

CITY OF NEWTON
IN BOARD OF ALDERMEN
LAND USE COMMITTEE REPORT
TUESDAY, NOVEMBER 19, 2013

Present: Ald. Hess-Mahan (Chairman), Ald. Albright, Crossley, Fischman, Leary, Harney, Laredo, and Schwartz

Staff: Alexandra Ananth (Chief Planner for Current Planning), John Daghlion (Associate City Engineer), Linda Finucane (Assistant Clerk of the Board), Daniel Sexton (Senior Planner), Robert Waddick (Assistant City Solicitor), Ouida Young (Associate City Solicitor)

The following item, approved by the Board of Aldermen on December 3, 2012, was the subject of an appeal by the Greater Boston Chinese Cultural Association to Massachusetts Land Court on December 20, 2012; on January 30, 2013 the Land Court remanded the item for a new public hearing. The public hearing was opened on October 15, continued to November 12, and continued to this evening.

#190-12 YOUNG INVESTMENTS, LLC/NEWTON COMMUNITY SERVICE CENTER
petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing 2-story building and construct a 3-story (36.5') multi-family structure with 13 units (with a 1.47 FAR), approximately 996 sq. ft. of office space on the first floor, an 18-stall below grade parking garage, a retaining wall greater than 4 feet in height in the setback, and to waive 11 parking stalls and certain parking dimensionals at 429 CHERRY STREET, Ward 3, WEST NEWTON, on land known as SBL 33, 12, 12, containing approximately 13,398 sq. ft. of land in district zoned Business 1. Ref: Sec 30-24, 30-23, 30-15 Table 3, 30-11(d)(8), 30-5(b) and (b)(4), 30-19(d)(1), (d)(11), 30-19(h)(3), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 6-0 (Albright not voting; Leary excused) NOTE: The suit contends that the Board of Aldermen's decision was based largely on documents prepared after the close of the public hearing on September 11, 2012 and that the Greater Boston Chinese Cultural Association (GBCCA), the abutter at 437 Cherry Street, was not afforded the opportunity to participate in the two working sessions held on October 23 and November 8, 2012, subsequent to the close of the public hearing and that information presented to the Board of Aldermen through its Land Use Committee was incomplete and not sufficiently detailed to allow the Board to reasonably conclude that the project met the ordinance's criteria for the issuance of a special permit/site plan approval.

The public hearing on the remanded item was opened on October 15, 2013 but continued to November 12 to give the Engineering Division of the Public Works Department sufficient time to review the revised drainage plan and the GBCCA the opportunity to review any additional documents. The project remains the same as described above and approved by the Board of Aldermen, 21-1, on December 3, 2012. This report incorporates both November 12 and November 19, 2013 sessions. Present on November 12 were Aldermen Hess-Mahan

(Chairman), Albright, Crossley, Schwartz, Laredo, Fischman, and Harney. Attorney Terrence Morris represented the petitioner.

The GBCCA's particular concerns include

- whether the project will cause a safety hazard to pedestrians or vehicles;
- whether the number of parking stalls is sufficient (18 stalls where 30 are required);
- whether the drainage as designed is adequate;
- whether the deep excavation will destabilize or damage the foundation of its building; and,
- whether the proposed garage will disrupt the flow of groundwater and cause flooding in its basement

Mr. Morris explained that the changes introduced after the close of the public hearing on September 11, 2012 were an attempt to address the issues raised at the public hearing and in subsequent correspondence from the GBCCA and abutters at 56-66 Webster Street.

Architect John Pears of Eastman Perkins described the project. Given its location in West Newton Square and proximity to the MBTA express bus and commuter rail, it is likely to attract tenants who use public transportation. There is a shortage of relatively small units that often attract younger people who are not car-oriented. The underground parking will be utilized by the same users, hence the two dimensionally undersized spaces located at the end of the row and the dimensional relief of 22 feet v. 24 feet for the maneuvering aisle provide sufficient and safe turning radii and won't affect the use. There will be a covered bike rack in the garage. There is one handicapped parking space located at-grade. Trash will be contained in a subterranean vault, vented through the roof, and will be removed by a private contractor weekdays between the hours of 9AM and 4PM. A signalized garage exit/entry light, visual, not audible, approximately the size of a brick, will be embedded in the retaining wall at the garage entrance/exit to alert drivers entering and exiting the driveway that it accommodates two-way traffic. Parking stalls for the office space will be shared, providing visitor parking for the apartments after business hours.

In response to concerns voiced in testimony and correspondence in 2012, the garage floor was elevated 3.5 feet above the high water table, which is what is shown on the plans approved and referenced in the December 3, 2012 special permit. The use of soldier piles to shore up the excavation during construction is an industry standard. *Please see attached letter dated 11/12/13 from Leon A. Bombardier, PE and plan SK-01, dated 24 May 2013.* Shoring the excavation will protect the adjacent properties, avoiding a major topographical change; and, significantly, raising the foundation addresses the issue of flooding and won't interrupt the ground water around the site.

The petitioner's engineer Joseph Porter of VTP Associates explained that the proposed changes to the drainage system include enlarged infiltration and storage tanks, an enlarged pump area with a modified pump(s) and a dedicated service connection (which will require a grant of location from the Board of Aldermen through its Public Facilities Committee) to Cheesecake Brook, which will alleviate a surcharge to the city's line in Cherry Street. In addition, a backup

generator located behind the trash area will handle the pumps in case of a power failure. An audible/visual alarm will be triggered if the tanks reach a certain level or if the generator doesn't function during a power failure. A CCTV inspection of the culvert will show whether or not the petitioner will need to repair it prior to construction. Mr. Porter said neither he nor associate city engineer John Daghlion has found evidence of a pipe reportedly on the GBCCA property; however, a CCTV test should confirm whether or not it exists. He pointed out that the proposed garage elevation originally was 49.5 feet and but it was approved at and remains 52 feet.

Public Comment:

Attorney Jack McElhinney (*please see attached letter dated October 11, 2013*) representing the GBCCA reported that the GBCCA continues to have concerns about the drainage flow and the catch basin on the north side of the site, which is connected to a drain pipe on the GBCCA site, where it connects to another catch basin. The GBCCA states a pipe has existed in this location and has served its property since before it purchased the building in 1992. The GBCCA believes it has acquired a prescriptive easement to maintain this drain pipe in its present location. It also believes that the petitioner's plans that call for the destruction of this drain pipe propose an inadequate drainage alternate that will subject GBCCA's building to the risk of drainage problems, flooding, and destabilization of its foundation. The slab is only 10 inches above the high water table, which is 46 feet. Is the capacity of Cheesecake Brook culvert sufficient to handle any overflow? What is the lifespan of such a sophisticated drainage system? Perhaps fifteen years? He suggests the system calls for either a deed restriction or escrow account for long-term maintenance. The project is too close to the GBCCA's property line. There are 120 children in classes on weekends. The additional traffic will exacerbate the existing difficult parking situation. The project cannot accommodate all of the drainage on-site. He urged that the project be denied or redesigned to mitigate the impact on the issues enumerated both in the testimony of September 11, 2012 and November 12 and 19, 2013. The city needs to protect the neighbors and neighborhood. Mr. McElhinney asked that the prior comments from the September 11, 2012 hearing be incorporated into the record.

