

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, APRIL 2012

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

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

Public Hearings were held on the following petitions:

#57-12 DOMENANCY, LLC. request for a SPECIAL PERMIT/SITE PLAN APPROVAL to create a third unit containing one-bedroom in a portion of an existing two-family dwelling and to locate two parking stalls in the side setback; locate one stall closer than 5 feet to a dwelling, and to waive various requirements for a parking facility containing more than 5 stalls at 39-41 JACKSON STREET, Ward 6, Newton Centre on land known as SBL 65, 19, 67A, containing approx. 16,700 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-9(c)(1), 30-19(h)(1), (h)(2)(c), (i), (j)(1), (2), (3), 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

ACTION: HEARING CLOSED; APPROVED 7-0

NOTE: The petitioner was represented by attorney Stephen Buchbinder. Mr. Buchbinder explained the petitioner is seeking to create a third unit in an existing two-family dwelling, which conversion is allowed by special permit for a structure in existence on May 7, 1979. The existing two-family house is the result of a 1955 subdivision. The proposed third unit will be located in a rear addition constructed as a family room and master bedroom suite in 1978. The proposed unit will contain approximately 400 square feet on each floor for a total of 800 square feet. The only exterior changes proposed are slight modifications to the fenestration to accommodate the new interior layout. There is an attached garage with parking for two cars and a patio above. A detached garage on the west corner of the site provides parking for one car. Two existing sheds at the rear will be removed.

The flag-shaped lot is accessed by a long driveway off Jackson Street. The driveway width will be reduced from 20 feet to 12 feet, reducing the amount of impervious surface, bringing the open space into compliance. The driveway will be repaved with grass pavers installed on the front portion to accommodate fire apparatus.

Parking requirements are two parking stalls per dwelling unit, for a total of six stalls. Currently three parking stalls are provided within garages, with additional free space for surface parking. The proposed parking configuration will retain the three garage stalls with three additional dimensionally compliant stalls behind the house. The petitioner is seeking waivers from the requirements for a parking facility containing more than five stalls, e.g., one-foot candle lighting, one handicapped stall, and certain screening requirements not necessarily relevant in the case of a modest residential property. In addition, the petitioner is seeking waivers to locate two of the stalls within the side setback and locate one stall closer than five feet from a dwelling. There is a

stone retaining wall at the rear of the property with a number of deciduous trees above it. The petitioner is willing to plant some evergreens for additional screening, but pointed out the abutting properties on Langley Road are at a considerably higher level and some distance from the subject property.

One speaker, Mr. Santucci, who grew up at and whose family owns 416-418 Langley Road, spoke in support of the project. That concluded the public hearing.

In working session, Alderman Crossley noted that it appeared the three surface stalls as shown on the plan would not allow enough room for a second car to access the attached garage. Several possible solutions were discussed, ultimately, the committee suggested and the petitioner agreed that the problem could be solved by removing the existing concrete header in the garage relocating the support column, and installing one long garage door instead of two. *A revised plan will be provided prior to the Board meeting on April 17. Please see note below.*

Relative to landscaping, the grass pavers along the sides of the front portion of the driveway preclude the installation of landscaping. An existing row of yew trees provides a buffer to the northeast portion of the site. The committee agreed that, since the rear of the site is currently used and will continue to be used for parking, and the two existing sheds will be removed, the existing deciduous trees provide sufficient screening.

Alderman Schwarz moved approval of the petition finding that converting the two-family dwelling to a three family dwelling is appropriate because it will not adversely affect the neighborhood which has a number of multi-family homes; there are only minor exterior changes to the windows; access is appropriate; the reduction in width of the driveway will result in less impervious surface and bring the open space on the site into compliance; the parking waivers are appropriate because they will make the site compatible with the neighborhood; and creation of a third modest unit is in keeping with goals expressed in the *2007 Comprehensive Plan*. Conditions include resurfacing the driveway and posting 'no parking' signs in it to ensure proper access.

N.B. Subsequent to the meeting, the petitioner determined that the changes to the attached garage suggested at the meeting could not be done because the cost is prohibitive. It is easier and just as effective to relocate the parking stalls. A revised site plan indicating four surface stalls (one stall will remain in the attached garage and one in the detached garage) will be included in Friday's packet. This reconfiguration eliminates the need for a waiver for parking in the setback.

#62-12 CHARLOTTE N. DUHAMEL & GREGORY P. LICHOLAI petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE by adding a 3^{1/2} story addition to the rear of an existing single-family dwelling, increasing the Floor Area Ratio from a legally nonconforming .54 to .66, where .41 is allowed by-right, at 43 HILLSIDE ROAD, Ward 3, West Newton, on land known as SBL 52, 10, 4, containing approximately 8,365 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 1 of the City of Newton Rev Zoning Ord, 2007.

ACTION: HEARING CLOSED; APPROVED 7-0

NOTE: The petitioners' architect Michael Huller and Mr. Licholai presented the petition. The petitioners obtained a building permit in September 2011 for a by-right addition which is contingent on the construction of a 3' x 122' retaining wall on two sides of the site to bury the basement by one foot so it doesn't count as a story. However, the petitioners have decided they do not want a 3' x 122' retaining wall, so they are now seeking relief to extend the nonconforming structure, which will increase the already nonconforming FAR. The proposed 3.5-story addition contains approximately 668 square feet, 120 feet more than the by-right addition, and is 35 feet in height. The home was built in 1890 by one of the country's early female architects, Margaretta "Annie" Cobb, who designed and built a number of homes in the city. The addition will sit on posts and will contain a mudroom, and breakfast area/family room and a master bedroom with bathroom and walk-in closet above. The petitioners would like to enclose the space beneath the addition with lattice work so it may be used for storage without looking unsightly. Although the space is essentially a crawl space with no head room and no foundation it is included under the new FAR calculations. The proposed plans have been reviewed and approved by the Historical Commission.

There is a detached garage with an attached carport. The petitioners plan to remove the carport. The site in the rear is a natural bowl which flows into the backyards of neighboring properties. This gives a sense of one combined open space where all the neighborhood children play and which the petitioners wish to enhance by removing approximately 40 feet of driveway pavement, which will be replaced by grass, adding 336 square feet of open space.

Letters in support of the special permit request as opposed to the by-right plan with the retaining wall were received from abutters at 37, 49 Hillside Road and 1 Raeburn Terrace. That concluded the public hearing.

In working session, a question arose about drainage. Mr. Huller explained that calculations initially indicated a credit on the site. Drainage is not an issue because there is no increase in impervious surface, on the contrary 40 feet of asphalt will be removed, and the natural grade of the site will not be disturbed. The Committee suggested, and the petitioners agreed, that since the space underneath the addition was calculated in the FAR anyway, the petitioners might want the option of pouring a foundation instead of using sonar columns.

Alderman Schwartz moved approval of the petition finding that the increase in an already nonconforming FAR is appropriate and the proposed addition is in keeping with the architecture and roofline of the existing house and is located on the rear of the house, minimally visible to

abutters or from the street; the addition complies with setback requirements and the property meets dimensional controls for lot coverage, open space; construction without a retaining wall minimizes disturbance to the natural contours and drainage on the site; the removal of 40 feet of driveway decreases the impervious surface and increases the open space; and, the addition is in keeping with goals expressed in the *2007 Comprehensive Plan*. A condition will be included to allow the petitioners the option of pouring a foundation for the addition without returning to amend the special permit.

The meeting was adjourned at approximately 9:00 PM.

Respectively submitted,

Ted Hess-Mahan, Chairman