

CITY OF NEWTON
IN BOARD OF ALDERMEN
LAND USE COMMITTEE REPORT
TUESDAY, JUNE 24, 2003

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

Members of Committee absent: Ald. Lipsitt.

Other Aldermen present: Ald. Mansfield, Sangiolo, Lappin.

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

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205-03 LAWRENCE T. PERERA, TRUSTEE OF THE JOHN CAPOBIANCO TRUST, petition for SPECIAL PERMIT and SITE PLAN APPROVAL to reduce the number of parking spaces required in order to convert a building formerly used for warehouse/office space to office use at 25-27 CHRISTINA STREET, Ward 8, on approximately 111,700 sf of land known as Section 83, Block 31, Lot 25, in a district zoned Mixed Use 1.

ACTION: Approved 3-2-2 (Ald. Salvucci, Bryson, and Merrill voting in the affirmative; Ald. Samuelson and Fischman voting in the negative; Ald. Linsky and Basham abstaining).

NOTE: The petitioners are in the process of converting the existing building from its previous mixed use to office use. During the process of completing the first floor renovations, the owners became aware that the parking requirements for office use are different from those they had met for the prior mixed uses, and they realized that they could not complete the rental of the final 15,000 sf of space unless or until they receive approval from the Board for the proposed parking waiver. Depending upon the design of the parking lot as reconfigured, they require a waiver of approximately twenty parking stalls. Features of the proposed plan include improved circulation on the site and a reduction of the current seven curb cuts from Christina Street to two serving the main parking lot and one serving the parking spaces at the west end of the site. There are also several easements across the site, including one in favor of the City of Newton along the street frontage, and these compromise the potential location of sidewalks and parking spaces.

There was no public testimony at the hearing on June 10, 2003. The petitioners were represented by Diane Tillotson, Esq. and Paul Finger, the petitioners' consulting engineer. In addition, the petitioners later submitted a traffic report from Rizzo Associates, and the

Committee received both the Executive Summary of that report and an analysis provided by Robert Woodland of McMahon Associates at the request of the City Engineer. In general, the engineers and the Planning Department were in agreement that the traffic associated with the office use will not have a further negative impact on the already compromised intersection of Oak and Christina and that the parking, reduced as proposed, will be sufficient to accommodate present commercial office uses, although some members of the Committee expressed concern that other types of office tenants could generate greater demand in the future.

At the working session, the Committee reviewed the site plan and considered several post-hearing proposed modifications. In response to concerns raised by Ald. Samuelson, the Planning Department presented several alternative designs offered by the petitioners for the parking and sidewalk at the front entrance. The petitioners are convinced that they must provide all but one of their handicapped spaces near the front door because the parking lot, which is at a lower elevation, provides unobstructed access only to the first floor of the building and there is no elevator. None of the several alternatives, however, seemed to satisfy Ald. Samuelson's primary concern that there be a continuous sidewalk along the Christina Street frontage of this site because the front setback of the site is only 16' and the parking spaces "hang over" the sidewalk. The petitioners proposed a demarcation in the pavement to show the continuation of the sidewalk. In addition, the petitioners, in an effort to improve the turning radius for large trucks, provided several options for relocating the principal curb cut, each of which would result in some variation in the location, configuration and number of parking spaces. As a further element of complexity, Ald. Fischman had asked at the public hearing whether the petitioners would consider relocating the six utility poles along Christina Street, which is a private way, and he was not satisfied with the petitioners' response that the poles are owned by Nstar and the relocation would cost in excess of \$30,000, which would add excessive cost to a request for a parking waiver.

The Committee reached a tentative consensus in favor of "option 3" for the curb cut, but was unable to reach a consensus on the design for the front of the building. Ald. Samuelson moved to hold the item so that more work could be done on the design for the front, but that motion failed by a vote of 3-3-1. Ald. Salvucci thereafter moved approval, finding that the public convenience and welfare will be served by allowing the parking waiver of approximately 20 spaces because the actual office use does not require as many spaces as calculated, literal compliance is not feasible in this location, and the petition comes with added benefits of improved circulation and design elements, a reduction in the number of curb cuts, and improved pedestrian access. Ald. Samuelson said she would vote against the petition because she sees the four handicapped spaces as dangerous in the proposed location and she wants a continuous public sidewalk. Ald. Basham expressed disappointment that the petition was presented to the Committee in working session as a set of options rather than a complete picture which prolonged the debate unnecessarily, splintered the Committee and ultimately led to a sort of brinkmanship. Ald. Mansfield said the Planning Department should have provided more information about the several petitions affecting Christina Street in roughly the same time period. The Committee supported the motion 3-2-2.

203-03 BRAD SMITH/170 NEEDHAM STREET LLC petition for SPECIAL PERMIT and SITE PLAN APPROVAL to AMEND Special Permit 83-71, granted on January 18, 1971, for a free-standing sign at 170 NEEDHAM STREET, on approximately 27,178 sf of land known as Section 83, Block 28, Lot 2.

ACTION: Approved 7-0.

NOTE: The petitioner wishes to replace an existing, legal free-standing sign with another of a different design in the same location. He requires a special permit for a new free-standing sign because he is doing more than simply replacing the “face” of an existing sign. The building at 170 Needham Street formerly housed Sallet’s meats and has recently undergone renovation for use by Audio Video Design. The Board approved a special permit in June 2000 to modify the mixed use building for retail, but that special permit was not exercised. In any event, it did not include any changes to the existing sign.