Renne Lu, Board of Directors of the GBCCA, said the GBCCA remains opposed. She cited the size and scope of the project on a small lot, the proximity to the GBCCA building and high water level. She questioned whether residences should be located in a commercial zone given the evening activity that occurs. The GBCCA has spent substantial financial resources on testing; results indicate the GBCCA is not crying wolf. She urged that the committee not approve the current proposal. The project is located six feet off the GBCCA's property line; there should be at least 10 feet to minimize the effect on the GBCCA. The drainage needs to be clarified; both properties share a pipe. The GBCCA has cleaned its drain; the drain on 429 Cherry Street has not been cleaned. The GBCCA is not opposed to development, but it shouldn't be approved at the expense of other people's property

Dr. Edward Chiang, a Registered Professional Engineer in the state of Massachusetts for over 40 years, who teaches at Northeastern University's Continuing Education Program and has a background in stormwater management, and a past president of the GBCCA, said he appreciates the efforts to change the design, but he has not seen a full sized revised plan. He and the city engineer witnessed two tests on the site. The tests found the actual water table at 46'. Mottling, which was found three feet above it, indicates a seasonal high water table at 49'. Tests also show

that construction debris, which likely contains hazardous waste such as lead, was used to fill the site.

Associate city engineer John Daghlia's memorandum dated November 13, 2013 notes that standard practice suggests that fill will have to be dug out and replaced. The Committee noted that prior to the approval of the special permit on December 3, 2012 the slab was raised 30 inches above the original design in order to sufficiently clear the ground water table. This was in response to concerns raised at the September 11, 2012 public hearing. The Committee confirmed with Messrs. Porter and Daghlia that the stormwater management as designed will handle 80% of water in a 100-year storm event, with the additional 20 % water discharged into Cheesecake Brook, which is far better than existing conditions. Mr. Daghlia also confirmed that the special permit includes a condition requiring the petitioner to submit, on an annual basis, an operations and management report to the City Engineer indicating that the drainage system and pumps are functioning properly and have been inspected on a regular basis. The Committee noted that it had extensive discussions relative to stormwater management during the last process. It understands that the GBCCA has had flooding problems. Its own storm drain was severely blocked, then rectified after many years of neglect. The GBCCA needs to maintain its drainage as well. Mr. Daghlia explained that the Inspectional Services Department as part of the building permit process will require monitoring of the site, including contents of the fill. Pre- and post-construction examination of the culvert that crosses Cherry Street into Cheesecake Brook is also required in the special permit. The city allows overflow connections when constraints of a site make it impossible to do otherwise. Condition 6, requiring an annual operations & maintenance report to the city should provide a better framework going forward.

In working session the committee reviewed a draft special permit board order. Ms. Young explained that the findings and conditions contained in the draft special permit board order dated December 2, 2013 remain the same as those in the original special permit; however, the current draft includes the procedural background and describes the lawsuit and the remand, which has afforded the GBCCA the opportunity for additional comments, particularly its concerns about drainage and depth of the elevations. The draft board order incorporates the record from the September 11, 2012 public hearing and subsequent discussions as well as the current testimony and submittals including memoranda from the associate city engineer dated November 6 and November 13, 2013. It reaffirms that both the original and current petition raise the floor elevation 3.5 feet above the high water table; that 80% of the stormwater from a 100-year event will be contained on-site; the additional 20% will discharge via a dedicated line into Cheesecake Brook, which has the capacity to handle the additional water. The condition of the Cherry Street culvert will be determined via a CCTV inspection and if necessary the petitioner will perform repairs. Condition 6 requires that an annual report re the drainage system and pump(s) be submitted to the City Engineer. The Committee concluded that the proposed plans are actually an improvement over the current conditions that contain no drainage on the site.

Alderman Fischman moved approval of the petition with the findings and conditions contained in the draft special permit board order dated December 2, 2013. The motion to approve carried 6-0, with Alderman Albright not voting and Alderman Leary excused.

The public hearing on the following item was opened on November 12 and continued to this evening:

#330-13 DONNY & RAQUEL SANTANGELO petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to connect an existing two-family dwelling to an existing detached garage with living space above, which will increase the Floor Area Ratio from .47 to .56, where .48 is the maximum allowed by right, at 3-5 MILTON AVENUE, Ward 4, West Newton, on land known as SBL 44, 14, 70, 71, containing approximately 6,962 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15 Table A and 30-15(u) of the City of Newton Rev Zoning Ord, 2012.

ACTION: REQUEST FOR WITHDRAWAL WITHOUT PREDUDICE APPROVED 6-0 (Laredo and Schwartz not voting)

NOTE: Subsequent to November 12, it was discovered that because of an error in calculating the Floor Area Ratio (FAR), the petitioner needs relief for a higher FAR. The new petition will be heard in January or February.

#308-13 CHAUNCY S. PERRY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to legalize an existing three-family residence at 432 NEWTONVILLE AVENUE, Ward 2, NEWTONVILLE, on land known as SBL 22, 5, 24, containing approximately 16,632 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-9(c)(1), 30-19(h)(4)a), (i), (j), and (m) of the City of Newton Rev Zoning Ord, 2012 and special permit #609-89.

ACTION: APPROVED 7-0 (Leary excused)

NOTE: The public hearing was opened and closed on October 15, 2013. Present at the hearing were Aldermen Fischman (Acting Chairman), Harney, Albright, Laredo, and Schwartz. Attorney Peter Harrington represented the petitioner who is seeking to legalize a third unit in a legal two-family dwelling. Constructed c. 1875 as a single-family residence, the dwelling was converted to a two-family residence in 1940. Mr. Harrington said it was used as a boarding house and as a four-family, which is its current use. Although the Assessors' database indicates that the structure has contained up to four dwelling units in the past, there is nothing in the Inspectional Services Department's files indicating any additional permits other than the 1940 permit for the conversion to a two-family dwelling. In 1989, the petitioner obtained a special permit (#608-89) to change the use from a two- to three-family residence but an appeal was filed then withdrawn with the proviso that the petitioner would seek an amendment to the special permit; however, the petitioner failed to do so and did not seek an extension in which to exercise the special permit, so it lapsed. The petitioner is also seeking relief from the landscaping requirements for the parking facility, which contains more than five parking stalls, and to allow the use of a 15-foot driveway, where 20 feet is required, for two-way traffic. Currently, there are six parking spaces dispersed throughout the site, most of which don't meet the dimensional requirements. The proposed reconfiguration will locate three parking spaces adjacent to the house and three parking spaces along the side of the driveway. The Planning Department noted that initially it thought a waiver from the lighting requirement for a parking facility with more than five parking stalls should be sought, but the petitioner indicated that all exterior light fixtures would comply with the lighting intensity requirement and did not seek a waiver. Instead, the Planning Department recommended the petitioner provide a photometric plan for the site.

