

**CITY OF NEWTON**

**IN BOARD OF ALDERMEN**

**LAND USE COMMITTEE REPORT**

**TUESDAY, JULY 22, 2003**

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

Other Aldermen present: Ald. Lennon.

City officials present: Ouida Young, Associate City Solicitor; Nancy Radzevich, Chief Planner; Alexandra Ananth, Planner; Jennifer Goldson, Planner; John Daghlian, Associate City Engineer.

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**REQUEST FOR EXTENSION OF TIME**

130-03(5) AGREEMENT TO AN EXTENSION OF TIME IN WHICH TO ACT ON petition #130-03, INGA ORATOVSKY for a SPECIAL PERMIT/SITE PLAN APPROVAL to subdivide approximately 32,850 sf of land to construct 2 single-family dwellings with a shared driveway at 15 WILLISTON ROAD, Ward 4, AUBURNDALE, said Extension of Time will run from September 4, 2003 to October 22, 2003.

ACTION: Extension of time for Board action until October 22, 2003 approved 8-0.

**SPECIAL PERMIT and SITE PLAN APPROVAL PETITIONS**

230-03 INTRUM CORPORATION LLC petition to replace an existing free-standing sign at 180 WELLS AVENUE, on land known as Section 83, Block 34A, Lot 3, measuring approximately 219,980 sf, in a district zoned Limited Manufacturing.

ACTION: Approved 8-0.

NOTE: The petitioner wants to replace an existing free-standing sign in Wells Avenue office park with a new one designed more in keeping with the building. The existing sign apparently did not receive a special permit, so this is essentially an application for a new free standing sign. At the public hearing on July 15, 2003, the sign designer, Norman LeMoine, presented the design, which was for a sign measuring 52" high x 73" wide x 18" deep with the top part illuminated and with seasonal plantings at the base. The existing sign measures 36 x 48 x 8. In response to an inquiry from Ald. Lipsitt, the petitioner indicated that he would be willing to reduce the scale of the sign. There was no public testimony.

At the working session, the Planning Department reported that the petitioner had reduced the scale of the sign to match the current one, noting that the deed restriction related to Wells

Avenue limits the size of the sign in any event. The Committee debated whether the sign should be illuminated after business hours. Ald. Samuelson thought that the sign should be turned off ½ hour after the business closes and moved a condition imposing such a restriction. Ald. Fischman observed that there are no residents in the area and Wells Avenue is a “mixed bag” of lights. He sees no reason for special requirements other than compliance with the sign ordinance generally. Ald. Lipsitt also noted that enforcement of a condition related to “business closing” would be difficult because it is hard to tell when any office-type business is actually “closed.” Ald. Samuelson’s motion failed 2-6.

Ald. Fischman moved approval, finding that the public convenience and welfare will be served by legalizing an existing/replaced sign within the confines of the ordinance and the deed restriction, and by improving the identification of the business in the building. The Committee supported the motion unanimously.

204-03        WILLIAM AND SHARON TEDROW petition for SPECIAL PERMIT TO EXTEND NONCONFORMING USE and SITE PLAN APPROVAL for two-story addition to an existing residence at 254 CALIFORNIA STREET, Ward 1, on land known as Section 11, Block 8, Lot 4, measuring 7,200 sf, in a district zoned Business 1.

ACTION:        Withdrawal without prejudice approved 8-0.

NOTE:         The Committee discussed this item at length and Ald. Merrill made a motion to deny. The petitioner asked him to substitute a motion for withdrawal without prejudice, and the Committee supported that motion unanimously.

206-03        THOMAS MCDONAGH/ANDREW GORDON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to re-subdivide two lots, both with frontage on Kenrick Street, into two new lots, one of which will have frontage on Kenrick Street and one on Valley Spring Road, and to demolish the existing house and construct two new single-family houses with garages, at 294 KENRICK STREET, Ward 7, on land known as Section 72, Block 39, Lots 10 and 11, measuring approximately 39,241 sf, in a district zoned SR2.

ACTION:        Approved 6-0-2 (Ald. Lipsitt and Samuelson abstaining).

