

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, OCTOBER 15, 2013

Present: Ald. Fischman (Acting Chairman), Ald. Harney, Albright, Laredo, and Schwartz;
absent: Ald. Crossley and Hess-Mahan; 1 vacancy
Staff: Daniel Sexton (Chief Planner), Robert Waddick (Assistant City Solicitor), Linda Finucane (Assistant Clerk of the Board), Stephen Pantalone (Chief Planner), Ouida Young (Associate City Solicitor)

#292-13 STEVEN PETITPAS/RAN HOITASH petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a dormer wider than 50% of the exterior wall of the floor below at the rear of an existing single-family dwelling at 324 TREMONT STREET, Ward 1, Newton Corner, on land known as SBL 72, 11, 3, containing approximately 5,505 sf of land in a district zoned MULTI RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15(t)(1), (2), (3) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 5-0

NOTE: The petitioner wishes to enlarge the attic in his 1925 single-family house by adding approximately 183.4 gross square feet to create a new bedroom, bathroom, and office. To create a functional space, the petitioner is proposing to construct a dormer that exceeds the allowable fifty percent length of the story below and whose vertical side wall is closer than three feet to the vertical plane of the main building end wall nearest the dormer below. The dormer is setback from the story below so as to break up the appearance of a continuous wall plane. There is no increase to the footprint of the building and there is ample vegetation and screening on the site. The proposed expansion meets the goal of the 2007 Comprehensive Plan that encourages modest additions to older homes in order to preserve existing structures, while allowing them to meet the needs of today's families. There was no public comment.

In working session, the committee reviewed a draft board order and Alderman Laredo moved approval finding the site appropriate for the addition of the approximately 183.4 gross square-foot dormer that will expand the dwelling without increasing the footprint, maintain open space and, because of its location on the rear and side elevation of the house it will not adversely affect the neighborhood. The motion to approve carried 5-0.

#305-13 JESSICA O'ROURKE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing detached garage and construct a new garage with an accessory apartment on the second floor at 305 ALBEMARLE ROAD, Ward 3, NEWTONVILLE, on land known as SBL 31, 28, 17, containing approximately 10,345 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-8(b)(7), (d)(2), (d)(2)(b), of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 5-0

NOTE: The petitioner wishes to demolish an existing 42'x12' detached garage, which is in disrepair, and construct a new more compact 1.5-story 784 square-foot garage with a one-bedroom 499 square-foot apartment above. The apartment will be used to house a caregiver for an elderly resident in the primary house. Relief is sought for a garage exceeding the maximum of 700 square feet and for an accessory apartment in a detached structure accessory to a single-family dwelling and for exterior alterations to a detached structure to be used as an accessory apartment. The proposed structure is a perfect square with architectural elements such as cornices, gable roof, dormer, and windows consistent with the circa 1925 house and much less obtrusive to the neighborhood than the existing garage. The garage will accommodate two cars; a third parking space is provided in the driveway. The proposed structure is screened from abutting properties to the west, which front on Wildwood Avenue, by an undeveloped substandard lot. The property to the northwest has a fence along the property line. Abutting properties have accessory detached structures to the rear as well. The Planning Department had encouraged the petitioner to design the garage to not exceed 700 square feet. However, in order to accommodate two cars and the stairs to the apartment as well as a mechanical equipment room for the apartment the petitioner chose to exceed the 700 square feet. Code requires a separate entrance to the apartment, which prohibits an entrance through the garage. There was no public comment.

In working session, the Planning Department clarified that, although most petitions seen by the Committee for accessory apartments in detached accessory structures are in existing carriage houses, a *new* detached accessory structure with an accessory apartment accessory to a single-family dwelling is allowed by special permit as well. There are no engineering issues associated with this petition; however, the site is located within a 100- to-200-foot segment of the riverfront area of Cheesecake Brook and the net increase of 105 square feet of impervious area required Conservation Commission review. The Commission's Order of Conditions require the petitioner to submit a Mitigation Planting Plan, showing a minimum 210 square feet of mitigation planting area, plant selection and number of plants. The petitioner will need to comply with the Order of Conditions prior to the issuance of any building permits.

