appears to be more in keeping with other structures in the neighborhood, it still has some concerns about the size of the proposed addition on such a small lot. However, it realizes the significant difference in FAR is partly due to the small size of the lot, the smallest in the neighborhood, and because of the garage which never used to be included in calculating the FAR. The petitioner submitted drainage calculations, which the Engineering Division was unable to review prior to this evening, but Mr. Sexton said if there are any issues they can be addressed at the building permit stage.

In response to the concerns expressed by Planning about the proposed bamboo screen, the petitioners will either plant it in containers or in a certified enclosure system.

Alderman Crossley complimented the petitioners. Although the request is for a lot of relief, the lower roof is sensitive to the scale of the neighborhood. Alderman Cote moved approval of the petition with findings and conditions in draft special permit #224-14, dated August 11, 2014. The motion to approve carried 5-0.

Hearing opened on July 15, continued to August 5, 2014:

#227-14 GAIL SILLMAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to build out the third floor to the same floor area as the second floor, which will increase the Floor Area Ratio from .53 to .65 .59, where .44 is the maximum allowed by right, ~~and to add a second bay to an existing 398 sq. ft. garage to create a garage exceeding 700 sq. ft.~~ at 64 PERKINS STREET, Ward 3, WEST NEWTON, on land known as SBL 32, 12, 42, containing approximately 6,157 sq. ft. in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(u)(2), 30-15 Table 1, 30-21(b), 30-8(b)(7) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED AS AMENDED 4-0-1 (Schwartz abstaining)

NOTE: The subject property is a single-family dwelling constructed in approximately 1928 that the petitioner purchased two years ago. The site is the smallest lot on the street and the square footage of the house is smaller than the average for the area. Because of the topography of the site the entire basement is counted as the first floor although only a portion of it is visible from Perkins Street and nearly all of it is hidden from Winthrop Street. The Planning Department noted that the site is a corner lot with essentially only one residential abutter. The property was granted a variance in 1928 permitting a 15-foot setback from Perkins Street, but otherwise meets the dimensional requirements for all other setbacks, open space, and lot coverage.

On July 15, the petitioner informed the committee that she no longer wishes to construct the additional garage bay, only the proposed 400 square-foot addition over the existing garage, for which she submitted revised plans. The proposed addition will contain a master bedroom and an additional bathroom. Infilling the space will make the house symmetrical, but will not increase the footprint. Elimination of the garage bay reduces the Floor Area Ratio (FAR) relief from the existing .53 to .59, where 44 is the maximum allowed by right. The Historical Commission reviewed and approved the original plans and the city's Senior Planner for Historic Preservation reviewed the revised plans and confirmed that the elimination of the garage does not change the Historical Commission's determination.

The site has mature trees and existing vegetation throughout. A shade study by the petitioner's architect indicates there will be no impact on the abutter(s).

Public Comment:

Laurel Farnsworth, who lives 63 Perkins Street and also owns 73 Perkins Street, although sympathetic to the petitioner's needs, is concerned that filling in the house and the proposed fake Palladian windows is not in keeping with the neighborhood. The proposed addition may be nicer for the petitioner, but not for the neighborhood, which consists of large nineteenth-century homes. It is rumored that the petitioner's house is built on what used to be tennis courts for one of the larger homes in the neighborhood.

Wolfgang and Dorothea Rudolf, 58 Winthrop Street, are opposed. The proposed addition will face their first floor living and dining room, as well as bedrooms. They are concerned about the loss of fall, winter, and spring sun. The existing setbacks are nonconforming. The proposed increase in FAR exceeds the existing nonconforming FAR. The house will actually be 3½

stories, which is illegal. The petitioner is the fourth owner in the 18 years they have lived there and she knew the size of the house when she purchased it. The proposed addition will eliminate a small, affordable house from the city's housing stock. They are opposed to creating urban densification for the benefit of increasing private living space. Their house is on the National Register and they are afraid this proposal will decrease both its property and historic value.

Cindy Barrows, 51 Perkins Street, is opposed to the petition. The property was built much later than the rest of the neighborhood and already has a variance.

