

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, AUGUST 9, 2005

Present: Ald. Fischman (Acting Chairman), Ald. Salvucci, Albright, Merrill, Vance, and Samuelson; absent: Ald. Harney and Mansfield

City staff present: Nancy Radzevich, Chief Planner; Ouida Young, Associate City Solicitor; Lou Taverna, City Engineer; Linda Finucane, Chief Committee Clerk

#219-05      SRB INDUSTRIES, LLC/LUCILLE G. & HOPE E. CLINE, TRUSTEES OF WINCHESTER STREET REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a for-profit cooking school for children (pre-school to 14 years) and adults, including an incidental retail area, a façade sign, and a waiver from parking requirements, in a portion of a building located at 49-53 WINCHESTER STREET, Ward 5, on land known as Sec 51, Blk 28, Lot 30, containing approximately 79,500 sf of land in a district zoned MIXED USE 1. Ref: 30-24, 30-23, 30-5(b)(2), 30-19(m) of the City of Newton Zoning Ord, 2001.

ACTION:      APPROVED 6-0

NOTE: The public hearing for this petition opened and closed July 12, 2005.

Attorney Jason Rosenberg represented Peter and Judy Blumenthal of 33 Manchester Road, Newton, who comprise SRB Industries. They are seeking a special permit to locate *Create-a Cook*, a for-profit cooking school, in 2300 sf of space in an existing 19,000 sf office building owned by the Winchester Street Realty Trust. The site is located at the intersection of Winchester and Curtis Streets, bound by the South Burying Ground and MBTA tracks, in a Mixed Use 1 District. The building has 93 parking spaces. It meets the current parking stall requirement of 92 spaces. The dimensions of spaces and maneuvering aisles do not meet current requirements because their 1950's construction pre-dates them. The request for a parking waiver from 30-19(c)(4) is to allow nine spaces reserved for the proposed school. The Urban Design and Beautification Commission approved the proposed by-right wall sign.

Initial classes proposed are for children 3-14 years old in two classrooms, with up to 12 students grouped by age in each. Types of activities include weekend birthday parties, cooking "camp" and cake decorating. A small retail area with cakes to decorate is included. (No license is required from the Licensing Board because no food is being prepared for sale.) Adult evening classes are a possibility should the demand arise.

A property owner from Upland Avenue spoke in favor of the petition and verified the adequacy of on-site parking. There was no other public comment.

At the August 9 working session, the committee addressed the following issues raised at the public hearing:

- The location of the reserved spaces, 2 at the front of the building and 7 around the corner of the building's side/rear lot with children crossing a two-way maneuvering aisle, portions of which narrow down with barely room for two cars, raised safety concerns. The Planning Department recommended that all reserved pick-up/drop-off spaces be located in front of the building:

*The petitioners submitted a revised site plan placing 4 designated pick-up/drop-off spaces in front of the building and 5 reserved spaces on the west side, and conversion of the southwest maneuvering aisle to one-way. A one-hour gap between classes provides enough time for the turnover of students and spaces. Reserved spaces will be marked with small metal signs, similar to the HP signs used by the city. A sign package has been submitted to the Planning Department. The Fire Department has reviewed the site plan. NOTE: Four designated spaces in front of the building is the maximum the owners will agree to.*

- The City Engineer's request for installation of an external grease trap connected to the sanitary sewer connection, involving full engineering plans.

*Building Code requires an internal grease trap for a 3-bin sink, which is what is proposed. Other residential appliances are shown as well, i.e., 4 cook tops with 8 burners, and residential exhaust hoods.*

- Can the petitioners and/or owners, who are the co-petitioners, be required to install interior parking lot landscaping to reflect the spirit of the 25% design plans for the Needham Street/ Highland Avenue Reconstruction Project? The petitioners explained they would have to bear the entire cost since their lease stipulates they are responsible for all improvements related to their space including the cost of any necessary permits.

*The petitioners submitted the relevant portion of their lease confirming the cost would be borne by them.*

- Had the city conducted a traffic study or parking circulation analysis? Will the addition of adult classes create a different parking demand? There was no comment from the City Traffic Engineer at the public hearing because no parking waivers are required. The waiver requested is to designate reserved spaces on site. The combined uses on the site meet the current parking requirements, including the number of handicapped spaces. Site circulation feeds into Needham Street and Curtis Street. The petitioners carried out their own parking survey, which showed a maximum of 30-35 spaces occupied on weekdays at noontime.

