

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, JULY 17, 2012

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

#117-12      NAJIM AZADZOI petition for a Class 2 Automobile Dealer License at 278-280 California Street.

ACTION:      APPROVED 7-0 (Merrill not voting)

NOTE: Mr. Azadzoï and his son are architects with a design business at 278-280 California Street, a mixed use building located in a Business 1 district. Both are car buffs and in the past year have bought and sold more cars than the number allowed by the Registry of Motor Vehicles without a second-class auto dealer's license. The car auction houses also require a license to enter and bid on vehicles. There will no cars stored or displayed on-site. If the license is approved he will post the required bond with the city and verify compliance with warranty requirements. Alderman Crossley moved approval, which carried 7-0, with Alderman Merrill not voting.

#176-12      WALGREEN'S REAL ESTATE/WABAN-1332 LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 3,736 sq. ft. addition onto an existing building, to install new signage and façade, to modify the existing parking lot at 1099-1101 BEACON STREET, 871 and 875 WALNUT STREET Ward 6, on land known as Sec. 64, Blk. 3, Lots 10, 11 and 12, containing approximately 43,922 sq. ft. of land in a district zoned Business 2. Ref: Sec 30-24, 30-23, 30-20(f)(1) and (2), 30-20(1), 30-11(j)(3), 30-19(j)(2) and (3) of the City of Newton Rev Zoning Ord, 2007. **(10/08/12)**

ACTION:      APPROVED 8-0

NOTE: The public hearing on this item was opened and closed on July 10. Frank Stearns of KL Gates, LLP represented the petitioners who wish to renovate and expand an existing Walgreen's constructed in the 1980s. The proposal is to enlarge the existing 9,963 square-foot building by approximately 3,736 square feet, bringing the total to 13,690 square feet. Because the addition increases the building size to over 10,000 square feet it requires Site Plan Approval pursuant to 30-11(j)(3), but it does not require a special permit. Currently, the site is comprised of three separate lots. The Commissioner of Inspectional Services has determined that to construct the addition as proposed the parcels must be combined into a single lot; the petitioners have agreed to do so. The addition contains a stockroom, an employee room, and new pharmacy. Located on the north side of the building, it meets all setback requirements. The new entrance faces Walnut Street instead of Beacon Street. The new façade incorporates more glass.

The petitioners are seeking a special permit for four signs, two on each frontage of the building. The existing signs total 330 square feet and the proposed signs total 184 square feet which, although smaller, exceeds the 100 square feet allowed by right. Since there is no record of the existing signs being permitted, they are not considered grandfathered and the petitioners need a special permit to exceed the square feet allowed by-right.

Site changes involve narrowing the Beacon and Walnut Street curb cuts to 25', improving the landscape buffer and reconfiguring the parking area. The site has 54 parking spaces. The number of spaces will be reduced to 43 stalls to accommodate the proposed addition. The number and dimensions of the spaces conform to the parking requirements. The parking lot will be repaved and a pedestrian crosswalk delineated with stamped concrete will be installed within the site. There is an existing dumpster on the western property line; a new dumpster will be placed 4' from the north property line and enclosed. Plans show one loading dock. A truck turning template indicates there is adequate room for deliveries and trash removal. The Planning Department believes that reducing the curb cuts to 25' may discourage vehicles from cutting through the parking lot to avoid the Walnut/Beacon Street intersection. A new bike rack will be installed at the Beacon Street façade.

The site has a number of mature trees along the periphery, but the rest of the landscaping consists mostly of mulch. The petitioners plan to add at least one deciduous tree on the Walnut Street frontage as well as a mix of shrubs and perennials. The new landscaping will provide additional screening of the parking area. The petition includes a photometric plan that appears to meet the lighting requirements. The Planning Department has asked the petitioners to clarify the height of the proposed new light poles and to submit a cut sheet of the fixtures prior to the working session.

The plan indicates three handicapped parking spaces. Alderman Schwarz noticed that one of the handicapped spaces appears to conflict with the proposed interior crosswalk. Mr. Stearns said of the three spaces that one is not van accessible. Alderman Schwarz asked if the petitioners would consider an additional HP space. What about installing a bench on the corner of Beacon and Walnut Streets?

