

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, MARCH 19, 2013

Present: Ald. Hess-Mahan (Chairman), Ald. Laredo, Albright, Fischman, Schwartz, Crossley, and Harney; 1 vacancy; also present: Ald. Ciccone and Lennon
City staff: Eve Tapper (Chief Planner for Current Planning), Robert Waddick (Assistant City Solicitor), Linda Finucane (Assistant Clerk of the Board of Aldermen)

Public Hearings were held on the following items:

#59-13 JEFFREY A. ORLIN & FRANCES KEECH petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to convert an attic into a master bedroom suite, which will increase the Floor Area Ratio from .41 to .53 where .45 is allowed, at 105 NONANTUM STREET, Ward 1, on land known as SBL 72, 21, 14, containing approx. 5,872 sq. ft. of land in a district zoned SINGLE FAMILY 2. Ref: Sec 30-24, 30-23 3015 Table A, 30-15(u) and u(2) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 7-0

NOTE: The petitioners wish to convert unfinished attic space in their single-family home into a master bedroom suite. They are seeking relief to increase the Floor Area Ratio (FAR) from .41, where .45 is allowed by right, to .53. Although the proposal includes the addition of three dormers, all are conforming and there are no changes proposed to the roofline or to the number of stories, lot coverage, or setbacks. The proposed conversion of the attic space will add approximately 678 square feet to the existing 2,400 square foot house. There was no public testimony and the hearing was closed.

At the working session, Alderman Laredo moved approval of the petition finding that the conversion of attic space into a master suite with an increase of FAR from .41 to .53 is consistent with and not in derogation of size, scale and design of other structures in the neighborhood. Alderman Laredo motion was approved 7-0.

#60-13 JOHN & CAROLE deJONG petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to locate a veterinary hospital and to waive two parking stalls at 602 WASHINGTON STREET, Ward 2, on land known as SBL 12, 16, 4 and 23, 18, 1, containing approx. 7,076 sq. ft. of land in a district zoned BUSINESS 2. Ref: Sec 30-24, 30-23, 30-11(g)(7), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 7-0

NOTE: The petitioners want to open a veterinary hospital in an existing building located in a Business 2 district. A veterinary hospital is considered a service use and requires a special permit in a Business 2 district. The petitioners will occupy the entire building. Although there are ten parking stalls (including one HP space) on the site, they also need relief to waive one parking stall to allow up to three employees. The request to waive a second parking stall

anticipates that the business will grow and the second stall will allow three additional employees without having to amend the special permit. Most of the building will not be for public use, so the ten parking stalls should be more than sufficient. There is also unregulated on-street parking in the front of the building. Although there is a stockade fence along most of the west side of the property where eight of the parking spaces are located, there is limited access to the retail block at 612 Washington Street through parking stall #7. The Planning Department suggested the petitioners might extend the stockade fence to block the access. The petitioners explained that it is a long-term informal arrangement (there is no easement on the property) for the neighbors' convenience. The Board could, if it wishes, require the petitioners to block it off as 612 Washington Street has its own access on the west side of its property; however, the petitioners prefer that the access remain. The subject site is bordered to the east by an NSTAR transformer station.

There are no changes proposed to the exterior of the building or to the existing parking. The property was the subject of a negotiated 1990 variance/consent decree through the Land Court that granted the owner permission to build on the undersized property. The decree granted relief from certain setback requirements for the building and parking area, and prohibited certain uses, such as a liquor store, restaurant, and food sales on the site. A veterinary hospital would not violate the decision.

This would be the third animal hospital in the city. The petitioners will offer triage care; they don't plan or want to offer kennel or boarding facilities. There was no public comment.

In working session, the petitioners confirmed that except for the occasional patient that needs to be kept immobile and quiet a condition prohibiting overnight kennel and/or boarding facilities is acceptable. The hospital will not be staffed overnight.

As to whether parking stall #7 should be blocked off, the petitioners prefer it remain as is to provide access to 612 Washington Street; it had no impact on prior users of the property. If the parking stall is needed, tenants of 612 Washington Street have unrestricted access on the other side of their building.

There is existing landscaping at the front of the property, which species are identified on the site plan. There is also a small grassed area to the rear.

A ramp at the front of the building provides handicapped access. However, the Planning Department raised the issue of whether or not the existing handicapped parking stall is compliant with current requirements or whether it is grandfathered. It suggested and the petitioners agreed that should the special permit be approved its status be determined by the Inspectional Services Department and if necessary it will be brought into compliance.

Alderman Albright moved approval of the petition finding that it is an appropriate site for a veterinary hospital and the use will not adversely affect the neighborhood; there will be no nuisance or serious hazard to vehicles or pedestrians; and the waiver of two parking stalls is appropriate because compliance is impractical due to the location, size, frontage, depth, shape or grade of the lot. Alderman Albright's motion carried 7-0.

#376-12 NEWTON COLLISION INC.
d/b/a GM AUTO BODY
64 Crafts Street
Newton 02458 (Class 2)

ACTION: APPROVED 7-0

NOTE: This renewal application was filed after January 1, 2013, hence the delay. The business has no outstanding zoning complaints, owes no money to the City of Newton, and has posted a surety bond with the city.

#58-13 ROBERT FRANCHI/MARCH V. FRANCHI TRUST, MARY V. FRANCHI, TRUSTEE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to convert an existing two family structure into two single-family attached dwellings and to construct two single-family attached dwellings; to waive front and side setback requirements; and to locate a driveway within 10 feet of the side lot line at 281 NEVADA STREET, Ward 1, on land known as SBL 23, 6, 9, containing approx.. 17,999 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-9(b)(5)a) and b), 30-15 Table 1 of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED

NOTE: This item will be reported when it is voted out of committee.

#61-13 STEPHEN EDSALL/MICHAEL J. CEDRONE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct 4 attached dwellings in 2 buildings; waive the side setback requirements; and locate a driveway within 10 feet of the side lot line at 288 NEVADA STREET, Ward 1, on land known as SBL 14, 8, 11, containing approx. 50,227 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 30-24, 30-23, 30-9(b)(5)a) and b) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED

NOTE: This item will be reported when it is voted out of committee.

The meeting was adjourned at approximately 10:30 PM.

Respectfully submitted,

Ted Hess-Mahan, Chairman