Alderman Laredo moved approval finding that the site is an appropriate location for the proposed accessory structure exceeding 700 square feet containing an accessory apartment and it will not adversely affect the neighborhood; it will not be a nuisance or create a serious hazard to vehicles or pedestrians. The motion to approve carried 5-0.

#306-13 THOMAS ROHRER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NONCONFORMING STRUCTURE to demolish an existing detached two-car garage containing a playroom and tool room and to construct a new detached two-car garage and recreation room exceeding 700 square feet at 93 HOMER STREET, Ward 6, NEWTON CENTRE, on land known as SBL 64, 38, 12, containing approximately 33,097 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(a)(2)b) and 30-15(m)(4) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 5-0

NOTE: The property contains an existing single-family dwelling built in 1848 and a detached 921 square-foot garage and storage shed of a much later vintage. The petitioner wishes to demolish the garage/storage shed and construct a new 1,617 square-foot garage with a recreation room. The Historical Commission determined that the building is not preferably preserved. Relief is sought to extend a nonconforming accessory structure exceeding 700 square feet. The proposed structure is 696 square feet larger than the existing structure and is located closer to the rear of the site by approximately 30 feet. Because it set way back from the street the additional mass will not be visible from the public way. It faces the backyards and garage of abutting properties and will be screened by existing fencing and vegetation along the side and rear property lines. The petitioner proposes to close any gaps with arborvitae. The Committee commented on its large size. The proposed structure has a half-story above the garage and a 21-foot ceiling in the recreation room. The petitioner explained that it is an aesthetic issue, he did not want a flat roof; he wanted exposed timbers. He also wanted a roofline consistent with the house, which has a steep roofline. The second floor will be used for storage. In response to the Engineering Division memorandum dated September 24, 2013, the petitioner said the City had recently witnessed a percolation test on the site. Runoff will be infiltrated on-site. There was no public comment.

In working session, the Committee reviewed a draft board order. Alderman Schwartz moved approval of the petition finding that the proposed nonconforming structure is not substantially more detrimental to the neighborhood than the existing structure. Although an accessory apartment in the accessory structure would require an amendment to the special permit, the Committee agreed to include a condition reaffirming that should an accessory apartment be sought in the future, it would require an amendment to this special permit. The petitioner had no objection to the inclusion of that condition. The motion to approve the petition carried 5-0.

#307-13 CHARLES WEITZ & ISABAL CHIU petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NONCONFORMING STRUCTURE to demolish an existing detached garage and replace it with a new garage, which will increase the Floor Area Ratio from .37 to .38, where .34 is the maximum allowed, at 71 MONTVALE ROAD, Ward 7, NEWTON CENTRE, on land known as SBL 61, 5, 22, containing approximately 12,000 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 5-0

NOTE: The site contains a single-family 2 ½-story single-family dwelling constructed in 1896 and a detached garage constructed in 1922. The petitioner wishes to demolish the existing 332 square-foot garage and construct a new 462 square-foot garage. The house has a Floor Area Ratio of .37 where .34 is allowed. The petitioner is proposing to increase the Floor Area Ratio to .38. The existing garage is so dilapidated that the petitioner has safety concerns, which photographs appeared to substantiate. The proposed garage is similar to the existing garage in width and height and will be shingled to match the house. The petitioner is proposing to slightly relocate the new garage so it's square with Montvale Road and doesn't block the side walkway to the house like the existing garage does. Relocating the garage will increase the rear setback by approximately 10 feet. The site has a significant drop in grade at the rear property line; there

is a small retaining wall at the back and side of the garage. Existing vegetation along property lines provides screening. The Planning Department believes the proposed garage is more visually appealing to the streetscape and safer than the existing garage, and it will be an improvement to the neighborhood. A petition in support was signed by abutters at 51, 65, and 77 Montvale Road and 98 Grant Avenue.

In working session, the Committee reviewed a draft board order and Alderman Laredo moved approval finding that the 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 proposed 462 square foot garage will not be substantially more detrimental to the neighborhood than the existing 332 square-foot garage; and the site will be improved by increasing the setback from the rear property line by approximately 10 feet. The motion to approve carried 5-0.

The meeting was adjourned at approximately 10:15 PM.

Respectfully submitted,

Mitchell L. Fischman, Acting Chairman