

CITY OF NEWTON
IN BOARD OF ALDERMEN
LAND USE COMMITTEE REPORT
TUESDAY, APRIL 8, 2003

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

Other Aldermen present: Ald. Mansfield.

City Officials present: Alexandra Ananth, Planner; Ouida Young, Associate City Solicitor; Linda Finucane, Chief Committee Clerk.

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APPLICATIONS FOR 2003 AUTOMOBILE DEALER LICENSES

400-02 AUTO KLASICS INC.
24 Border Street
Class 2 license

ACTION: Approved 8-0.

401-02 VELOCITY MOTORS, INC.
14 Hawthorn Street
Class 2 license

ACTION: Held 8-0.

NOTE: Ald. Lennon, who could not be present for the discussion, asked that the Committee consider holding this item and 403-02, which involve parts of the same property. Apparently there is a zoning dispute with a neighbor, and the neighbor has installed a barrier that is compromising the movement of some of the vehicles related to either or both of these businesses. Although the zoning issue is not, strictly speaking, related to the licenses requested, the fact that the place of operation may be made less suitable in the resolution of the zoning dispute gave the Committee sufficient concern to hold the item pending receipt of additional information from Ald. Lennon and ISD.

403-02 ENZO'S AUTO SALES
10 Hawthorn Street
Class 2 license

ACTION: Held 8-0.

NOTE: See note on 401-02.

NON-SPECIAL PERMIT ITEMS

85-02(2) PRESIDENT LIPSITT recommending the appointment of HANNAH HAYNES, 360 Langley Road, to the Liaison Committee established by Board Order 250-01 (The Terraces). Ms. Haynes will replace Maria Termini, who has resigned as the Langley Road representative.

ACTION: Approved 8-0.

NOTE: Ms. Haynes was present at the meeting. She explained that she has been a resident of Newton since 1992, and has lived in several different locations on Langley Road. She is a member of the Liaison Committee for Hebrew College, which has provided useful background for this new undertaking, and she has been involved regularly in the Bowen-Thompsonville Neighborhood Association. She observed that the Terraces Liaison Committee has many representatives from the Cypress Street side of the site, and Langley needs a representative. Ald. Lipsitt thanked Ms. Termini for her service and Ms. Haynes for her willingness to step in. She moved approval, and the Committee supported the motion unanimously.

SPECIAL PERMIT AND SITE PLAN APPROVAL PETITIONS

38-03 EVANA REALTY TRUST, PAUL J. MAGGIORE and PAULA A. DOLAN, TRUSTEES, and EXXCEL GYMNASTICS, LLC petition for SPECIAL PERMIT TO EXTEND NONCONFORMING STRUCTURE and SITE PLAN APPROVAL to locate a for-profit gymnastics academy in an existing building with a free standing sign at 88 WELLS AVENUE, Ward 8, on land known as Section 84, Block 34A, Lot 4A, in a district zoned Limited Manufacturing.

ACTION: Approved 7-0-1 (Ald. Basham abstaining).

NOTE: The Committee considered this item and 38-03(2) together. The petitioners are the owners of the currently-vacant building at 88 Wells Avenue and the operator of the Exxcel Gymnastics academy, which is the proposed tenant of the building. The academy is currently located on Kendrick Street in Needham and wishes to relocate to Newton where most of its students live. The building was used most recently for office and warehouse purposes. The petitioners need a special permit to extend a nonconforming structure because the current parking configuration is validly nonconforming, and the current petition would make certain modifications in that parking lot. They also require a special permit for a for-profit educational use within a Limited Manufacturing zone and a special permit for a free-standing sign. As to the sign, the petitioners intend to change only the face of an existing sign, for which they ordinarily would not require a special permit, but ISD has no record of any special permit having been granted for the existing sign.

At the public hearing on, February 11, the petition was presented by Stephen Buchbinder, attorney for the petitioners. Mr. Buchbinder explained that the academy has classes from 9 am to 9 pm daily, and in the mornings on Saturday. It also makes the facility available for birthday parties on Saturdays from 1:30 to 7:30 and on Sunday from 10:00 to 6:30. Students range in age from 18 months to 14 years. Approximately 6 staff are on site during peak periods. The petitioners presented a supporting petition from parents of students in the academy, 109 of whom are Newton parents.

