

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, MARCH 10, 2009

Present: Ald. Mansfield (Chairman), Ald. Fischman, Vance, Merrill, Sangiolo, Albright, and Brandel; absent: Ald. Hess-Mahan

City staff: Chief Committee Clerk Linda Finucane, Chief Planner Candace Havens, Associate City Solicitor Ouida Young

#15-09            BERNARD R. O’KANE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to expand a NON-CONFORMING STRUCTURE to connect an existing detached garage to an existing single-family dwelling in order to create a bedroom and handicapped bathroom and to locate one additional parking space within the front setback at 185 HARVARD CIRCLE, Ward 2, NEWTONVILLE, on land known as Sec 22, Blk 22, Lot 2, containing approx 5,303 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 3-21(a)(2)b, 30-21(b), 30-19(g)(1), 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

ACTION:        APPROVED 7-0

NOTE:           This is a petition for the extension of a non-conforming structure to convert an existing detached accessory garage into living space and to connect it with the primary residence on the property by means of a small addition. This change will enable the petitioner to create first floor living space for use by elderly members of the family. With the conversion of the garage, the petitioners are also seeking a waiver to allow two parking spaces in the front setback. These spaces would be in the existing driveway, in front of the former garage, set back approximately five feet from the street. The addition and the parking stalls will be screened from neighboring properties by landscaping and fencing. The site is one of 6 residential lots in the center of Harvard Circle, located at the south end of Harvard St. of Cabot Street in Newtonville. The 5,303 sq. ft. lot is typical of the lots within the Circle and in the neighborhood in general, which range from 4,000 to 7,000 sq. ft. The lot is non-conforming in size and the house is non-conforming in its setbacks. The rear setback of the existing garage is less than 7 feet, so there is virtually no back yard. Most of the similar single-family lots within the Circle are separated by screening fences.

At the public hearing held on February 10, 2009, the owner, Mr. O’Kane, presented the petition. He explained that his family had lived in the home for 28 years, and that his mother had recently joined them but needed a bedroom on the ground floor. He added that although the Planning Department had recommended that the design allow retrofitting to provide wheelchair access in the future, that was not a present need for his family. He explained that the plans were designed to maximize the privacy of his very

close abutters, and that he had presented the plans to them. The plans include a new 6-ft. solid vinyl fence with a lattice top in the rear, replacing an existing deteriorating 5-ft. wood stockade fence, and four 5-6-ft. arborvitae on the western lot line to screen the parking stalls. The petitioner noted that the Committee had received 13 letters of support for the proposal from neighbors, including all immediate abutters. Cheryl Kirschner, 191 Harvard Circle, the abutter to the rear of the subject lot, spoke in favor of the petition and the proposed fence separating their properties. She noted that it was chosen to match her own fence, which it would adjoin. Ald. Albright noted that it would be easy to add a wheelchair ramp to the new front entrance to the addition in the future. Ald. Fischman was assured that the proposal was not for an accessory apartment, since there is no kitchen proposed.

At this working session, Ms. Havens explained that the petitioner's contractor had indicated that the design of the proposed access would easily accommodate a short ramp as there will be only two steps up from ground level, and she recommended a condition that a ramp be permitted but not required, to allow for it in the future if needed. She also reported that the City's Senior Preservation Planner had approved the proposed plans since the changes are modest and would not have a significant impact on the view of the building from the street. She also noted that the City Engineer had no comments since there will be no change of impervious surface. Ald. Fischman suggested that landscaping and/or wheel stops be added in front of the parking stalls for safety and to make the renovated front of the garage appear more residential. Ald. Albright noted that neither the petitioner nor the neighbors had requested this, and that the current landscaping as well as the architectural design of the renovated garage and addition were quite attractive. Landscaping in this area, she pointed out, might also conflict with a future handicapped ramp, and suggested that planters on the existing asphalt surface might be a better option. The petitioners agreed that if landscaping were required there, planters would be preferable, since they did not intend to remove any of the existing driveway, but also noted that this area gets little sunlight. Ald. Brandel and Ald. Merrill both felt that this proposal was unnecessary, and that no one was requesting it. Ald. Fischman agreed to substitute a general finding about the adequacy of the proposed landscaping that would not prohibit plantings in this area if owners desired it.

Ald. Mansfield said that on visiting the site he found the existing landscaping sufficient and attractive, and did not feel that the proposed arborvitae screening on the western side of the parking stalls was necessary, since there were already deciduous shrubs there and the abutting property is elevated and will look over any plantings. He said the only unattractive component of this area were the trash cans currently stored there, and reminded the committee that the proposed automated trash and recycling containers will need adequate storage space on small lots like these and should be a site plan consideration for single and two-family lots when they are under review. In this case, in particular, with the conversion of garage storage space to living space, consideration should be given to waste disposal needs much as we require dumpster enclosures for larger projects. Ald. Brandel agreed, noting that in his former home in Michigan, an ordinance required trash storage to be in the rear yard. The petitioner said that he

believed he could accommodate trash containers out of sight in a depressed area on the west side of the existing garage.

Ald. Albright then move approval of the petition, finding that there will be no increase in impervious surface, that the new construction will be well screened by existing landscaping and new fencing, which will enhance the residential character of the site, that because of the location as a corner lot and the lot's size, there is no room for parking that is not in the setback, that parking in the existing driveway will be screen by existing and new plantings, and that the proposal is consistent with the 2007 Newton Comprehensive Plan, which emphasizes the need to accommodate an increasing elderly population and maintain the character of existing neighborhoods. She incorporated the normal conditions in her motion, and added that a ramp to the new entry be permitted but not required. The motion was approved 7-0.

The meeting was adjourned at 9:10 PM

Respectfully submitted,

George E. Mansfield, Chair