The committee continued the public hearing to this evening to give everyone the opportunity to review the revised plans. This evening, the committee noted that drainage and landscaping plans are not necessary since the petitioner is no longer extending the footprint of the existing building.

The petitioner reported that she had met with several neighbors, including Ms. Farnsworth who spoke on July 15, and that they are okay with the revised plans. The petitioner's architect submitted a shadow study (attached), which shows that at 3:28 PM on the winter solstice when the trees are bare there is scarcely an added shadow.

Mr. & Mrs. Rudolf remain opposed to the petition. They submitted photographs of the rear of the petitioner's property taken from their property. They reiterated their comments of July 15 via email. They believe the house will actually be 3½ stories and the proposed addition will be detrimental to their property.

Alderman Cote moved approval of the petition as amended with the findings listed in draft special permit board order #227-14, dated August 11, 2014, which motion carried 4-0-1, with Alderman Schwartz abstaining.

Hearing opened on July 29, continued to August 5, 2014:

#423-13(2) PROFESSIONAL PERMITS/KEY POINT PARTNERS LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for ~~four~~ two signs, which relief includes waiving the size restrictions for a principal wall sign and locating a secondary sign on the same wall as the principal wall sign; ~~waiving the size restriction for a secondary wall sign; and waiving the number of secondary signs to allow a third secondary sign,~~ for PETSMART at 215 NEEDHAM STREET, Ward 5, NEWTON UPPER FALLS on land known as SBL 51, 28, 8G containing approximately 70,847 sq. ft. of land in a district zoned MULTI USE 1. Ref: Sec 30-24, 30-23, 30-20(f)(1), (2), and 30-20(l) of the City of Newton Rev Ord, 2012, and Special Permits #610-89 and #610-89(2).

ACTION: HEARING CLOSED; APPROVED AS AMENDED 5-0

NOTE: The public hearing was continued on July 29 because the petitioner's representatives were unable to get a flight to Boston. Special permit #423-13 granted on January 21, 2014 allowed a veterinary hospital, a service use, to be located in a by-right PetSmart, which is opening soon. The petitioner wishes to install five new wall-mounted signs. The petitioner is also replacing the sign panel insert on the existing free-standing sign, which does not require any relief.

The petitioner is seeking a special permit for

- One principle wall-mounted sign (PetSmart) – northeast façade, 123.75 square feet –
Relief to exceed the 100 square feet allowed by right
- One secondary wall-mounted sign (Grooming) - northeast façade, 12.4 square feet –
Relief to allow a secondary wall sign on the same wall as the principle sign
- One secondary wall-mounted sign (PetSmart) - east façade, 91.675 square feet –
Relief to exceed 50 square feet in size
- A third 40.67 square-foot secondary sign facing the parking garage
Relief to waive the number of secondary signs

In its July 25 memorandum, the Planning Department stated it was concerned with the location, number, and size of the proposed signs. Although the petitioner has said that larger signs are necessary for way-finding, Planning believes the combination of the existing free-standing sign and more appropriately sized and placed wall-mounted and window signage would better serve people looking for the site. Planning believes the proposed signage will increase the amount of sign clutter on the building and affect the visual appearance of Needham Street. On February 19, 2014, the Urban Design Commission (UDC) reviewed the proposed signage and did not find it acceptable. After further review, the UDC recommended approval of two signs, modification of three signs and denial of one sign. It felt the signage was assembled in a piecemeal manner.

This evening, Carol Bugbee, the petitioner's representative, told the committee that the petitioner is now only asking for relief for two of the signs: to waive the size restriction for a principal wall sign and to locate a secondary sign on the same wall as the principal wall sign. The secondary principle sign has been reduced to 100 feet and the second proposed wall sign facing Needham Street has been eliminated, as has the proposed sign facing the parking garage. The sign clutter has been reduced. The petitioner noted that the grooming window sign is essential as that service is a big part of PetSmart's business. There are way finding issues. The Needham Street/Tower Road parking garage partially screens PetSmart. Retail space is also accessed through the parking garage.

