

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, DECEMBER 14, 2004

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

Also present: Ald. Baker

City staff: Mike Kruse (Director of Planning & Development), Alexandra Ananth (Senior Planner), Nancy Radzevich (Chief Planner), Ouida Young (Associate City Solicitor), Lou Taverna (City Engineer), and Linda Finucane (Chief Committee Clerk)

#372-04      LENA & DENIS GOODWIN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to alter the existing contours of land by more than three feet in order to construct a patio, decks, porch, and stairs, including a retaining wall and other site improvements to the rear yard of 56 WEST BOULEVARD ROAD, Ward 7, NEWTON CENTRE, on land known as Sec 73, Blk 33, Lot 2, containing approx 10,542 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-5(b)(4), 30-15 Table 1, 30-19(g)(3) of the City of Newton Rev Zoning Ord, 2001. **(1/10/05)**

**ACTION:**      APPROVED 7-0 (Samuelson not voting)

**NOTE:** The petitioners are in the process of re-grading and landscaping their property. The master landscape plan involves among other improvements a grade change greater than three feet to install a circular stone wall and exterior on-grade stairs to allow access from the driveway and existing basement level garage to the kitchen. The petition was heard and closed on October 12<sup>th</sup>. There was no public comment; however, a letter in support was received from the abutters most impacted at 50 West Boulevard Road. Requested at the hearing were

- a complete landscape plan as it relates to the proposed grade change to determine whether the area of the proposed grade change is adequately screened from the immediate abutter;
- review of the proposed retaining wall by a structural engineer;
- review by both the petitioners' engineer and the City Engineer of drainage along the driveway at the opening of the garage; and whether the impervious surface would be increased or decreased on site;
- elevations in feet above sea level for abutting properties on the site plans.

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This evening the committee reviewed with Senior Planner Alexandra Ananth and City Engineer Lou Taverna materials received since the close of the public hearing on October 12<sup>th</sup>. A revised

landscape plan dated December 7<sup>th</sup> details a “living fence” (mesh with vines) along the property line of 50 West Boulevard Road. An existing 3-foot chain link fence, belonging to the abutters at 28 East Boulevard Road, about whom Ald. Fischman expressed some concern, shows additional plantings to those in place, and is well screened.

Mr. Taverna reviewed the memorandum, dated November 23, 2004, from the petitioners engineer Everett M. Brooks Company. The proposed construction will increase the total impervious surface area on site approximately 900 sf; however, by incorporating a drainage system into the proposed construction, a large portion of the runoff will be directed to an on-site leaching system (of the 3,200 sf of total impervious surface, approximately 1,400 sf will be collected) thereby reducing the final area of impervious surfaces which flow off the property by approximately 500 sf, resulting in a 22 per cent decrease. Additionally, a significant amount of runoff from the pervious areas will also be collected, resulting in a 30 per cent reduction in off-site flow. Mr. Taverna also noted Section 30-17 (which requires a special permit to alter a garage that is less than six inches above the grade) is not applicable to this petition because the garage, which is 2 inches lower than grade, was built in the 1930's and is grandfathered. An area plan with topographic information showing elevations of the subject property and the abutting properties was submitted to the Planning Department.

Ms. Ananth clarified that the relief is for the proposed retaining wall next to where the steps will be installed, comprising an area of approximately 130 sf, with a maximum grade change of 6 feet. The remaining site work is by-right.

Ald. Vance moved approval finding that the proposed grade change will improve drainage, resulting in a net reduction of runoff, on and off site; the proposed retaining wall and staircase will improve access to the house; the proposed landscaping is beneficial to the neighborhood; the proposed grade change and additional landscaping will result in a more attractive property, and create a more usable yard. The committee agreed, and voted 8-0 to approve the petition.

#466-00(7) AGREEMENT TO AN EXTENSION OF TIME in which to ACT on NEIL DRUKER & JOANNE MACKINNON petition #266-00(3) to AMEND the site/landscaping plan approved in SPECIAL PERMIT/SITE PLAN APPROVAL #466-00(2), granted on May 7, 2000, for an accessory apartment in a detached structure at 145 HIGHLAND STREET, Ward 3, WEST NEWTON; said of EXTENSION OF TIME will run from through January 31, 2005.

