

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

WEDNESDAY, JUNE 7, 2006

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

Also present: Ald. Parker

City Staff: Associate City Solicitor Ouida Young, Chief Planner Nancy Radzevich, City Engineer Louis Taverna

Consistency Ruling - 424 Newtonville Avenue

This property is an existing 3-story, 2-family home with an accessory apartment authorized under special permit Board Order # 486-97 on a 15,000 s.f. lot in a MR-1 zoning district. Under this special permit, the previous owner had converted this property from an illegal 5-family structure to a large main unit, occupying portions of all three floors, a 425 s.f. accessory apartment on the first floor, and an 823 s.f. second unit on the second floor. The prospective owner, Peter Scanlon, who was present, proposes to reconfigure the interior space by relocating the accessory apartment to the 823 s.f. second floor unit, creating a separate second unit on the third floor, and consolidating the owners unit on all of the first and the front 2/3 of the second floor. This would result in a larger accessory apartment, but still well within the 400 s.f –1,200 s.f. limits and a more compact layout for the owner’s unit. Since the third floor is currently part of the main unit, it does not require a second means of egress. However, as a separate unit, a second means of egress must be provided to conform to the building code, and the owner proposes to extend an enclosed rear stairway to the third floor and to make changes in the roofline. The Historical Commission has approved these changes to this 100-year old building. The owner described the exterior elevations to the Committee and provided photos of the existing conditions.

The Committee asked several questions, and determined that the portion of the structure to be altered was set back 30 ft. from the side lot line, and that there would be no changes to the approved site plan. Ald. Hess-Mahan could not determine whether the proposed 3rd floor dormer would meet the “50% dormer” rule currently under discussion. Ald. Albright noted that the proposal seems to match the goals of the accessory apartment ordinance, and Ald. Samuelson was very supportive of the proposal, noting that the housing thus provided met critical needs in the community. Ald. Merrill was satisfied that the proposed second means of egress would meet the safety requirements of the occupants of the third floor unit. The Chair asked Ms. Radzevich if she had sufficient feedback from the Committee to make a recommendation to the ISD Commissioner, and she said she did.

#167-06 WEST SUBURBAN YMCA petition to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL #121-00 by replacing the existing nonconforming roof sign with an updated YMCA logo on the front parapet at 276 CHURCH STREET, Ward 1, NEWTON CORNER on land known as Sec 12, Blk 17, Lot 1, containing approx 274,971 sf of land in a district zoned Multi Residence 1. Ref: Sec 30-24, 30-23, 30-20 of the City of Newton Rev Zoning Ord, 2001. **(8/14/06)**

ACTION: APPROVED 6-1-1 (Samuelson opposed; Mansfield abstaining)

NOTE: This petition is for a special permit to grant exceptions to the sign ordinance to replace an existing non-conforming, illuminated roof sign with a larger, updated YMCA logo and illuminated sign. The sign would be located on the front roof parapet of the existing building and the “Y” logo would extend above the top of the parapet. The site is the subject of a prior special permit under Board Order #121-00, which approved the expansion of the recreational facilities on site and also approved the existing roof sign. This is a request to amend that permit as it relates only to the sign. The Urban Design and Beautification Commission and the Historical Commission have both approved the proposed sign.

The public hearing was held on May 9, 2006 and no one but officials of the YMCA spoke in favor or against the petition. The petitioners explained that the new sign was to make the facility more identifiable to the passerby seeking the institution’s services, and to identify it with a logo that is recognized worldwide. They also note that the proposed sign, mounted on the parapet, would be more in keeping with the building’s architecture than the existing roof sign, and that the illumination would not be visible from the residential neighborhood behind the site. Information about the size of the sign was clarified by the Planning Dept. The proposed sign is 79 s.f., about twice the size of the existing 36 s.f. sign., and it is to be internally illuminated. It was noted that the so-called (by the petitioners) “martini glass” logo would not have to project over the parapet if it were aligned with the main body of the sign. The petitioners explained that the layout of the sign was part of the standard YMCA symbol, and the orientation of the symbol and the letters shouldn’t be changed. However, Ald. Mansfield noted that a YMCA sign he observed in Waltham did not have the “martini glass” raised above the lettering. Ald. Fischman said that it would be preferable if the “martini glass” was aligned lower, but that it was not a big concern for him.

Ald Merrill moved approval of the petition, finding that it was a more attractive sign than the present version, that it provided better identification of the site, and that it was in conformance with the YMCA’s national image. Ald. Samuelson, however, disagreed. She said she found the sign to be quite distasteful and out of scale with the building. Ald. Hess-Mahan pointed out that the current sign was not a part of the original façade, and that the proposed sign actually was more appropriate. The Committee then reviewed a set of draft conditions prepared by the Planning Dept. Ald. Parker noted that the new sign must comply with the light pollution ordinance, and was assured that it would. Ald. Albright observed that there is currently a banner sign on the front of the building, and noted that a condition of approval would prohibit all other signage, temporary or otherwise. The petitioners said they would comply with that condition.

