

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, APRIL 9, 2013

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

City Staff: Alexandra Ananth (Senior Planner), Robert Waddick (Assistant City Solicitor), Linda Finucane (Assistant Clerk of the Board)

Public Hearings were held on the following items:

#259-12(4) NINE RIPLEY LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to add an attached dwelling to an existing dwelling and to construct two additional attached dwellings for a total of four dwellings; to waive the side and rear setback requirements; allow a driveway 7.2 feet from a side lot line, and, to allow parking within the required side setback at 9 RIPLEY STREET, Ward 6, Newton Centre, on land known as SBL 65, 19, 20, containing approx. 19,367 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, 30-19(g)(1), and (m) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; HELD

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

#105-13 J. STEPHEN COHEN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a one-story addition to the rear of an existing single-family house and to add a second garage bay to an existing single-car garage which will increase the Floor Area Ratio from .36 to .45 where .34 is allowed at 132 HAMMOND STREET, Ward 7, on land known as SBL 61, 12, 24, containing approximately 13,561 sq. ft. of land in a district zoned Single Residence 2. Ref: Sec 30-24, 30-23, 30-15(u)(2)Table A, and Table 1 of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 6-0-1 (Fischman abstaining)

NOTE: The petitioner was represented by attorney Rick Mann, 196 Battle Trail Road, Needham. The petitioner recently purchased this single-family located on a corner lot at the intersection of Hammond Street and Crosby Road. The house has been neglected and in need of updating. He wishes to construct a one-story addition to the rear to expand the kitchen and add a family room. The proposed addition will add approximately 400 square feet to the existing 4,900 square-foot house. (The petitioner is also proposing a 150 square-foot deck off the family room.) In addition, the petitioner is proposing to add a 330 square-foot second garage bay adjacent to the existing one-car garage. Because this is a corner lot the east side (right side) of the house has a 25-foot setback requirement from Crosby Road. To construct the garage as proposed the petitioner is seeking a waiver of approximately 12.5 feet, reducing the setback to approximately 12.7 feet. The Planning Department noted that it would only require 7.5 feet if it

were considered a side setback. Should the special permit for the increase in Floor Area Ratio be approved, the petitioner will need to obtain a variance from the Zoning Board of Appeals for the front setback encroachment.

There was no public comment, but the petitioner submitted a letter signed by neighbors at 126 Manet Road, 117 and 146 Hammond Street, and 65 Crosby Road in support of the petition

In working session, Alderman Fischman asked if the petitioner intends to make any improvements to the sidewalk since the adjacent portion of sidewalk along Crosby Road appears to be the unpaved section. He noted that the Associate City Engineer suggests the petitioner upgrade the existing HP ramp at Hammond Street and Crosby Road. The petitioner is not sure if the existing HP ramp is up to current standards, but believes it can adequately accommodate a wheelchair or stroller. As to the sidewalk, it would involve a significant cost which he would prefer to not incur. The Committee discussed whether there was a nexus between the relief requested and the sidewalk/HP ramp. Alderman Fischman feels it is not an unreasonable public benefit to ask of petitioners. Aldermen Albright and Schwartz suggested a policy might be helpful since every time this come up the committee has the same deliberations. The Chairman expressed his doubts about creating a policy because each case is unique. The standard is supposed to be mitigation related to the relief granted.

The Committee noted that the Associate City Engineer indicates that the site plan does not show a utility pole and city tree along Hammond Street both in the way of the driveway. Initially, the petitioner was proposing a circular driveway but revised the plan to the one that is in front of the Committee. Since there is no circular driveway, there is no conflict with the driveway as proposed. The existing landscaping is somewhat overgrown and fencing is falling apart. The petitioner plans to clean up and enhance the landscaping and replace the fencing.

Alderman Laredo moved approval of the petition finding that the proposed FAR of .45 where .34 is the maximum allowed by right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood; the majority of the addition is to the rear of the house, minimally visible from the street; the additional garage bay is in the best location re its impact on the lot and abutters; the lot meets lot coverage and open space requirements.

The Planning Department noted that should the proposed garage bay and the existing bay are combined they will exceed the 700 square-foot garage allowed by right. A condition will be included to require the bays remain separated. A condition also will be included to address Alderman Crossley's concern that if the petitioner cannot obtain a variance for the front setback, he will still be able to construct the addition. The Committee chose to not require the petitioner to upgrade the HP ramp at Hammond Street and Crosby Road and install a sidewalk along Crosby Road.