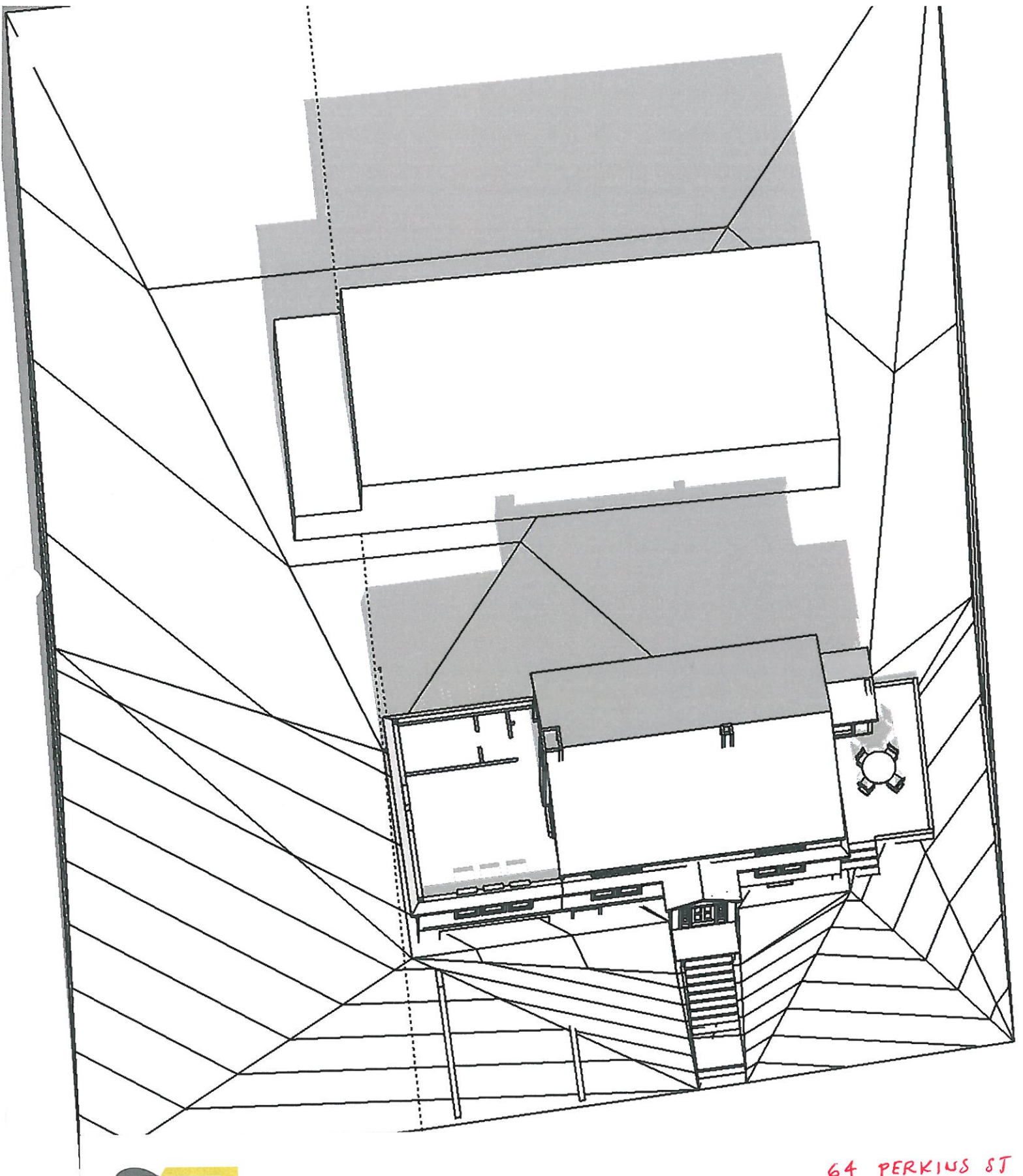
Alderman Crossley moved approval of the petition as amended with the conditions and findings in draft board order #423-13(2), dated August 11, 2014. The motion to approve carried 5-0.

The meeting was adjourned at approximately 10:00 PM.

