

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, JANUARY 13, 2009

Present: Ald. Mansfield (Chairman), Ald. Brandel, Fischman, Merrill, Hess-Mahan, and Sangiolo; absent: Ald. Albright; also present: Ald. Linsky, Harney, and Yates
City Staff: John Lojek (Commissioner of Inspectional Services), Candace Havens (Chief Planner), Ouida Young (Associate City Solicitor), and Linda Finucane (Chief Committee Clerk)

Request for Consistency Determination relative to the installation of a fence not shown on the site plan for special permit #349-06, granted on March 5, 2007 and extended for one year on February 19, 2008, to construct a single-family residence on a newly created rear lot with alterations to the existing grade in excess of 3 feet at 11 Gray Birch Terrace, Newtonville.

NOTE: It was brought to the attention of the Ward 2 Aldermen that the owner of the new rear lot had installed a fence around the entire sides and rear perimeter of the site. The special permit has a condition allowing installation of a fence along the adjacent property at 29 Gray Birch Terrace should that abutter want a fence. The owner of the new rear lot was present this evening and said that the abutter at #29 wanted a fence, so he had continued the wood fence around the property. There is a patchwork of fences to the rear on abutting properties, but he will remove the fence if the Commissioner finds it inconsistent. Commissioner Lojek was present this evening and asked if the then-Land Use Committee had discussed prohibiting a fence. The Chairman noted that the Committee had spent a lot of time on this petition, particularly the landscaping and retaining the natural buffer between the new rear lot and abutting properties. When the Committee suggested reaching an agreement with neighbors, Associate Solicitor Young cautioned that an agreement with neighbors was not part of the special permit. The Commissioner, expressing some concern about requiring the same landscaping in perpetuity, found the fence, other than the portion abutting #29, to be inconsistent with the special permit site plan approved by the Board of Aldermen.

Application for a Class 2 Auto Dealer License
#471-08 KARIM MANSOUR,
1365 Centre Street, Newton Centre 02459

ACTION: APPROVED SUBJECT TO 2nd CALL 4-0-1 (Brandel abstaining;
Sangiolo not voting)

NOTE: Mr. Mansour owns a full service gas station with a repair service located at the corner of Centre Street and Norwood Avenue in Newton Centre. He wishes to obtain a Class 2 dealer license for the sale of used cars. There are several other gas stations in the

City where the owners have licenses ancillary to the repair use component. Alderman Brandel was not comfortable without a plan showing the number of spaces on-site and the flow of cars at the gas pumps and whether the site could support the sale of more than four or five cars a year (the number the Registry of Motor Vehicles allows sold before requiring a license). Members pointed out that since licenses are renewed yearly, the Committee has the opportunity each year to review zoning complaints and tax payments as well as the authority to condition licenses with the number of cars allowed on-site, banners, etc.. Ultimately, the license was approved subject to the receipt of a plan indicating the spaces on-site for cars to be repaired and cars for sale.

Clerk's note: Subsequent to the meeting, Mr. Mansour submitted a plan, on file in the office of the clerk of the board and the attached memorandum.

Application for a Class 2 Auto Dealer License

#1-09 JACOB and ASSOCIATES

1232 Washington Street

West Newton

ACTION: HELD 5-0 (Sangiolo not voting)

NOTE: Mr. Jacob was not available this evening, but will be invited to attend the February 3 meeting.

#385-08 CCMH NEWTON LLC/CHESAPEAKE HOTEL LIMITED

PARTNERSHIP petition for a SPECIAL PERMIT/SITE PLAN

APPROVAL to convert approximately 5,000 sf of storage area to meeting rooms/ballroom; convert an outdoor swimming pool and Jacuzzi to a function deck with a seasonal tent; to waive 53 parking spaces and allow stack parking for up to 53 additional spaces with valet parking; to waive various parking facility requirements including interior lighting and landscaping requirements; and to delete and replace condition #3 of special permit #595-67 to allow with provisions changes to the interior building layout without further special permit amendment at 2345 COMMONWEALTH AVENUE, Ward 4, AUBURNDALE, on land known as Sec 41, Blk 23, Lot 18, containing approx 503,158 sf of land in districts zoned BUSINESS 5 and SINGLE RESIDENCE 3.

ACTION: HELD 5-0 (Fischman recused)

NOTE: This item was held pending two parking surveys for two large events at the end of January.

The meeting was adjourned at approximately 10:45 PM.

Respectfully submitted,

George E. Mansfield

Chairman