

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

WEDNESDAY, JUNE 27, 2007

Present: Ald. Mansfield (Chairman), Ald. Hess-Mahan, Albright, Samuelson, and Harney

Also present: Ald. Lipof

Absent: Ald. Merrill, Vance and Fischman

City staff: Nancy Radzevich (Chief Planner), Ouida Young (Associate City Solicitor), John Daghlian, (Associate City Engineer)

#163-07      BURTON S. KLIMAN/C/S KESSELER, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a change of grade in excess of three feet in conjunction with the construction of a single-family home on Lot #3 and a portion of Lot #2 KESSELER WAY, Ward 8, on land known as Sec 82, Blk 37, Lots 83 and 84, containing approximately 23,524 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-34, 30-23, 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2001.

ACTION:      APPROVED 5-0

NOTE: This is a request for a special permit for a greater than 3-foot change in grade, by filling at the front of the site, to allow for vehicular access to a new single-family residence within the Kessler Way subdivision. At the public hearing on June 12, 2007, the Committee asked that the surface water drainage calculations be reviewed by the City Engineer, and because several abutting residents of Harwich Road had raised issues in the hearing about groundwater impacts of the proposed construction, that the information reviewed by the Planning Board and the Conservation Commission before and during the construction of the subdivision roadway be reviewed and provide to the Committee. In addition, the petitioner's attorney had offered to prepare a construction management plan, and to secure a Tree Preservation Ordinance review from the Director of Urban Forestry.

At the working session Mr. Daghlian reported that he had reviewed the drainage calculations and found them in compliance with the requirements of a 100-year storm, and that all surface water will be infiltrated on site. Ald. Hess-Mahan asked if the drainage design for Kessler Way had been working properly, and Mr. Daghlian reported that it had. He also stated that he believes that the proposed construction, both for the 3-ft. grade change and the house itself, will have no impact on groundwater because no blasting is proposed. Instead, the petitioner proposes to chip away any rock they encounter, and to bring all such rock to the front of the site to be broken up, where it can be used as part of the fill and to minimize any noise to the Harwich Rd. abutters. Ald. Albright noted that abutters had reported flooding problems from high groundwater, but Mr. Daghlian explained that the homes on Harwich Rd. were built in or near wetland

areas. He also said that he had requested a temporary crushed stone berm be erected along the back slope to prevent any loose material from coming down the hill during construction, and this will be shown on the plans. Finally, he noted that a small area of grade change in excess of 3 feet will occur on the abutting Lot 2, which will be recorded with that lot for the benefit of the area drainage pattern.

Ms. Radzevich also reported that she had received a new landscape plan with plantings along the no-cut buffer area at the rear of the lot to further screen abutters from the new construction. The tree replacement plan has been signed off by Marc Welch, and the petitioner's attorney said that the deficit will be made up by a cash payment to the City. A draft construction management plan, unusual for a single-family house, has also been submitted.

Ald. Lipof reported that he and Ald. Fischman had met with two Harwich Rd. abutters, the Natovs and the Weinfields, the morning of the working session meeting and that they had submitted a letter from an engineer the Natovs had retained, RAV & Associates, with recommendations to reduce impacts of construction on the Harwich Rd. properties. Mr. Daghlian and City Engineer Taverna had reviewed that letter, with the conclusions discussed above. Subsequently, Ald. Fischman had submitted an e-mail stating that he was satisfied with their conclusions and would be supportive of the petition if he could have been present.

Ald. Samuelson then moved approval of the petition, finding that adequate measures have been designed to eliminate adverse drainage impacts, that only 10% of the lot will be subject to the grade change, and that the proposed house is designed for the existing topography and to minimize disruption of the existing environment. Ald. Hess-Mahan added that the plan has been designed with protection from any falling rocks or construction debris, and that rock chipping will be employed instead of blasting to further minimize impacts.

The motion was approved by a vote of 5-0.

#164-07      EUGENE BOROCHIN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing concrete block structure and add a third unit to an existing dwelling and create three units with a 2-car attached garage including a change of grade over 3 feet and various waiver(s) from parking requirements at 25 PAUL STREET, Ward 6, NEWTON CENTRE on land known as Sec 62, Blk 13, Lot 6, containing approx 15,000 sf of land in a district zoned MULTI RESIDENCE 2. Ref: Section 30-24, 30-23, 30-9(d)(1) 30-5(b)(4), and 30-19(m) of the City of Newton Rev Zoning Ord, 2001.

ACTION:      APPROVED 5-0

NOTE: This is a request for a special permit to add a third attached dwelling onto the rear of an existing two-family residence, creating a 3-family multifamily dwelling. It also includes a request for a grade change in excess of three feet at the rear of the lot, and to allow two of the required six parking spaces to be stacked in front of garages. The

proposal includes demolition of a vacant one-story concrete block commercial building behind the current 2-family house, which had been operated for many years as a non-conforming use and may have caused some environmental contamination (as a paint shop). That use was ruled invalid by the ISD Commissioner in 1999, and appeals are still pending in land Court. A petition similar to the present one was filed with the Board of Aldermen in 2005, and concerns were raised at the public hearing by a direct abutter. The petition was subsequently withdrawn, and the petitioner worked with the abutter to redesign the structure and to provide more landscape screening. Because the ISD Commissioner has determined that the proposed structure is a 3-unit multi-family dwelling, rather than three attached single family units, the required setbacks are significantly less that would otherwise be required.

The public hearing was held on June 12, 2007. Although no one appeared to speak on this petition, because of concerns raised by the abutters in the previous petition, the petitioner agreed to a condition regarding environmental review during the demolition process, including having a Licensed Site Professional present. The Committee also asked that the vinyl siding on the existing structure be replaced to match the wood siding on the addition, and the petitioner agreed to do so. Finally, the Committee and the Planning Department expressed concern that the units in the current structure, which contain 8 bedrooms and 8 bathrooms in total, could be used by a number of single unrelated individuals or as a legal rooming house, thus generating the need for much more off-street parking than is planned or required. Because of the proximity of the site to the Newton Center village center and the MBTA, the Committee requested a condition that would minimize the number and control the location of vehicles parked on the site.

At the working session, the Committee reviewed the proposed conditions. Mr. Daghlian asked that the roof drain leaders be connected below ground to the dry wells, and that the concrete sidewalk in front of the site be replaced when new curbs are added. The petitioner's attorney agreed to both these requests. At the request of Ald. Albright, he also reported that all utilities to the site will be underground. Mr. Daghlian also questioned the materials of a retaining wall adjacent to the 3-ft grade change area at the rear of the site, and it was agreed that it would be stone-faced with final review and approval of the Planning Director. A construction management plan was included in the conditions, and hours of construction were specified as 7AM-6PM Monday-Friday, and 9AM-6PM Saturday. The inclusionary housing requirement will be satisfied by a cash payment according to the Ordinance's formula.

Ald. Samuelson then moved approval of the petition, finding that the use is consistent with the neighborhood of mixed densities, that it will add a unit of housing and contribute to funds for affordable housing, that an existing, possibly contaminated, commercial site will be cleaned up and that the site will be more attractive, that limited parking supports smart growth at this site, that the wood siding will improve the current historic building, that the drainage is contained on the site, and that the utilities are provided underground. This motion was approved by a vote of 5-0.

The Committee thanked Ms. Radzevich for her expert assistance, as this was her last meeting before moving on to a new position with MassDevelopment.

The meeting was adjourned at 9:25 PM.

Respectfully submitted,

George E. Mansfield, Chair