Respectfully submitted,

Marc C. Laredo, Chairman

Clerk's note: All the documents referred to in this report are available on the city's website under Board of Aldermen/Current Special Permits, which are listed by address.



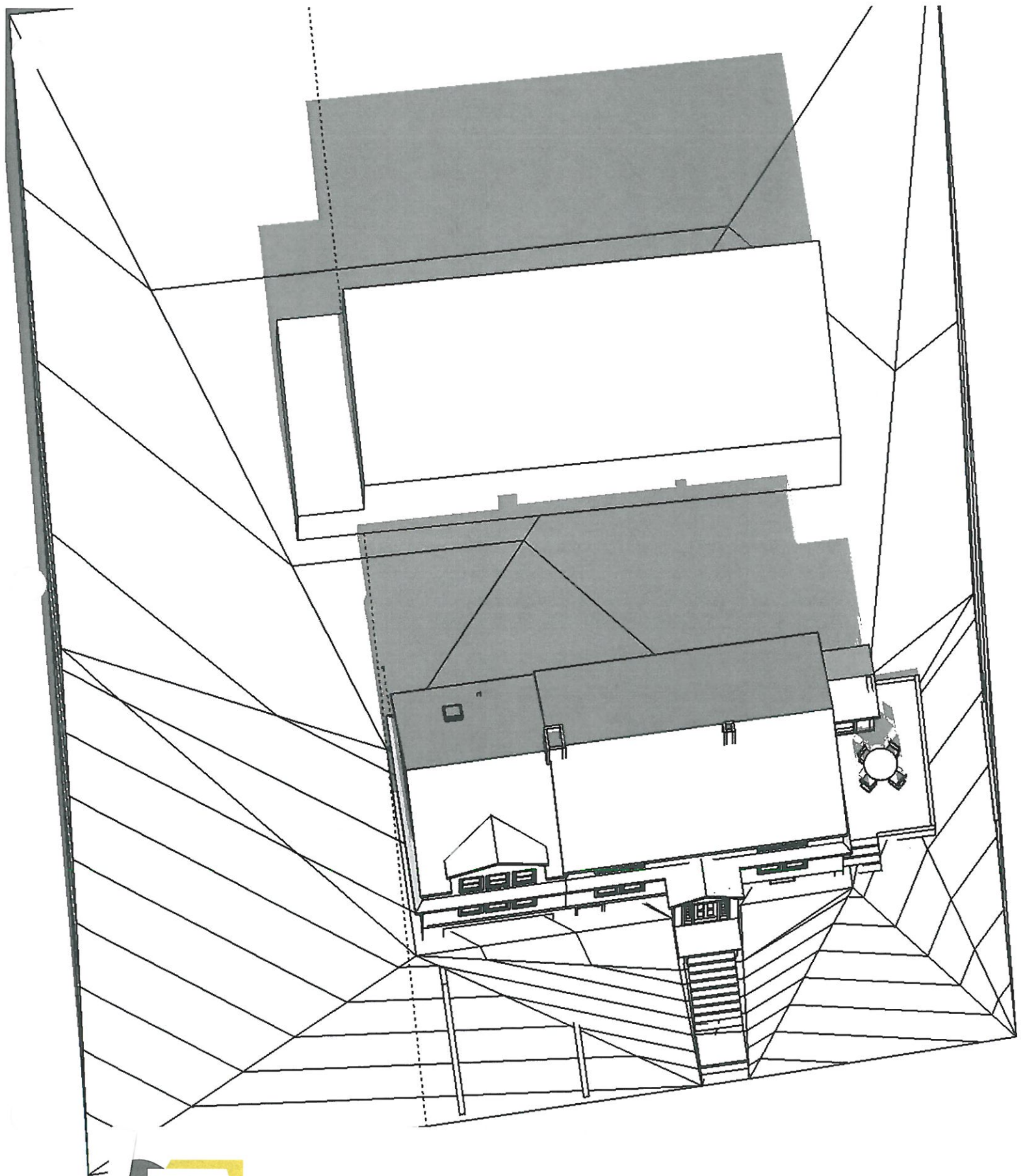
SPALDING TOUGIAS
ARCHITECTS, INC.

