

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, MAY 14, 2013

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

#140-13 WILLIAM & ALICE KELLY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 2-story addition to the right side and rear of an existing single-family dwelling, increasing the Floor Area Ratio from .39 to .50 where .40 is allowed by right, at 12 FELLSMERE ROAD, Newton Centre, Ward 7, on land known as SBL 73, 37, 8, containing approx. 8,500 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15(u), 30-15 Table A of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 6-0

NOTE: The petitioners wish to remain in their home but need more space to accommodate their family of five. They are proposing to add a two-story addition to the right and rear sides of their home in place of an existing sunroom in order to create a larger kitchen and family room on the first floor and to add a bedroom and bath on the second floor. They are seeking a special permit to exceed the maximum allowed floor area ratio (FAR). The proposed addition of approximately 945 square feet will increase the FAR from .39 to .50, where .40 is allowed by right. There are no other changes proposed to the dwelling or to the site. The Planning Department reported that existing landscaping appears adequate to screen the proposed addition. There was no public comment. In working session, the committee reviewed a draft board order and Alderman Laredo moved approval of the petition finding that the proposed increase in FAR to .50 where .40 is allowed by right is consistent with and not in derogation of the size, scale and design of other structure in the neighborhood; most of the addition is to the rear of the house, minimally visible from the street, the site meets lot coverage and open space requirements. The motion to approve carried unanimously.

#143-13 DANA J. KATZ, TRUSTEE, DK REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to construct an addition of approx. 1,280 sf to an existing building and to locate parking stalls within 2 feet of a side lot line and for various waivers from lighting, landscaping, and bicycle parking requirements at 176 BOYLSTON STREET (*Miltons Store for Men*), Chestnut Hill, Ward 7, on land known as SBL 82, 2, 18 in a district zoned BUSINESS 4. Ref: Sec 30-24, 30-23, 30-21, 30-19(h)(1), 30-19(i)(1)a), and (2), 30-19(j), 30-19(k) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 6-0

NOTE: The petition was presented by attorney Stephen Buchbinder. The petitioner is proposing to add two additions, totaling 1,400 square feet, to the west side of the existing *Miltons Store for Men*. The front entrance with a new 122 square-foot vestibule will be relocated to the west side of the building facing Chestnut Hill Square. A 1,280 square-foot two-story addition will be added at the southwest corner of the building; the first floor will be available for a new tenant and the second floor will be used by Miltons for additional dressing rooms and storage. The petitioner is currently reconstructing the existing parking lot located behind the building (approved by a consistency ruling). The new lot improves access and converts previously parallel parking spaces to perpendicular spaces, resulting in an additional 21 conforming parking stalls. The new configuration provides more than the required number of parking stalls and increases the open space and opportunity for landscaping on the site. The petitioner is seeking relief for the proposed parking area to the southeast of the building because it is two feet from the side lot line that runs parallel to the interior access drive serving Chestnut Hill Square. The petitioner is also seeking technical waivers to legalize the existing parking facility; those waivers include requirements for interior landscaping and lighting, and bicycle parking. The Planning Department is pleased with the proposed additions and with the redesigned parking that integrates the Miltons site with Chestnut Hill Square. The Associate City Engineer noted in his review that on-site drainage improvements will be required at the permitting stage.

There was one speaker, Mary McElvoy of 10 Hammond Pond Parkway, who wanted to know if any parking spaces were going to be removed. When told no, she said that satisfied her only concern.

In working session, Mr. Buchbinder confirmed there is no change in the grade between Miltons and Barnes & Noble. Although there appear to be two driveways they are actually on separate properties owned by different owners but used by both sites; one is used as an entrance and the other as an exit. The committee agreed that the proposal interacts well with Chestnut Hill Square. The committee noted that two striped pedestrian crossings help to connect this site to Chestnut Hill Square and liked that the existing entrance will be replaced with clear glass. Alderman Laredo moved approval of the petition finding that the proposed extension of a nonconforming structure relative to height is not substantially more detrimental to the neighborhood because the additions will maintain the existing height; the exceptions to the parking requirements are appropriate as literal compliance is impracticable due to the nature of the use or location, size, width, depth, shape, or grade of the lot and the newly reconfigured lot improves access and creates 21 additional parking stalls; the parking area two feet from the side lot line is appropriate because the lot line runs parallel to the interior access drive serving Chestnut Hill Square and will have no negative affect on abutters; the site plan design relates to Chestnut Hill Square and the circulation plan and includes vehicular and pedestrian connections between the sites; the project is in keeping with the city's *2007 Comprehensive Plan* in supporting existing business and attracting new business.

