

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, MAY 3, 2005

Present: Ald. Mansfield (Chairman), Ald. Merrill, Samuelson, Albright, Salvucci, Fischman, Vance, and Harney
City staff: Nancy Radzevich (Senior Planner) and Linda Finucane (Chief Committee Clerk)

Request for a Consistency Ruling re the landscaping approved in special permit 303-01(4), for change of grade to construct a single-family dwelling at 36-38 Hood Street

NOTE: This special permit for a grade change had several iterations prior to the purchase of the lot by its current owner, Mr. Felix Schneur, who has begun construction of a single-family dwelling. The landscape plan approved in special permit 303-01(4) shows existing heavily treed screening far down the hill that slopes towards the rear abutter. After engaging a certified arborist who determined that eight of those trees (approximately 12" caliper White Ash, Maple, and Elm) are diseased, the owner has proposed removing the eight trees and replacing them with three trees (2" caliper Cherry trees). Ms. Radzevich confirmed that on an April site visit the subject trees were not budding. However, committee members felt that removing these eight large caliper trees will impact the screening of the new house from the rear abutter, since the rear of the house is three stories due to the topography of the lot. Ms. Radzevich had spoken with City Tree Warden Marc Welch, who said that replacing trees on basis of caliper is not necessarily desirable because they won't grow as quickly, instead he recommended replacing them with a mix.

The committee didn't dispute the condition of the eight trees; however, it agreed unanimously that the three proposed trees are an inadequate replacement, and asked Ms. Radzevich to convey to the Commissioner of Inspectional Services its preference that at least six trees of various species ranging from 2" to 4" caliper be planted further up the hill to provide the ample screening indicated on the approved landscape plan. Ald. Fischman felt that because this lot had been turned over three times it is important to give as much guidance as possible to the Commissioner. Should the owner disagree with the Commissioner's ruling, he will have to come back to the Board to amend the site plan approved in the special permit.

In an aside the Chairman noted that initially it appeared there might be two consistency rulings associated with this special permit. The plans for the house submitted and referenced in the decision show a wood/stone façade, but the new owner has changed the façade to stucco. However, after discussions with Associate City Solicitor Ms. Young he

was convinced there is no nexus between the relief granted for a three-foot grade change and the façade plans, even though they are referenced in the decision.

#138-05 WABAN IMPROVEMENT SOCIETY requesting a temporary license pursuant to Sec 30-6(k) of the City of Newton Ordinances to hold its 1st annual WABAN VILLAGE DAY on Sunday, May 22, 2005.

ACTION: APPROVED 8-0

#148-05 NEWTON HIGHLANDS NEIGHBORHOOD AREA COUNCIL requesting a temporary license pursuant to Sec 30-6(k) of the City of Newton Ordinances to hold its 30th annual VILLAGE DAY on Sunday, June 12, 2005.

ACTION: APPROVED 8-0

NOTE: The Board of Aldermen may grant a temporary license for events such as farmer's markets, fairs, and festivals, etc. without complying with the site plan approval provisions of section 30-23 and as long as the land, structures, or buildings aren't subject to the control of conservation, schools, or recreation. Newton Highlands has held successful fairs for 29 years and Alderman Samuelson, moving approval, said she hopes Waban will begin a long-standing tradition as well and urged everyone to come and enjoy the entertainment and food. The committee voted 8-0 to approve both temporary licenses.

Review of process for special permit petitions:

NOTE: The Chairman and Ms. Radzevich reviewed a meeting they had held that morning with the Planning Director, Ald. Baker and Ald. Vance to discuss the experience with the review process for special permit petitions under the rules adopted by the Board last year. Several members of the Board had questioned why there seems to have been a reduction in the number of petitions filed in the past few months, and had heard from constituents, attorneys, or even staff members that a number of petitions are under review but are not progressing to the filing stage. In fact, they learned that there are only three petitions now actively being reviewed by the Chief Zoning Code Official to determine the zoning relief necessary. One of these, a proposed expansion of Temple Beth-El in Newton Center, has been under review by the Department for some time, but the others were only submitted the previous week and are on schedule. The Beth-El petitioners are expected to submit additional information which has not yet been received. Nevertheless, the Chair agreed that it would be useful to have a formal progress report and overview from the Planning Director of the Department's experience with the review process one year after the adoption of the rules. He suggested that the Committee submit the following docket item:

Land Use Committee requesting a status report from Director of Planning and Development of implementation of review process of current development applications and anticipated special permit filings within the next 3-4 months.

And, that such an oral report be scheduled for the Committee's June 7th working session, when there will be no new petitions to review.

Committee members concurred with this proposal, and Ald. Fischman added that the report should also project what petitions we might expect to be filed in the late spring or summer, anticipating Board review and action in the early fall.

The meeting was adjourned at 8:30 P.M.

Respectfully submitted,
George E. Mansfield, Chairman