

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, MAY 7, 2013

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

Request for Consistency Determination re Lot 4 which was the subject of special permit #92-12 granted on August 13, 2012 to Golden Development Corp. for a rear lot subdivision at 112-116 Dedham Street, Ward 5. The petitioner wishes to construct an approximately 4' high retaining wall with a drain pipe behind it to capture water runoff coming from two neighboring properties that are upstream from this site.

NOTE: The Chairman noted that although the ultimate determination is up to the Commissioner of Inspectional Services, the Commissioner oftentimes seeks comments from the Land Use Committee to assist him in his decision. In this case the Commissioner has no concerns with the proposed changes but wished to make the committee aware of them. The Associate City Engineer visited the site and reviewed the plan. He has determined that there should be no negative impact to any abutters; in fact the wall will create a better back yard for Lot 4. The wall will face the new house and not be visible to abutters. The runoff will link up to catch basins on the site. The Associate City Engineer also recommends that a large tree with a lean on one of the rear abutting properties should be removed so that the roots don't push against the new wall. The petitioner has agreed to remove the tree and its stump at his expense. In addition, the petitioner wishes to change the materials and extend the approved fence along the rear lot line of Lot 4. A six-foot vinyl fence is shown on the approved landscape plan, the petitioner wishes to change the fencing to wood and extend it the length of the property line. The petitioner has submitted a revised landscape plan showing the proposed new wall, fencing, and plantings. The committee had no objections to the proposed changes.

#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: APPROVED 3-0-3 (Hess-Mahan, Albright, Harney voting in the affirmative; Crossley, Laredo, Schwartz abstaining)

NOTE: This site was the subject of a previous petition subsequently withdrawn without prejudice in late 2012. In the interim, the petitioner worked with the neighbors and made substantial revisions before filing this revised petition, which was the subject of a public hearing on April 9, 2013. Present at the hearing were Aldermen Hess-Mahan, Laredo, Harney, Crossley, Schwartz, Fischman, and Albright. The petitioner was represented by attorney Stephen Buchbinder who explained that the proposal has been reduced from over 16% of what was originally proposed. It is significantly smaller and has greater setbacks to address neighborhood concerns. Although there is no Floor Area Ratio (FAR) requirement for single-family attached dwellings, the FAR of the proposed project has been reduced to .44, which is in keeping with the maximum allowable FAR if this were a by-right project in the Multi Residence 1 zone. Mr. Buchbinder pointed out that single-family attached dwellings are a use the zoning ordinance allows by special permit. The petitioner is seeking relief from the 25-foot setbacks required in a Multi Residence 1 district.

The site contains a c.1866 carriage house that was converted into a dwelling in the 1920s. The property is surrounded by a mix of one- and two-family dwellings. The petitioner proposes to add one unit to the existing dwelling and to construct a second building containing two additional units. One unit will be handicapped adaptable. The existing dwelling is a mix of mansard and colonial architecture. Toward the front of the building there is a 16.5-foot extension that has a partial low gable end roof containing uninhabitable attic space. The Planning Department recommends extending the mansard roof over this portion of the structure to enhance the design. The proposed two front buildings mimic Queen Anne architecture. Two of the proposed new units encroach into the required 25-foot side setbacks. A total of nine parking stalls are shown on the site. The new building will have four parking stalls underneath it; the other two units will each have one-car garages. There are three exterior stalls, two of which encroach into the side setback for which the petitioner is also seeking relief.

The existing dwelling is situated to the rear of the site. Although the Historical Commission found the existing dwelling preferably preserved, several committee members expressed the opinion that its demolition would allow for a better site plan; however, the petitioner feels strongly about its preservation.

Public comment:

Gunnar Engstrom, 3 Ripley Street, thanked the petitioner for working with the neighborhood and is not opposed to the petition but urged the Board of Aldermen to “close the loophole that allows attached dwellings.”

The owner of 62 Chase Street, which is closest to proposed unit 2, said she had sent a detailed request to the petitioner for a fence and plantings. Although there is an existing patio she is a bit concerned about an additional patio or deck.

The owner of 19 Ripley, which is closest to units 3 and 4 and to one of the parking spaces for which relief is sought, also thanked the petitioner for working with the neighborhood. The petitioner has agreed to provide a privacy fence along her property as well.

Norman Sirk, 94 Herrick Road, the abutter to the rear of the site, provided letters (attached) in support of the project from Sasha Goldman of 92 Herrick Road and Philip Warburg of 102 Herrick Road. Mr. Sirk told the committee that the petitioner has not acted as a developer, but has treated everyone as a neighbor. In his opinion the architectural design is attractive and well integrated with appropriate plantings and screening.

The committee asked that an updated landscape plan be submitted prior to the working session. Could the guest parking be eliminated? The committee asked the petitioner to provide a breakdown of the reduction in square footage by unit and number of bedrooms. The committee also asked about the development potential of other lots in the neighborhood.

This evening the committee reviewed with Ms. Ananth a density analysis of the surrounding neighborhood. There are seven other lots with the lot area and frontage with potential for attached dwellings.

A revised landscape plan was submitted. A number of mature trees will have to be removed from the site. Compliance with the Tree Ordinance requires either replacement of the trees or cash payment for the caliper inches removed. In this instance the petitioner will make a cash contribution.

Demolition of the existing dwelling is not economically feasible. The cost of demolition would add approximately \$600,000 to the budget, whereas renovation will cost approximately \$150,000. In addition, the interior of the existing dwelling is in good condition with many of its original details intact.

