

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, JUNE 4, 2013

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

City staff: Alexandra Ananth (Chief Planner for Current Planning), Candace Havens (Director of Planning & Development), Ouida Young (Associate City Solicitor), Linda Finucane (Assistant Clerk of the Board)

Application for a Class 2 Automobile Dealer License

#366-12 CICCONA MOTORS
75 Adams Street
Newtonville 02458

ACTION: APPROVED 4-0 (Harney, Schwartz, Fischman not voting)

Application for a Class 3 Automobile Dealer License

#388-12 TODY'S SERVICES, INC.
1362 Washington Street
West Newton 02465

ACTION: APPROVED 4-0 (Harney, Schwartz, Fischman not voting)

NOTE: These two licenses, albeit late, are 2013 renewals. There are no outstanding issues with either business and the committee approved both licenses 4-0.

Application for a Class 2 Automobile Dealer License

#121-13 STAN'S AUTOMOTIVE INC./Joseph Kammouj
249 Centre Street, Newton Corner 02458

ACTION: APPROVED 4-0 (Harney, Schwartz, Fischman not voting)

NOTE: There has been a license on this site since 2009; however, the previous licensee has vacated the premises; Mr. Kammouj, who was present this evening, has a lease through 2015. The committee approved this new license 4-0, which like all 2013 licenses is valid through December 31, 2013.

Application for a Class 2 Automobile Dealer License

#159-13 SONOMA CLASSICS LLC/David M. Rosenberg
1215 Chestnut Street
Newton Upper Falls 02464

ACTION: APPROVED 4-0 (Harney, Schwartz, Fischman not voting)

NOTE: Attorney Stephen Buchbinder was present with Mr. Rosenberg. Mr. Buchbinder explained that Mr. Rosenberg, owner of the Biltmore Café, is a collector of antique cars who sometimes sells more than the four vehicles per year the Registry of Motor Vehicles allows an individual to sell without a license. Mr. Rosenberg has an office at 1215 Chestnut Street, but his vehicles will be housed inside elsewhere. The committee voted 4-0 to approve the license.

#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: APPROVED 6-0-1 (Schwartz abstaining)

NOTE: The petitioners were represented by attorney Stephen Buchbinder at a public hearing that was opened and closed on May 14, 2013. A prior petition for essentially the same project was withdrawn without prejudice because of neighborhood concern over the proposed removal of a street tree. Cutting down or removal of a street tree requires a public hearing in accordance with G.L. chapter 87. The project has been redesigned with the driveway around the street tree. The petitioners propose to demolish the existing dwelling and construct a new by-right single-family dwelling, but because the lot is irregularly shaped and slopes up the petitioners are seeking relief to construct a series of retaining walls greater than four feet within the front and side setbacks to provide access to a proposed basement garage. The maximum retaining wall height is approximately eight feet. The proposed driveway is approximately nine feet wide at the street.

The Planning Department likes that the garage is located on the side of the proposed new house, but is concerned that the driveway is narrow and that backing out of the garage may be difficult. The Planning Department is also concerned that the petitioner will need to excavate close to the side property line to construct the proposed retaining walls. It recommends that the petitioners submit a tree preservation plan and work with abutters to protect any trees whose roots may be affected. The committee agreed that locating the garage on the side is preferable to the front of the house.

There was discussion about whether the street tree was worth preserving. The city's tree warden has determined the tree still has life. Alderman Fischman believes the tree is critical to the neighborhood. He noted that 34 Wilde Road, which abuts the petitioners' proposed driveway, was recently purchased by a developer who demolished the house and removed at least eight mature trees, resulting in a lot that looks like a "war zone." Alderman Crossley believes the street tree is near the end of its life. She said the petitioners have tried to placate everybody. A mature tree recently came down on a neighboring property. Alderman Laredo said he appreciates Alderman Fischman's concerns, but the tree has uprooted the sidewalk and created a safety issue. The petitioners are working with the new owner of 34 Wilde Road to relocate the proposed walls closer to the property line which will widen the driveway. If they reach an agreement the petitioners will submit a revised site plan and wall elevation.

Jonathan Frieze, 43 Wilde Road, said the petitioners have jumped through hoops. The design of the house is beautiful; it creates a larger green space in the front making it more attractive to neighbors.

Albert Fine, an architect who lives at 55 Wilde Road, pointed out that construction could hasten the demise of the street tree.

Barbara Hankin, 202 Nehoiden Road, noted that the tree roots have compromised the sidewalk impeding pedestrian passage.

Elena DuPlessis, 20 Wilde Road; Jeff Kaplan, 37 Wilde Road; Mikele Rauch, 54 Wilde Road; and Matt Weinzierl and Coventry Edwards-Pitt, 14 Wilde Road, sent emails in support of the petition.

This evening, the committee reviewed a revised plan, agreed to by the owner of 34 Wilde Road, showing the retaining wall moved two feet closer to the south side lot line of 34 Wilde Road. The relocation allows more maneuvering room for vehicles. All runoff will be contained on the site. The Associate City Engineer suggested that the petitioner get a permanent easement for the proposed backfill on the adjacent property and a temporary easement for the construction of the base of the wall and the wall itself. The petitioners have agreed to submit a tree preservation plan prior to obtaining a building permit. The Planning Department suggested that if the special permit is approved it include a condition to allow the driveway to be widened should the street tree be removed without an amendment to the special permit.

Alderman Crossley moved approval finding that the proposed change in grade and the retaining walls in the side setback will not adversely affect the neighborhood; all runoff will be retained on the site; and the dwelling is conforming in all other respects. The motion to approve carried 6 in favor, none opposed, with Alderman Schwartz abstaining because he missed the discussion.

#176-13 PRESIDENT LENNON in conjunction with Newton Wellesley Hospital recommending the re-appointment/appointment of the following individuals to the Newton Wellesley Hospital Neighborhood Council pursuant to condition 29 of special permit #470-04 for terms concurrent with the 2012-2013 Board of Aldermen:

(A) Theresa Fitzpatrick
1935 Beacon Street
Newton 02468
(C) Andree Saulnier
54 Longfellow Road
Newton 02462

(B) Katherine Ballou
261 Dorset Road
Newton 02462 (new appointee)
(D) Alderman Jay Harney (Wd 4)
(E) Alderman John Rice (Wd 5)

ACTION: APPROVED 7-0

NOTE: Condition #29 requires the establishment of a Neighborhood Council, with its membership comprised of one resident property owner from a number of streets as well as a designee of Newton Wellesley Hospital and two Aldermen, one each from Wards 4 and 5, and a representative from the department of Planning & Development, whose terms are concurrent with the Board of Aldermen. The re-appointees and the one new appointee were approved 7-0.

Respectfully submitted,

Ted Hess-Mahan, Chairman