

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, FEBRUARY 12, 2013

Present: Ald. Hess-Mahan (Chairman), Ald. Laredo, Albright, Crossley, Fischman, and Harney; absent Ald. Schwartz; 1 vacancy; also present: Ald. Lennon
City staff: Alexandra Ananth (Senior Planner), Ouida Young (Associate City Solicitor), Linda Finucane (Assistant Clerk of the Board)

#277-10(3) JENNIE MARIE ONE LLC/JENNIE MARIE TWO LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing single-family dwelling and construct a multi-family dwelling containing a total of nine 2-bedroom units (three units per floor), with the first floor units adaptable under the Massachusetts Architectural Access Code, and parking to the rear (accessed by Cottage Court) at 152 ADAMS STREET, Ward 1, Nonantum on land known as SBL 14, 14, 33, containing ≈14,532 sq. ft. of land in districts zoned BUSINESS 1 and BUSINESS 2. Ref: Sec 30-24, 30-23, 30-11(d)(8), 30-11(j), 30-15(h), 30-15 Table 30-19(h)(2)a, b, d), 30-19(i)(1)a)i, 30-19(j)(1), and 30-19(m) the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED ON DECEMBER 11, 2012; APPROVED 6-0

Public Hearings were held on the following items:

#277-10(4) JENNIE MARIE ONE LLC/JENNIE MARIE TWO LLC petition to AMEND Special Permit/Site Plan Approval application #277-10(3), for which a public hearing was opened and closed on December 11, 2012. The petitioner is seeking relief from the required 24-foot maneuvering aisle width of at least 24 feet to allow a 20-foot wide aisle to increase the front setback distance of the proposed building from 5 feet to 9 feet so that residents of the proposed 9-unit building at 138-142 Adams Street will have increased privacy and a decrease in street noise, Ward 1. Ref: Sec 30-24, 30-23, 30-19(h)(3)(a) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 6-0

NOTE: This petition is an amendment to petition #277-10(3) for which a public hearing was opened and closed on December 11, 2012. Attorneys Jason Rosenberg and Laurance Lee represented the petitioner. Present were Aldermen Hess-Mahan (Chairman), Albright, Crossley, Laredo, Fischman, Schwartz, and Harney; Aldermen. Lennon was also present.

In 2010 the petitioner received special permit #277-10 to redevelop the site as a mixed-used development with ground floor retail and second and third floor apartments. However, that special permit was not exercised and the petitioner is now seeking a special permit to construct a three-story, nine-unit multi-family building. The subject site has an existing single-family house on an approximately 12,000 square foot lot. As in the previous special permit, the house will be

demolished. The petitioner owns an adjacent lot to the west at 138-142 Adams Street and intends to transfer a strip of property from this lot to the subject site to create conforming setbacks. The new lot will be approximately 14,835 square feet. Most of the site is located in a Business 2 zone with the small transferred piece of land remaining in the Business 1 zone. The proposed building has an 18-stall parking area behind it. Access to the parking will be from Cottage Court. The petitioner is proposing a sidewalk along Cottage Court adjacent to the subject site.

Relief is sought to permit a multi-family dwelling in the Business 2 zone; to permit a three-story building 33 feet in height; and for a building between 10,000 and 19,999 square feet of gross floor area. In addition, the petitioner seeks a number of waivers from the parking requirements, including dimensionally nonconforming stalls; landscape screening, and lighting requirements for an outdoor parking facility. One of the nine units will be deeded as an inclusionary housing unit and the three ground-floor units will be designed as “adaptable” under the Massachusetts Architectural Access Code.

The proposed façade is stucco, with tongue and groove siding and panels and aluminum clad windows. A brick wall to create privacy for the first floor tenants is shown along a portion of the front and side property lines. The proposed building height is 33 feet with a two-foot parapet to screen the rooftop mechanicals. Most of the neighboring buildings are 2.5 stories with gable rooflines; although the proposed building is three stories it has a flat roof which makes it more compatible. The proposed units range in size from 1,000 to 1,400 square feet; all will be two-bedroom units. The petitioner expects they will be rental units.

A dumpster is located at the northwest corner of the site. A brick enclosure with a gate is proposed to screen the dumpster. The only outdoor usable space is four decks and three patios. A planting plan shows deciduous trees on all four corners of the site and at the entrance to the parking area. If possible, the petitioner will preserve the existing street trees (one maple and two honey locusts) on Adams Street; if not, the petitioner will replace them. Lighting will be residential in character.

