

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, AUGUST 13, 2013

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

City staff: Robert Waddick (Assistant City Solicitor), Stephen Pantalone and Daniel Sexton (Senior Planners), Alexandra Ananth (Chief Planner for Current Planning), Linda Finucane (Assistant Clerk of the Board)

Public Hearings were held on the following items:

#230-13 FALLON CUSTOM HOMES/CELINE GREGOIRE & YVES RAYMOND
petition for a SPECIAL PERMIT/SITE PLAN APPROVAL/EXTENSION of a NONCONFORMING STRUCTURE to enclose an existing open porch to create a mudroom of approximately 122 sf and to build a new enclosed basement staircase, which will increase the Floor Area Ratio from .46 to .48, exceeding the .39 maximum allowed by right, at 31 LORING STREET, Ward 7, Newton Centre, on land known as SBL 73, 29, 5, containing approximately 11,374 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: 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 7-0

NOTE: Robert Moruzzi of Fallon Custom Homes presented the petition. The petitioners are seeking a special permit to modify a rear porch in order to expand an existing mudroom and replace an existing open staircase with a closed staircase. The proposed 122 square-foot addition will increase the Floor Area Ratio (FAR) from .46 to .48 where .39 is the maximum allowed by right. The addition will not increase the footprint of the existing single-family dwelling. Existing screening and fencing appear to provide sufficient screening. There are no proposed changes to the parking or site circulation. There was no public comment and the hearing was closed. 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 is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood; the proposed 122 square-foot addition is not substantially more detrimental to the neighborhood than the existing structure; the structure with the proposed addition meets all other dimensional requirements including lot coverage and open space requirements. The motion to approve carried 7-0.

#232-13 TRACY & LARRY RICHMOND petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 3-car attached garage and add second-floor space and expand the kitchen, increasing the Floor Area Ratio from .28 to .35, where .29 is allowed by right, at 38 BEEHCROFT ROAD, Ward 7, on land known as SBL 72, 35, 2, containing approximately 19,058 sf. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-15(u), 30-15 Table A.

ACTION: HEARING CLOSED; APPROVED 7-0

NOTE: The petition was presented by attorney G. Michael Peirce. The petitioners are seeking to:

- demolish an existing detached garage at the rear of the property and construct an attached three-car garage with a second floor space;
- construct first and second floor additions to expand the kitchen and storage space, enlarge an existing bathroom and create a second bathroom,
- add a roof-top deck that will be accessed through a second-floor bedroom;
- remove the existing front porch and replace it with an larger porch.

The existing house has a Floor Area Ratio (FAR) of .28 where .29 is the maximum allowed by right; the proposed additions will increase the FAR to .35. The Historical Commission waived with conditions the demolition delay relative to the garage. The petitioner's architect submitted a Neighborhood Summary which compares eleven other properties to the subject property (summary cover sheet attached). The proposed increase in FAR appears to be in the range consistent with the neighborhood. There was no public comment and the hearing was closed. In working session, the committee reviewed a draft board order and Alderman Laredo moved approval finding that the proposed increase in FAR is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood; the additions are on the front, rear and side elevations of the existing house and will not have an adverse impact on the neighborhood; with the exception of FAR the proposed structure meets all other dimensional controls including lot coverage and open space requirements. The motion to approve carried 7-0.

#233-13 DAVID SANDS, TRUSTEE of 37 BALDPATE HILL ROAD NOMINEE TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE in order to expand an existing mudroom and to construct a rear addition to the first and second floors, increasing the Floor Area Ratio from .36 to .41, where .29 is allowed by right, at 37 BALDPATE HILL ROAD, Ward 8, on land known as SBL 82, 25, 52, containing approximately 23,455 sf of land in a district zoned SINGLE 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 petition was presented by attorneys Jason Rosenberg and Laurance Lee. The petitioner wishes to replace a portion of an existing rear deck with a two-story addition and expand an existing mudroom in the front of the house next to the garage. The rear addition will contain a breakfast and sitting area on the first floor and a guest bedroom and computer room on the second floor. The proposed additions will increase the Floor Area Ratio (FAR) from .36 to .41, where .29 is the maximum allowed by right. The actual physical additions total 818 square feet, but because the rear addition will expand the first floor beyond the basement wall an additional 194 square feet of the basement is now included in the FAR calculation. The site slopes to the rear with an almost 30-foot drop from the front to the rear property lines. The mudroom addition will be visible from the public way, but the rear addition is well screened from the northeast and southeast by existing vegetation, visible only from the rear of the abutting property to the west. Although the proposed 818 square-foot addition will add mass to the existing house, the Planning Department believes the impact on the neighboring properties will be negligible given the neighborhood's relative seclusion on a cul-de-sac and the size of the subject lot and surrounding properties.

In 2007, after receiving incorrect advice from a consultant, the petitioner constructed a half-basketball court at the rear of the property. Following notification from the Inspectional Services Department that the basketball court was in violation of the rear and side setback requirements, the petitioner obtained a variance from the Zoning Board of Appeals; however, the Zoning Board of Appeals placed a condition in the variance that “there be no future buildings or structures constructed on the property except as approved by the Zoning Board of Appeals”. Subsequently, the Commissioner of Inspectional Services determined that literal compliance with that condition would preclude any modifications to the house. In 2012, the Zoning Board of Appeals amended the condition so it applied only to the portion of land within 85 feet of the rear lot line. The proposed additions will not result in any increase in impervious surface. There will be no changes to the parking or circulation on the site. There was no public comment; however the committee received letters in support of the petition from nos. 25, 32, 37, 46, 49, 235, and 236 Baldpate Hill Road and from 515 Dudley Road. In working session, after reviewing a draft board order, Alderman Fischman moved approval finding that the proposed increase in FAR is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood; the 792 square-foot addition to the rear of the house and the 26 square-foot addition to the front of the house will not be substantially more detrimental to the neighborhood than the existing house. The motion to approve carried 7-0.