- *The City Traffic Engineer in a memo dated 7/28/05 states that figures indicate sufficient parking on site. He also commented that the revised site plan, which includes the 4 designated pick-up/drop-off spaces, the 5 other designated spaces, and the one-way aisle, will help facilitate the safe and efficient flow of adults and children from their cars to the front door. The addition of adult classes after 6:00 PM will not have an impact on traffic or parking.*
- Status of the existing freestanding sign?

In 1989, a freestanding sign was included in a special permit granted to construct a new office building on this site. The building was never constructed. It appears that no record permitting the sign, other than the unexercised special permit, exists.

*“Create-a-Cook” does not propose to put its name on the freestanding sign. Instead, a by-right wall sign is proposed. The committee asked the Planning Department to notify the Zoning Enforcement Agent about the freestanding sign.*

At the hearing, Ald. Mansfield said he had seen snow plowed onto the Winchester Street sidewalk and that landscaping might prevent that. Ald. Samuelson said she too has observed snow plowed onto the sidewalk, but a telephone call has always brought a prompt response from the owners.

Ald. Fischman recommended putting a crosswalk at the intersection of Needham and Winchester Streets; however, Ms. Radzevich pointed out that reconstruction plans for Needham Street include a traffic light. Ald. Fischman also thought the installation of concrete stops in the four reserved spaces in front of the building might increase pedestrian safety. After a brief discussion, the committee accepted the petitioners’ proposal that weekday classes for children will not start before 9:30 AM and adult classes will not start before 7:00 PM, but agreed there was no benefit in capping the hours of operation.

Ald. Samuelson moved approval of the petition finding that the cooking school located in an underutilized commercial building is beneficial to the neighborhood, particularly with its programs for young people; and that because there is adequate parking the waiver to allow reserved spaces is appropriate. Conditions include start times, no more than 12 students or guests in a single class/birthday party at one time; no more than 2 classes at one time; one hour between classes, with a 15-minute stagger period at start and end of overlapping classes to ensure access to pick-up and drop-off spaces.

Ald. Samuelson’s motion to approve carried 6-0.

#221-05      ROSEMONT TRUST, LLC/C/S KESSELER, LLC petition for a grade change in excess of 3' in order to construct a single-family home at 7 KESSELER WAY, Ward 8, on land known as Sec 82 Blk 37, Lot 89, containing approximately 17,439 sf in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-5(b)(4), 30-19(m) of the City of Newton Rev Zoning Ord, 2001.

ACTION:      APPROVED 6-0

#222-05      ROSEMONT TRUST, LLC/C/S KESSELER, LLC petition for a grade change in excess of 3' in order to construct a single-family home at 12 KESSELER WAY, Ward 8, on land known as Sec 82 Blk 37, Lot 85, containing approximately 19,047 sf in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-5(b)(4), 30-19(m) of the City of Newton Rev Zoning Ord, 2001.

ACTION:      APPROVED 6-0

#223-05      ROSEMONT TRUST, LLC/C/S KESSELER, LLC petition for a grade change in excess of 3' in order to construct a single-family home at 17 KESSELER WAY, Ward 8, on land known as Sec 82 Blk 37, Lot 90, containing approximately 17,854 sf in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-5(b)(4), 30-19(m) of the City of Newton Rev Zoning Ord, 2001.

ACTION:      APPROVED 6-0

NOTE: These petitions were discussed together. Public hearings opened and closed on July 12, 2005. There was no public comment.

Attorney Alan Schlesinger represented the petitioners. These petitions for changes of grade over 3 feet are for new lots in the subdivision approved by the Planning Board acting as a Board of Survey for a portion of property known as Kessler Woods, which was purchased from NSTAR by the city in partnership with Cornerstone Development. The approved subdivision lays out the roadways and infrastructure. The site is subject to An Order of Conditions from the Conservation Commission, which approved the drainage designed by Cornerstone for the maximum build-out of each lot on the site, i.e., the whole subdivision. The constraints of the approved subdivision plan and drainage necessitate substantial re-grading to construct, in these three instances, a single-family dwelling on each lot. (Each of the proposed houses has 5 bedrooms, 5.5 bathrooms, an elevator, and 3-car garage. The façade imitates a shingle style "Queen Anne" with gable roof, clapboard and fieldstone veneer.) The

