

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, JANUARY 24, 2012

Present: Ald. Hess-Mahan (Chairman), Ald. Albright, Crossley, Laredo, Fischman, Merrill, Schwartz, and Harney; also present: Ald. Lennon and Ciccone
City staff: Alexandra Ananth (Senior Planner), Robert Waddick (Assistant City Solicitor), Ouida Young (Associate City Solicitor), Linda Finucane (Assistant Clerk of the Board)

#327-11 NEWTON COLLISION, INC. d/b/a GM AUTO BODY
64 Crafts Street
Newtonville 02460

ACTION: APPROVED 6-0 (Harney, Schwartz not voting)

NOTE: This is an application for a new Class 2 auto dealer license. The applicant, George Mourgis, has been in business 41 years and would like the opportunity to sell used cars and access auto auctions. This would be an ancillary use to an existing auto body repair business. Alderman Albright moved approval, which carried 6-0.

#388-11 KOUZINA, INC./DTS TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive the 9 parking stalls required to increase from 20 to 46 the number of seats in an existing restaurant at 1649 BEACON STREET, Ward 5, Waban, on land known as SBL 53, 29, 2A, containing approximately 54,198 square feet of land in a district zoned BUSINESS 1. Ref: Sec. 30-24, 30-23, 30-19(d)(13), and 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

ACTION:

NOTE: The public hearing was opened and closed on this petition on January 10, 2012. Present at the hearing were Aldermen Hess-Mahan (Chairman), Merrill, Laredo, Schwartz, Albright, Crossley, and Harney; also present were Alderman Lennon and Alderman-elect Fischman.

Attorney Adam Barnosky, 300 Washington Street, Brookline, represented the petitioners. Located in Waban Square, the subject property is a mixed-use building containing retail, service, and office uses as well as the 20-seat restaurant opened by the petitioners ten years ago. The rear of the building has a large parking lot shared by all the tenants; it is accessed off of Windsor and Kinmonth Roads. The plot plan submitted with the application shows 76 parking stalls in the lot. There are approximately 24-25 on-street parking spaces. The petitioners wish to add 26 additional seats, which necessitates a special permit for relief from the parking requirements. A 46-seat restaurant requires 1 parking stall per 3 seats and 1 stall per 3 employees for a total requirement of 18 parking stalls. The petitioners have 3 stalls in the rear lot and a parking credit of 9 stalls; therefore, they need a waiver for 9 parking stalls. A parking survey done between the hours of 5:00 pm-9:00 pm on November 9, 10, 11, and 12 of 2011 was submitted as part of the application. There appears to be ample parking, particularly in the evening. Hours of operation are Tuesday-Friday, 11:30 am-2:30 pm for lunch and Tuesday-Saturday, 5:00 pm-9:30 pm for

dinner. There are no exterior changes proposed; interior modifications involve mostly additional tables and chairs. A revised accessibility plan was submitted prior to the hearing. There is one handicapped accessible bathroom on the first floor and a standard bathroom downstairs in the basement. The Planning Department recommends the parking lot be striped to use the space more efficiently. The committee asked about directional signage to the parking lot. There was no public comment.

This evening, the Committee reviewed the Planning Department working session memorandum dated January 20 which had attached lunchtime parking counts done on January 10, 11, 12, and 13 of 2012. The counts confirm the availability of parking. The owner of the building, who is the co-petitioner DTS Trust, indicated to the petitioners that he is not willing to stripe the parking lot even if the petitioners pay for it. Ms. Ananth spoke with two local pavers to obtain estimates for the striping. Both estimates were approximately \$1,000. The petitioners had obtained an estimate of \$3,000. Ms. Ananth noted that the cost would also depend on the condition of pavement and whether or not it needs repairs.