The petitioner is proposing to screen the abutting property to the west of the driveway from the outdoor parking with a three-foot high opaque fence, probably stockade-style. The petitioner is seeking relief from the requirement to develop a three-foot wide landscaped strip between the proposed fence and adjacent property line because there is mature oak tree, 20 inches in caliper, he wishes to retain. The Planning Department considers this relief appropriate, but suggests a higher fence.

The Engineering Division of the Public Works Department has no concerns with the proposed project. The Inspectional Services Department expressed some concerns about egress from a number of bedrooms and other upgrades that will be necessary to bring the dwelling into compliance with the Building Code. It was not clear at the time the Planning Department prepared its memorandum whether any of the required upgrades will require exterior modifications. In particular, there was a question of whether an existing fire escape on the rear of the building complies with the current Building Code.

There was no public comment.

This evening, the Planning Department reported that the concerns raised by the Inspectional Services Department regarding egress will result in exterior changes to the dwelling. The existing fire escape will have to be replaced to meet current Building Code requirements. The petitioner has agreed to the upgrade. As the new fire escape will be located in the same location as the existing one and is likely to be smaller, there should be no zoning issues. The Planning Department suggests that should the special permit be approved, a condition be included that prior to the issuance of any building permit the petitioner obtain from the Planning Department a statement confirming that the proposed fire escape will be compliant with the dimensional controls of the Multi Residence 1 zoning district.

The Committee questioned why a project of this scope would require a photometric plan. This type of petition, although it has a "parking facility" as defined in Chapter 30, is a three-family dwelling, located in a residential neighborhood, where a waiver from the lighting requirement is appropriate. It determined that it still had the ability to waive the requirement because Sec. 30-19(m), which allows all of Sec. 30-19 to be waived, was cited in the notice. The Committee agreed to waive the requirement and suggested that should the special permit be approved, it include a condition requiring the petitioner to submit cut sheets of the proposed exterior lighting to the Planning Department.

Alderman Crossley moved approval of the petition finding that the use of the structure as a 3-family dwelling that historically has had multi-family units will not adversely affect the neighborhood; the structure, which was in existence on May 7, 1979, is located on a lot containing a minimum lot area of 5,000 sf per dwelling unit; compliance with a requirement for a two-way driveway minimum width of 20 feet is impractical due to constraints on the property; placement of a screening fence within three feet of an abutting property is within the public interest to maintain the residential character and preserve a mature tree; waiving the lighting requirement for parking facilities containing more than five parking spaces is appropriate since

the property is located in a residential neighborhood. The motion to approve carried 7-0, with Alderman Leary excused.

#141-13(2) ZION YEHOASHUA & NIKZUN GORDON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to re-grade an existing driveway to make it less steep by rebuilding existing retaining walls within the setback at a maximum height of 12 feet and to provide 2 parking spaces within the front setback at 74 NEWTONVILLE AVENUE, Newton, Ward 1, on land known as SBL 12, 21, 25 containing approx. 10,021 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-19(g)(1), 30-19(m), 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012. **(90 Days December 9)**

ACTION: APPROVED 1-0-5 (Hess-Mahan, Fischman, Crossley, Harney, Laredo abstaining; Leary excused)

NOTE: This project dates back to May 14, when the public hearing for the original petition (#141-13) seeking relief for a retaining wall six feet in height was opened and closed. *Please see attached excerpt from the July 30, 2013 Land Use Committee report.* The petitioner withdrew petition #141-12 and resubmitted a revised petition for a maximum height of 12-feet, not 10 feet as stated in the report. The proposed increase was the result of a suggestion by the Planning Department so the petitioner would not require relief from Sec. 30-19(g)(1), parking less than five feet from the street.

Petition #141-13(2) was opened and closed on September 10, 2013. This is essentially the same petition with an increase in the maximum height of the wall. Mr. Yehoshua said the pitch of the driveway presents a safety issue. His young daughter slipped and broke her hand. Others have slipped as well. He has discussed the proposal with both immediate abutters. He acknowledged there have been problems with one neighbor. They did not get off to a good start and the situation hasn't improved.

Kate Walker, 71-73 Newtonville Avenue, reiterated the concerns she expressed on September 10 and once again urged the Committee to deny this petition. Emails in opposition were received from the Bellevue Condo Association, Will Dailey of 77 Newtonville Avenue, and Ms. Walker.

Greg Miller, 80 Newtonville Avenue, praised the petitioner, who he said has been a good and responsible neighbor to him, and he supports the petition.

The Committee asked the Planning Department to review the status of all the enforcement/permitting activities for the site.

The Committee discussed the petition in a working session on October 8, 2013. Present were Committee members Aldermen Fischman (Acting Chairman), Albright, Hess-Mahan, Laredo, Crossley, and Schwartz as well as Aldermen Ciccone and Lennon. The petitioners were not present.

The Planning Department reported that all enforcement actions have been closed. Since 2012 five permits have been obtained to renovate the interior of the existing single-family residence,

all of which have been closed except for one. The outstanding building permit is for interior renovations, which are ongoing. The petitioner was cited once in 2012 for a code violation concerning the construction of retaining walls in combination exceeding four feet in height in the rear yard and again in 2013 for property damage caused on adjacent properties. The issue with the Bellevue Condo Association is a civil not a city matter.

Committee members, for the most part, were reluctant to support the petition. The quality of the plans was a primary concern: plans were not all stamped and difficult to read. However, several Committee members noted the petitioner did submit a revised site plan and a cross section drawing of the proposed construction, as well as a draft Construction Management Plan (CMP). And, although a number of the conditions in the CMP appeared to be inapplicable to this project, the CMP is an attempt to provide safeguards during construction. It was noted that the petitioner is not represented by counsel, but is representing himself and that the Inspectional Services Department and Engineering Division are okay with the concept subject to minor modifications.

The revised site plan indicates that the highest retaining wall, at 12 feet, will be located approximately seven feet from the front façade of the house. The area provided is adequate to contain the two proposed parking spaces within the front yard setback, while maintaining the required five-foot setback from the street. There is a new infiltration system under the proposed new driveway. Ultimately, the Committee agreed to hold the petition. It asked the Planning Department to work with the petitioner to describe the scope of the project and to clarify several questions relative to the location of the sidewalk in relation to the proposed parking area; the elevation and size of the deck; how the retaining walls on the sides of the proposed parking area will terminate at the property line; how the existing slope will be graded to the wall

This evening, the Planning Department reviewed a revised site plan, which shows more detail. Mr. Daghlion told the Committee that the soil in the area is stable. Mr. Daghlion stated, with some fine tuning, the Engineering Division has no concerns about construction of the wall. Perforated pipes and a trench drain will capture on-site the water currently sheeting down the driveway onto Newtonville Avenue. This will create a better situation particularly in winter by preventing a freezing and thaw situation. A trench drain is easily cleaned out and, unlike a manhole, can be maintained by the homeowner.