NOTE:         The petitioners wish to re-divide two existing lots, both fronting on Kenrick Street, so that in the new configuration one lot will front on Kenrick and the second lot will measure its actual frontage along the rear of the Kenrick lot but will have access from Valley Spring Road. This is technically a rear-lot subdivision without any “porkchop” frontage on Kenrick or access on Kenrick for the rear lot because none is needed. The frontage on Valley Spring Road will measure 40.46 feet. The petitioners intend to demolish the existing Tudor-style house facing Kenrick and construct two new residences that are designed to be compatible with

in scale and design with each other and with the neighborhood. There was no public testimony at the hearing on June 10, 2003.

At the working session, the Committee reviewed the site plan and the new lot configuration. John Daghlian stated that the Engineering Department finds this lot arrangement preferable to the existing. He reported that the petitioner's engineer had done more test pits and revised calculations since the public hearing and that each lot complies with the 100 year storm standard without relying on the other. He asked for annual inspection and cleaning, as necessary, of catch basins.

Ald. Lipsitt and other members of the Committee expressed concern about the amount of pavement provided for driveways and turnaround areas on the site plan, and the petitioners agreed to revise them to reduce the impervious surfaces as much as possible and keep driveway widths at 12'. They also agreed to use stone or stone-faced retaining walls. There was some debate as to whether the petitioners should be expected to reconstruct the sidewalks along the Kenrick Street frontage. Some members of the Committee were of the opinion that it is the City's responsibility to build and maintain sidewalks, while Ald. Samuelson, in particular, argued that we should expect petitioners to upgrade sidewalks whenever we have the opportunity to do so. Ultimately the petitioners and the Committee agreed that the petitioners will restore the sidewalks and curbing consistent with the type of materials in the existing.

The Committee reviewed the landscaping plan and noted the several trees that will be removed to locate the new dwellings. There will be 8 new trees on the lower lot and additional shrubbery installed on the front lot. The petitioners will comply with the Tree Preservation Ordinance to the extent applicable.

Ald. Lipsitt moved approval, but stated that she would abstain because she has an item pending that would abolish all rear lot subdivisions. She found that the project will add a unit of housing, replace an older house badly in need of repair with two up to date dwellings, improve drainage and runoff control on the site, improve the sidewalks, eliminate the need for a second curb cut on Kenrick, and generally reconfigure the lots more sensibly. Ald. Samuelson said she would also abstain because she is "lukewarm" toward the petition and does not see much public benefit.

258-03        GLEN AVENUE ASSOCIATES, LLC petition to AMEND Special Permit 393-83(2), which allowed for the use of residential land for commercial accessory parking and waived certain dimensional design requirements. This petition seeks to increase the number of parking spaces and to waive certain design elements of a parking facility with greater than 5 spaces, including but not limited to requirements for interior landscaping, at 40-46 GLEN AVENUE, Ward 7, on land known as Section 65, Block 2, Lots 1 and 2, measuring 98,342 sf, in districts zoned Business 1 and SR 2.

**ACTION:** Approved 8-0.

**NOTE:** The subject site originally was divided into several parcels and remains located in two zoning districts. In 1983, the Green Companies undertook the redevelopment of the site, and the Board of Aldermen approved, among other things, the use of a small part of a residentially-zoned parcel for parking accessory to the business use. The petitioner is in the process of repaving and upgrading the parking lot, and would like to gain seven spaces in the process. Because the spaces located on the residential parcel are being reconfigured, the petitioner requires additional relief from the Board for this “accessory parking.” In addition, the petitioner wishes to waive the requirement for one of four required handicapped stalls and also waive certain interior landscaping requirements. The original development included a restrictive covenant protecting certain SR-zoned land for conservation, and that will not be disturbed. There was no public testimony at the hearing on July 15, 2003.