Alderman Laredo's motion to approve carried 6-0-1, with Alderman Fischman abstaining.

#106-13 A&L AUTO SERVICE, LLC, ANTOINE DAHER, MANAGER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to AMEND special permit #559-70 in order to erect a one-story rear addition; delete the requirement for and reference to “wooden planters” and substitute in place thereof a 5-foot fence along the easterly property line at 414 WATERTOWN STREET, Ward 1, on land known as SBL 14, 15, 24, containing approximately 10,992 sq. ft. of land in a district zoned Business 2. Ref: Sec 30-24, 30-23, 30-11(g)(2) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 7-0

NOTE: The petition was presented by attorney Terrence Morris, 57 Elm Road, Newton. The petitioner wishes to add two separate one-story additions to the rear of an existing T-shaped building to square off the structure, which is located at the corner of Washington and Adams Streets. The site was a "gasoline selling and service station" from 1926 to 1999. Since 1999, when the pumps and tanks were removed, it has been used as an auto repair facility. One addition will be for an additional garage bay which will be used primarily for alignments and the other addition will be used for storage. The proposed additions will add approximately 530 square feet to the existing 1,500 square-foot building. Condition #1 of board order #559-70 required installation of planters and a minimum 5-foot fence along Adams Street, the easterly property line. The petitioner wishes to retain the fence, but eliminate the requirement for the planters. The petition seeks to expand a garage repair shop and to amend board order #559-70. A special permit for a freestanding sign was granted in 1992 but never exercised.

The site is accessed via two curb cuts, one on Watertown Street and one on Adams Street. The Planning Department believes the curb cut on the corner creates an unsafe condition for pedestrians and vehicles and encourages the petitioner to move the curb cut further down Adams Street and install an HP ramp. Mr. Morris pointed out that there are three obstructions to placing an HP ramp at the location suggested: a street tree, a utility pole, and a fire hydrant. The Chairman reported that he has seen vehicles exiting the Adams Street curb cut and taking a left, cutting across traffic to Watertown Street. The petitioner does not want to close the Adams Street curb cut as it provides an exit from the site southerly onto Adams Street. However, the petitioner will instruct his patrons and employees that it is a right turn only and will post a “right turn only” sign.

The Planning Department also suggests that the petitioner delineate his site and parking area from the sidewalk on Watertown Street with a low fence, a line of bollards, or planters. Mr. Morris said that a permanent delineator will hinder snow removal and limit the petitioner’s access to his site. The Dunkin’ Donuts across the street has bollards in its parking lot and problems clearing the snow. Perhaps stanchions with chain? The sidewalk is concrete and the petitioner’s property is asphalt, creating a visual delineation; however, Mr. Morris offered to work with the city to create a mutually acceptable delineation. At a maximum there are six cars parked at the front of the site. A number of cars can be accommodated to the rear where there is approximately 55 feet to the fenced rear property line.

Alderman Albright asked if there was any place on the site for some vegetation. The petitioner said he places seasonal planters in front of the building.

The only public comment was from Anthony Pellegrini, Jr., 56 Clinton Street, who spoke in support of the petition and confirmed that the bollards at Dunkin' Donuts do indeed impede snow removal.

In working session, Alderman Ciccone and Lennon reported that there is ongoing discussion in the Nonantum Advisory Committee relative to aesthetic and access improvements to Watertown Street. The Adams and Watertown Streets intersection is located prominently in the heart of Nonantum but there are a number of costly obstructions, e.g., the two sides of Adams Street do not align because they are different widths and although \$140,000 to \$160,000 in CDBG funding is expected it is not enough to upgrade this intersection.

Alderman Laredo moved approval of the petition finding that the site is an appropriate location for the expanded use of the structure and use of a garage repair shop; the expanded use and structure will not adversely affect the neighborhood; there should be no nuisance or serious hazard to vehicles or pedestrians as a result of the expansion. Applicable conditions from special permit #559-70 are included in the current draft special permit, which supersedes #559-70. The motion to approve carried 7-0.

The meeting was adjourned at approximately 10:30 PM.

Respectfully submitted,

Ted Hess-Mahan, Chairman