241 A Street, Suite 200 Boston, MA 02210

64 PERKINS ST

BEFORE

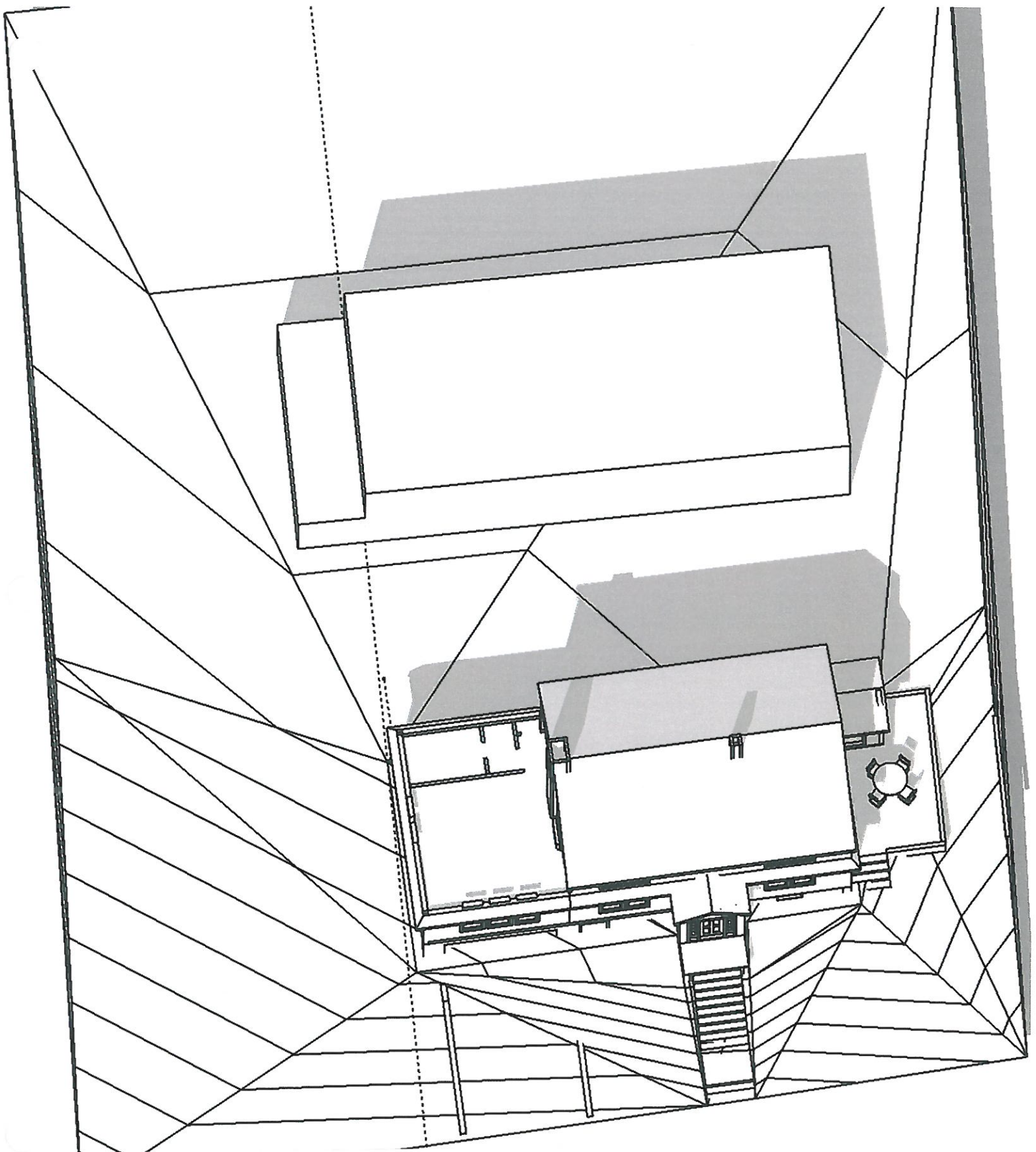
MAR 21 3:28 PM



SPALDING TOUGIAS
ARCHITECTS, INC.