The petitioner asked to address the Committee. He said this has been a costly 18-month process and it is now another winter. The proposal sounds more complicated than it actually is. The garage is essentially useless to his family because of the grade. The space will be used for additional living space. The proposed deck is eight feet long and protrudes approximately eight feet with a four-foot iron railing extending above the proposed 12-foot high wall. The uphill elevation is approximately four feet. The plans indicate that the end of the wall height will vary due to the existing slope of the sidewalk and adjacent grade, terminating approximately two-feet at the street.

The Committee discussed conditions it might include in a special permit to ensure the wall would be constructed properly. Proposed conditions include using a contractor licensed in the Commonwealth of Massachusetts to construct and oversee the proposed retaining wall project

and provide to the Engineering Division and the Inspectional Services Department and the Department of Planning and Development engineering reports documenting the progress of the construction of the retaining wall.

The Chairman was not persuaded he could support the petition. Alderman Fischman would like to review the draft CMP again. Alderman Laredo remained unpersuaded that this is a good project and said he could support the project. The house was constructed in 1973 and the existing driveway has been used for 40 years. He does not believe a 12-foot wall with a deck in the front is a simple project. Alderman Harney's concerns mirrored those of Alderman Laredo, but he would like to re-visit the site. Alderman Crossley said the driveway is not unusable. The wall is buildable but the quality of the documents is of concern. It will require deep excavation and she is concerned about who will actually perform the work. She would like to see very exacting conditions and for that the petition might require more review.

Alderman Albright disagreed. The driveway is not usable for humans. It is dangerous. There is no house directly across the street. Other property owners in the neighborhood have done the same thing to level their driveways, including the house next door to the subject property. She pointed out that all special permit petitions are because of someone's wants, which is why granting a special permit is discretionary and not prescriptive like a variance.

Alderman Albright moved approval of the petition, which motion carried 1-0-5, (Alderman Albright in favor; Aldermen Hess-Mahan, Fischman, Crossley, Harney, Laredo abstaining; and Alderman Leary excused), with the findings and conditions contained in draft special permit board order #141-13(2).

#237-13 SEVENTY FIVE to SEVENTY SEVEN AUBURN ST. TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to reconfigure an existing two-family dwelling into three units with a 2-car garage and to construct two additional attached dwelling units with 2-car garages at the rear for a total of ~~five~~ **four**-units at 75-77 AUBURN STREET, Ward 3, Auburndale, on land known as SBL 33, 6, 42, containing approximately 31,437 square feet of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-9(b)(5) ~~30-15 Table 1, 30-9(b)(5), (b)(5)(a) and (b)(5)(b)~~, of the City of Newton Rev Zoning Ord, 2012. **(90 Days December 9)**

ACTION: APPROVED AS AMENDED 7-0 (Leary excused)

NOTE: Please see the attached excerpt from the Land Use Committee report dated October 22, 2013. Subsequent to the October 22 meeting, the petitioner in response to the concerns raised in Committee reduced the number of units proposed from five to four by removing unit #3, the third unit behind the existing structure. The petitioner also made the following changes:

- removed the driveway on the west side of the property
- moved unit #4 (formerly unit #5) towards the rear of the site
- moved unit #3 (formerly unit #4) towards the west side of the site
- re-oriented the structures on the east side of the property to be parallel with the street

- increased the average size of the remaining units, including garages by approximately 800 square feet
- added areas with grasscrete or permeable pavement for guest parking.

The petition as amended requires only Sec. 30-9(b) relief, which is to construct attached dwellings.

Alderman Crossley moved approval finding that the site is appropriate for four single family attached dwellings in two separate structures, which will not adversely affect the neighborhood; the design and location of the driveway and interior parking stalls are appropriate and will not be a nuisance or create a serious hazard to vehicles or pedestrians; the lot area per unit of 7,859 square feet is in keeping with the lot area per unit of other lots in the neighborhood; the project is consistent with the *2007 Comprehensive Plan* as it preserves the existing historic structure and creates new dwelling units within close proximity to public transportation alternatives. The motion to approve carried 7-0, with Alderman Leary excused.

#260-13 COREPOWER YOGA/TAURUS ONE NEWTON PLACE, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL for a parking waiver for ~~17~~**12** parking stalls for a yoga studio with locker room facilities at 275 WASHINGTON/284-291 CENTRE STREET, Ward 1, NEWTON CORNER on land known as SBL 71, 5, 1, containing approximately 78,813 square feet of land in a district zone BUSINESS 1. Ref: 30-24, 30-23, 30-19(d)(21), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

ACTION: 7-0 (Leary excused)

NOTE: The public hearing opened briefly on September 10 and was continued to October 15, 2013, when it was closed. Present on October 15 were Aldermen Fischman (Acting Chairman), Harney, Albright, Laredo, and Schwartz. The petitioner had engaged VHB to perform a traffic study, which was completed after September 10 and submitted on October 10, 2013.

The petitioner wishes to locate a yoga studio in approximately 4,734 square feet of existing vacant space at One Newton Place. As constructed, the building contained 344 fixed parking spaces located in a four-story attached parking garage. In addition, there is a roof-top parking arrangement in the principle building. In 2005, a special permit was granted for waivers from certain parking provisions, which created an additional 45 parking spaces through a managed parking system. This resulted in an increase of on-site parking spaces to 389 spaces. However, subsequent to preparation of the zoning review memorandum, questions arose as to the building occupancy, potential new tenants, and parking stall dimensions, etc. and how these factored in the calculations for the total number of spaces and the number necessary for the proposed yoga studio. Also, it was unclear whether the owner had ever implemented the managed parking.

Typically, there are 20-25 students per studio, with a potential for 35 students at one time. When asked, the petitioner indicated that it has never limited class size. A sample schedule was submitted. Classes never overlap; there is usually a half hour gap. The petitioner is willing if necessary to lease off-site spaces to alleviate any parking issue should it arise. Marketing tools include corporate memberships and discounts for bikers and MBTA users. The petitioner expects that a number of its cliental will come from Newton Place One and Two and other

businesses in the area. The Planning Department expressed some trepidation that it would lead to additional congestion in the area.

The petitioner held a neighborhood meeting that nobody attended and there were no speakers at the public hearing.