#144-13 CLAUDIA JOSEPH & SEAN DOHERTY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE by adding a 94.5 sf mudroom at the rear of an existing two-family dwelling and to fill in a 14.5 sf corner of the kitchen at 140 CHURCH STREET, Newton Corner, on land known as SBL 72, 6, 4, containing approx. 9,070 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u), 30-15 Table A of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 6-0

NOTE: The petitioners are seeking to add a 94.5 square-foot mudroom at the rear of their condominium in a c.1880 dwelling and to fill in a 14.5 square-foot corner of the kitchen, totaling 109 square feet. The proposed additions will increase an already nonconforming floor area ratio (FAR) from .76 to .77, where .51 is allowed by right. The proposal will also increase the maximum lot coverage percentage from 35.18% to 36.39%, where 30% is the maximum allowed by right, and will decrease the already nonconforming minimum open space from 37.90% to 37.36%, where 50% is the minimum allowed by right. The proposed additions will not change the street view of the house. An email (attached) in support of the petition was received from Mark Dyen and Elizabeth Reisen abutters at 132 Church Street. In working session, Alderman Laredo moved approval of the petition finding that the increase in FAR from .76 to .77, where .51 is allowed by right, is not substantially more detrimental than the existing structure because the total square footage to be added is less than 2% of the existing square footage, or 109 square feet, and the FAR is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood; the maximum lot coverage of 36.39% where 30% is the maximum allowed by right is not substantially more detrimental to the neighborhood than the existing lot coverage because the added mass of the building is in the rear, not visible from the street; the minimum open space of 37.36% where 50% is the minimum allowed by right is not substantially more detrimental to the neighborhood than the existing open space of 37.90% because the additions square off the existing building and do not significantly affect open space; the dwelling is dimensionally conforming in most other respects. Before voting, the committee agreed that this is the type of petition for which an administrative process needs to be created. Alderman Laredo's motion to approve carried unanimously.

#141-13 ZION YEHOASHUA & NIKZUN GORDON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to re-grade an existing driveway to make it less steep by rebuilding existing retaining walls within the setback at a maximum height of 6 feet and to provide 2 parking spaces with the front setback at 74 NEWTONVILLE AVENUE, Newton, Ward 1, on land known as SBL 12, 21, 25 containing approx. 10,021 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-19(g)(1), 30-19(m), 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CONTINUED TO A DATE TO BE DETERMINED

#211-12(2) ROBERT & PATRICIA WELBOURN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct several retaining walls greater than four feet in height within a side setback and to waive if necessary the minimum driveway width of 12 feet to accommodate an existing city-owned tree in conjunction with a new single-family dwelling at 24 WILDE ROAD, Waban, Ward 5, on land known as SBL 55, 19, 5, containing approx. 8,446 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-5(b)(4) 30-19(g), 30-19(m) 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.

#142-13 ELIZABETH & PETER NURCZYNSKI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to construct a 510 sf addition to the first floor unit of an existing 2-family dwelling, which will increase the Floor Area Ratio from .56 to .65, where .54 is allowed by right, at 99-101 ATWOOD AVENUE, Newtonville, Ward 2, on land known as SBL 22, 23, 8, containing approx. 7,434 of land in a district zoned MULTI RESIDENCE 1. Ref: 30-24, 30-23, 30-21(a)(2)b, 30-15(u), 30-15 Table A 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 9:50 PM

Respectfully submitted,

Ted Hess-Mahan, Chairman

To whom it may concern:

We are writing in support of the proposed mud room and kitchen fill-in at 140 Church St. We live directly next door, and we have no problem with this proposal. The work will in no way adversely impact the look and feel of the neighborhood, and we know the house will be much more livable as a result of the additional space.

Yours truly,
Mark Dyen and Elsbeth Reisen
132 Church St, Newton 02458