

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, DECEMBER 14, 2010

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

*Public Hearings were opened and closed on the following items, which were then taken up in working session:*

#314-10      ERIN CARPE & MARTIN WOLIN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to demolish an existing one-story attached garage and construct a new garage with a second-story bedroom/bath addition at 17 FERNCROFT ROAD, Ward 5, Waban, on land known as SBL 53, 7, 12, containing approx. 11,025 sq ft of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-20-21(a)(2)b and 30-21(b) of the City of Newton Rev Zoning Ord, 2007.

ACTION:      HEARING CLOSED; ITEM APPROVED 7-0

NOTE: The petitioners are seeking a special permit to build a two-story addition in place of an existing attached two-car garage. The proposed addition will contain a two-car garage with a bedroom above. The existing house is nonconforming with a Floor Area Ratio (FAR) of .35 where .3 is allowed by right. The proposed addition would increase the FAR to .41. The design and materials of the proposed addition are in keeping with the Tudor-style home. Although the proposed addition will be slightly closer to the north property line it still conforms to the side setback requirement. A fence on the petitioners' property which separates the two properties is bordered with tall evergreens on the abutting property.

There was no public comment.

At the working session the committee reviewed the elevations and the neighborhood comparison chart included in the Planning Department's memorandum of December 10, 2010. Although the proposed addition would make it one of the largest houses in the neighborhood, it is designed so it balances both the mass and scale. Alderman Crossley moved approval of the petition with the findings and conditions contained in the draft special permit board order dated December 20, 2010. The committee approved the petition 7-0.

#117-01(3)      DIANA RODRIGUEZ & GEORGE KOVALEVSKY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE and AMEND the site plan approved in special permit #117-01 by increasing the existing nonconforming Floor Area Ratio from .337 to .371 to

construct a conservatory on the west side of 90 HIGHLAND AVENUE, Ward 2, Newtonville, on land known as SBL 24, 12, 5, containing approx. 10,590 sq ft of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(a)(2)b, 30-21(b) of the City of Newton Rev Zoning Ord, 2007.

**ACTION:** HEARING CLOSED; ITEM APPROVED 7-0

**NOTE:** The petitioners were represented by Peter Lavenson from New England Sunrooms and Conservatories, Inc. The petitioners are seeking a special permit to construct a Victorian-style conservatory on the west side of a circa 1890 Victorian house. The proposed conservatory is approximately 363 square feet, which will increase the Floor Area Ratio from .337 to .371. A .3 FAR is allowed by right in a Single Residence 2 district.

There was no public comment. Aldermen Albright and Harney wanted to know if the petitioners had spoken with the abutter to the west. Mr. Levanson did not know, he said he had been advised to do so and had passed on that suggestion to the petitioners. The Planning Department noted that there is substantial mature vegetation and a fence on that property line. The Chairman pointed out that public hearing notices are sent to abutters to abutters within 300 feet of the property.

Mr. Levanson said he is aware of the new stretch code. The conservatory is part kit and part custom. It has a roof and is approximately 30% glass. It is essentially a three-season room and will be energy efficient. The Planning Department included a neighborhood comparison chart in its memorandum of December 10. This is a neighborhood of mixed lot sizes with a number of large Victorian homes on small lots. The proposed FAR is higher than most in the neighborhood, but the addition is modest. Alderman Albright moved approval of the petition with the findings and conditions contained in the draft special permit board order dated December 20, 2010. Alderman Albright's motion carried unanimously.

#315-10      ELISA D'ANDREA & GLEN WEINSTEIN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to relocate an existing driveway that exits onto Lincoln Street to the north side of the property so that the driveway will exit off of Dickerman Road to allow parking for 2 cars side-by-side and to construct a set of stairs in the front setback at 227 LINCOLN STREET, Ward 5, Newton Highlands, on land known as SBL 54, 38, 18, containing approx. 8,888 sq ft of land in a district zoned SINGLE RESIDENCE 2. Ref: 30-24, 30-23, 30-21(a)(2)b, 30-21(b), 30-19(g), and 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

**ACTION:** HEARING CLOSED; ITEM APPROVED 7-0

**NOTE:** The petitioners were present with their engineer Verne Porter and contractor Frank Leone. The petitioners' single-family home is located on a corner lot. Currently, the driveway exits onto Lincoln Street and they wish to relocate it to the north side of their property off of Dickerman Road, which is less traveled than Lincoln Street. The proposal also includes a new set of stairs from the existing front porch to the new driveway. Although stairs are allowed by right in a setback, the proposed stairs are larger than the minimum width required by Building Code. Parking for the two cars will be within the front setback and closer than five feet to the

front lot line. Relief is required to expand an existing nonconforming setback to allow the two parking stalls in the front setback closer than five feet from the front lot line and to expand a legal nonconforming front setback.

Mr. Porter said the proposal is a safer alternative than the location of the existing driveway. Drainage calculations show no additional runoff. The petitioners will remove the existing driveway and landscape the area and close with granite curbing the curb cut on Lincoln Street. The petitioners have agreed to replace the sidewalk and curbing along the Lincoln Street frontage. The existing sidewalk is partially asphalt; the new sidewalk will be concrete. Relocation of the driveway will require the removal of one street tree, but the petitioners, after completing the process for removing a street tree, will plant another tree on their property or in the immediate vicinity instead of the berm to avoid upheaving the sidewalk.

The petitioners said they had spoken with their neighbors. There was no public comment.

In working session, the Committee agreed that relocating the driveway from Lincoln Street to Dickerman Road would provide a safer egress. When asked what material would be used to pave the driveway, the petitioners said asphalt, which will delineate the driveway and sidewalk.

Alderman Crossley moved approval of the petition with the findings and conditions included in the draft special permit board order dated December 20, 2010. Alderman Crossley's motion carried 7-0.

The meeting was adjourned at approximately 10:15 PM.

Respectfully submitted,

Ted Hess-Mahan, Chairman