

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, AUGUST 10, 2004

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

City staff: Ouida Young (Associate City Solicitor), Eric Jerman (Senior Planner), Linda Finucane (Chief Committee Clerk)

THE PUBLIC HEARING OPENED ON JULY 13 WAS CONTINUED ON THE FOLLOWING PETITION:

#286-04 NEWTON HOUSING AUTHORITY/HABITAT FOR HUMANITY GREATER BOSTON, INC./NEWTON CONSERVATORS INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a rear lot subdivision in order to construct a two-family dwelling at 76 WEBSTER PARK, Ward 3, WEST NEWTON, on land known as Sec 33, Blk, 22, Lot 36 (a portion of), containing approx 10,053 sf of land in a district zoned MULTI RESIDENCE 1. Ref: 30-24- 30-23, 30-15(b)(1) & (4), 30-19(m to allow for the construction of two (2) new housing units on a rear lot subdivision, rather than as attached units to the pre-existing house.

ACTION: HEARING CONTINUED TO SEPTEMBER 21, 2004

NOTE: The Petitioners submitted a written update (attached) addressing several matters that were raised on July 13. However, since docket item 286-03(2), an amendment to the original board order that funded the acquisition of a portion of the property and specified two attached units to the pre-existing house instead of the two detached units now proposed, was chartered at the August 9th full Board, the hearing was continued to September 21.

THE FOLLOWING ITEMS WERE TAKEN UP IN WORKING SESSION:

#303-01(4) FELIX SCHNEUR & IRENA GLUSKINA petition to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL #303-01(2), granted on August 11, 2003, for a grade change in excess of 3 feet to accommodate a new single-family house (including waivers to allow existing parking to continue to serve the house at 36-38 Hood Street, the adjoining property, and to allow said existing parking space to be located within front and sideyard setbacks) at 50 HOOD STREET, Ward 7, NEWTON, on land known as Sec 72, Blk 38, Lot 13, containing approximately 15,002 sf of land in a district zoned SINGLE RESIDENCE 2. The proposed amendment includes a new site plan modifying the grade change; a change to footprint of the proposed dwelling; and alterations to the façade of the dwelling.

Ref: Sec 30-24, 30-23, 30-5(b)(4), 30-19(f)(1),30-19(m) of the City of
Newton Zoning Ord. (9/13/04)

ACTION: APPROVED 7-0

NOTE: The Petitioners have recently purchased this property and are seeking an amendment to build a house of a different design, slightly repositioning it on the site. The grade change allows flexibility in siting the house and creation of a yard. The house and driveway were moved using the grade lines shown on the previously-approved plan; the retaining walls and yard remain the same. The relocated driveway is flatter. A third garage bay with a door has been added. The proposed house is approximately 560 sf larger (mostly decks), but its lower elevation makes it less intrusive on its neighbors. It is 2 1/2-stories with an FAR of .29, slightly less than the maximum allowed. The reduction in open space is because the third garage bay increases the footprint, but at 73% it is more than the minimum required. Drainage is designed for the 100-year storm event. This is the second amendment to a special permit that has yet to be exercised.

The public hearing was held on June 15. One neighbor at 41 Hood Street strongly supported the new design; another at 21 Rogers Street (to the rear) opposed it because the proposed house is slightly closer to her property. The site is currently vacant and is used for parking by the abutters at 36-38 Hood Street, a house without parking, it pre-dates parking requirements. A condition of Special permit #303-01 called for the granting of an easement allowing two parking spaces to be located in the side and front setbacks to be used for parking to benefit the lot at 36-38 Hood Street. The easement was recorded in 2002. There was some discussion as to whether the easement could live independently from the special permit. The original special permit indicates the Board thought it important to secure the parking spaces, regardless of who developed the property.

Hood Street is a private way. The Petitioners have agreed to fill the pot holes and install one course of pavement. Acceptance by the City is unlikely because the existing houses would have front steps within the standard 45-foot Right-of-Way.

The Petitioners have submitted a revised landscape plan showing a row of mixed pine, spruce, and firs along the rear property line.

Ald. Merrill moved approval, finding that the redesign and relocation of the house had no adverse affect on the abutting neighbors; the configuration of the parking was an improvement; and the revised landscaping provided improved screening for the abutter at 21 Rogers Street, noting as well Ald. Samuelson's comments that the drainage and parking easement for 36-38 Hood Street were benefits and a third garage bay for a four-bedroom house was appropriate. The conditions of the existing special permit will remain the same. The Committee supported the motion 7-0.

#303-01(3) FELIX SCHNEUR & IRENA GLUSKINA petition for a ONE-YEAR
EXTENSION OF TIME in which to EXERCISE SPECIAL
PERMIT/SITE PLAN APPROVAL #303-01(2), granted on 8/11/03 and

filed in the office of the City Clerk on 8/13/03, for a grade change in excess of 3 feet to accommodate a new single-family house (including waivers to allow existing parking to continue to serve the house at 36-38 Hood Street, the adjoining property, and to allow said existing parking space to be located within front and side yard setbacks) at 50 HOOD STREET, Ward 7, NEWTON. Ref: Sec 30-24(c) (4) of the City of Newton Rev Zoning Ord, 2001: A public hearing is not required.

ACTION: APPROVED 7-0

NOTE: This technical request for an extension of time allows the Petitioners to exercise the special permit as amended above. Ald. Salvucci moved approval, which passed 7-0.

#461-03 ENZO's AUTO SALES
10 Hawthorn Street
Nonantum, 02458 Class 2

ACTION: APPROVED 7-0

NOTE: This second-class auto dealer submitted his application very late. This business has been at this location for well over ten years. There are no overdue taxes or zoning complaints on file. A Surety Bond in the amount of \$25,000 has been submitted. Ald. Merrill moved approval, which passed 7-0.

The meeting was adjourned at approximately 9:05 PM.

Respectfully submitted,

Mitchell L. Fischman, Acting Chairman