

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, JULY 12, 2011

Present: Ald. Fischman (Acting Chairman), Ald. Crossley, Schnipper, Merrill, Blazar, Harney, and Albright; absent: Ald. Hess-Mahan

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

Public hearings were opened and closed on the following items:

#195-11 VIKRAM NARASIMHAN & MARY V. DOYLE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a NONCONFORMING STRUCTURE by adding an addition of approximately 1300 square feet to the rear of an existing single-family residence at 343 OTIS STREET, Ward 3, West Newton, on land known as SBL 32, 3, 14, containing approximately 18,630 sq ft of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007.

ACTION: HEARING CLOSED; ITEM APPROVED 7-0

NOTE: Presenting the petition were attorney Stephen Buchbinder, architect Jay Glaysteen, and engineer Mike Kosmo. The petitioners wish to construct a new two-car attached garage with two stories of living space above it onto the east side of their existing 1880 Victorian-style single-family home. The proposed addition contains space for two cars on the ground floor, an expanded kitchen, family room, screen porch, and deck, with a master bedroom suite on the second floor. Although the proposed addition of 28.8 feet in height is below the maximum 30 feet allowed by-right, the addition is considered three stories because the ground floor garage is more than 50% above grade, which requires relief to extend a nonconforming structure. The petitioners plan to demolish the existing single-bay garage on the west property line, close the existing curb cut, and install a new curb cut on the east side of the property to provide access to the proposed new garage. The house is listed on the National Register of Historic Places; the Historical Commission has reviewed and approved the proposed addition.

The petitioners have begun execution of a by-right building addition and interior renovations for which they received a building permit. There is a by-right option for the garage addition, but it requires four additional retaining walls around the house, creating a number of level terraces that are not harmonious with the neighboring property. The petitioners prefer the special permit option. The design of the addition is historical to the original house and complements the historic neighborhood and they feel it is more aesthetically pleasing than the by-right option. The neighbors are supportive of the special permit proposal. The addition would be constructed in compliance with the stretch code.

Although there was no public comment, the committee received two letters in support of the petition from abutters at 346 and 351 Otis Street. There was little discussion in the working

session that followed and Alderman Albright moved approval finding that the proposed addition of three stories is not substantially more detrimental to the neighborhood because more than 50% of the existing basement is above grade; the proposed addition is keeping with the architectural style and materials of the existing residence and has been reviewed and approved by the Historical Commission; all other aspects of the property remain conforming with zoning requirements; and it is consistent with the Comprehensive Plan in that it encourages preservation of existing residential neighborhoods and encourages modest-sized additions to preserve their character while meeting the needs of today's families.

Alderman Albright's motion to approve the petition carried unanimously, 7-0.

#196-11 STEVEN & ANDREA FEIN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXTEND A NONCONFORMING STRUCTURE for a garage greater than 700 square feet (approximately 1,110 square feet), extending a structure nonconforming with regard to lot coverage, at 40 LENOX STREET, Ward 2, West Newton, on land known as SBL 32 50 2, containing approximately 15,000 sq ft in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(m)(5)b) and c) of the City of Newton Rev Zoning Ord, 2007.

ACTION: HEARING CLOSED; ITEM APPROVED 6-0-1 (Crossley abstaining)

NOTE: Mr. Fein and builder Joe Trainor presented the petition. The petitioners, who have three children over the age of 16, wish to expand an existing 589 square-foot detached garage built in 1989 to 1,110 sq. ft. The existing garage is sited to east of the 1895 Victorian single-family home, which is on the National Register of Historic Places. The Historical Commission reviewed the proposed addition, but since the existing garage is less than 50 years; is not historically significant; and is not attached to the house, it determined that the proposed addition has no negative impact.