#234-13 PETER G. SMICK petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to widen an existing driveway to allow side-by-side parking for two cars in the front setback including the removal of an existing retaining wall at 48 SUMMIT STREET, Ward 1, Newton, on land known as SBL 12, 21, 28, containing approximately 5,010 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-19(g)(1), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 7-0

NOTE: The petitioner wishes to widen an existing below-grade driveway to create a second below-grade parking space. The petitioner is seeking relief to locate the proposed second parking space in the side yard setback and both side-by-side parking spaces in the front yard setback. The proposal includes the removal of an existing retaining wall and planting bed to the left of the driveway along the northeastern side of the property line. Currently, this retaining wall holds a landscaped area. A portion of the retaining wall, 2.5 feet at its highest level, will be replaced. There is an existing fence belonging to the neighbor at 40-42 Summit Street along the property line. The petitioner is amenable to installing plantings along the fence. The Planning Department believes there is sufficient screening of the two below-grade parking spaces. There was no public comment and the hearing was closed.

In working session, the petitioner confirmed that VTP Associates will submit a revised site plan showing an on-site infiltration system, which should address the concerns the Engineering Division expressed about runoff. The petitioner also confirmed that the new retaining wall will be faced with either stone or a stone veneer. The committee reviewed a draft board order and Alderman Laredo moved approval finding that relief from the side and front yard setback requirements for parking stalls where one parking stall is allowed by right and one parking stall already exists will not adversely affect the neighborhood; the constraints on the property make literal compliance impracticable to provide two off-street parking spaces without the requested relief. The motion to approve carried 7-0.

#235-13 JACOB & ASSOCIATES INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING USE/STRUCTURE for the addition of a canopy over gasoline pumps and ~~if necessary~~ for a freestanding sign at an existing gasoline service station at 1232-1236 WASHINGTON STREET, Ward 3, West Newton, on land known as SBL 31, 4, 14, containing approximately 20,933 sf of land in a district zoned BUSINESS 1. Ref: Sec. 30-24, 30-23, 30-21(a)(2)a), and 30-20(l) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 7-0

NOTE: The petitioner's contractor Patrick Tannas from A-Z Development presented the petition. The petitioner is replacing the gas pumps and as part of the upgrade wishes to install an approximately 17'6" tall 24' by 30' canopy with four underside LED lights over the gas pump island and install a freestanding sign to replace a former freestanding sign. A special permit is required for both the canopy and freestanding sign. A gasoline service station is a legally nonconforming use that has operated continuously on the property since at least the 1930s. The petitioner also offers state inspections and auto repair service and has a Class 2 auto dealer license. Although a freestanding sign appears to have been approved in 1940 and a building permit was issued for its replacement in 1956, city records are not clear as to the size of the approved sign. The most recent sign was severely damaged during Hurricane Sandy; however, the footings remain and will be used for the proposed sign. The 37.5 square-foot area of the sign submitted with the application exceeded the maximum of the 35 square feet allowed. The petitioner has since reduced the sign area to 35 square feet. The Urban Design Commission will review the sign at its meeting later this month. There was no public comment and the hearing was closed.

In working session a question arose as to how many cars the petitioner is allowed to sell and store on-site. However, since the petitioner was not present this evening, the committee deferred that discussion to later this year when the auto licenses will be up for renewal. The committee reviewed a draft board order and Alderman Albright moved approval of the extension of a nonconforming use finding it is not substantially more detrimental to the neighborhood than the existing use and the proposed replacement of a freestanding sign is in the public interest providing visibility and identification of the site. The motion to approve carried 7-0.

The meeting was adjourned at approximately 11:00 PM.

Respectfully submitted,

Ted Hess-Mahan, Chairman

SPACE CRAFT

architecture

5 Raymond Street
Lexington, MA 02421

781/674-2100
781/674-2111 (fax)

www.SpaceCraftArch.com

Neighborhood Summary



David A. Olson, CTG
Newton, MA 02459

2013 AUG 13 PM 11:21

RECEIVED
Newton City, CT

Lot	Max F.A.R.	Assumed F.A.R.	Existing SF	By Right SF
11 Beechcroft Road	.31	.24	3683 SF	4746 SF
12 Beechcroft Road	.26	.28	7333 SF	6811 SF
20 Beechcroft Road	.33	.38	4270 SF	3665 SF
25 Beechcroft Road	.28	.15	3123 SF	5808 SF
30 Beechcroft Road	.31	.22	3376 SF	4578 SF
37 Beechcroft Road	.26	.20	5157 SF	6545 SF
38 Beechcroft Road	.29	.25	4896 SF	5527 SF
32 Farlow Road	.26	.10	6039 SF	14918 SF
56 Farlow Road	.26	.17	4973 SF	7576 SF
78 Farlow Road	.27	.21	5068 SF	6379 SF
88 Farlow Road	.31	.35	5114 SF	4520 SF

The above is calculated using only First, Second, Detached Garage, and Enclosed Porch via Property Record Cards

38 Beechcroft Road	Actual F.A.R.	Actual SF
Existing	.28	5390 SF
Proposed	.35	6724 SF

The above includes First, Second, Detached/Attached Garage, Attic, Basement, Open Wells, Enclosed Porch

13 August 2013