This evening, the Planning Department reported that the petitioner has indicated that the building occupancy was 96.2 percent when the parking study was completed. Assuming that the space formerly occupied by Pizzeria Uno will be occupied by another restaurant, occupancy should be approximately 97.7 percent. Currently, the remaining space is used by the property management company. After reviewing the approved plans for the on-site parking facility, it appears that all self-park spaces meet the required dimensional requirements. The spaces approved in special permit #236-04, which created the management parking system, are of various dimensions for which waivers were granted. Including the 45 managed parking spaces, there are 389 parking spaces on the site. With the increased occupancy, the owner intends to implement the managed parking. Ultimately, the petitioner needs relief to waive 12 parking spaces, not 17. In addition to the incentive program and offering free 1½ hour parking, the petitioner has offered to contribute \$2,500 toward traffic/parking-related mitigation in Newton Corner.

Alderman Albright moved approval of the petition finding that a waiver for 12 parking spaces is appropriate since literal compliance with the parking requirements is impracticable due to the existing uses and development patterns present on the subject property and in the surrounding neighborhood; implementation of the managed parking system, authorized under Board Order #236-04, and the voluntary \$2,500 financial contribution for parking-related mitigation in the Newton Corner vicinity will help mitigate the parking impacts in the neighborhood due to the proposed use; parking waiver will not result in the creation of a nuisance or hazard to vehicles or pedestrians in the surrounding neighborhood. The motion to approve carried 7-0, with Alderman Leary excused.

NOTE: Massachusetts classifies auto dealer licenses into three categories: A Class 1 license holder must be a recognized agent of a motor vehicle manufacturer and have a signed contract with same; Class 2 is for used vehicles; and Class 3 for junk vehicles. The criteria for issuing a license are whether it is the applicant's principal business, whether the applicant is a "proper person," and has available a "suitable place of business." Ordinance section 17-14 allows the city to deny, revoke, or suspend certain licenses for failure to pay municipal taxes or charges. Class 2 auto dealers are required to post with the city or town in which they are licensed a \$25,000 bond or equivalent proof of financial responsibility for the benefit of a person who purchases a second-hand vehicle and suffers subsequent losses because of the dealer.

The following licenses were approved 8-0.

Class 1

#361-13

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

- #362-13 CLAY NISSAN OF NEWTON, INC.
431 Washington Street
Newton Corner 02458
- #363-13 VILLAGE MOTORS GROUP, INC.
d/b/a HONDA VILLAGE
371 Washington Street
Newton Corner 02458
- Class 2
- #364-13 AUBURNDALE SERVICE CENTER, LLC d/b/a AUBURNDALE MOBIL
2105 Commonwealth Avenue
Auburndale 02466
- #365-13 AUTO EUROPA, INC.
38 Ramsdell Street
Newton Highlands 02461
- #366-13 NAJIM & YOUSUF AZADZOI d/b/a AZAD MOTORS GALLERIA
280 California Street
Newton 02458
- #369-13 GLOBAL VENTURES GROUP INC.
d/b/a LUX AUTO PLUS
1197-1201 Washington Street
West Newton 02465
- #370-13 MAVERICK MOTORS, INC.
1209 Washington Street,
West Newton 02465
- #373-13 NOAH LOREN d/b/a LIFT THROTTLE AUTOMOTIVE
26 Shepherd Park
Waban 02468
- #374-13 MAP DEVELOPMENT & INVESTMENTS d/b/a CHRISTIAN TAPIA/MASTER
USED CARS of WATERTOWN
175 North Street
Newtonville 02460
- #375-13 NEW ENGLAND MOTOR MART, INC.
1221-1229 Washington Street
West Newton 02465
- #376-13 NEWTON AUTO GROUP, INC.
1235 Washington Street
West Newton 02465
- #379-13 NEWTON COLLISION INC. d/b/a GM AUTO BODY
64 Crafts Street
Newton 02458
- #380-13 NTC-NEWTON TRADE CENTER
103 Adams Street
Nonantum 02458

- #381-13 OLD TIME GARAGE LTD.
1960 Washington Street
Newton Lower Falls 02462
- #384-13 REGANS INC.
2066 Commonwealth Avenue
Auburndale 02466
- #385-13 ROBERT'S TOWING, INC.
926r Boylston Street
Newton Highlands 02461
- #388-13 STAN'S AUTOMOTIVE INC.
249 Centre Street
Newton Corner 02458
- #390-13 CITY OF NEWTON
1000 Commonwealth Avenue 02459

REFERRED TO LAND USE & FINANCE COMMITTEES

- #276-10 ALD. FULLER, CROSSLEY, DANBERG, LINSKY requesting a review of guidelines for mitigation fund provisions to maximize the use of such funds on behalf of the city together with mechanisms by which the city can better track such funds to ensure they are used in a timely fashion.

REFERRED TO 2014-2015 BOARD OF ALDERMEN 8-0

- #188-12 ALD. HESS-MAHAN requesting a discussion regarding the types of information that should be required from petitioners applying for a special permit to exceed FAR under Sec. 30-15(u)(2) in order to meet their burden of proof to show that the "proposed structure is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood."

REFERRED TO 2014-2015 BOARD OF ALDERMEN 8-0

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. [09-10-12 @1:17 PM]

REFERRED TO 2014-2015 BOARD OF ALDERMEN 8-0

- #290-13 ALD. LAREDO, ALBRIGHT, HARNEY & CROSSLEY requesting a review of the process whereby conditions contained in special permits are tracked and monitored for compliance and a discussion of how that process can be improved.

REFERRED TO 2014-2015 BOARD OF ALDERMEN 8-0

The meeting was adjourned at approximately 9:40 PM.

Respectfully submitted,
Ted Hess-Mahan, Chairman

JACK McELHINNEY

Attorney at Law

63 Shore Road, Suite 23
Winchester, MA 01890
jmcclhin@aol.com

Phone: 781.729.7299

Fax: 781.721.3419

Cell: 617.816.4092

October 11, 2013

Board of Aldermen
City of Newton
1000 Commonwealth Avenue
Newton, Massachusetts 02459

RECEIVED
NEWTON CITY OFFICE
2013 OCT 15 AM 11:06
David A. Olson, Clerk
Newton, MA 02459

Re: Proposed Mixed-Use Development at 429 Cherry Street

Dear Honorable Board of Aldermen:

I continue to represent the Greater Boston Chinese Cultural Association (GBCCA) with regard to the above-referenced project, which is proposed for the parcel next door to GBCCA's headquarters and cultural center at 437 Cherry Street.

GBCCA remains strongly opposed to the project in its present form. In March, 2012, the Department of Planning and Development reviewed an earlier version of the project and expressed its concern that the project "may be too dense for this site given that many dimensional standards cannot be met by right, especially in light of the fact that it is completely new construction on the site." The Department recommended that the developer, Young Investments, LLC, "consider reducing the intensity of the site thereby eliminating the need for some of the relief requested."

Contrary to this recommendation, the developer has significantly increased the project's intensity by, among other things, increasing the number of residential units by over 44% (from 9 to 13), and by increasing the square footage and height of the building. The proposed new, three-story building will be twice as tall as the current building with about twice as much square footage. Most concerning to GBCCA is that this massive building is proposed to be located less than six feet from the northerly boundary of GBCCA's property. The new structure will loom over GBCCA's busy headquarters and cultural center, and will result in a permanent diminution of air and sunlight for its employees and visitors alike. The proposed building is simply too large, and the proposed use too intense, for this relatively small, 13,398 square-foot lot.