241 A Street, Suite 200 Boston, MA 02210

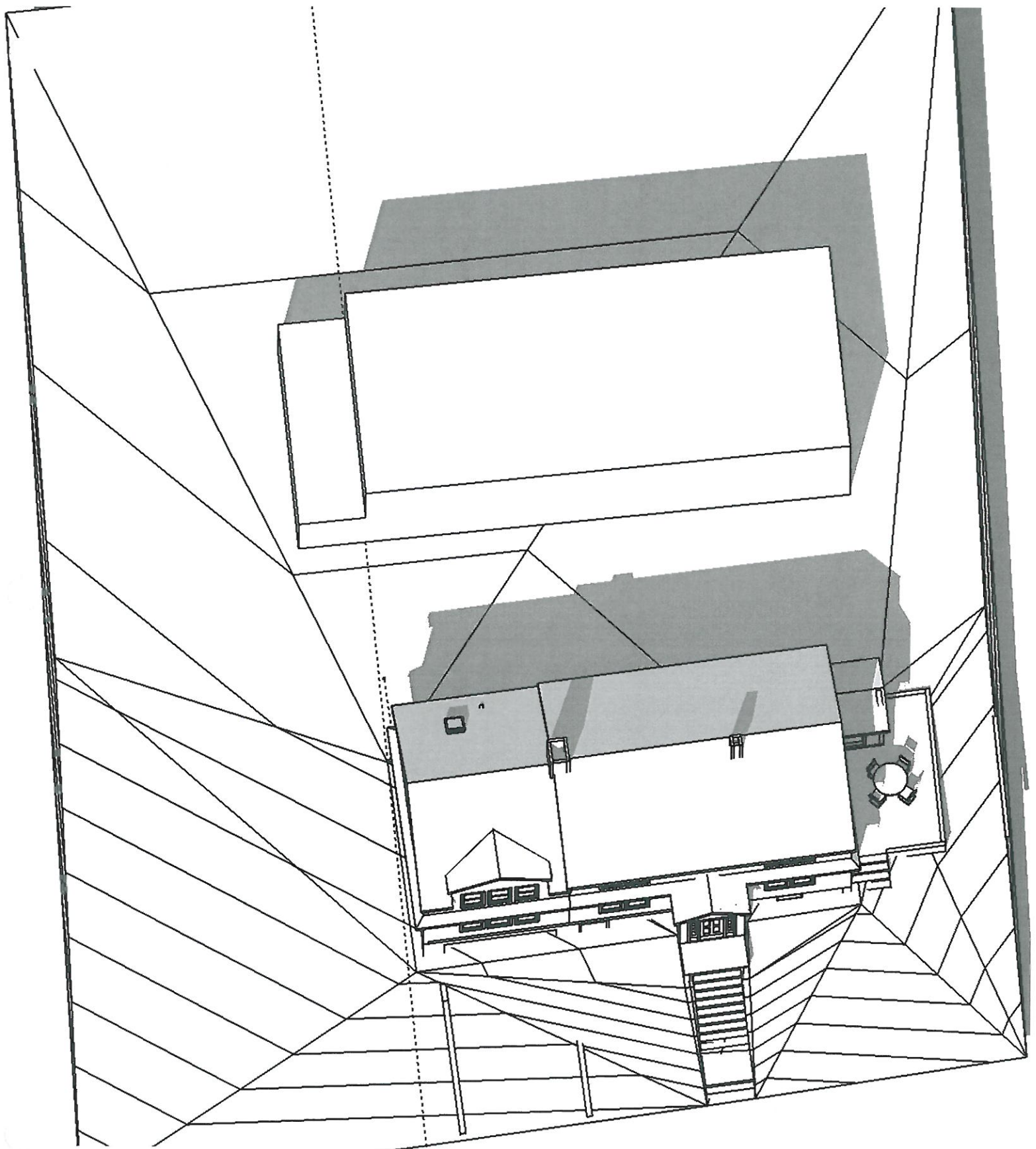
AFTER
MAR 21 3:28 pm



SPALDING TOUGIAS
ARCHITECTS, INC.