The one draft condition that the petitioners objected to however, was the “The sign shall not be lighted earlier than ½ hour prior to opening or later than ½ hour after the “close of business.” “Close of business” is defined as the time when the main lobby and common entrances are closed to the general public. This condition is in conformance with City sign ordinances, and reflects a similar one incorporated in a special permit for an office park sign on Bridge St. The Committee asked the applicant for more information about their hours of operation. Patrick Palmer, President and CEO of the West Suburban YMCA said that from Monday – Friday the building is not staffed after 11:00 PM, but the SRO residences they provide are accessible by key to the occupants 24 hours a day. On weekends, the building is closed from 7 PM to 7 AM. He added that, nevertheless some programs operate outside those hours. He argued that the sign should stay lighted dusk to dawn to identify the site to those seeking shelter and services and as a symbol of the Y. He said that people do knock on the door after hours, residents respond, and he is always on call. Ald. Merrill said that he did not want to incorporate this condition in his motion. The Chair then asked for a vote on whether to add the condition as an amendment. The Committee failed to approve this amendment 3-4-1, with Ald. Merrill, Fischman, Vance and Hess-Mahan opposed, Ald. Harney abstaining. With this condition thus not included, the motion to approve the petition was approved 6-1-1, with Ald. Samuelson opposed, Ald. Mansfield abstaining. Ald. Mansfield explained his abstention was on the basis of the all-night illumination of the sign as a symbol, which he believed was a bad precedent to set, especially for a non-profit institution.

#102-06(2) KESSELER DEVELOPMENT, LLC petition for a change of zone from SINGLE RESIDENCE 3 to MULTI RESIDENCE 3 for a parcel of land located on LaGrange Street, Ward 8, identified as Section 82, Block 37, Lot 95, and shown as Lot H-1 on a Subdivision Plan of Land in Newton MA, “Toomey-Munson & Associates, Inc.,” dated April 28, 2004, recorded with the Middlesex South County Registry of Deeds in Plan Book 2005, page 102.

ACTION: HELD 8-0

#102-06(3) KESSELER DEVELOPMENT LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a condominium complex consisting of three (3) structures with one (1) multi-family residence of 52 dwelling units and two (2) single-family attached dwelling structures with a total of 10 units for a total of 62 dwelling units with accessory parking on land located on LaGRANGE STREET, Ward 8, known as Sec 82,Blk 37, Lot 95, shown as Lot H-1 on the Subdivision Plan referenced in #102-06(2), containing approx 640,847 sf of land in a proposed MULTI RESIDENCE DISTRICT 3 . Ref: §30-24, 30-23, 30-20(1),(e)(5), 30-19(k)(2),(3),(h)(2)a c) and (m), 30-9(d)(1), (b)(5), 30-5(b)(4), 30-15 Table 1, proposed footnote 9, 30-15(h) of the City of Newton Ord 2001.

ACTION: HELD 8-0

NOTE: The Committee spent much of this meeting reviewing and discussing, at the suggestion of the petitioner’s attorney, the siting of the proposed main building, its massing,

architecture and materials. They also heard from the petitioner's geotechnical consultant, Haley and Aldrich, the details and controls of the proposed blasting, with comments from the Engineering Dept.'s peer reviewer, Woodard and Curran. These topics were, in part, a response to a letter received by the Board on 6/6/06 from the five residential abutters on Rangeley Road in Brookline asking that the blasting be reduced and/or moved further from their properties. Ald. Parker also requested a more thorough review of the environmental impacts of the proposed blasting, beyond the immediate safety concerns. All this information will be documented in more detail when the Committee makes its recommendation to the full Board.

At the conclusion of this discussion, the Committee, the petitioner, and the Associate City Solicitor all agreed that an extension of time would be necessary in order to complete the review of the petition. Ms. Young noted that, although such an extension would be in order for the special permit request, the requested zone change would have to be reheard if not acted upon before July 11. She also explained that the Zoning and Planning Committee had already scheduled a second hearing on the requested Zoning Ordinance text amendment for June 12. The petitioner and the Committee then agreed to request an extension until at least September 8, 2006, and to schedule a hearing on the zone change for July 11, 2006. Ms. Young assured the Committee that this would not prevent ongoing discussion of any of these petitions in the interim. The Committee then decided to cancel the scheduled working session on June 13, and to reschedule that for June 20 at 8:00 PM to give the petitioner, the consultants and the City depts. more time to respond to questions raised this evening.

The meeting was adjourned at 11:20 PM.

Respectfully submitted,

George E. Mansfield, Chair