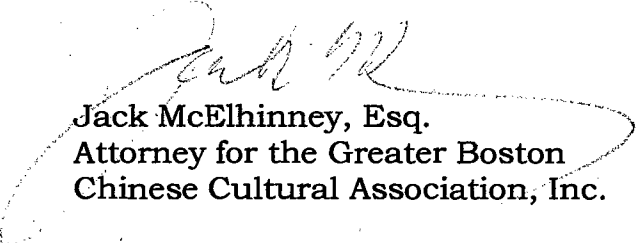
In addition to its density-related objections, GBCCA remains concerned about the project's proposed drainage system and about potential damage to GBCCA's property resulting from the proposed deep excavation several feet from the foundation of GBCCA's building.

With regard to drainage, GBCCA's initial concerns about the developer's proposed system proved correct. At GBCCA's urging, additional soil and groundwater testing was conducted, and groundwater levels were found to be higher than previously assumed. As a result of this new data, the entire building had to be raised to make the system at all feasible. Since then, more data has resulted in still more changes to the drainage system. While the system as presently designed represents an improvement over the initial, unworkable system, it still requires the discharge of substantial volumes of stormwater into the City's adjacent street drainage lines. It is GBCCA's understanding that the capacity of the City's drainage system to handle this additional flow during storm events has not been established, and that this proposed use of the City's drainage system has not been approved.

With regard to the proposed deep excavation next to GBCCA's property, the developer has not presented detailed, engineered plans demonstrating that the project can be built without damaging the 113-year-old foundation of GBCCA's building. As currently proposed, excavation work will take place up to – if not on – the property line, just feet from the foundation, and the developer's plans for shoring along the property line are crude and inadequate. The proposed excavation is simply too deep and too close to GBCCA's building to be safely accomplished.

For these reasons, GBCCA respectfully requests that the Aldermen deny the developer's renewed petition for a special permit and site plan approval.

Sincerely yours,



Jack McElhinney, Esq.
Attorney for the Greater Boston
Chinese Cultural Association, Inc.

cc: Renne Lu
Albert Huang
Edward Chiang
Terry Morris, Esq.

190.12

Leon A. Bombardier, P.E.

Structural Engineer
131 Lincoln Street
Abington, MA 02351
Tel 508-631-3332

November 12, 2013

Peter Lee
Young Construction Co. Inc.
477 Concord Ave
Cambridge MA 02318

Reference: 429 Cherry Street, Newton, MA

Dear Mr. Lee:

I have reviewed drawing SK01 by Perkins Eastman, architects, dated May 24, 2013 for the shoring of the excavation along the property line at 429 Cherry Street.

The drawing shows vertical soldier piles (H-members) that are driven at intervals into the soil prior to construction. Horizontal wood planking is placed in between the H-beams as the excavation proceeds.

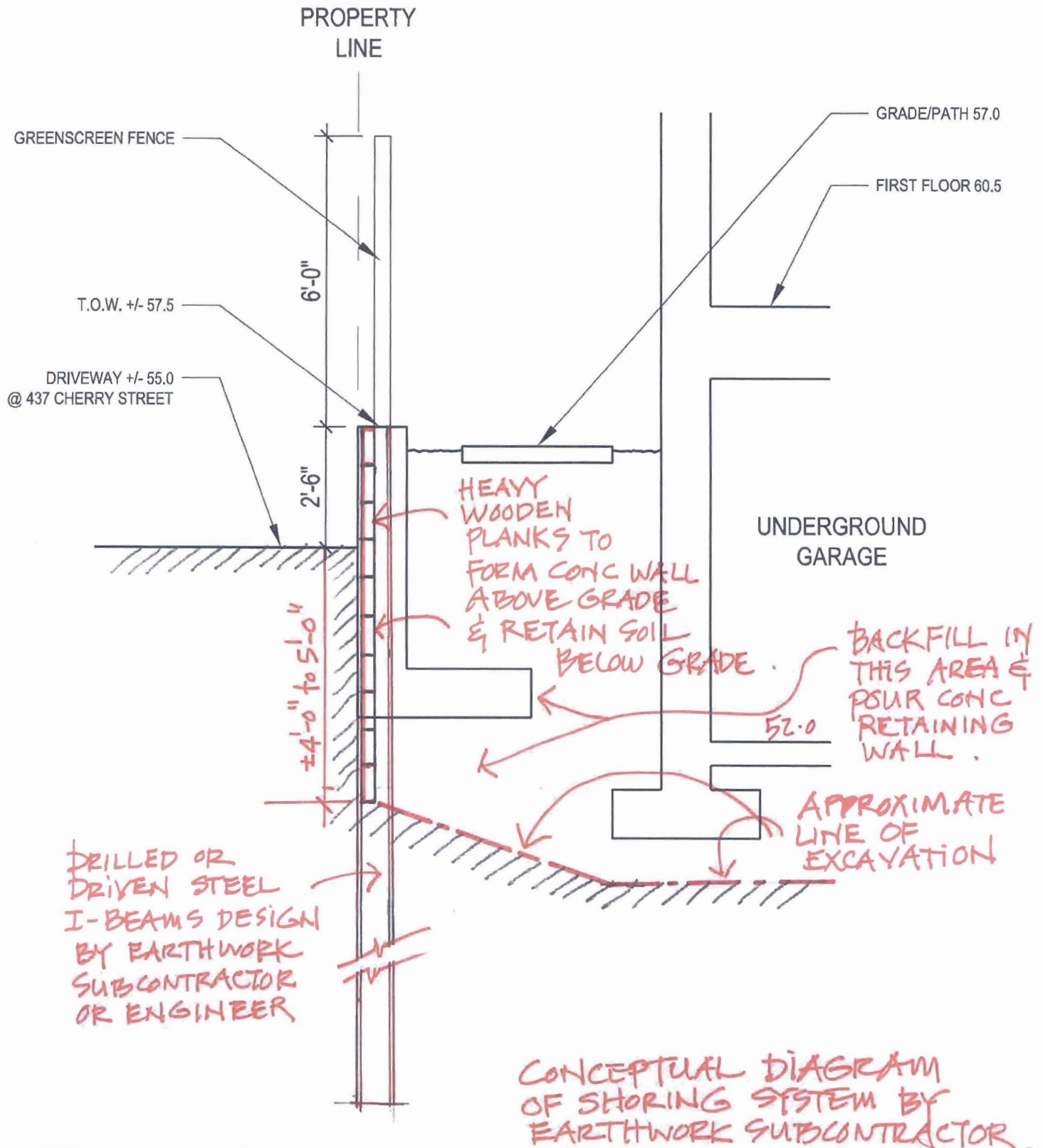
This is a standard method of shoring and commonly used. The design of the soldier piles, spacing, and wood lagging is typically the responsibility of the excavation contractor's engineer.