There was no public testimony at the public hearing on June 10, 2003. The petitioner and designer of the sign reviewed the proposed design configuration and noted that the members of the Urban Design and Beautification Commission were favorable, but took no action. The proposed sign is approximately 12’ in height and 6’ in width, with the sign face itself measuring approximately 6’ by 6’. It will be double-faced with an illuminated stencil cut logo and address. The existing front setback from Needham Street is conforming, but the Jaconnet Street front setback is nonconforming. The sign is technically within both setbacks at the corner, but will sit approximately 12 feet from Jaconnet Street and 5 feet from Needham Street. Ald. Fischman asked whether the sign might interfere with lines of sight and said he would prefer that it be moved farther back. Ald. Samuelson asked about possible pedestrian upgrades around the site, and Ald. Lipsitt asked the petitioner to consider deleting the website address proposed for inclusion on the sign.

At the working session, the Committee reviewed the site plan and the design for the proposed sign. The petitioner indicated that he intends to do extensive landscaping on the site, but has not yet completed a landscape plan. He agreed that he would review his plan, including pedestrian upgrades, with the Planning Department as a condition of approval. The petitioner also agreed, as a condition of approval, to cease illumination of the sign ½ hour after closing. The Planning Department confirmed that the lines of sight are not compromised by the sign’s location.

The Committee was of mixed views concerning the information proposed for inclusion on the sign. This is an appointment-only business selling custom electronic systems. The petitioner stated that because the business is not looking for “impulse purchasers” or “walk in customers,” it is important that they include their website on the sign so that someone who may be interested in such services can learn more before making an appointment. They have not asked to include a phone number, and the two “tag lines” will not be illuminated. Ald. Mansfield argued that if the business isn’t seeking to identify itself for the motoring public, the need for the

free-standing sign is questionable. Ald. Samuelson said she is not troubled by the sign or the information proposed, particularly where there is already a sign on the site. Ald. Basham agreed with Ald. Samuelson, saying that this seems to be a situation where our preferred criterion of “identification rather than promotion” doesn’t work very well because the business needs to identify its location to its ultimate customers, but it also is providing a service to the public by providing information that may avoid an unnecessary trip or stop.

Ald. Merrill moved approval, finding that the public convenience and welfare will be served by replacing the existing with a more attractive sign and by providing appropriate information to the motoring public. The sign will be illuminated tastefully and during appropriate hours, thereby improving visibility and public safety. The Committee approved the motion 7-0.

272-02 INGA ORATOVSKY petition for SPECIAL PERMIT and SITE PLAN APPROVAL to subdivide approximately 32,850 sf of land by rear lot subdivision and to construct two single family dwellings with a shared driveway at 15 WILLISTON ROAD, Ward 4, on land known as Section 43, Block 24, Lot 12, in a district zoned SR3.

ACTION: Held 6-1 (Ald. Samuelson voting in the negative); Extension of time to September 4 also approved 6-1.

NOTE: The Committee discussed this matter thoroughly, but ultimately Ald. Bryson moved to hold it so that the petitioner may provide additional information concerning existing vegetation to remain on the site, a potential relocation of the driveway that will not cut across the “triangle” owned by the city, a perspective view of the proposed second dwelling from the surrounding residences, and options for improving public safety, particularly considering school routes.

272-02 CLEAR CHANNEL RADIO, BEASLEY BROADCASTING GROUP & CHAMPION BROADCASTING SYSTEM petition to AMEND Board Order Nos. 91260 of 1947 and others for SPECIAL PERMIT TO EXTEND NON-CONFORMING STRUCTURE and SITE PLAN APPROVAL to replace two existing 363’ lighted towers for transmission of AM radio with five 199’ unlighted transmission antennas (relocated), and renovation of interior and exterior of the existing transmission station building at 750 SAW MILL BROOK PARKWAY, Ward 8, on approximately 805,00 s of land known as Section 84, Block 10, Lot 57, in a district zoned SR3.

NOTE: The Committee held a “scoping session” for the limited purpose of considering a request from the Director of Planning and Development, pursuant to Section 22-4(a) of the Zoning Ordinance and Section 3(A)(1)(b) of the Board’s rules, for the Committee’s authorization to ask the petitioner to pay the cost of an independent review of two aspects of this petition. The Director of Planning and Development states that the Department is without sufficient internal staffing capabilities or resources to provide the Board an in-depth analysis of two aspects of this petition: (a) health impacts, and (b) various technical considerations, including but not limited to

the configuration of the array of the antennas, the need for towers, and interference at the proposed site. The Committee noted that the scope of the review should not be a full independent study but an analysis and critique of the expert analysis provided by the petitioner. In addition, the Committee asked that the analysis focus on whether the petition will result in improvements over existing conditions and whether it will have other negative impacts, in the opinion the independent expert. Ald. Mansfield suggested a possible resource in California, and the Committee noted a communication from the Oak Hill Park Association recommending another.

Action under this section of the Ordinance and the Board's rules does not require Board approval. The Committee voted 6-0-1 (Ald. Fischman abstaining) to authorize the Director's request.

The meeting was adjourned at 11:58 p.m.

Respectfully submitted,

Ald. Susan M. Basham
Chairman