241 A Street, Suite 200 | Boston, MA 02210

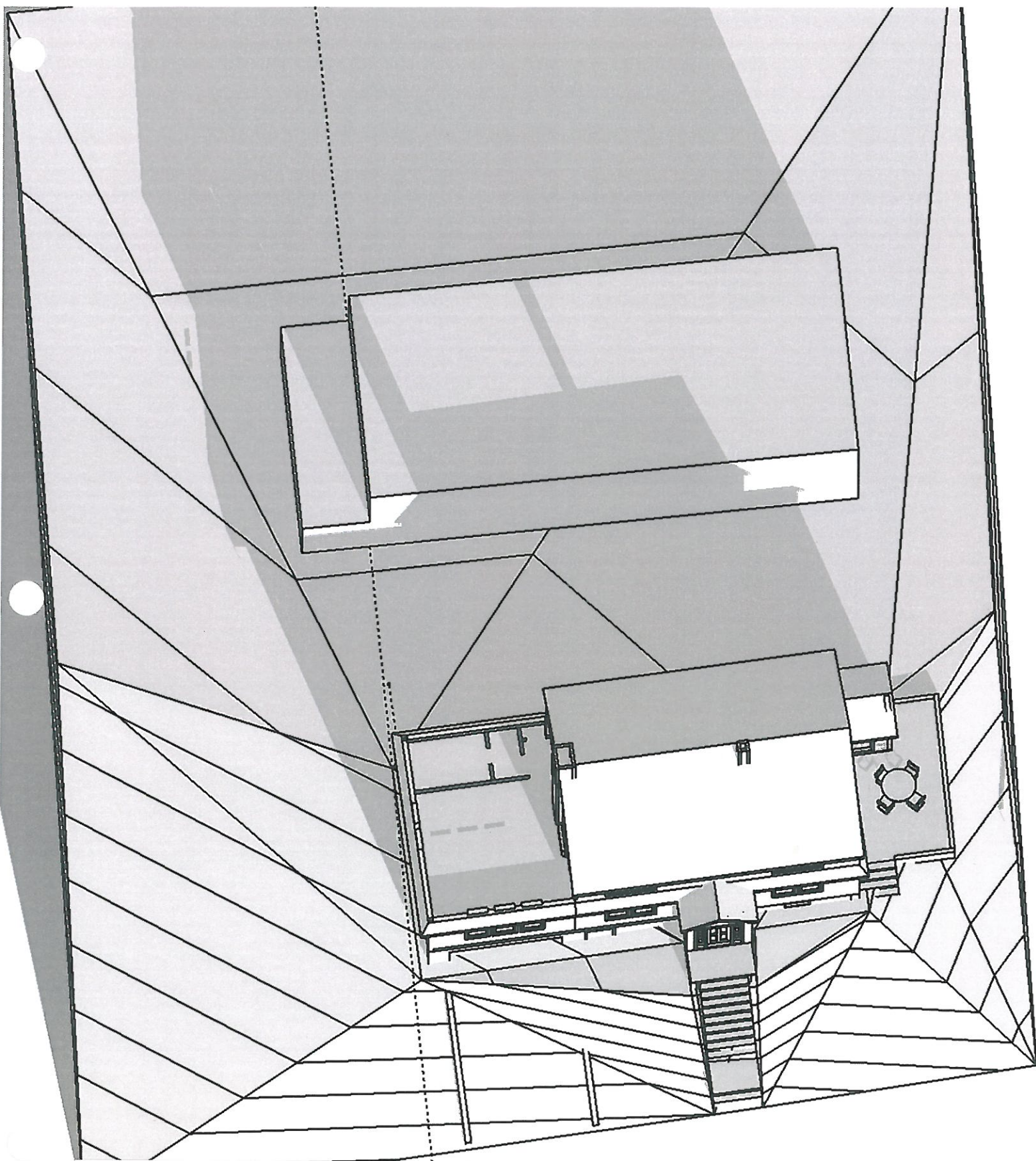
BEFORE
JUNE 21 @ 3:28 PM



SPALDING TOUGIAS
ARCHITECTS, INC.