To clarify the size of the proposed units, the original project filed in 2012 contained a total of 10,191 square feet, 13 bedrooms and an FAR of approximately .53 (prior to that petition being withdrawn it was reduced to 9,141 square feet, 12 bedrooms and an FAR of approximately .47). The current proposal has a total of 8,520 square feet, 11 bedrooms, and an approximate FAR of .44. A breakdown of the units by square footage and number of bedrooms is attached. Although expanding the mansard roof of the existing dwelling would complement the existing mansard portion of the roof it would increase the size of the project by approximately 590 square feet. In order to meet the FAR of .44, the petitioner eliminated the expansion of the mansard roof. However, the petitioner has since agreed to restore the mansard roof, which will increase the FAR slightly.

An existing post and rail fence will remain. Details relative to screening the surface parking are being worked out with abutters; the petitioner has offered to install 4-foot cedar privacy fencing and plantings to screen the outdoor parking. However, depending on the abutters' wishes, the petitioner is flexible re the height of the fencing.

Several committee members said they were still struggling with four units on 20,000 square feet, the configuration of the site plan, the number of styles, shapes, and forms of the proposed buildings and the appearance of mass in context of the neighborhood. Ms. Ananth said that the Planning Department does not always support attached dwellings; however, in this case it recommends approval. Its reasons for doing so are the good location which is close to transit and

already in a neighborhood of mixed single- and two-family dwellings (there is a five-family dwelling that predates zoning on Chase Street), the variety in unit sizes, the accessible unit, and preservation of a house found preferably preserved. Alderman Crossley differed; she believes there are other options and choices for the site. Alderman Laredo was troubled that there are no criteria specific to granting relief for attached dwellings. Alderman Schwartz reflected that if a project is considered transit oriented development – the presumption that residents will take public transportation - perhaps it should have less parking. He would be more inclined to support the petition if the petitioner were seeking a waiver of the number of parking stalls. However, several members pointed out that providing on-site visitor parking takes the burden off the street(s).

It appears this developer has genuinely tried to address the concerns of the neighborhood. The specter of a 40B comprehensive permit hangs over many sites since less than 10% of the city's housing stock qualifies as affordable. The Chairman commented that the committee votes on the petition in front of it, not the one it wishes.

Alderman Harney moved approval finding the site is an appropriate location for attached dwellings and the proposal is consistent with *the 2007 Comprehensive Plan* because of its close proximity to a village center and public transportation and diversity of units sizes; the proposed density is in keeping with the allowed neighborhood build out potential; relief for side setbacks of 17.5 feet and 20.2 and 20.3 feet for the existing dwelling and the proposed two new units respectively and a rear setback of 16.3 feet for the existing dwelling where 25-foot setbacks are required are appropriate given the size and shape of the lot and the location of the existing historic house; locating two parking stalls within the side setbacks will not adversely affect the neighborhood because they will be landscaped and fenced and treated with pavers; the character of the existing historic building even with the approximately 500 square feet of additional space will be maintained.

Alderman Sangiolo suggested that construction deliveries to the site should be timed to not occur in the periods that children walk to and from school and that parking for contractors and construction vehicles be provided either on the site or someplace other than on the surrounding streets. Ms. Young said she would work with attorney Buchbinder to try and craft something both acceptable and doable.

The motion to approve carried 3-0-3 with Aldermen Hess-Mahan, Albright, Harney voting in the affirmative and Aldermen Crossley, Laredo, Schwartz abstaining.

The meeting was adjourned at approximately 10:00 PM.

Respectfully submitted,

Ted Hess-Mahan, Chairman

Newton Board of Aldermen
1000 Commonwealth Ave.
Newton, MA 02459
02459

Sasha Goldman
92 Herrick Rd.
Newton, MA 02459

April 8, 2013

To the Board of Aldermen,

As an abutter to Coda Development's 9 Ripley Street residential project, I just wanted to express my support of the current plans. It is my sincere hope that construction can commence this Spring and proceed in a timely fashion.

Thanks very much,

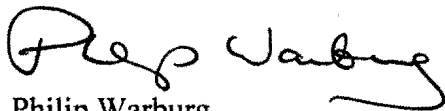

Sasha Goldman

SUBMISSION TO THE LAND USE COMMITTEE,
BOARD OF ALDERMEN, CITY OF NEWTON
APRIL 9, 2013

IN REGARD TO NINE RIPLEY LLC PETITION FOR SPECIAL PERMIT/SITE PLAN
APPROVAL

I am a homeowner at 102 Herrick Road, which abuts 9 Ripley Street. I have looked at the proposed plan for the property at 9 Ripley Street. I have no objection to the four-unit project as planned by Nine Ripley LLC, and I find the architectural design of the proposed buildings to be attractive and well-integrated with their surroundings. My only concern, which I have discussed with the developer, Greg Cohen, is that all due care be taken to preserve the maximum number of existing trees on the property, and that appropriate hedges and/or other planting be used to minimize the visual impact of paved parking areas.

Respectfully submitted,



Philip Warburg
102 Herrick Road
Newton MA 02459
(617) 965-0981

9 Ripley Street Project History

Original Submission: August 16, 2012

Unit Number	Square Feet	Number of Bedrooms
Unit 1	3,311	4
Unit 2	2,498	3
Unit 3	1,805	3
Unit 4	2,577	3
TOTAL	10,191 sf	13

FAR: .53

Revised Submission: November 1, 2012

Unit Number	Square Feet	Number of Bedrooms
Unit 1	2,811	3
Unit 2	2,251	3
Unit 3	1,502	3
Unit 4	2,577	3
TOTAL	9,141 sf	12

FAR: .47

Current Submission: February 26, 2013

Unit Number	Square Feet	Number of Bedrooms
Unit 1	3,143	3
Unit 2	1,647	3
Unit 3	1,224	2
Unit 4	2,506	3
TOTAL	8,520 sf	11

FAR: .44

David A. Olson, OMC
Newton, MA 02459

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RECEIVED
Newton City Clerk