Alderman Crossley was prepared to move approval, since this appeared to be a simple, straightforward proposal. However, in discussion on the motion, several members were concerned about the owner's refusal to stripe the parking lot. Should it be included as a condition? How many stalls does the lot actually contain – 71, 76? Additional questions arose as to maneuvering aisle width and turning radii. There was a question as to whether the 3 handicapped stalls shown on the plan prepared by Neponset Valley Survey Associates may be impracticable, particularly the middle stall which doesn't appear to have enough space for access. Is the owner resistant to striping the lot because several spaces may be lost when stalls become dimensionally compliant? Is there a code issue? Is it not a requirement to delineate handicapped stalls? Alderman Harney pointed out that should the special permit be approved the owner will have the benefit of a 46-seat restaurant because the permit runs with the land. Alderman Laredo opposed including a condition to stripe the lot because it could unfairly burden the petitioners, when in reality there is plenty of parking. In general, the sense of the committee was that waiving the 9 parking stalls for 26 additional seats is not inappropriate. Even if several spaces are lost because of dimensional compliance, it appears there is still plenty of parking because the shared parking is not used by other tenants in the evening. However, the accuracy of plan was called into question. The Committee requested the Planning Department to ask the city's traffic engineer to review the plan. The petitioners may need to submit a revised plan.

As to directional signage, the petitioners explained they have a sign in the window directing patrons to the parking in the rear and the information is on their website as well. A small sign on the building indicates parking for tenants and customers only. The majority of patrons are regulars, besides, in the evenings there is plenty of parking in front of the building.

Alderman Fischman moved to hold the petition to allow the city's traffic engineer to look at the number of spaces, the aisle width, and the turning radii and to address the configuration of the handicapped parking. The committee voted 7-0-1, with Alderman Merrill abstaining, to hold the petition for the February 7 working session.

#282-11(2) RICHARD D. SEWALL petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four attached dwellings in two buildings; to waive the side setback requirement; to allow a lot coverage of more than 25%; and to waive the dimensional requirements for parking stalls at 87-89 WABAN STREET, Ward 1, Newton Corner, on land known as SBL 12, 4, 27, containing approximately 20,082 sq. ft. of land in a district zoned Multi Residence 1. Ref: Sec 30-24, 30-23, 30-(9)(b)(5), 30-9(b)(5)b 30-19(g)(2) and (m)of the City of Newton Rev Zoning Ord, 2007.

ACTION: APPROVED 8-0

NOTE: The public hearing was opened and closed on this petition on January 10, 2012. Present at the hearing were Aldermen Hess-Mahan (Chairman), Merrill, Laredo, Schwartz, Albright, Crossley, and Harney; also present were Alderman Lennon and Alderman-elect Fischman.

A prior iteration of this petition was the subject of a public hearing that opened and closed on November 15, 2011. However, after a site visit on November 18, attended by several aldermen and neighbors, and as a result of suggestions from the abutters and city, the petitioner agreed to reconfigure the site layout and that petition was withdrawn without prejudice.

The petition was presented by Attorney Terrence Morris. The petitioner wishes to demolish an addition to the rear of an existing circa 1848 Italianate dwelling, which was the home of Frank A. Day, a wealthy banker and philanthropist, for whom the F. A. Day Middle School is named. The proposal involves demolishing a detached garage and an addition to the rear of an existing two-family house and adding two attached dwelling units onto the existing house. Relief is sought to construct four attached dwellings in two buildings; to allow side setbacks of 11 feet and 14.4 feet where 25 feet is required, and to allow lot coverage of 28.8% where a maximum of 25% is allowed. The petitioner is also seeking relief to locate a driveway closer than 10 feet from the side lot line and to allow parking stalls which measure 8x18 feet instead of the 9x19 feet required. The revised layout of the proposed units will have less impact on the abutters. Initially, the Planning Department was concerned about the density but now supports the petition. Nineteen properties in the neighborhood have 5,207 sq. ft. of land area per unit; thirteen properties are on lots less than 10,000 sq. ft. The proposal is compatible with density in the neighborhood. The petitioner is committed to restoring the existing historic house, a factor which is very important to the neighborhood.

