

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, AUGUST 7, 2012

Present: Ald. Hess-Mahan (Chairman), Ald. Hess-Mahan (Chairman), Ald. Laredo, Merrill, Crossley, and Schwartz; absent: Ald. Albright, Fischman, and Harney; also present: Ald. Ciccone and Sangiolo
Staff: Derek Valentine (Senior Planner), Ouida Young (Associate City Solicitor), Linda Finucane (Assistant Clerk of the Board)

#135-12 DINO ROSSI/MARY VISCO petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a NONCONFORMING STRUCTURE along the frontage, but not closer to the lot line, and increase the Floor Area Ratio from .31 to .57, where .48 is allowed by-right, to enlarge a two family dwelling at 258 NEVADA STREET, Ward 1, on land known as SBL 14, 8, 16, containing approximately 11,122 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u) of the City of Newton Rev Zoning Ord, 2007.

ACTION: APPROVED 4-1 (Crossley)

NOTE: *The public hearing, at which the petition was presented by Dino Rossi and attorney Terry Morris, was opened and closed on June 12, 2012. Present at the public hearing were Aldermen Hess-Mahan (Chairman), Albright, Fischman, Crossley, Merrill, and Schwartz; Aldermen Harney and Laredo were absent). Also present were Aldermen Ciccone and Lennon*

The petitioner wishes to expand an existing circa 1870 two-family dwelling built, which is located at the corner of Nevada Street and Linwood Avenue, to create two larger dwelling units, one in the original house, the other in the addition. The proposed expansion will increase the FAR from .31 to .57, where .48 is allowed by right. The existing structure is nonconforming as to the front setback on Linwood Avenue; the proposed addition will be extended within the front setback but will be no closer to the street. Although the surrounding neighborhood is comprised of predominantly multi-family housing, there are some small single-family homes on Linwood Avenue across the street from the site. The footprint of the proposed second unit mirrors the footprint of the existing house. The addition will elongate the Linwood Avenue elevation; the Nevada Street elevation will remain as is. The architecture of the proposed addition mimics the existing house. The petitioner was encouraged by the Historical Commission and the Planning Department to break up the massing of the Linwood Avenue elevation by stepping it back from the historic façade. This would also make it more congruent with the smaller houses on Linwood Avenue.

Currently, there is a driveway off of Linwood Avenue. The proposed plan shows four curb cuts on two streets, Nevada Street and Linwood Avenue: three driveways off of Linwood Avenue and

one off of Nevada Street. Each unit has a one-car garage beneath it accessed off of Linwood Avenue with two additional parking spaces accessed by two additional curb cuts. The Planning Department believes this is primarily a public safety issue and recommends revising the site design to minimize the number of curb cuts. Mr. Morris said the petitioner could have demolished the existing structure and built a two-family by right, but has chosen to preserve the historic structure and seek a special permit. The petitioner has stepped back the Linwood Avenue elevation 1.5'. Alderman Crossley felt that the 1.5' step back is too tiny. The first and second floors are difficult to see and the roof elements are not clearly shown. The second floor appears smaller than the first floor. Mr. Morris responded that elements of the building are staggered. Mr. Morris pointed out that all the properties on the east side of Nevada Street have a similar or larger footprint. Alderman Crossley said the number of curb cuts in proximity to one another is problematic. She agrees with the Planning Department's suggestions to step the first floor back, give up one curb cut, and eliminate a driveway. Alderman Fischman also was concerned about the number of curb cuts. He asked the petitioner to provide a landscaping plan that would soften the driveways. What about tandem parking?

In its memorandum dated June 7, 2012 the Engineering Division stated that it will not approve three curb cuts for this property unless the petitioner provides ADA compliant pedestrian ramps at all four corners of the intersection of Nevada Street and Linwood Avenue. Alderman Lennon said this is an undue burden on a modest petition.

There was no public comment; however, Mr. Morris submitted fourteen letters from neighbors on Nevada Street and Linwood Avenue in support of the project. That concluded the public hearing.

July 17, 2012 Present were Aldermen Hess-Mahan (Chairman), Crossley, Laredo, Albright, Harney, Fischman, Schwartz, and Merrill; Aldermen Lennon and Kalis were also present.

Subsequent to the public hearing, the petitioner provided a revised site plan, a landscape plan, and a landscape elevation. The discussion began about curb cuts. The petitioner has represented that four curb cuts, two next to each other, are necessary to serve the two units. The curb cuts conserve on-street parking resources by providing on-site parking. The Planning Department contends that four curb cuts over a relatively limited street frontage present a danger to pedestrians and eliminate on-street parking. Given the fact that this is a two-family dwelling and there is no on-street parking in the winter, the Engineering Division will allow three curb cuts with two conditions: first, that a new concrete sidewalk and granite curb is installed along the Nevada Street Frontage; and second, that four handicapped ramps/pedestrian curb cuts at the intersection of Nevada Street and Linwood Avenue be upgraded to current ADA and Architectural Access Board standards. The petitioner has agreed to install a concrete sidewalk and granite curb along the Nevada Street frontage. This is reflected on the revised plan. Alderman Lennon reiterated his concern about the Engineering Division's stance on the four pedestrian/handicapped ramps and questioned whether there was any nexus between the ramps and the relief requested.

The landscape plan and landscape elevation, which shows how landscaping will mitigate the mass of the building particularly when seen from Linwood Avenue, indicates that a number of

plantings will be 2' to 2.5' at planting. The Planning Department pointed out that these are small plantings that will take some time to grow to point where they will effectively break up the mass of the building. The plan shows a magnolia tree as well. The Planning Department recommends that the petition increase the size of stock and provide more medium height trees along the Linwood Avenue frontage. In addition, stepping back the addition further away from Linwood Avenue would effectively break up the massing of the structure. The Planning Department noted that several existing street trees appear to be in poor condition and recommends the petitioner work with the Director of Urban Forestry to remove and/or replace the trees as necessary.

Alderman Crossley said the petitioner appears to be taking advantage of every square inch on the site. A couple of trees don't mitigate the mass on Linwood Avenue. Although there is some articulation, stepping the façade further back would mitigate the appearance of bulk and free up additional space in front of the garage. She would like to see dimensions relative to the existing house and where the addition is going. Alderman Albright agreed that the massing on Linwood Avenue looks like a wall. Any articulation of the massing on the Linwood Avenue elevation does not appear to be reflected on the plan.

The Chairman suggested that a site visit might be useful. The petitioner could stake out the proposed curb cuts and the extension of the building. The Committee agreed, and voted 8-0 to hold the item.

July 24 This evening the Chairman reported that several Committee members visited the site on July 20; others visited the site on their own. Members who visited the site noted that a number of other houses in the neighborhood had more than one driveway. It is a neighborhood in transition, with a number of large two-family homes built in recent years.

The petitioner has reduced the width of the two adjoining curb cuts serving the garages off of Linwood Avenue, reducing the total number of curb cuts from four to three. The single curb cut is 20' wide instead of 28'. (The original iteration was two 12' driveways with a 4' "butterfly" between them.) The Planning Department still prefers only two driveways.

A revised landscape plan was provided. Two magnolias, 8-10' high at planting will be installed along the western façade of Linwood Avenue. The petitioner has met with the Director of Urban Forestry about the street tree on Linwood Avenue that is in really poor condition and after the process for removal of a public street tree is completed it will be removed. The petitioner will replace the tree, but on the Nevada Street frontage where there is more room.

The proposed addition has been stepped back 4' from the façade of the original structure instead of the previous 1.5'. This jog clearly differentiates the old and new structures and breaks up the mass on the Linwood Avenue façade.

A compromise has been reached with the Engineering Division concerning the ADA compliant ramps. The petitioner has agreed to fund half the costs of two ramps. The City will install the other two ramps. When asked what that cost was, the petitioner said he wasn't sure, but the Engineering Division had suggested an estimate of \$1,500 each. The Committee agreed that should the petition be approved, a final cost be determined to be reflected in the special permit.

The Committee discussed the driveways and parking configuration. Several members still expressed concern about the three driveways. If there were tandem parking, would there be enough room for a car to exit the garage if another car is parked in the driveway? Mr. Morris explained that it isn't the width of the driveway but the length that is the issue. It is approximately 1' too short to allow tandem parking without seeking additional zoning relief to park in the setback. The Chairman said that personally he is not sure it's desirable given that the grade differential creates a slope down to the garage. Alderman Crossley noted that this request is for an enormous increase in FAR. The proposed structure is a very large side-by-side duplex; a smaller structure would give more space. It's unreasonable to cut up the site for so many cars in order to park all over the site. It's reasonable to have one car in a garage and another in the driveway. Mr. Morris pointed out that the lot coverage has been reduced from 26.6% to 25.8%, where the allowed/required is 30%. Mr. Morris said the preservation of the house militates the plan.

Alderman Ciccone likes the proposed project. It preserves the existing house. The petitioner has reduced the width of the driveway from 28' to 20' and has agreed to contribute to the handicapped ramps.

Chairman observed on the site visit that two 2-family houses across the street from the site have four driveways, approximately 25-28' wide. He believes that size wise the proposed structure is consistent with the neighborhood. The curb cut has been narrowed; the amount of impervious surface has been decreased. He can support the petition. Alderman Schwartz felt the 4' step back was a significant improvement to the façade.

Alderman Merrill said he had no problem with the three driveways and moved approval of the petition with the findings and conditions enumerated in the draft special permit board order dated August 13, 2012. Alderman Merrill's motion carried 4-1, with Alderman Crossley opposed.

Discussion Item

The Planning Department and City Engineer requesting that the Land Use Committee determine that the City, lacking sufficient staff resources and/or expertise, engage outside consultants to conduct peer reviews of engineering/stormwater drainage design, fiscal impact, and possibly traffic/transportation relative to the proposed Station at Riverside project in anticipation of B.H. Normandy Riverside, LLC's filing a special permit application pursuant to Section 7 of Article X of the Rules & Orders of the Board.

There was some confusion about this item, which is not a docket item and requires no action. The confusion probably arose because in several cases in the past the Land Use Committee, upon a request from a department through the Planning Department, had authorized hiring outside consultant(s) prior to the actual filing of the special permit application. The applicant filing the land use petition for which an outside consultant is hired pursuant to this rule pays the consultant's fee to the City and the City hires the consultant(s). The reason for doing this prior to the actual filing is timing: an RFQ must be written, a consultant chosen, and a contract written, all of which cannot be completed in a couple of weeks. In this case, the Chief Zoning Code

Official is in the process of writing the Zoning Review, which also has a time frame in which it must be completed and the petition is expected to be filed shortly and assigned for a public hearing on September 20, which when closed also has a time frame in which the Board must act. However, subsequent to being placed on the agenda for this evening, it was noted that it appears this would be a belt and suspenders approach since the Mixed Use 3/Transit-Oriented District which applies to Riverside states the following

“...impact studies of the following *must* (emphasis added) be undertaken by the petitioner as part of the special permit application process under 30-13(g) with the project scope determined by the director of planning and development and the commissioner of public works (peer reviews may be required, hired by the city and paid for by the petitioner):

- a) Adequacy of road and traffic infrastructure, including the traffic analysis required in section 30-24(j)(6)
- b) Adequacy of water, sewer, and storm water infrastructure, including the water, sewer, and storm water analysis required in section 30-24(j)(8)
- c) Net fiscal impacts, including the fiscal impact analysis required in section 30-24(j)(9)”

Staff apologized for any confusion. Alderman Sangiolo asked if the neighborhood could have input into the scope of the reviews. In addition, she asked when responses to the comments and questions received following the June 16 conceptual meeting would be posted. For example, will the MBTA be at the table? Ms. Tapper said that the Planning Department had received a number of comments and questions but was awaiting some information from the developer. Attorney Stephen Buchbinder, who represents B.H. Normandy, explained that they are working to assemble the information and will get it to the Planning Department as soon as possible.

The meeting was adjourned at approximately 8:15 PM.

Respectfully submitted,

Ted Hess-Mahan, Chairman