Alderman Albright asked if the petitioner still intends to pave Cottage Court. The petitioner will do so, but needs consent from all the residents because it is a private way. She asked if the petitioner could provide more screening around the parking lot.

Alderman Crossley asked the petitioner and the architect if they would consider more of the same materials and elements used in the previously-approved building, which blended within the context of the neighborhood so well. She particularly liked the horizontal lines and the modulating back to front. Alderman Albright agreed. Alderman Crossley asked if there was a way to get more space in the front of the building. The Chairman asked if the petitioner would consider landscaping instead of the brick wall in front. In response to a question from Alderman Schwartz, it was explained that the upper units were designed as “upside down townhouses” – you enter at the bedroom level and go up to the living level which accesses the decks.

Public comment at the December 12 hearing included

Deborah Visco represented her parents who live at 153-155 Adams Street. Although she is pleased that the current proposal is all residential, she has concerns about the tree roots that have caused the sidewalk to heave as well as periodic flooding on Adams Street.

Diane Proia, 11A Cottage Court, opposed the 2010 petition and is not in favor of this proposal. Although it has “ribbons and bows, it is still a big box.” It is too much for such a small space. Eighteen additional cars will cause congestion. A number of children live on Cottage Court and she has concerns about the sidewalk narrowing the private way causing safety issues for children who play outside.

Dan Murphy, who owns 158 Adams Street, said Cottage Court is not wide enough to sustain the additional traffic.

Corey Cutler, who owns 390 Watertown Street, thanked the attorneys and petitioner for keeping the neighbors in the loop and believes this will be a boon to the area.

In response to concerns raised at the public hearing on December 12, the petitioner submitted revised plans that necessitate additional relief not included in the original petition. The petitioner is now seeking relief from the required 24-foot maneuvering aisle width of at least 24 feet to allow a 20-foot wide aisle in the rear parking area in order to increase the front setback distance of the proposed building from 5 feet to 9 feet. This will provide the first floor tenants with more privacy. Instead, of a brick wall, a 4-foot wood fence is proposed along a portion of the front and side property lines. The sidewalk remains ADA compliant at 4.5 feet. The petitioner has also made minor changes to the elevations and two of the three patios have been removed. Snow will be stored at a rear corner of the parking lot or removed from the site if the amount of snow affects the number of parking stalls. The petitioner remains willing to repave Cottage Court and install a sidewalk along the side of Cottage Court adjacent to the subject site. The Engineering Division of the Department of Public Works would have to review specifications for any roadway improvements or sidewalk installation. There is a question of the grade between the sidewalk and Cottage Court. There is a utility pole actually in Cottage Court; however, it creates a parking space for one of the residents, which makes moving it unlikely. The petitioner will replace the Adams Street sidewalk. Specialty pavers will be used on the sidewalk and at the entrance to the parking area. Alderman Lennon was concerned about noise from a “rumble strip.” Ms. Young noted that the petitioner would be responsible to maintain and replace any specialty pavers installed in a city sidewalk.

Alderman Harney moved approval of the petition finding that the multi-family dwelling is appropriate given the proximity to a village center; the three-story 33-foot structure is appropriate in the context of the neighborhood and consistent with the mass and scale of other structures; compliance with parking requirements including stall size, maneuvering aisle width, interior landscape screening and lighting is impracticable given the size of the lot; the petition will provide one inclusionary housing unit and the three first floor units will be adaptable units under the Massachusetts Architectural Access Code. Alderman Harney’s motion carried unanimously.

#23-13 BENJAMIN GOMEZ petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NON CONFORMING STRUCTURE to enclose an existing second story deck in order to expand the master suite and to construct a small addition onto the west side of the house to expand the living room and a second floor bedroom, which will increase the existing nonconforming floor area ratio of .38 to .40, where .35 is allowed by-right, at 55 ALBAN ROAD. Ward 5, Waban, on land known as SBL 55, 19, 17, in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 6-0

NOTE: The existing single-family home was constructed c. 1897. It is considered a 2.5 story structure. The previous owner constructed an addition and relocated the garage in 2003. The petitioner added a second-story by-right guest suite over the garage in 2007. The petitioner now wishes to add an addition to the rear of the house for a larger living room and upstairs bedroom and a second-story addition to the master bedroom, which will increase the nonconforming Floor Area Ratio (FAR) of .38 to .40 where .35 is allowed. The proposed additions will not change the footprint of the house as both are over what are existing decks on the first and second floors. The visibility to abutters will be minimal and the house will present the same view from the street. Both additions total approximately 190 square feet. The proposed additions will not connect to the guest suite over the garage.