At the public hearing, and in the working session, the Committee's inquiry focused on the configuration of the parking lot in the rear of the building, site access, and management of student pick-ups and drop-offs. The petitioners propose to improve an existing door off the parking lot as the primary entrance and exit for students. Although the front door will remain open and available for student access, the petitioners intend to encourage parents to come onto the site and drop their children in the rear rather than pulling up along the curb on Wells Avenue. At the public hearing, the Committee called for a professional traffic engineer to review the plans. The Committee was concerned that there will be extensive queuing in the driveway and it will be impossible to control the random movements of children. In response, the petitioners made certain improvements to the plan, including the installation of an "island" in the parking lot to encourage continuous traffic movement. The petitioners also emphasized the width of the maneuvering aisle in the area nearest the rear door and the opportunity for cars to move past each other.

At the working session, the committee reviewed the revised site plan and the written report provided by Christopher Emilius, P.E. of GEOD Consulting, Inc., a contractor to the City. The Committee was satisfied, after some discussion with Ms. Ananth and the petitioner's representatives, that the issues raised by Mr. Emilius had been resolved or were based on incorrect information. There was a difference of opinion concerning the alignment of a proposed front walk extension from the curb to the existing walkway. Ald. Bryson thought the walkway should not be extended because it would encourage parents to drop their children in front and would require removal of existing mature shrubbery. Ald. Salvucci thought that the driveway provides adequate pedestrian access, and he expressed concern about the need to realign handicapped parking adjacent to the existing front walk. After some discussion, however, the Committee came to a unanimous decision in support of a revision to the site plan to reflect a straight continuation of the existing walkway, with sufficient lighting for pedestrian safety out to the curb.

Ald. Fischman urged the Committee to consider further revisions to the site plan to require a 4' wide sidewalk along the entire length of the building. Some members of the Committee liked the concept of providing continuous pedestrian access, but others pointed out that the driveway has little more than minimum width for two-way traffic and does not lend itself to widening because it slopes off immediately on its left; an existing stair along the driveway, which now provides emergency egress, would have to be moved; and the walkways at the front and rear of the building would connect awkwardly. By a vote of 2-6, the Committee rejected this

proposal. More successful was Ald. Lipsitt's proposal that the petitioner amend the site plan to show screening of the dumpster so as to improve the appearance of an otherwise not very attractive parking lot and to reduce the potential for an attractive nuisance. The Committee supported that amendment 6-2.

Ald. Fischman moved approval of this item and the amendment to the Wells Avenue restrictions, finding that the public convenience and welfare will be served by enabling a for-profit educational use to operate in Newton where many of the current participants now live. The new use will be accompanied by improvements in the site plan, including safety improvements for pedestrian access from Wells Avenue, along with adequate traffic access on site. Considering these site plan changes, the extension of a nonconforming structure is justified because the proposed nonconforming parking lot with 26 spaces will not be substantially more detrimental to the neighborhood than the existing. The free standing sign assists in the identification of the building and its tenant in a location with substantial setbacks and a certain sameness to the surrounding structures. Ald. Basham said she would abstain but anticipated supporting the petition after she had an opportunity to visit the site and conclude that the circulation pattern will be manageable. Ald. Linsky expressed concern about the evolution of uses on Wells Avenue and urged further study toward a conscious decision by the Board of what is desirable for the future. The Committee supported the motion 7-0-1.

38-03(2) EVANA REALTY TRUST, PAUL J. MAGGIORE and PAULA A. DOLAN, TRUSTEES, and EXXCEL GYMNASTICS, LLC requesting that the deed restrictions adopted by Board Order 276-68(3) and subsequent amendments be further amended to provide that the building may be used for a for-profit gymnastics facility, with waivers of requirements for interior landscaping of parking areas, lighting of same, driveway width, minimum width of maneuvering aisles, and parking setbacks, all at 88 WELLS AVENUE.

ACTION: Approved 8-0.

NOTE: See note on 38-03. As to the restrictions on the Wells Avenue office park, which are now 35 years old, the Committee noted that the zoning ordinances now duplicate many of the restrictions originally contemplated for this area. The Committee asked the Planning Department and Law Department to prepare an analysis showing the differences between what is permitted under the restrictions and what would be permitted under zoning, particularly in the limited manufacturing district.

The meeting was adjourned at 10:24 p.m.

Respectfully submitted,

Ald. Susan M. Basham
Chairman