At the working session, the Committee reviewed the site plan and noted that most of the parking is located on the business-zoned parcels. The actual changes in paved area are minimal. The only additional impervious surface will be near the dumpster and also in the reduction of certain interior islands. In the restriping, the petitioner will lose some “compact” spaces under the present ordinance, but the net effect will be 7 additional. As for the handicapped spaces, two are staying in their present location and one is being relocated. Ald. Lipsitt expressed some reservation about a waiver of handicapped space requirements. The petitioner stated that these three spaces have never been fully utilized, and therefore does not believe a fourth should be required. However, if a tenant should request a fourth space, the petitioner would agree, as a condition of approval, to install a fourth handicapped space at that time. Jason Rosenberg, who is chair of the Mayor’s Committee on Accessibility for the Handicapped, said that the Board has granted such waivers before and this is a situation where his Committee would find the waiver both justified and within the bounds of the AAB’s requirements.

Finally, the Committee discussed potential drainage impacts. Although the increase in impervious surface amounts to only 110 sf, members of the Committee are aware of problems in the Glen Avenue/Beacon Street area that are related to the culvert’s being over capacity. Ald. Lipsitt suggested that we should be requiring the petitioner to improve the drainage system to meet the 100 year storm standard on the entire site. There were differing opinions as to what standard was in effect when the lot was constructed, but the Engineering Department has agreed with the petitioner that the original system was over-designed and provides adequate runoff capture. The petitioner agreed to a condition requiring maintenance of a 6’ fence and plantings, with annual replacements as needed.

Ald. Lipsitt moved approval, will be served by increasing the number of spaces, facilitating accommodation of tenants on site without impacts on the community. The increase of standard-sized parking will be a convenience, and landscaping at the perimeter of the site will

mitigate any removal of interior island landscaping. Existing open space will be preserved. The waiver of one handicapped space is consistent with the apparent use.

303-01(2) RICHARD D. SEWALL/BROOKLINE GROUP DEVELOPMENT, LLP petition for SPECIAL PERMIT/SITE PLAN APPROVAL for a grade change in excess of three feet in order to accommodate a new single-family dwelling (including waivers to allow existing parking to continue to serve the dwelling at 36-38 Hood Street, the adjoining property, and to allow said existing parking space to be located within the front and sideyard setbacks) on Lot 44 HOOD STREET, Ward 7, on land known as Section 72, Block 38, Lot 13, measuring approximately 15,002 sf, in a district zoned SR2.

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

**NOTE:** This petition represents essentially a re-application for a project previously approved by the 2000-2001 Board. Through an oversight, the original petitioner failed to request an extension of time for exercise of the special permit and it expired. The new owner, Richard Sewall, wishes to proceed with the project as originally proposed, and therefore seeks the same relief from the Board. The only public testimony at the hearing on July 15, 2003 was that of Mr. Saganoff, whose property at 36-38 Hood Street will be benefited by the approval of this petition because of the off-site parking provisions.

At the working session, the Committee reviewed the site plan and noted the steeply sloping site and locations of retaining walls. Ald. Lipsitt reminded the Committee that the first time the Board considered this petition, she had met with the neighbors and attempted to work on a variety of issues related to the condition of Hood Street generally, which is a private way. The subject lot slopes away from Hood Street and poses no direct impact on drainage at the street, but the neighbor to the rear initially was concerned about visual impact and drainage issues. Ald. Lipsitt believes those were resolved in the design, and Jason Rosenberg, attorney for Mr. Sewall, confirmed that all of the abutters were contacted before this petition was filed.

Ald. Lipsitt moved approval with the findings and conditions previously adopted, and adding a finding that the present plans are identical to those previously approved. At John Daghlian's request, the Committee added a condition requiring annual cleaning and inspection of catch basins. The Committee supported the motion 7-0-1, with Ald. Fischman stating that he probably has a conflict.

### **REQUEST FOR WITHDRAWAL WITHOUT PREJUDICE**

118-99(2) SCOTT I. ORAN & MERYL A. KESSLER request to AMEND Special Permit 118-99, granted on June 7, 1999, for a rear addition and deck at 36 LOCKWOOD ROAD, Ward 3.

**ACTION:** Withdrawal without prejudice approved 8-0.

**NOTE:** At the public hearing on July 15, Mr. Oran provided a letter requesting this withdrawal without prejudice, based on a determination that the cost of the project would be excessive.

The meeting was adjourned at 10:35 p.m.

Respectfully submitted,

Ald. Susan M. Basham  
Chairman