ACTION: APPROVED 7-0

NOTE: Attorney G. Michael Peirce, who represents the petitioners, submitted a letter agreeing to a further extension of time. Mr. Peirce and Assistant Fire Chief Proia are still trying to resolve the life/safety access issue.

THE FOLLOWING LICENSES WERE APPROVED 8-0

NOTE: The Commonwealth of Massachusetts classifies Auto Dealer licenses into three categories: A Class 1 license holder must be a recognized agent of a motor vehicle manufacturer and have a signed contract with same; Class 2 deals only used vehicles; and Class 3 is for junk

vehicles. The criteria for issuing a license are whether the applicant is a “proper person,” and has available a “suitable place of business.” In 1995 the City accepted and implemented by ordinance its right to deny, revoke, or suspend certain licenses for failure to pay municipal taxes or charges. Last year a new law took effect requiring all Class 2 auto dealers to post with the city or town in which they are licensed a \$25,000 bond or equivalent proof of financial responsibility for the benefit of a person who purchases a second-hand vehicle and suffers subsequent losses because of the dealer. The following licenses were approved because they meet the licensing criteria, have no outstanding zoning complaints; have no outstanding traffic complaints or tickets with the Police Department, and owe no money to the City of Newton; and, in the case of the Class 2 licenses, have posted surety bonds with the City.

**Auto License Renewals, 2005**

- #450-03 CLARK & WHITE INC.  
777 Washington Street  
Newtonville, 02460 Class 1
- #451-03 CLAY CHEVROLET d/b/a CLAY HYUNDAI and  
CLAY AUTO RENTAL  
431 Washington Street  
Newton Corner, 02458 Class 1 & 2
- #452-03 FERRARI AUTOMOBILES OF NEWTON  
d/b/a FERRARI OF NEWTON  
1203 Washington Street  
West Newton, 02465 Class 1
- #453-03 FROST MOTORS INC.  
399 Washington Street  
Newton Corner, 02458 Class 1
- #454-03 FROST MOTORS INC. d/b/a FROST NISSAN  
624 & 1180 Washington Street  
Newtonville and West Newton Class 1
- #455-03 VILLAGE MOTORS GROUP INC.  
d/b/a HONDA VILLAGE  
371 Washington Street  
Newton Corner, 02458 Class 1
- #457-03 AUTO EUROPA  
38 Ramsdell Street  
Newton Highlands, 02461 Class 2
- #458-03 AUTO KLASICS INC.  
24 Border Street  
West Newton, 02465 Class 2
- #462-03 LOS ANGELES AUTOBODY, INC.  
41 Los Angeles Street  
Nonantum, 02458 Class 2
- #469-03 ROBERT'S TOWING INC.  
926R Boylston Street  
Newton Highlands, 02461 Class 2

#267-02(3) LAND USE COMMITTEE recommending discussion and possible adoption of appropriate amendment(s) to the Rules and Orders of the Board re Board communication relative to special permits.

**ACTION:** HELD 8-0

**NOTE:** The Committee received a brief update from Planning Director Michael Kruse on the experience of his department in reviewing special permit applications over the past six months under the rules adopted by the board in June 2004. He said that, despite a quiet fall, he does not believe that major projects have been delayed by the application of the rules. He pointed to a general slowdown of the local economy, and noted that both summer and the end of the calendar year are traditionally times of fewer applications. He said that there may have been a few smaller petitions that have been frustrated by the new rules, but that no one who should have been able to file has been prevented from doing so.

The Committee then turned the discussion to communications between aldermen and petitioners, both before they are filed and during the review process. The members reviewed a draft statement of "good practices," and made several suggestions for improvement. This matter will be taken up at the next working session, and a full report of this discussion will be made then.

The meeting was adjourned at approximately 11:00 PM.

Respectfully submitted,

George E. Mansfield, Chairman