Sincerely,

A handwritten signature in black ink, reading "Leon A. Bombardier". The signature is fluid and cursive, with the first name "Leon" being more prominent and the last name "Bombardier" following in a similar style.

Leon A. Bombardier, PE
Mass Registration ST-27616

190.12



Perkins Eastman

50 FRANKLIN STREET
SUITE 203
BOSTON, MA 02110
T. 617.449.4000
F. 617.449.4049

PROJECT: 429 CHERRY STREET

PE NO: 47910.00

DRAWING TITLE: TYP. SECTION - 437 CHERRY PROPERTY LINE

SCALE: 3/8" = 1'-0"

DATE: 24 MAY 2013

SK-01

CITY OF NEWTON
IN BOARD OF ALDERMEN
LAND USE COMMITTEE REPORT

TUESDAY, JULY 30, 2013

Present: Ald. Hess-Mahan (Chairman), Ald. Crossley, Albright, Harney, and Fischman; absent: Ald. Laredo and Schwartz; 1 vacancy; also present: Ald. Gentile
City staff: Alexandra Ananth (Chief Planner for Current Planning), Ouida Young (Associate City Solicitor), Candace Havens (Director of Planning & Development), David Norton (Deputy Commissioner of Inspectional Services), William Forte (Zoning Code Enforcement Agent), Linda Finucane (Assistant Clerk of the Board), Stephen Pantalone (Chief Planner), and Daniel Sexton (Chief Planner)

The public hearing was continued from May 14:

#141-13 ZION YEHOASHUA & NIKZUN GORDON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to re-grade an existing driveway to make it less steep by rebuilding existing retaining walls within the setback at a maximum height of 6 feet and to provide 2 parking spaces with the front setback at 74 NEWTONVILLE AVENUE, Newton, Ward 1, on land known as SBL 12, 21, 25 containing approx. 10,021 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-19(g)(1), 30-19(m), 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED

NOTE: A public hearing was opened and continued on May 14. In attendance were Aldermen Hess-Mahan (Chairman), Laredo, Albright, Crossley, Fischman, and Schwartz; Aldermen Lennon and Linsky were also present. The petitioners purchased this property a year ago. The single-family house, constructed in 1973, sits over ten feet above street grade. The attached two-car garage has a driveway with a significant slope from the garage to the street. The petitioners wish to re-grade the driveway to make it level and propose to do so by rebuilding the existing retaining walls within the setback. The proposed retaining walls will block access to the garage and will create two parking stalls in the front setback. The petitioners are seeking relief to construct retaining walls over four feet in the setback and to create parking for two cars in the front setback. A 42-inch metal railing will be installed on the top of the wall.

The petitioners began this project without a building permit and were subsequently ordered to stop work by the Inspectional Services Department. There are a series of small retaining walls throughout the property to create usable yard area. The petitioners do have a permit to construct the by-right retaining walls behind the house and that work has been allowed to continue.

Although many other houses on the street have similar topography, none have attached garages that have cut off access to the garage in favor of at-grade parking in the front setback. It's unclear what the petitioners plan to do with the former garage space.

Since the petitioners did not submit elevations it's not known if the existing garage doors will be maintained or be removed and what the architectural treatment will be. When asked for clarification, the petitioners said the front of the garage will be finished with sliding doors to mimic the house next door. The Committee asked to see a plan of the proposed finished project.

The Engineering Division's memo dated April 26 noted among other issues that although an infiltration system is shown on the site plan, no calculations had as of that date been submitted for review. It also pointed out that an existing wall along the northwest corner of the property is failing and must be addressed. It is expected that engineering questions will be answered for the working session.

Public Comment:

Pat Hinchey, 103 Bellevue Street, Unit 4, lives in one of six condominiums located on the former Riley Estate that backs up to the petitioners' property. Ms. Hinchey said the Inspectional Services Department has been called many times. The petitioners removed the fence around a pond on the condominium association's property without its permission and cut down a number of trees on both properties and left the trunks on the association's property and floating in the pond. She submitted a number of photos. She's afraid the terraced walls at the rear of the petitioners' property are not secure. The condominium owners are unsure if they have any recourse through the special permit process.

Kate Walker, 71 Newtonville Avenue, the property directly across the street from the subject site, reiterated that the petitioners have shown gross negligence in working without permits, not complying with the noise ordinance, damaging other properties, blocking the sidewalk with construction debris/equipment. The police responded to at least 12 complaints in 2012.

Given the incompleteness of the plans, the Committee agreed the hearing should be continued to a date to be determined. The Committee asked that the Inspectional Services Department provide it a written summary or that a representative attend the working session to explain the recent history of this property.

Subsequent to May 14, the petitioners revised the site plan which now meets the required dimensions for two parking stalls in the front setback. The Engineering Division of the Public Works Department met with the petitioners on the site and generally approved the revised plan for drainage and safety; however, the revised plan shows ten-foot retaining walls, instead of the six-foot walls requested in the petition. The petitioners need to withdraw this petition and re-file a new petition seeking relief to construct retaining walls a maximum height of ten feet in the setback. The committee closed the hearing.

#180-13 SURGE CAPITAL CORPORATION petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to create garage parking for 2 cars beneath a single-family dwelling currently under construction which will increase the Floor Area Ratio to .48 where .45 is allowed by right at 20 BURRAGE ROAD, Ward 7, on land known as SBL 73, 28, 6, containing approx. 5,771 sf of land in a district zoned SINGLE FAMILY 2. Ref: Sec 30-24, 30-23, 30-15(u) and Table A of the City of Newton Rev Zoning Ord, 2012.

ACTION: APPROVED 4-0 (Ald. Fischman not voting)

amendment to the special permit within 60 days if the lease with the MBTA is terminated; posting directions re parking on its website; installing in coordination with the city appropriate plantings along the greenway. The motion to approve carried 5-0.

#237-13 SEVENTY FIVE to SEVENTY SEVEN AUBURN ST. TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to reconfigure an existing two-family dwelling into three units with a 2-car garage and to construct two additional attached dwelling units with 2-car garages at the rear for a total of five units at 75-77 AUBURN STREET, Ward 3, Auburndale, on land known as SBL 33, 6, 42, containing approximately 31,437 square feet of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-15 Table 1, 30-9(b)(5), (b)(5)(a) and (b)(5)(b), of the City of Newton Rev Zoning Ord, 2012.

