

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, OCTOBER 5, 2004

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

Absent: Ald. Mansfield

Also present: Ald. Danberg and Gentile

City staff: Joseph LaCroix (Fire Chief), Bruce Proia (Assistant Fire Chief), Ouida Young (Associate City Solicitor), Nancy Radzevich (Chief Planner), Alexander Ananth (Senior Planner), Linda Finucane (Chief Committee Clerk), Lou Taverna (City Engineer),

#466-00(3) NEIL DRUKER & JOANNE MACKINNON petition to AMEND the site/landscaping plan approved in SPECIAL PERMIT/SITE PLAN APPROVAL #466-00(2), granted on May 7, 200, for an accessory apartment in a detached structure at 145 HIGHLAND STREET, Ward 3, WEST NEWTON, on land known as Sec 32, Blk 9, Lot 13, containing approx 40,615 sf of land in a district zoned SINGLE RESIDENCE 1. REF: Sec. 30-24 and 30-23 of the City of Newton Rev Zoning Ords., 1995.

ACTION: HELD 7-0

NOTE: The petitioners were granted a special permit in May 2001 to create an accessory apartment in an existing detached carriage house on their property. The carriage house is nonconforming as to rear and side setbacks. The work on the carriage house has been completed; however, in March 2004 a stop work order was issued because the site/landscape work differed from that shown on the original site plan.

The original site plan showed a circular driveway with a parking area for three cars in front of the carriage house. The circular driveway has been removed and replaced with lawn. The as-built conditions provide two parking spaces next to the main house and a third space along the driveway, in the front setback. A ½ ‘- 2 ½ ‘ retaining wall has been constructed and additional landscaping installed to screen a bank of air conditioning units located along the north property line. A brick patio was added to the south side of the house. The petitioners seek to legalize these modifications to the site plan. There was no public comment at the July 13th public hearing; however, both the committee and Planning Department were concerned about the Fire Department’s approval, since the previously approved pavement in front of the carriage house has been replaced with grass.

Both Chief LaCroix and Assistant Chief Proia were present for tonight’s discussion. The Fire Department had reviewed and approved the original plan showing a circular driveway with access to the carriage house. Chief LaCroix explained the two areas the department looks at: water supply and access. Code requires paved access on one side of a structure, with certain

structures requiring two paved sides. He and Assistant Chief Proia cited concerns about equipment getting through snow or sinking in mud. Grass pavers are an option, but the Chiefs said they are expensive to repair and that people tend not to maintain them after one season of snow plowing. Sprinklers are another option (as was done recently on another petition for an accessory apartment in a carriage house) but the petitioners are reluctant to install sprinklers because renovations have been completed. The approved plan as opposed to the as-built is the preferred plan; however, both Chiefs agreed that each project needs to be looked at individually and they were trying to work with the petitioners and their consultants.

The Engineering Department's review had not yet been received; however, City Engineer Lou Taverna was present and said he expects the review to be completed shortly, noting that since the impervious surface has been reduced overall, he anticipates no drainage issues.

The committee thanked Chief LaCroix and Assistant Chief Proia for coming this evening. Unfortunately, there was no time to discuss the overall driveway width issue that has surfaced in a number of prior land use petitions, i.e., the Fire Department's preferred minimum width of 16 feet versus the committee's desire for less pavement. It was agreed they would return for further discussion on this general policy driveway width matter..

At Ald. Samuelson's behest, the committee suggested that the petitioners meet again with the Fire Department to see if a creative code-satisfying compromise might be reached. The petitioners agreed to do so, and granted a further extension of time to November 17th. Ald. Samuelson made a motion to hold the petition and approve the extension of time, which were both approved 7-0.