#7 Kessler Way (Lot 89, Lot J4A), the most visible lot, and #12 Kessler Way (Lot 90) are on the east side of Kessler way, #17 Kessler Way (Lot 85) is on the west side. The Planning Department expressed concern about the amount of re-grading proposed by the petitioners on each lot: #7 in excess of 90%, #12 in excess of 60%, and #17, in excess of 75% and recommended the use of field stone retaining walls. Much of the re-grading is to allow access to driveways without having an extremely steep incline. The approved

subdivision plan has 16-foot wide curb cuts for driveways. Planning would like the width reduced to 12 feet.

The Planning memorandum also noted that landscape plans submitted by the petitioners appeared minimal compared to the amount removed, e.g., areas of grade change, and parking/driveways lack sufficient screening. Since a significant number of trees will be removed, the petitioners were encouraged to develop plans that comply with the Tree Preservation Ordinance to ensure consistency with plans referenced in the special permits should these petitions be approved.

The Planning Department asked for more variation in the house façades. The petitioners distributed renderings of revised façades at the hearing.

The petitioners agreed to look at modifying the plans prior to the working session to address the excessive re-grading, the landscaping, and review the façade design. (The petitioners submitted revised plans prior to the working session.)

At the working session on August 9, the committee reviewed the revised landscape and topography plans.

Because the subdivision road is at a different elevation from the lots, most likely all the lots will need a grade change to get access to a property. The grade of a flat transition was raised to meet Brookline Street. According to City Engineer Lou Taverna, the site has shallow top soil and high bedrock.

#7 Kessler, Lot J-4A or 89, located at the corner of Brookline Street, is not part of the approved subdivision. This lot was created by an ANR (Approval Not Required) filed with the Planning Board and is not included in the drainage calculations for the whole site. It has on-site drainage detention. The portion of the lot to be re-graded over 3' has been reduced from 5400 sf to 3691 sf. The house elevation has been lowered by 1'. These modifications change the drainage calculations. The petitioners' engineer will do new calculations and perform more percolation tests, but City Engineer Lou Taverna does not anticipate any problems. No retaining walls are proposed or necessary on this lot.

#12 Kessler shows a modest reduction in re-grading, from 5403 sf to 4676 sf. The grade will be broken up with three 3-foot terraced field stone retaining walls. The retaining walls shown at property lines can be eliminated if abutting properties propose matching grades to reduce grading on their sites.

At #17 Kessler a stone retaining wall has been incorporated into the rear grade. The proposed area of grade change over 3' has been reduced from 3655 sf to 826 sf. The house elevation has been lowered by 2'. Grading has been coordinated with 7 Kessler. The rear of this lot abuts a brook and existing houses. City Engineer Lou Taverna suggested that retaining walls located on property lines be pulled back 1' so weep holes weep onto their own property and to allow repairs.

The revised landscaping plan delineates lawn and woods to be preserved. It reflects trees to be removed, and provides additional screening of driveways and parking areas. Trees shown preserved by the Tree Warden will be, and the petitioners have agreed to work further with the Tree Warden. The modifications have no drainage impact, since the impervious surface overall is less than the maximum allowed.

Alan Green of the Conservation Commission spoke. Mr. Green explained that the Conservation Commission was limited in its role. The Commission told Cornerstone that it would have preferred re-grading the site as a whole, not lot by lot. Cornerstone refused. Consequently, the grades of each lot are related and will required constant review. The Planning Department pointed out the importance of the ability to tie in grades without retaining walls.

Each lot has a 35' long, 16' wide driveway, with a 27' wide apron in front of the garage. Ms. Young reminded the committee that there was little relation between the width of the curb cuts and the requested relief for changes of grade. The committee declined the recommendation of the Planning Department to reduce curb cuts and driveways to 12'.

Ald. Merrill moved approval of each petition separately, finding that the grade changes in excess of 3' will have no adverse impact but instead will allow housing to be built on these three lots for future residents; and the modified landscape plan provides ample screening in areas of the grade changes.

Ald. Merrill's motions carried 6-0 for petition nos. 221-05, 222-05, and 223-05.

Respectfully submitted,

Mitchell Fischman, Acting Chairman