

CITY OF NEWTON
IN BOARD OF ALDERMEN
LAND USE COMMITTEE AGENDA
SPECIAL MEETING
MONDAY, MARCH 5, 2012

7:15 PM – PLEASE NOTE TIME

Room 222

#213-10(2) NEWTON HISTORICAL SOCIETY/DURANT HOMESTEAD FOUNDATION, INC. petition for a ONE-YEAR EXTENSION OF TIME in which to EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL #213-10, granted on October 4, 2010, to demolish and rebuild a portion of the Durant-Kenrick Homestead to accommodate a new, larger visitor entry area and meeting space to allow a museum, which includes a waiver from the required number of parking spaces and their dimensions, at 286 WAVERLEY AVENUE, Ward 7. Ref: Sec 30-24(c)(4) City of Newton Rev Zoning Ord, 2007.

Respectfully submitted,

Ted Hess-Mahan, Chairman

CITY OF NEWTON

IN BOARD OF ALDERMEN

September 21, October 4, 2010

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL/EXTENSION OF A NONCONFORMING STRUCTURE to expand a house museum and waive required parking spaces, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Ted Hess-Mahan:

1. The proposed petition will serve the public convenience and welfare because:
 - a. A historic museum already exists and its expansion in both size and intensity of use is appropriate for the site.
 - b. The proposed petition will not be more detrimental to the surrounding residential neighborhood.
 - c. There will be no nuisance or serious hazard to vehicles or pedestrians. The site can support 5 on-site parking spaces which are anticipated to provide sufficient parking for the typical parking demand associated with the house museum. The more intense use anticipated for the expanded house museum when lectures or events are held would require a total of 25 on-site parking spaces and there are a sufficient number of off-site public parking spaces available within walking distance of the site.
 - d. Access to the site is appropriate for the type and number of vehicles involved.
 - e. The proposed petition will allow for the preservation of the historic structure and the surrounding historic landscape.
2. Literal compliance with requirements for 20 additional parking spaces on the site is impracticable due to site constraints, and waiving parking requirements is in the public interest because adding 20 or more on-site parking spaces would be out of character with the historic nature of the structure and the surrounding residential neighborhood.
3. The extension of the building, which is nonconforming with regards to side setbacks, will not be substantially more detrimental to the neighborhood than the existing structure.

PETITION NUMBER:

#213-10

PETITIONER: Newton Historical Society

LOCATION: 286 Waverley Avenue, Section 73, Block 9, Lots 1&17
containing approximately 48,995 sq. ft. of land

OWNER: Durant Homestead Foundation

ADDRESS OF OWNER: 5305 Whitcomb Drive, Madison, Wis. 53711

TO BE USED FOR: Historic house museum

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §30-8(b)(4) to allow a museum in SR-1; §30-15, Table 2
and §30-21(b) to expand a nonconforming structure with
regard to side setbacks; §30-19(d)(13) and 30-19(m) to
waive 20 of the 25 required parking stalls; §30-23 for site
plan approval; and §30-24(d) for special permit approval

ZONING: Single Residence 1 District

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - "Topographic Site Plan Showing Proposed Conditions at 286 Waverley Avenue and Adjacent Vacant Lot," dated June 1, 2010 and revised August 6, 2010, signed and stamped by Joseph R. Porter, Professional Land Surveyor.
 - "Demo Plan Showing Proposed Conditions at #286 Waverley Avenue and Adjacent Vacant Lot", dated August 6, 2010, signed and stamped by Joseph R. Porter, Professional Land Surveyor.
 - "Schematic Design, Durant Kenrick Homestead" dated May 24, 2010 by AnnBeha Architects including:
 - Sheet A3.00-Elevations
 - Sheet A3-01-Sections
 - Sheet A3-02- Sections
2. No indoor and outdoor events can be held simultaneously on the property.
3. The petitioner should work with the City Traffic Engineer to identify appropriate bus pick-up and drop-off locations as well as bus routing around the site. The petitioner shall also work with the City Traffic Engineer to identify preferred locations on the surrounding public streets that can accommodate off-site parking. The petitioner shall make

information regarding these parking locations available on its website and shall provide information regarding bus routing to groups arriving by bus.

4. The petitioner shall provide a bike rack on-site.
5. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioner has:
 - a. recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, the Department of Planning and Development, and the Engineering Division of the Public Works Department.
 - c. obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
 - d. provided a final landscape plan with variety, size, number and location of plantings and the location of a bike rack for approval by the Director of Planning and Development and the City's Director of Urban Forestry.
 - e. provided a Lighting Plan for review by the Director of Planning and Development.
6. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. provided a Parking Management Plan including the information required in Condition 3 to the City Traffic Engineer for review and approval.
 - c. filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by the City Engineer certifying that the final construction of the driveway, sidewalk, parking area, and drainage systems conforms to the standards of the Department of Public Works;
 - d. submitted to the City Engineer final as-built, record site engineering, utilities grading and drainage plans in both digital format and hard copy;
 - e. submitted to the Director of Planning and Development, final as-built plans in digital format; and
 - f. filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, final landscape features, bike rack, light fixtures and parking areas.
 - g. Notwithstanding the provisions of Condition #6.. the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building prior to installation of landscaping provided the petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash or other security in the form satisfactory to the Director

of Planning and Development in an amount not less than 135% of the value of the
aforementioned remaining site improvements to ensure their completion.

Under Suspension of Rules
Readings Waived and Approved
24 yeas 0 nays

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on October 6, 2010. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:

(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen

I, David A. Olson, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on _____ and that NO APPEAL to said decision pursuant to M.G.Laws Chapter 40, Section 17 has been filed thereto.

ATTEST:

(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen