

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

OCTOBER 9, 2012

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

City Staff: Alexandra Ananth (Senior Planner), Ouida Young (Associate City Solicitor), Linda Finucane (Assistant Clerk of the Board of Aldermen)

Public Hearings were held on the following items:

#271-12 DAVID AUTOR & MARIKA TATSUTANI petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to construct a rear addition to expand the kitchen and add a mudroom which will increase the Floor Area Ratio from .71 to .73, where .48 is allowed by right, at 54 OXFORD ROAD, Ward 6, Newton Centre, on land known as SBL 62, 4, 18, containing approx.. 7,681 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 6-0 (Merrill not voting)

NOTE: The petitioners were represented by Attorney Laurance Lee. They are seeking a special permit for a 140 square-foot first floor addition to enlarge their kitchen and create a mudroom. The already nonconforming FAR will increase from .71 to .73, where .48 is allowed by right. The petitioners tried but were unable to reconfigure the kitchen within the existing footprint. There was no public comment, but two letters from 48 and 60 Oxford Road were received in support of the petition.

In working session, the Committee agreed this is a modest addition that will be minimally visible to abutters. Alderman Crossley moved approval finding that the increase in FAR is not substantially more detrimental than the existing .71 FAR; the proposed 140 square-foot addition to the house, which is considered three-stories, is not visible from the street; the house is dimensionally compliant in all other respects including height, side and rear setbacks, lot coverage, and open space. The motion to approve carried 6-0 with Alderman Merrill not voting.

#149-03(4) BERTUCCI'S COPORATION/THE NOLAN BROTHERS petition to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL #149-03 granted on June 2, 2003 to allow a restaurant use (~~120~~ 100 seats) in a MIXED USE 1 District and to waive the 25 parking stalls required for such use at 300 NEEDHAM STREET, Ward 8, on land known as SBL 83, 30, 11 containing 205,211 sq. ft. of land. Ref: Sec 30-24, 30-23, 30-19©, (d)(13), and (m), 30-13(b)(5) of the City of Newton Zoning Ord 2012 and Special Permit #149-03 and #149-03(2).

ACTION: HEARING CLOSED; APPROVED AS AMENDED 6-0 (Merrill not voting)

NOTE: Attorney Nicolas Iannuci and James Quackenbush from Bertucci's presented the petition. A special permit for this mixed-use retail and personal storage building was granted in 2003. The petitioners wish to locate a restaurant of up to 120 seats in one of the retail spaces that has been vacant since the building was constructed. A restaurant requires more parking and the petitioner is seeking a waiver of 25 parking stalls. Most of the building is occupied by the EZ Storage which has a low parking demand. Other tenants are Chipotle, Pearle Vision, Weight Watchers, EMS and an empty retail space of 2,100 square feet. The proposed restaurant, which will be called "Two Ovens," is a different concept, smaller than most Bertucci's, primarily serving pizza. The petitioner hopes to open before the end of this year.

Initially, the petitioner was seeking 100 seats then at the last minute after the zoning review memo was completed decided to add outdoor seats, which are included in the petition for 120 seats, but the additional seats require additional parking. Depending on whether the two existing handicapped spaces are compliant, the petitioner will need to seek an additional 6 to 8 space-waiver for the 20 outdoor seats. However, the waiver of 25 spaces will allow the petitioner to open with 100 interior seats and then return to amend the special permit for the outdoor seating, which won't be used until spring anyway.

The petitioner submitted a parking study after taking counts in the parking lot over four days in September. The counts indicate there is sufficient parking. There is a sidewalk around the property for pedestrian access. The interior of the lot has directional signage and stop signs. As to rear access, one owner cannot force another owner to allow access over its property. A portion of the site has a cement pad from a previous building and is the subject of ongoing remediation with monitoring by the DEP. There was no public comment.

In working session, Alderman Fischman asked about the wood storage shown on the site plan. Mr. Quackenbush explained that one oven is gas and the other is a combination of gas and wood. A small amount of wood is used to flavor the pizza. The ovens are vented via an internal vent to the roof of the building. Alderman Fischman noted that the City recently accepted the portion of Christina Street nearest Needham Street as a public way and that the owners of this property had substantially contributed to the construction. He did suggest that the petitioner or owner might consider installing mirrors on a narrow portion of the site where it is difficult to accommodate two-way traffic. Alderman Crossley said she is pleased with this use coming to Needham Street. The building has never been fully tenanted and this will help enliven this portion of Needham Street.

Alderman Fischman moved approval of the petition finding that the restaurant use is appropriate in the Mixed Use 1 District and will not be detrimental to the neighborhood or a nuisance or hazard to vehicles or pedestrians; a waiver of 25 parking spaces for 100 seats is appropriate given the mixed uses on the site and amount of spaces available; it is consistent with the City's goals of enlivening the Needham Street corridor and with the *Comprehensive Plan*. The motion to approve carried 6-0 with Alderman Merrill not voting. The meeting was adjourned at approximately 11:15 PM.

Respectfully submitted,
Ted Hess-Mahan, Chairman