The house and garage are nonconforming with respect to maximum requirements for lot coverage and minimum open space, for which the petitioners are seeking relief to increase both nonconformities and to construct a garage over 700 sq. ft. The petitioners plan to park three cars inside (two tandem spaces and one on the side) and use the rest of the space for storage. The proposed addition is to the rear of the existing garage with a ridge four feet higher than the existing garage peak when viewed from the street. The higher roofline is because of the sloped grade. The additional height of the rear will provide space to store things like kayaks that are now kept outdoors and will allow the petitioners access from the garage onto an existing patio that goes directly to an entrance to the house. The height allowed by-right for a detached structure is 18 feet; the existing garage is 10.7 feet; the proposed garage is 15 feet. Given the past winter, the petitioners consider the direct access to the house the most important factor of the petition.

Mr. Fein said he had spoken with his neighbors; there was no public comment and the hearing was closed. When asked about the abutter to the east at 300 Highland Street, Mr. Fein said they had no objections, in fact, they asked if the petitioners would remove a tree. There is a dense screen of hemlocks along the property line and although the proposed garage is longer than the existing garage, it is no closer to 300 Highland. There is mature landscaping along the rear

property line as well. The petitioners were asked to provide a written statement from the abutters at 300 Highland Street.

In working session, the Committee agreed that, although there are carriage houses original to properties in the neighborhood, the existing garage, built in 1989, and the proposed addition could not be characterized as a carriage house. Alderman Crossley questioned the size and length of the proposed garage. She felt there must be a way to step up to the patio to access the house without the additional height. Alderman Harney expressed some concern about the almost doubling of size, but had no problem with the height because the house is three stories and has different roof lines. Alderman Schnipper pointed out that it is the petitioners who would be the most adversely impacted since the proposed addition partially blocks some windows on the east side of the house. Alderman Albright said the proposed garage is not the most beautiful, but she would have a hard time turning it down. The petitioners are willing to modify elements of the design, but wish to obtain a building permit prior to the new FAR requirements that will take effect on October 15 and complete construction before winter.

The Committee asked about the standards for granting relief for a garage greater than 700 sq. ft. Ms. Young explained that the zoning ordinance does not speak to specific relief for a large garage other than the standard special permit criteria. Alderman Blazar said although he too thought the garage could be smaller, it is not the Committee's role to design projects. Alderman Fischman questioned what the elevations would look like from across the street. Alderman Merrill had no problem with the addition as proposed.

Alderman Albright moved approval of the petition finding that relief from the lot coverage and open space is not substantially more detrimental than the existing structures on the site and that relief for the garage of more than 700 sq. ft. is appropriate because other houses in the neighborhood have detached structures of more than 700 sq. ft.

Alderman Albright's motion to approve carried 6-0-1, with Alderman Crossley abstaining.

N.B. Subsequent to the meeting, Bonnie Smolen of 300 Highland Street submitted a letter confirming that the petitioners had spoken to her about the petition and stating she has no objections to the plans.

Request for Consistency Determination: Re changes to the planting plan approved in condition 24 of special permit #385-08, granted 2/17/09 to the Marriott Hotel at 2345 Commonwealth Avenue, Auburndale. The approved landscape plan calls for six flowering trees to be planted on the median strip at the entrance to the hotel, but three large MWRA water pipes run beneath the median and the MWRA does not want trees planted over the pipes because of potential interference with and access to the pipes.

NOTE: Attorney Jason Rosenberg represented the Marriott Hotel. There are three MWRA water pipes that run through the median strip three feet below the surface. The MWRA prohibits invasive roots within four feet laterally of any MWRA pipe. After meeting with the City's Tree Warden and the Parks & Recreation Department, the petitioner has submitted a new planting plan which enhances the median strip without creating visibility issues or interference with the

MWRA pipes. The plan includes appropriate seasonal flowering plants on the median and eleven new trees to be planted elsewhere along the berm. The Committee asked Ms. Ananth to convey to the Commissioner of Inspectional Services its agreement that this is an appropriate solution to the conflict between the plantings approved in the special permit and the MWRA pipes.

The meeting was adjourned at approximately 10:00 PM.

Respectfully submitted,

Mitchell Fischman, Acting Chairman