ACTION: HELD 5-0 **(90 days: December 9, 2013)**

NOTE: The public hearing was opened on August 13 and continued to September 10, 2013, when it was closed. Present at the public hearing were Aldermen Fischman (Acting Chairman), Albright, Laredo, Schwartz, Crossley, and Harney. The petition was presented by attorney Terrence Morris. The petitioner is proposing to demolish a portion of an existing circa 1853 Greek revival two-family dwelling and construct four additional single-family attached dwellings on the site. The petitioner is seeking relief to construct attached dwellings, to locate a structure 15 feet, where 25 feet is required, from the side lot line, to exceed maximum lot coverage of 25%, (to 28%), and to locate a driveway five feet, where 10 feet is required, from the side lot line. The Historical Commission voted on July 30, 2013 to approve the submitted plans and to waive the demolition delay.

Two of the proposed new 2½ -story attached dwellings with two-car garages will be constructed directly behind the existing house, with the other two 2½ story attached dwellings with two-car garages proposed for the east side of the property. There are two curbs cuts on the property. The existing driveway on the east side of the property will be extended towards the rear and the existing driveway on the west side of the property will be expanded and will provide access for the existing house. The Planning Department suggests eliminating the driveway and curb cut on the west side of the property and creating access to all the garages via the east driveway.

Currently, there is a stockade fence on the western property line, a wire fence on a portion of the eastern property line, and large trees along most of the property lines. The proposed landscaping plan maintains most of the existing screening on the site and adds additional screening towards the front of the property on the east and west sides.

The Planning Department notes that the increase in density would not be out of character with the neighborhood in terms of lot area per unit; recesses in the rear structure will mitigate the additional mass. However, while acknowledging that each of the reliefs sought is relatively minor, the Planning Department believes that are no significant aspects of the site that make it impractical to adhere to the dimensional requirements, other than the desire for five units, and suggests the petitioner reduce the number of proposed units to four or reduce the size of the proposed units to meet the dimensional requirements of the site. Reducing the size of the proposed units could provide greater diversity in housing type.

The petitioner pointed out that this is one of the largest lots in the neighborhood and believes that five-unit density is appropriate for the neighborhood. The driving force is to preserve the existing house. There is an economic factor involved in its preservation and five units make it possible. If the petitioner removes 315 square feet from the building(s), no relief is necessary for lot coverage; likewise if the 25-foot setback requirements are met, no relief is necessary for the setbacks. Although Floor Area Ratio (FAR) is not applicable to attached dwellings, the committee asked for FAR and lot coverage calculations.

Public Comment:

Judith Evergreen, 70 Auburn Street, has lived across the street for four decades and hopes to see this magnificent house restored; heaven forbid it be torn down. She prefers five quality units to four mediocre units. Once the project is built and landscaped it will settle in and will be part of the neighborhood. She hopes there is more tree canopy to enhance the neighborhood.

Rick Jacobson, 117A Crescent Street, urged the Committee to not grant a special permit. The existing house is one of the most beautiful in the neighborhood. The plan degrades its historic quality. There is a hard edge to the neighborhood with Pike close by, and Auburn Street is used as a cut-through and not safe at peak hours. The proposal will not enhance the neighborhood. It will add to the noise level.

Patricia McCleave, 116 Crescent Street, said the project feels like a village; it's overpowering and five units is way too many.

Janis Edinburgh, 45 Auburn Street, is not necessarily opposed to the project, but is concerned about additional traffic. It is already bumper-to-bumper at peak hours.

Maria Rametta, 4 Sharon Avenue, is opposed; it is too big. There should be no change to the site.

Christina MacMahon, 120 Crescent Street, recently purchased her property. The project is massive and she fears for the safety of her child.

Suzanne Knipe, 58 Auburn Street, supports the project. The petitioner's architect did her house and has a great eye for the total picture, is fastidious and wouldn't put more into the space that it could accommodate. When the house at 45 Auburn Street was demolished, front to back units with adjoining garages replaced it as well as the prior trees and greenery. There is traffic, the Learning Prep School pedestrian light backs up Washington Street and Auburn Street, which has nothing to do with this proposed project. Several properties in the neighborhood are eyesores as is the NSTAR property, which abuts a rear portion of the site.

David Edinburgh, 45 Auburn Street, is in favor of the project, three extra units will not affect traffic.

Robert Cerra, the owner of 75-77 Auburn Street, explained that he is a life-long resident. 45 Auburn Street was his mother's house. When he bought 75-77 Auburn Street it was in disrepair and over the years he has tried to restore it with limited resources. He vetted several potential purchasers before entering into an agreement with the petitioner. After looking at other projects the petitioner had developed, he came to the conclusion that the petitioner not only has the financial resources, but also has the right vision for the property. He has tried to show respect for his neighbors, encouraging conversation between them and the petitioner. He will remain in the neighborhood, moving across the street.

The Committee held working sessions on October 8 and October 22. The petitioner maintains that five units are necessary for economic viability. Five units will generate approximately \$100,000 from the developer to the city's Affordable Housing Trust under the inclusionary housing requirements.

The petitioner has reduced the sizes of the units by a total of 722 square feet. The largest reduction was to unit 2 which was reduced from 3,500 square feet to 3,197 square feet. If the garages were excluded, the total area of the units ranges from 2,131 to 2,545 square feet. The petitioner no longer needs relief from the maximum lot coverage. The proposed rear garage is 40 feet from the nearest lot line. The petitioner said the sizes of the units are relatively modest compared to other new units in the city; the proposed project is less dense than surrounding lots on a lot-area-per unit ratio. The additional mass is broken up by recessing and reducing the roofline towards the rear.

Although the proposed buildings will be different in character and mass, back-to-back approximate 138 feet in length on the west side, the Planning Department believes that the proposed project will not adversely affect the neighborhood and that the preservation of the front façade of the existing structure is beneficial to the streetscape.

On October 8, the committee asked for additional information relative to the context of the neighborhood and voted to hold the petition

On October 22, the Planning Department provided information on 75 properties in the neighborhood that had been part of the Crescent Street Reuse project analysis. Data indicate that the number of units per lot is typically one or two per lot, which reflects the mostly single- and two-family residences in the neighborhood. The Planning Department memo dated October 22 includes a summary of the data in regard to lot size, lot area per unit, FAR, and unit size, the analysis indicates that the proposed project has a similar density to other properties in the neighborhood in terms of lot area per unit, a relatively similar density in terms of FAR and a significantly larger average unit size. The Planning FAR data includes, to the best of its ability, attics and garages.

The petitioner provided a revised site plan that still shows five units but now conforms to the required 25-foot setback requirement. The driveway has been altered so that it retains the existing setback. The revised plan does not require any zoning relief other than for single-family attached dwellings. The petitioner also provided the attached comparison charts. In addition, the petitioner is proposing two additional trees at the front of the site in response to a request by the neighbors. The petitioner reiterated that more development is often necessary to support keeping an historic building.

The committee was not persuaded at this time that it could support five units. Upon a motion by Alderman Harney, the committee voted to hold the petition for additional reflection and to give the petitioner the opportunity to decide what avenue he wished to pursue.

The meeting was adjourned at approximately 9:00 PM.

Respectfully submitted,

Mitchell L. Fischman, Chairman