There was no public comment and the public hearing was closed. In working session, Alderman Fischman moved approval finding that the increased FAR will not be substantially more detrimental than the existing nonconforming structure, resulting in an increase in gross floor area of only 190 square feet; the proposed additions are both over existing decks and will not change the footprint of the house or impact abutters; the house with the additions meets all other dimensional requirements. The motion to approve carried unanimously.

#149-03(5) BERTUCCI'S COPORATION/THE NOLAN BROTHERS petition to AMEND the SITE PLAN approved in SPECIAL PERMIT #149-03(4), granted on October 15, 2012, that allowed a restaurant use of up to 100 seats and attendant waiver of 25 parking spaces at 300 NEEDHAM STREET, Ward 8. The petitioners are now seeking 20 outdoor seats that require an additional waiver of 12 parking spaces on land known as SBL 83, 30, 11, containing 205,211 sq. ft. of land in a MIXED USE 1 District. Ref: Sec 30-24, 30-23, 30-19©, (d)(13), and (m), 30-13(b)(5) of the City of Newton Zoning Ord 2012 and Special Permit #149-03 and #149-03(2).

ACTION: HEARING CLOSED; APPROVED 6-0

NOTE: The petition was presented by Christina Francis-Barta, Real Estate and Construction Specialist from Bertucci's. In October of 2012 the Board of Aldermen approved an amendment to special permit #149-03 to allow a 100-seat restaurant at the site as well as a waiver of 25 parking stalls. The petitioner wishes to add 20 outdoor seasonal patio seats to the north side of the building. The additional seats require a waiver of up to 12 parking stalls.

The site has a total of 145 parking stalls. The proposed patio will displace two existing parking stalls, both of which are handicapped stalls that will be relocated to the front parking lot closer to the entrance of the restaurant. Relocating the two handicapped parking stalls where there are

currently three stalls results in the loss of an additional stall. The dumpster located along the north property line in the parking lot displaces two more parking stalls. To accommodate the additional seating, the petitioner needs seven parking stalls which combined with the five stalls lost for the patio requires a 12-stall waiver for the outdoor patio. Most of the building is occupied by a personal storage facility, a use that has a very low parking demand. Other tenants include Chipotle, Pearle Vision, Weight Watchers, EMS. There is one small empty retail space that has been accounted for in the parking requirements (it requires nine stalls). The Planning Department supports the waiver. This site is multi-modal accessible with shared uses. The petitioner submitted parking counts (attached) that estimate an estimated 58 free parking stalls at its peak hours.

The patio will be enclosed with a 4-foot fence. It will probably be in use from April to October. A new door will provide access to the patio. The 20 seats are seasonal and will not be moved inside. The dumpster and the wood for the ovens will be in the same enclosure on the north side. The site has two vehicular entrances, one from Needham Street and one from Christina Street. There is a sidewalk around the property for pedestrian access. There is also a four-foot sidewalk to access the building. The interior of the lot has directional signage and stop signs. Alderman Fischman asked as he did in October if the petitioner or owner might consider installing a parabolic mirror(s) on a narrow portion of the site where it is difficult to accommodate two-way traffic. However, the petitioner believes this portion of the site is for emergency access only.

Alderman Fischman moved approval of the petition finding that seasonal outdoor dining at this location is not detrimental to the neighborhood and will not present a nuisance or hazard to vehicles or pedestrians as it will be separated from the parking area; the waiver of an additional 12 parking stalls for a total waiver of 37 if appropriate given the mixed uses on the site and the amount of parking available; the proposed outdoor seating is consistent with the City's goals of enlivening the Needham Street corridor and with the *Comprehensive Plan*. The motion to approve carried unanimously.

The meeting was adjourned at approximately 9:30 PM.

Respectfully submitted,

Ted Hess-Mahan, Chairman