#236-04 DRUKER MANAGEMENT CORPORATION/SCHRODER NEWTON LIMITED PARTNERSHIP petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to partially reconfigure the roof deck portion of a parking facility lot by waiving certain dimensional requirements in order to add fifty additional parking spaces and provide valet parking at 283-291 CENTRE STREET, Ward 1, NEWTON CORNER, on land known as Sec 71, Blk 5, Lot 1, containing approx 78,813 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-19(m) of the City of Newton Rev Zoning Ord, 2001. **(11/4/04)**

ACTION: APPROVED 6-0 (Samuelson not voting)

NOTE: The petitioner seeks a special permit to reconfigure the dimensions of the parking stalls to add 45 (not 50) spaces to the roof deck of a parking garage for which the petitioners intend to provide managed parking solely for the office tenants at 234 Centre Street. (The same petition was denied by the Board in 1999.) The mixed-use retail/office building was constructed in 1982 prior to the current parking requirements. It has 335 total stalls, with 195 on the roof deck; if it were built today 100 more spaces would be required. The petitioners wish to attract a tenant(s) into the approximately 138,000 square feet of vacant Class A office space and feel they need the parking service to compete with other office parks in the area. When this petition was filed these spaces were intended for a prospective tenant who has since rented comparable space in Waltham which provides 3.5 spaces per 1000 square feet, whereas the petitioners can only provide 2 spaces per 1000 square feet at the Newton site.

The public hearing was held June 15. There was one neighbor from Jefferson Street who had issues not related to the petition. A Land Use Committee site visit took place on July 13. The Planning Department had noticed on a previous site visit numbers of vacant spaces. The petitioners explained that the previous tenant was in the process of downsizing from over 600 employees to 380. The petitioners anticipate 75-80% of the cars between 7:00 and 9:15 AM. The garage usually empties between 3:00 and 4:00 PM, and by 5:00 PM is only 60-65% full. There are two restaurants that don't open until 11:30 AM. The proposed managed parking service, generally, will operate Monday through Friday, 8:00AM to either 5:00 or 6:00 PM. The three other floors are open to the other tenants and guests. There is no fee to park if it is tenant-affiliated business. A professional parking firm will be hired to operate the service. In response to a question from the committee, the petitioners were unable to locate a similar operation of mixed self- and managed-parking in Newton to offer as an example.

The petitioners had responded to the requests from the Planning Department to delete several spaces to better accommodate traffic flow and snow removal and moved two HP stalls closer to the elevator. A revised landscape plan shows two trees and benches on Bacon Street, as the Centre Street frontage is too narrow and congested for additional landscaping.

Both Chief LaCroix and Assistant Chief Proia were present and reaffirmed the Fire Department's approval of the plan.

The committee reviewed a September 20 memo from the City Traffic Engineer and agreed his basic questions had been addressed. A letter, dated April 29, 2004, certifying the structural integrity of the garage and the proposed additional load was submitted by Weidlinger Associates, Inc. Consulting Engineers. However, the committee agreed that prior to the use of the managed parking spaces, the petitioners would submit a current structural analysis by a licensed structural engineer to the Commissioner of Inspectional Services certifying that the structural system of the existing parking facility has been evaluated in terms of design and condition of the structural system as to rust, etc. and can accommodate the additional live load.

The committee was concerned about the loss of the tenant who was to have taken the majority of the vacant space. Would managed parking work with multiple tenants? Ald. Albright uses managed parking where she is employed and said it works well, particularly if schedules are staggered. Ald. Merrill reported that the Newton Corner Neighborhood Association strongly supported this petition. He then moved approval, finding that the managed parking and additional parking spaces would serve the public need by enabling a community business to thrive and will provide parking on site, lessening the impact on neighborhood streets; and that literal compliance with the dimensional provisions of Section 30-19 is impossible because there is no additional opportunity to add more spaces to satisfy and accommodate tenants. The committee agreed, and voted 6-0, with Ald. Samuelson not voting, to approve the petition, referencing the revised plan, showing 45 spaces, and stipulating that the managed parking will apply to the roof deck only and that if there should be multiple short-term tenancies the Inspectional Services Department will evaluate the peak demand of the tenants and copy the Clerk of the Board.

