

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, JULY 9, 2013

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

City staff: Alexandra Ananth (Chief Planner for Current Planning), Ouida Young (Associate City Solicitor), Linda Finucane (Assistant Clerk of the Board), Stephen Pantalone (Chief Planner)

*Public Hearings were opened on the following items*

#214-13 LINDA J. HEFFNER petition for Special Permit/Site Plan Approval for an accessory apartment in the loft of an existing detached carriage house and for exterior alterations (reconfiguring existing dormers) at 15 FARLOW ROAD, Ward 7, Newton, on land known as SBL 72, 37, 01, containing approximately 28,913 sq. ft. of land, in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 30-24, 30-23, 30-8(d)(2) and (d)(2)(b) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 7-0

NOTE: The petitioner is seeking to convert the second floor of an existing 1,650 square-foot carriage house to an accessory apartment. Currently, the first floor is used as a three-car garage and the loft is used as storage space. The proposed 770 square-foot apartment will contain a kitchen, living room, bedroom, and bathroom. The only exterior expansion proposed is a small open deck and stairs, which will face the main house. Exterior work includes replacing the cupola and reconfiguring three existing dormers to provide the apartment more room and light. The proposed use of the property requires three parking spaces; the petitioner is proposing to maintain the three parking spaces on the first floor of the carriage house. The backyard is enclosed by a wood fence. The site has a number of plantings and several large trees.

William and Constance Kantar, 382 Kenrick Street, which is located directly opposite the carriage house, and Anthony and Mary Lou Monaco, 25 Farlow Road, which is adjacent to the property, submitted letters in support of the petition.

In working session, Alderman Laredo moved approval of the petition finding that the accessory apartment will not adversely affect the neighborhood as the structure already exists and the proposed exterior renovations are in keeping with the character of the neighborhood; the parking requirements are met; an historic carriage house will be preserved; and, the small unit will add to the city's housing diversity. The motion to approve carried 7-0.

#300-10(2) WALTER ENRIGHT d/b/a SIGN RIGHT/BURKE & BLACKINGTON FUNERAL HOME petition for a Special Permit/Site Plan Approval for a free-standing sign at 1479 WASHINGTON STREET, Ward 3, West Newton, on land known as SBL 33, 5, 4, containing approximately 8,990 sq. ft. in a district zoned

BUSINESS 2. Ref: 30-24, 30-23, 30-20(f)(9) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 7-0

NOTE: Burke and Blackington received a special permit in 2010 to expand the funeral home; however, that relief did not include a sign. They are now seeking a special permit for a 48" x 42" freestanding sign in front of building. Mr. Enright described the sign as "classic New England" with a dark green background and gold lettering hung on a granite post. The Urban Design Commission reviewed and recommended approval of the proposed sign. There was no public comment.

In working session, Alderman Fischman reported that he visited the site and was concerned the proposed sign will impede the sight lines for cars exiting the site, which is on a corner right outside of West Newton Square. He believes the four-foot setback is sufficient but suggests moving the sign easterly, closer to the front door. Although the Planning Department does not believe it will impede either pedestrian or vehicular sight lines, Ms. Ananth suggested the proposed location be reviewed by the city's Transportation Division.

Alderman Laredo moved approval of the petition finding that the sign will provide appropriate identification for the business and that the setback from the street is sufficient to provide visibility for pedestrians and motorists. The motion to approve carried 7-0.

#219-13      ELINOR MODY & DAVID LERNER petition for a Special Permit/Site Plan Approval to Extend a Nonconforming Structure to fill in an area of approximately 22 sq. ft. to allow an expansion of the kitchen, which will increase the Floor Area Ratio from .46 to .47 where .43 is allowed by right, at 15 RICE STREET, Ward 6, Newton Centre; on land known as SBL 61, 1, 3, containing approximately 6,944 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30, 24, 30-23, 30-15Table A, 30-15(u), 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 6-0 (Laredo recused)

NOTE: The petitioners wish to fill in a rear corner of their first floor in order to expand their kitchen so it can accommodate a sit-down dining table. The single-family dwelling built in 1895 has a floor area ratio of .46 where .43 is the maximum allowed by right. The proposed addition contains approximately 22 square feet which will increase the floor area ratio to .47. The footprint of the dwelling will not change. There was no public comment. In working session, Alderman Schwartz moved approval of the petition finding that the proposed increase in floor area ratio is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood; the 22 square-foot addition is on the rear of the house, minimally visible from the street; it will not be substantially more detrimental than the existing structure; and, the site meets all dimensional requirements including open space and lot coverage. The motion carried 6-0, with Alderman Laredo recused.

The committee acknowledged that this was a time consuming costly process for the petitioner. It agreed to docket an item with the Zoning & Planning Committee to amend the de minimis ordinance to allow by-right modest increases in floor area ratio.

#220-13      SONYA MEAD & ALEX WHITING petition for a Special Permit/Site Plan Approval to Extend a Nonconforming Structure for a first-floor addition of approximately 170 sq. ft. to replace an existing deck in order to expand the kitchen, which will increase the Floor Area Ratio from .65 to .71, where .46 is allowed by right, at 42 BRAELAND AVENUE, Ward 6, Newton Centre, on land known as SBL 61, 37, 15, containing approximately 4,767 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table A, 30-15(u) of the City of Newton Rev Zoning Ord, 2012.

ACTION:      HEARING CLOSED; APPROVED 7-0

NOTE: The petitioners wish to replace most (two-thirds) of an existing deck at the rear of their c. 1896 single-family home with a one-story 170-square-foot addition. The proposed addition will allow them to expand their small kitchen. The remaining portion of the deck will remain a deck. The proposed addition will increase the floor area ratio from .65 to .71, where .46 is the maximum allowed by right; it will not increase the footprint of the house. The proposal actually increases the open space and decreases the lot coverage by eliminating some of the square footage currently taken up by the existing deck, bringing the nonconforming open space percentage into conformity. The site has existing screening and fencing. The petitioners said they had spoken with abutters at 38 and 46-48 Braeland Avenue who support the petition. There was no public comment. In working session, Alderman Schwartz moved approval of the petition finding that the proposed increase in floor area ratio is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood; the 170 square-foot addition is on the rear of the house and not visible from the street and will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The motion to approve carried 7-0.

#218-13      FALLON DEVELOPMENT INC. petition for a Special Permit/Site Plan Approval for a rear lot subdivision in order to construct two single-family dwellings at 131 OTIS STREET, Ward 2, Newtonville, on land known as SBL 24, 12, 16, containing approximately 48,677 sq. ft. of land, in a district zoned SINGLE RESIDENCE 2. Ref: 30-24, 30-23, 30-15(r) of the City of Newton Rev Zoning Ord, 2012.

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

NOTE: The petitioner needs additional relief because in response to the concerns of the immediate abutter to the rear the proposed dwelling on the rear lot has been moved closer to the lot line of the proposed front dwelling. The revised petition will be heard in August.

All other items were held without discussion and the meeting was adjourned at approximately 10:45 PM.

Respectively submitted,

Ted Hess-Mahan, Chairman