

CITY OF NEWTON
IN BOARD OF ALDERMEN
LAND USE COMMITTEE REPORT
TUESDAY, JANUARY 14, 2003

Members of Committee present: Ald. Basham, Chairman; Ald. Bryson, Fischman, Linsky, Lipsitt, Salvucci, Samuelson.

Member of Committee absent: Ald. Merrill.

Other Aldermen present: Ald. Mansfield.

City Officials present: Nancy Radzevich, Chief Planner; Alexandra Ananth, Planner; Ouida Young, Associate City Solicitor; Linda Finucane, Chief Committee Clerk; John Daghlian, Associate City Engineer.

* * * * *

REQUEST FOR EXTENSION OF TIME

270-02(3) OMNIPOINT HOLDINGS, INC. A DIVISION OF T MOBILE and I. ZUSSMAN 219 REALTY TRUST request for EXTENSION OF TIME THROUGH MARCH 4, 2003 FOR BOARD ACTION ON 270-02(2), a petition for SPECIAL PERMIT/SITE PLAN APPROVAL to install wireless communication equipment, including three antennas enclosed within a canister designed to resemble a stovepipe chimney on the penthouse and radio control cabinets in the basement of an existing building at 219 COMMONWEALTH AVENUE, Ward 7, on land known as Section 63, Block 8, Lot 19, in a district zoned MR1.

ACTION: Extension of time approved 7-0.

NOTE: Ald. Lipsitt reported that the Mayor's office is considering whether to issue an RFP for replacement of the Waban Hill Reservoir telecommunications tower. Omnipoint has indicated that it may be interested in responding to such an RFP, but has serious concerns about potential public opposition and the amount of time involved in the process. The Committee expects to take action on the merits of this petition within the time provided by this extension.

SPECIAL PERMIT AND SITE PLAN APPROVAL PETITIONS

366-02 WALTER AND DIANE SHANNON petition for SPECIAL PERMIT and SITE PLAN APPROVAL to separate an existing lot into two lots in order to construct a new single-

family dwelling with garage at 305 CHERRY STREET, Ward 3, on approximately 31,600 sf of land known as Section 33, Block 34, Lot 2, in a district zoned SR3.

ACTION: Approved 3-1-3 (Ald. Bryson, Fischman and Salvucci voting in the affirmative; Ald. Linsky voting in the negative; Ald. Basham, Lipsitt, and Samuelson abstaining).

NOTE: Although the Committee acted on this item, a number of issues troubled several members of the Committee and prevented them from reaching a firm decision based on the Committee's deliberations. After the working session, counsel for the petitioners, G. Michael Peirce, contacted the Chairman and asked that the item be "recommitted" or not reported so that his clients could attempt to resolve the remaining issues. Accordingly, if a majority of the Committee members accept this request, the item will not be reported to the Board at the meeting of January 22. A complete written report will be provided when the Committee finally discharges the item.

440-02 CHARLES RIVER COUNTRY CLUB petition for SPECIAL PERMIT and SITE PLAN APPROVAL to AMEND BOARD ORDER 526-78 in order to construct a one-story block pump house measuring 24' x 24' to replace an existing pump house on land off WALLACE STREET, Ward 8, known as Section 83, Block 35, Lot 1, measuring approximately 997,610 sf, in a district zoned SR3.

ACTION: Approved 7-0.

NOTE: The petitioner wishes to replace an existing pump house measuring 10' x 15' with a larger one. A pump house has been located in the same place since the 1920s, and the current pump house was constructed pursuant to Board Order 526-78. At the same time, the petitioner intends to replace an existing 14" inlet pipe from the Charles River with an 18" pipe, replace the existing gate from the Wallace Street access, and widen the gravel access road from Wallace Street (originally proposed to be 14', but later modified to 12'). The petitioner requires a special permit under Sections 30-8(b)(5) and 30-8(b)(15) to use residentially zoned land for a purpose accessory to a club or clubhouse, providing that the use is not injurious to a neighborhood as a place for single family residences. At the public hearing on December 10, 2002, the Committee asked for additional information on the functioning of the pumps and potential noise from the proposed new exhaust fan. The petitioner provided that information in advance of the working session, indicating that the pumps will not draw more water than they do currently but will draw it more slowly. The petitioner also offered to refurbish Wallace Street, a private way, with a 4" crushed gravel surface, which will be rolled out after the construction is complete.

During the working session, the Committee determined that the new gate on Wallace Street will be made of vinyl-clad chain link, and asked that the color be specified as black. The pump cycles on and off depending on water need and is expected to be quieter than the existing. The walls will be constructed with sound barriers. The Committee considered the anticipated operation of the exhaust fan, which will operate only when the room temperature in the pump house reaches 104 degrees, and the petitioner does not expect the fan to operate at night.

Nevertheless, the petitioner agreed to mount the fan on the side of the building facing into the property and not toward Wallace Street to minimize any potential noise.

Ald. Fischman moved approval, finding that the public convenience and welfare will be served by improving the appearance of the pump house, improving the landscaping between the pump house and Wallace Street, improving the access and gate, and providing a neighborhood benefit in the improved access to homes along a private way.

APPLICATIONS FOR 2003 AUTOMOBILE DEALER LICENSES

405-02 THE TRAVIS CORPORATION d/b/a THE CAR STORE
19 Rolling Lane, Chestnut Hill
Class 2 license

ACTION: Approved 7-0.

NOTE: Mr. Epstein was present to answer questions concerning the operation of his business. He explained that most of his transactions arise from personal referrals and from the internet, particularly Ebay, and most of his sales are out of state. He has some vehicles stored at 483 Pleasant Street in Watertown, where he has a one-year lease with an option to renew, but he purchases many vehicles at auction “on order” for particular customers who have given him substantial deposits, and then ships the vehicles directly from the auction. His customers sometimes contract with third-party inspectors to examine a vehicle before purchase. He rarely “shows” a vehicle and has no vehicles for sale or delivery at his home. The Committee also determined that Mr. Epstein is keeping up with the payment plan he worked out with the City Treasurer for unpaid excise taxes associated with the demise of his business after the fire on Boylston Street.

413-02 CYPRESS AUTO MART INC.
1235 Washington Street, West Newton
Class 2 license

ACTION: Held 7-0.

NOTE: This site is subject to a special permit, and a number of conditions of approval of that special permit remain unfulfilled. The auto dealer is the tenant, not the property owner, and during the Committee’s consideration of the 2002 license application, the owner agreed to complete the work on the site, posting a bond that was arranged through the City Engineer. Ald. Salvucci stated that the work is not yet complete, and Ouida Young suggested that there may be reasons why the work cannot be completed because of the ongoing hazardous waste remediation on the site. The Committee held the item to obtain a report from Engineering and further recommendations from the Law Department.

409-02 PRESTIGE AUTO BUYERS INC.
50 Tower Road, Newton Upper Falls
Class 2 license

ACTION: Approved 7-0.

The meeting was adjourned at 11:10 p.m.

Respectfully submitted,

Ald. Susan M. Basham
Chairman