

CITY OF NEWTON
IN BOARD OF ALDERMEN
LAND USE COMMITTEE REPORT
TUESDAY, JUNE 17, 2003

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

Members of Committee absent: Ald. Lipsitt.

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

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169-03 SUSAN HURWIT petition for SPECIAL PERMIT TO EXTEND A NONCONFORMING STRUCTURE AND SITE PLAN APPROVAL associated with proposed construction to convert an existing garage to use as a home office at 44 BOWDOIN STREET, Ward 6, on approximately 10,500 sf of land known as Section 52, Block 3, Lot 3, in a district zoned SR 3.

ACTION: Approved 7-0.

NOTE: The petitioner wants to modify her existing garage at her residence by constructing a half-story addition for purposes of creating a home office in which she will conduct her psychotherapy practice. She requires relief from the Board to use a detached accessory building or the primary purpose of a home business. At the public hearing on May 13, 2003, the petitioner explained that she is a clinical psychologist and she wishes to see patients part-time in this office. She provided letters of support from all of her immediate abutters. There was no public testimony.

As part of the construction of the office, the petitioner proposes a new walkway around the right side of the garage, immediately adjacent to the property line. At the Committee's working session of May 27, the Committee held the item following a thorough discussion so that the petitioner could consider suggestions concerning relocation of the proposed pathway; submit a measured drawing; provide associated information concerning the design of the proposed walkway, fence and lighting; and supply any additional information Engineering might need concerning the potential impacts on runoff associated with an increase in impervious surface.

At this working session, Ms. Ananth presented to the Committee the petitioner's plan for a 3' path constructed of pavers, noting that there is a distance of ten feet between the petitioner's garage and the near abutter's garage. The petitioner intends to thin existing vegetation and

install a 4' picket fence along the property line to define the walkway. She provided an illustration of the lighting fixtures, to be wall-mounted and motion-sensitive.

As conditions of approval, the members of the Committee suggested, and the petitioner agreed, that she will seek relief from the ZBA as required. The home office will not be used for living space, and no therapy session will include more than three individuals at a time. The Committee declined to limit the hours of operation, but asked the law department to develop a condition that will limit the special permit to a practice in some way that will avoid a too-intense future use. The Committee also agreed that the petitioner may substitute wood clapboard siding for vinyl as shown without amending the special permit.

Ald. Samuelson moved approval, finding that the public convenience and welfare will be served by permitting the presence of this type of practice in the community without any negative impact on the surrounding properties. It will not cause excessive traffic and will encourage attractive upgrades to the garage. The Committee supported the motion 7-0.

131-03 JEFFREY R. D'AGOSTINO petition for SPECIAL PERMIT TO EXTEND NONCONFORMING STRUCTURE and SITE PLAN APPROVAL to add a third unit, including waivers of parking requirements and construction of a two-care garage at 619 WASHINGTON STREET, Ward 1, on approximately 11,552 sf of land known as Section 14, Block 24, Lot 1, in a district zoned MR 2.

ACTION: Withdrawal with prejudice approved 7-0; Extension of time for thirty additional days approved 7-0.

NOTE: The Committee discussed this petition in detail, and Ald. Merrill moved denial. After hearing the Committee's deliberations, the petitioner, through counsel, asked that the Committee substitute withdrawal without prejudice, and Ald. Merrill honored that request by withdrawing his motion and moving withdrawal without prejudice. The petitioner also offered, and the Committee approved, a thirty-day extension of time for Board action.

170-03 CUMBERLAND FARMS, INC. petition for SPECIAL PERMIT and SITE PLAN APPROVAL to convert the full-service islands to self-service at an existing gasoline station at 732 BEACON STREET, Ward 6, on approximately 13,539 sf of land known as Section 61, Block 38, Lot 7, in a district zoned Business 2.

ACTION: Approved 6-1 (Ald Bryson voting in the negative).

NOTE: The petitioner wishes to convert the six "pump stations" at this existing service station from full-service to self-service, while retaining the existing three service bays. At the same time, the petitioner intends to install a new fire-suppression system. Self-service gasoline stations in a Business 2 District require a Special Permit under Section 30-5(c)(2) of the Zoning Ordinance.

This location in Newton Centre has had a service station on it since 1935, when the Board approved a three-bay service station. The station was reconstructed with Board approval in 1964, and in 1974 the Board approved both the canopy and the existing free-standing sign. There was no public testimony at the hearing on May 13, but Ald. Lipsitt, in particular, questioned whether, in the conversion to self-service, the petitioners would be willing to post signage and make an attendant available to persons other than the disabled who may wish to be assisted.

At the working session, the Committee reviewed the site plan and circulation on the site. The Planning Department noted that after the public hearing, the petitioner had provided a plan showing the installation of a single planter to add some landscaping, but that the configuration of the site prevented any other significant landscaping. The petitioner also provided an example of the type of signage it will post, with modifications to indicate that persons other than the disabled may receive assistance in pumping gas. The Committee reviewed these items.

Ald. Bryson said she is not convinced that complete conversion to full service is good for the city because we have already lost so many full service islands, while Ald. Samuelson said that although she wants full service to be available, she will be satisfied if the petitioner posts adequate signage making it available. Ald. Basham said she thinks the practical reality is that people generally know where they can obtain the type of service they prefer. The Committee discussed whether it might make sense to split the station between full- and self-service if the petitioner were interested in doing so, but noted that the configuration of the station would make it difficult to arrange and would probably add to confusion for the public.

As conditions of approval, the Committee asked for the posting of signage as modified, retention of the service bays, installation of the proposed planter, and continuation of prior Board Order conditions to the extent still relevant. The Committee noted that there was a condition in a prior Board order calling for chocolate brown coloring on the canopy, which apparently had been proposed by the petitioner at the time. The Committee suggested removing that requirement, since the current canopy colors reflect the owner's own logo.

Ald. Samuelson moved approval, finding that the public convenience and welfare will be served by permitting this conversion because it acknowledges trends in the marketplace and will be accompanied by improved fire safety, retention of the service bays, and signage to make some full-service possible for those who need it. The Committee supported the motion 6-1.

The meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Ald. Susan M. Basham
Chairman