Alderman Albright asked if the petitioners could do anything about the double pole on Walnut Street. The petitioners were not optimistic, but agreed to speak with the utility that owns the pole.

A representative of the Board of Trustees for the 1111 Beacon Street Condominium Association, the property directly west of the site, spoke in support of the petition. After meeting with the condominium owners the petitioners agreed to move the dumpster, install a 6' fence along the adjoining property line, paint the west side of the building white, install a bench on the cemetery side of the site to encourage employees on break to congregate there instead of next to 1111 Beacon Street, and install motion lights to discourage others from loitering in the area abutting the condominiums. New HVAC equipment will replace the existing roof-top HVAC equipment; the new equipment will be quieter. The existing roof is black as is the new roof. Alderman Crossley would love to see a green roof but acknowledging the implausibility suggested the petitioners might consider a lighter color membrane.

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This evening, Ms. Young explained that Site Plan Approval is triggered by the size of the building, not the use. She reviewed the criteria in Sec. 30-23 which relate mostly to vehicular circulation and pedestrian safety, traffic, and parking. Site Plan Approval is virtually impossible to deny and requires only a majority vote.

The Engineering Division of Public Works felt strongly that the Walnut Street curb cut should be 32 feet to allow tractor trailers to access the site without driving over and damaging the sidewalk. The Planning Department preferred 25 feet. The petitioners have compromised with a 32-foot opening that will funnel down to 25 feet as you enter the site. Deliveries are typically in the early morning, approximately three times a week.

The petitioners spoke with a representative from National Grid about the double pole at Walnut and Beacon Streets. National Grid does not intend to replace the pole. Alderman Albright said it would probably allow the petitioners to pay to do so; however, the Chairman pointed out that the utility lines for the site are already underground and there is no nexus between a special permit for signage and a new utility pole.

The Urban Design Commission has reviewed and approved the proposed signs. Pursuant to Sec. 30-20(i)(2) Mr. Stearns will seek an opinion from the Chief of Police relative to the proposed red illumination not creating a hazard to the operation of motor vehicles..

The petitioners have agreed to install a 6-foot white vinyl fence along the western property line and will paint the west side of the building white, relocate and enclose the dumpster, delineate with a textured concrete an interior pedestrian crosswalk, install a bench at Beacon and Walnut Streets, move the employee break area away from 1111 Beacon Street, install one new deciduous tree, keep the existing trees along Walnut and Beacon Streets and install a mix of additional landscaping consistent with the height of the landscaping at Whole Foods. The height of the light poles in the parking lot has been reduced from 30 feet to 20 feet. Building lights on the rear of the building will be set on motion sensors. After consulting the 1111 Beacon Street Condominium owners, the new roof will be black.

Alderman Schwarz moved approvals of the Site Plan Approval finding it meets the criteria enumerated in Sec. 30-23 and in special permit draft board order #176-12 dated August 13, 2012 and of the special permit for the signs finding the signage is appropriate given that the site is located at a busy intersection with two street frontages; the replacement of two primary and two secondary signs is appropriate because it is actually reducing the square footage of signs on the site; and, the signage has been approved by the Urban Design Commission. Alderman Schwartz's motion carried unanimously, 8-0.

#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.  
**(09/10/12)**

ACTION: HELD 8-0

NOTE: This item will be reported when it is voted out of committee.

#118-12      ZORI & INBAL ROBINOVITZ petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a new single-family dwelling with a Floor Area Ratio of .28 where .26 is allowed by-right at 150 COUNTRYSIDE ROAD, Ward 8, on land known as SBL 83, 36, 39, containing approximately 25,000 sq. ft. of land in a district zoned Single Residence 1. Ref: Sec 30-24, 30-23, 30-15(u) of the City of Newton Rev Zoning Ord, 2007. **(09/10/12)**

ACTION: HELD 8-0

NOTE: This item will be reported when it is voted out of committee.

The meeting was adjourned at approximately 9:45 PM.

Respectfully submitted,

Ted Hess-Mahan, Chairman