#490-95(2) AUBURNDALE PLAZA LLC by GRAVESTAR INCORPORATION, MANAGING MEMBER petition to AMEND Special Permit #490-95, granted February 5, 1996, in order to upgrade the site lighting, remove and level pavement, add crosswalk stripes, an outdoor patio, relocate HP parking, replace concrete sidewalks, add a sidewalk and plantings at NE corner, and revise the existing free-standing sign at 2034-2060 COMMONWEALTH AVENUE, Ward 4, AUBURNDALE, on land known as Sec 44, Blk 25, Lot 10, containing approx 121,325 sf of land in a district zoned BUSINESS 1. Ref: Sec; 30-24, 30-23, 30-21, 30-19(m), 30-20(l) of the City of Newton Rev Zoning Ord, 2001. **(11/5/04)**

ACTION: APPROVED 6-0 (Samuelson not voting)

NOTE: The petitioners wish to amend the site plan for the renovation and expansion of Star Market approved in 1995. The public hearing was held on July 13th and there was no public comment. Ald. Harney and the petitioners reported that a neighborhood meeting was held on July 8 and neighbors who attended were pleased with the proposed upgrade. The site contains a grocery store, a bank, and other small retail shops. The current configuration of the parking lot is unfriendly to pedestrians and has minimal landscaping. The 164-space parking lot is non-conforming in stall dimensions, interior landscaping and screening, interior trees, and it extends into the front setback.

Perimeter sidewalks will be improved, sidewalk ramps and painted interior crosswalks will be aligned to enhance pedestrian movement within the site. Some spaces will be changed slightly and two of the six HP stalls will be relocated. The proposed changes will net 168 parking spaces, which meets the ordinance requirements. Ald. Fischman had suggested reviewing the possibility of closing one of the curb cuts. The petitioners feel that it would compromise safety and reduce the number of parking spaces. The upwardly sloping rear of the site is asphalt and extends to the abutting property line. The patio will be located on the flat of that area and the slope will be stabilized with boulders and landscaping. The City Engineer reviewed and approved the plans. Light poles will be reduced to 20 feet in height with metal halide fixtures. Although the spillover onto the Commonwealth Avenue sidewalk increases, it contributes to safety; however, the spillover glare onto abutting properties is reduced. The original special permit specified a 4' high evergreen hedge along Commonwealth Avenue; however, the existing landscaping consists of ornamental grasses and seasonal plantings. The petitioners proposed a 24" to 30" yew hedge along the frontage. There was some discussion about the height relative to headlights shining into homes across Commonwealth Avenue versus the site lines of drivers exiting the parking lot. The committee's preference was a 3' hedge, maintained at a maximum height of 4'. The petitioners agreed. Two dead street trees on Commonwealth Avenue will be replaced. Four new trees will be planted in boxes in the interior of the parking lot.

The existing free-standing sign, permitted in 1978, will be enlarged and refaced with the address and tenant logos, lighted with exterior up lights, and turned off a half hour after the close of business. A question was raised by the Planning Department about the wall signs, which become secondary signs if there is a free-standing sign. Star Market has two wall signs. The petitioners claim the one facing the railroad was approved in 1977 and is legal; however, they agreed if the

Inspectional Services Department determines otherwise, one sign will be removed by the end of January, 2005.

Ald. Harney moved approval finding that the alterations of the existing non-conforming parking facilities will not be substantially more detrimental and will actually decrease the number of non-conformities; the proposed alterations will make the plaza more attractive with the outdoor patio, removal of the asphalt, and additional landscaping; improve access and safety for all pedestrians, able and disabled, with improved sidewalks and interior pedestrian markings; lighting will improve safety yet reduce glare onto abutting properties; the evergreen hedge along Commonwealth Avenue will screen local residences from the shopping center; and, the signage will enhance recognition of the businesses which are blocked from Commonwealth Avenue by an adjacent building.

The committee voted 6-0, with Ald. Samuelson not voting, to approve the petition.

The meeting was adjourned at approximately 11:00 PM;

Respectfully submitted,

Mitchell L. Fischman, Vice Chairman