

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, OCTOBER 16, 2007

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

**The public hearing on the following item opened on 10/9/07 and was continued to 10/16/07:**

#275-07      DENNIS & SVETLANA MIRVODA petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to alter by more than three feet the existing contours of land to install a retaining wall at 121 HARTMAN ROAD, NEWTON CENTRE, Ward 8, on land known as Sec 82, Blk 15, Lot 45, containing approx 10,424 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2001.

ACTION:      HEARING CONTINUED TO NOVEMBER 13, 2007

NOTE:        The hearing was continued from 10/9/07 to obtain additional information from the petitioner, the Inspectional Services Department, and the City Engineer on conflicting testimony about the history and current status of this project, as well as safety concerns about the stability of current conditions and the impact of the proposed project on neighboring properties. Although Mr. Lojek and Mr. Daghlian were able to clarify many of these questions, and a neighbor presented suggested revisions to the plan, the petitioner's engineer could not be present so the Committee determined that revised plans should be presented and reviewed. A full description of the petition and the testimony offered will be included in a report once the hearing is closed, the working session has transpired, and a Committee recommendation is made.

#277-07      ETHAN LERNER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a private garage of more than 700 square feet in an existing building at 349 COMMONWEALTH AVENUE, CHESTNUT HILL, Ward 7, on land known as Sec 61, Blk 9, Lot 8, containing approx 27,548 sf of a land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-8(b)(7) of the Newton Zoning Ord. (**Hearing opened/closed 10/9/07**)

APPROVED: 8-0

NOTE: The provisions of Section 30-8(b)(7) of the Zoning Ordinance require a special permit for a residential garage over 700 square feet in size. The petitioner is seeking

permission for a garage of 1,012 square feet in an existing building constructed as part of extensive renovations to the property he bought in 2005. Initially, intending to tear down the house, he chose instead to work with the existing structure, moving in August 2006. Currently, the 700 square-foot portion of the proposed garage contains two-bays separated from the remaining 312 square feet by an interior wall. The 312 square foot portion is storage/workshop space; it has an inoperable garage door. The site is extensively landscaped and screened from abutters.

The public hearing was opened and closed on October 9. There was no public comment, but two letters were received from immediate abutters in favor of the petition.

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At this evening's working session, after a very brief discussion, Alderman Vance moved approval finding that the site is an appropriate location for the garage, with convenient access posing no adverse impact on pedestrians or traffic. The Committee approved the motion 7-0, with Alderman Harney not voting.

**REFERRED TO LAND USE & PROGRAMS & SERVICES COMMITTEES**

#274-07      ALD. SANGIOLO proposing that Article X of the Rules & Orders of the Board relative to Special Permit and Site Plan Approval Petitions be amended to require the applicant to post on the subject property a notice that would include but not be limited to identifying the subject matter and the date and time of the public hearing.

ACTION:      HELD 8-0

NOTE: Alderman Sangiolo explained that this item is the result of a petition where it appeared that the parties in interest did not receive proper notification. She felt this would provide an additional layer in the dissemination of information to the public. Attached to the agenda was an ordinance from the City of Cambridge, where the petitioner is responsible under the aegis of the city for posting and maintaining notification on property subject to a special permit petition. The Chairman said this is common in many other areas. Ms. Young suggested that if Newton were to adopt such a requirement it be part of the special permit rules. Alderman Fischman asked if notices could be sent certified mail. Ms. Young pointed out that Chapter 40A requires "notice" to abutter-to-abutter within 300 feet of the property. Using Bloomingdales on Route 9 as an example, Ms. Finucane noted that one petition on Route 9 can require notification to 1500 people. The cost and time involved would be prohibitive and for recipients could require a trip to the post office. The Committee was favorable to a rules amendment and agreed to hold the item until the Law Department developed specific language to approve and send to the Programs & Services Committee.

Respectfully submitted,  
George E. Mansfield, Chairman