The proposed buildings are in an L-shape. Each unit has a two-car garage. The existing driveway on the west side of the property, which is shared with 95 Waban Street, will serve unit nos. 1 and 4; a new driveway on the east side will serve unit nos. 2 and 3. The eave of the garage at 95 Waban Street (west side) overhangs the petitioner's property by approximately two feet. The petitioner has had discussions with the abutter about replacing the garage, although the petitioner doesn't believe it impacts access to the garage for unit 3, it is more of a marketing issue. However, the Committee had some concern about the ability of turning into the garage and asked the petitioner to provide a turning radius for the working session. The new building will be the same height as the existing house and will have dormers; both buildings are 2.5 stories with pitched-style roofs. The architecture and materials of the new building complement the existing house. The Historical Commission reviewed and approved the demolition and the new plans in December. The Fire Department has approved the plans.

There was no public comment; however, a petition was submitted in support of the proposal from neighbors at 105 Waban Street and 86, 87-89, and 93 Waban Park.

This evening, Ms. Ananth explained that after reviewing a turning radius plan for the garages on the west side of the property, the Planning Department feels the turning will be tight. The existing shared driveway is 10 feet; it widens to approximately 20 feet at the front garage and again to approximately 16 feet at the rear garage. The petitioner is still discussing with the abutter whether or not he wishes the garage replaced/relocated. A question arose about snow storage. Snow can be plowed straight up the driveway into the yard, which is quite large, and should not significantly impact the width of the driveway. The petitioner offered to cut back the fence on the west side of the property to improve the turning radius.

The petitioner submitted a revised landscape plan showing additional screening both at the center and rear of the site. A factor in reconfiguring the site is unfortunately removal of the large Elm tree that everyone wished to keep. City tree warden Marc Welch confirmed the tree was diseased and needed to be removed. The petitioner is proposing to plant two golden beech trees. The east side of the property has an existing chain link fence that belongs to the abutter. The petitioner believes the abutter wishes to keep the chain link fence. The petitioner is proposing a 6' wood fence against the chain link fence and to the rear of the property. A final landscape plan will be submitted showing the fence. The petitioner proposes to replace the existing asphalt sidewalk and asphalt curb (the city's policy is to replace with in-kind material).

Most of the engineering issues referred to in the city engineer's January 5 memorandum have been resolved. Any remaining issues are ones that will be addressed at the building permit stage. Alderman Albright asked if the petitioner was planning to underground the wires. There are two poles located on the rear of the property. The poles may be owned by separate utilities. The petitioner planned to address the low-hanging wires that currently hang between the poles, but had not considered undergrounding. The petitioner believes one of the poles services multiple houses, but after a brief discussion, agreed to underground the utilities for this property.

Alderman Merrill moved approval of the petition finding that the site is an appropriate location for the 4-unit attached dwellings and it will not adversely affect the neighborhood; the setback and lot coverage waivers create a lot similar to others in the neighborhood; location of the driveways will not result in pedestrian or vehicular safety concerns; the preservation of an historic structure is a benefit to the neighborhood; and, it is consistent with the *Comprehensive Plan* in that it preserves an historic structure while creating new housing units near public transportation.

NOTE: The following 2012 Class 2 auto license renewals did not return their applications in time to be approved by January 1. They meet the licensing criteria and were approved unanimously.

#302-11 AUTO ANNEX, INC.
 249 Centre Street
 Newton Corner 02458

- #301-11 CICCONI MOTORS
75 Adams Street
Newtonville 02458
- #305-11 ENZO'S AUTO SALES
10 Hawthorn Street
Nonantum 02458
- #321-11 VELOCITY MOTORS, INC.
14 Hawthorn Street
Nonantum 02458
- 316-11 PARAGON GLOBAL PARTNERS, INC.
259 Walnut Street
Newtonville 02460
- #326-11 TODAY'S SERVICES, INC. (Class 2 and 3)
1362 Washington Street
West Newton 02465

The meeting was adjourned at approximately 9:00 PM.

Respectfully submitted
Ted Hess-Mahan, Chairman