

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, APRIL 2, 2013

Present: Ald. Hess-Mahan (Chairman), Ald. Laredo, Albright, Harney, Schwartz, and Fischman; absent Ald. Crossley; 1 vacancy; also present: Ald. Gentile

City staff: Eve Tapper (Chief Planner for Current Planning), Candace Havens (Director of Planning & Development), Linda Finucane (Assistant Clerk of the Board)

A public hearing was held on the following item:

#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: APPROVED 5-0-1 (Fischman abstaining)

NOTE: The petition was presented by attorney G. Michael Peirce at a public hearing that was opened and closed on March 19, 2013. Present at the public hearing were Aldermen Hess-Mahan, Laredo, Albright, Fischman, Schwartz, Crossley, and Harney as well as Aldermen Ciccone and Lennon. The petitioner is seeking to demolish an existing two-family house and carriage house and construct four new attached dwellings in two sets of two. Although the Historical Commission found the existing c. 1890 house preferably preserved, it has been neglected for so long that it has deteriorated into almost total disrepair. The proposed dwellings will be two stories and 2,777 square feet each, which includes the attached garage space. The petitioner is seeking a waiver to locate a driveway 6.5 feet from the side lot line where 10 feet is required and to allow a reduction in the side yard setback. Attached dwellings in an MR-1 district require front, rear, and side setbacks of 25 feet; the petitioner is seeking relief for a left side setback of 22.8 feet and a right side setback of 22.5 feet. Although the lot is over 50,000 square feet, approximately half of it is wetland, the remains of Silver Lake after decades of its being filled in. The lot slopes to the rear and petitioner is proposing to re-grade it and separate the wetland portion of the lot with a small retaining wall that has been approved by the Conservation Commission. There is a "flowage easement" on the rear of the property. The flowage easement granted in the early 1980s has never been used and if the water does rise it will go into a city drain. As the proposal impinges on a small portion of the easement, the petitioner will need to seek an abandonment of that portion from the Board of Aldermen. The property is abutted to the south by the former Silver Lake Cordage mill and to the rear by a contractor's yard, both located in a Manufacturing zone, and to the north by one residence. The existing driveway abuts the Silver Lake Cordage site and will be moved slightly to lead to a parking area located between the two proposed buildings. The petitioner proposes to modify, repair, and

retain the existing handsome stone wall with pillars that runs along the front of the property. The petitioner will install a concrete sidewalk along the frontage. No new curb cuts are proposed.

A tree preservation plan has been signed off by Marc Welch. The Fire Department has approved the plan, the two rear units will be sprinklered and a fire hydrant will be located on the site. Utilities to the units will be undergrounded. With the exception of handicapped ramps, the engineering issues raised in John Daghlian's memo of February 27, 2013 have been addressed by VTP Associates. Alderman Fischman asked whether the petitioner was willing to install handicapped ramps across the street at Churchill and Nevada Streets.

The Chairman asked about what appear to be small vertical jogs protruding from the buildings. Mr. Peirce explained that they are bay windows to meet the somewhat arcane definition of attached dwelling so it is not a two-family dwelling as defined in Sec. 30-1.

Several members of the Committee expressed concern about changing the neighborhood. How many other properties could support similar development? There was also some concern that although the lot was large, half of it was unbuildable. What about landscaping?

Public Comment:

Phil Herr, 20 Marlboro Street, said he generally supports the petition. Mr. Herr, who fills many roles in the city, explained that this lot is one of 37 lots identified by the Newton Housing Partnership with potential to accommodate more units, i.e., relatively small compact units without subsidies or deed restrictions but still affordable. Although it is not the size/type of units the Partnership had in mind and is geared to a different demographic, it is located near public transportation and a village center and has a transitional aspect

This evening, the Committee was pleased that the petitioner has provided additional landscaping towards the front of the property, including rhododendron, viburnum, etc. Both Aldermen Laredo and Albright said they were struggling with the density issue. Is this essentially a rear lot subdivision? How many other lots in the area could be developed? It was pointed out that most lots in the area are approximately 9,000 square feet, too small for this type of project. Relative to density, the lot area per unit is comparable to smaller sites with two units, which is most of the surrounding neighborhood.

Consensus in Committee was that although in certain cases it is legitimate to ask a petitioner to install handicapped ramps, for example as was the case of a prior special permit for 258 Nevada Street, a corner lot at a four-way intersection, where the petitioner funded two of the ramps and the city the other two, in this instance there is no nexus between the relief sought and handicapped ramps across the street. Alderman Fischman, however, remained unconvinced.

The Committee did not feel strongly either way about the protruding bay windows, but agreed if the petitioner were to remove them it could be through a consistency ruling.

Alderman Laredo moved approval of the petition, finding that two single-family attached dwellings in an MR-1 zone where a two-family dwelling is allowed by right is appropriate because the lot area per unit is compatible with the surrounding neighborhood; both dwellings

are sited to resemble the single-structure streetscape of the neighborhood; and relief to locate a driveway is appropriate because compliance is impractical due to the use, location, size, frontage, depth, shape and grade of the lot. The motion carried 5-0-1, with Alderman Fischman abstaining.

Respectfully submitted,

Ted Hess-Mahan, Chairman