241 A Street, Suite 200 Boston, MA 02210

AFTER
JUNE 21 3:28 pm

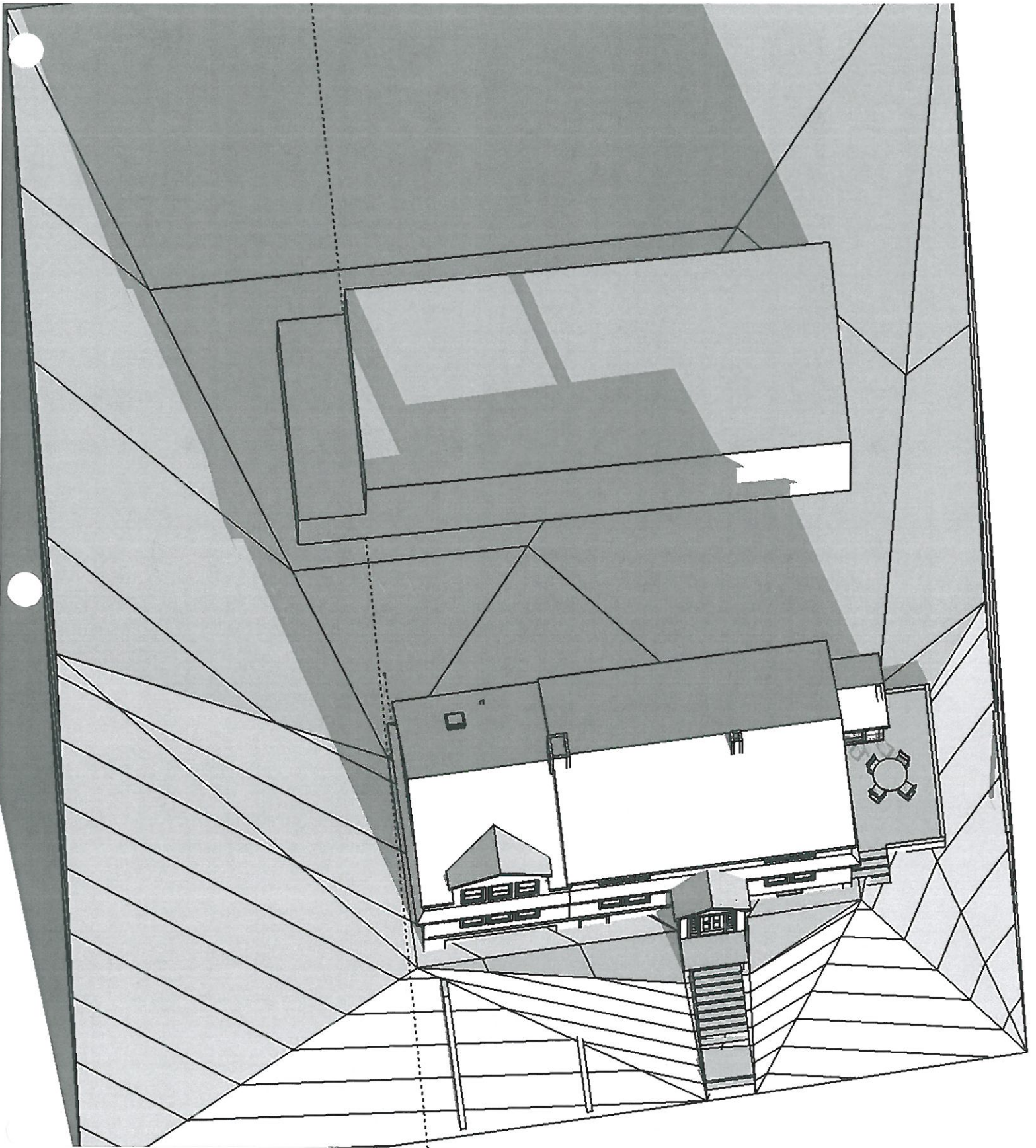


SPALDING TOUGIAS
ARCHITECTS, INC.

241 A Street, Suite 200 Boston, MA 02210

BEFORE

DEC 21 3:28pm





WINTHROP ST SIDE PROPERTY LINE