

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, SEPTEMBER 30, 2003

Members of Committee present: Ald. Fischman (Acting Chairman), Ald. Salvucci, Merrill, Bryson, Lipsitt, Linsky, and Samuelson

Members of Committee absent: Ald. Basham

Other Aldermen present: Ald. Mansfield

City officials present: Alexandra Ananth, Planner; Ouida Young, Associate City Solicitor; Linda Finucane, Chief Committee Clerk; Clint Schuckel, City Traffic Engineer

REQUEST FOR A CHANGE OF ZONE

#207-03 OTIS DEVELOPMENT LLC/FIRST CHURCH OF CHRIST SCIENTIST
petition to change from SINGLE RESIDENCE 2 to MULTI RESIDENCE 2 land known as Section 24, Block 17, Lot 3 located at 391 WALNUT STREET, containing approximately 40,509 square feet of land.

ACTION: HELD 7-0

NOTE: By letter dated September 18, 2003, the Department of Planning and Development notified Board President Lipsitt that by a vote of 4-1 the Planning and Development Board approved and recommended the rezoning from SR2 to MR2, conditioned upon the approval of Special Permit #207-03(2). The one minority vote believed that the rezoning should include a restrictive covenant, such that if the 12 unit residential development, as proposed, in Special Permit petition #207-03(2) is not developed, or if the use changes in the future to deviate from this proposed development, that the subject property zoning should revert to SR2.

SPECIAL PERMIT/SITE PLAN APPROVAL PETITION

207-03(2) OTIS DEVELOPMENT LLC./FIRST CHURCH OF CHRIST SCIENTIST
petition for SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NON-CONFORMING USE and STRUCTURE to convert an existing 3-story church into a multi-family building containing 12 dwelling units with a one-level basement garage parking for 9 cars and additional 16 exterior grade-level parking spaces (6 uncovered and two 1-story covered parking buildings or sheds each containing 5 spaces) at 391 WALNUT STREET, Ward 2, NEWTONVILLE, on land known as Sec24, Blk 17, Lot 3, containing approx 40,509 sf of land in a PROPOSED MULTI RESIDENCE 2 district. Ref: Sec 30-9(d)(1), 30-8(b)(7),

30-9(b)(1) & (4), 30-9(d)(1), 30-15(m)(5)(a) &(b) & (c)30-24, 30-23, 30-21(b), 30-20(l), 30-5(B)(4), 30-19(m) of the City of Newton Rev Zoning Ord, 2001.

ACTION: HELD 7-0

Acting Chairman Fischman reviewed the testimony given at the 7/15/03 public hearing. Public testimony came from Victoria Stein, 230 Otis Street; Leonard Davidson, of Schlesinger & Buchbinder, representing the Epsteins at 28 Otis Street; Andrew Land at 23 Otis Street; and Candy Danslar at 27 Otis Street. A petition was submitted on 9/30/03 signed by approximately 10 households, supporting a 9-unit plan for the site.

Alderman Lipsitt asked about the relevance of the 9-unit alternative as the twelve units are what is before the Committee at this time. The Acting Chairman agreed that discussion should focus on the 12-unit petition only.

The Committee's planner, Alexandra Ananth, walked through the materials presented by the Petitioner and reviewed by the Planning Department. The revised landscape plan received today by the Planning Department, but not yet distributed, shows most perimeter trees being retained; a fence which wraps around the parking to screen it; and additional landscaping along that fence to provide more screening and to muffle sound. The Petitioner has also offered to locate plantings/screening on abutting properties.

Ms. Ananth reported that the new plan shows aisles reduced from 25' to 20'; 6 spaces uncovered with 10 under the two carports; 11 spaces in basement with an entrance from Otis Street. There will be a total of 27 total parking spaces; 24 meet ordinance requirement, 3 visitor spaces

Ms. Ananth indicated that the neighbors had raised issues with the carports that they were not in character with neighborhood. The Petitioner's counsel (Mr. Rosenberg) indicated that the carports were an amenity for owners and protection from headlights for abutters. But, if it becomes a significant problem, it will not be a deal breaker. On question from the Committee, Ms. Ananth indicated that if removed there would be no significant increase in open space. She also said that the parking ramp to basement parking was re-graded to minimize impact of headlights on abutting properties. Ms. Ananth said that the Historical Commission had reviewed the carports.

Ms. Ananth indicated that the only major exterior change would consist of infilling an area at the corner of the west elevation. Minor exterior changes: additional windows front elevation and 3rd floor west elevation, and skylights & railings on north & south elevations 3rd floor. Ms. Ananth indicated that the Historical Commission has reviewed all changes.

In discussing the floor plan, the basement is configured with parking to rear (columns supporting steeple in center); she also reported that units 1-7 have partial basement space. On the 2 affordable units proposed: there would be a 3-bedroom triplex with 1 bedroom in basement, living/dining & bedroom on 1st floor, and bedroom on 2nd floor, and the second unit, a 2-bedroom duplex has living/dining on basement level and 2 bedrooms on 1st floor.

Of the 12-units proposed, Ms. Ananth reported that the smallest is 1,276 s.f. and the largest 2,688 sf. She also reported that the dumpster is in the parking area and will be fenced in, not close to abutters; on question from Alderman Salvucci it was indicated that the snow would be removed off site.

Aldermen Salvucci and Bryson were concerned about the proximity of the inside parking to living space; they were concerned about the exhaust and they and Aldermen Lipsitt requested the city engineer to review the Petitioner's technical (noise/air) studies that were provided to the Committee. The Petitioner's architect spoke to the air quality issues and noted intake/out take, carbon monoxide detectors, and code compliant effort as a for multi-family building..

Alderman Salvucci asked about wall construction and Ms. Ananth reported on what was on the floor plans, and the Committee also asked for a separate evaluation by the city engineer.

The Newton Traffic Engineer, Clint Schuckel, reviewed the Vanasse traffic study; he had no objection to methodology used, 10 vehicles per hour, probably is a conservative estimate given the proximity to Newtonville Square, commuter rail, and buses. 12 units would have very minimal traffic impact. He indicated that it was up to Committee as to amount of visitor parking, which in turn depended on availability of on-street parking. Mr. Schuckel indicated that Otis Street traffic policy/restriction currently shows one hour parking until 4:00 PM. On question from the Committee about the existing/future LOS F at the intersection of Otis and Walnut Streets, he agreed with the traffic study that there would be no appreciable change from this project. By-right use of average church would have less traffic, however, if the space was rented out to other users, e.g. daycare, this would increase over average church impact.

Ouida Young discussed the spot zoning issue and indicated that the rationale is the weakest when a property is rezoned for no other purpose than to confer economic benefit on owner. She reported that the Planning Department memorandum identified certain ways this lot differs because of the church, its historic character, façade preservation, the additional 2 units for low-income housing, meeting goals of the city's comprehensive plan, i.e., density near public transportation, all which the rezoning complements.

Alderman Lipsitt asked the Planning Department about a request to landmark the church. Ms. Ananath did not know of any and the petitioner indicated that in his opinion that the façade preservation restriction affords greater protections and preferred by other communities such as Brookline and Cambridge.

In order to provide guidance to the Petitioner, each Committee member commented on where they were on the petition.

Alderman Salvucci again stated that he had difficulty with basement parking situated next to living units. He wants review by appropriate city department re proposed exhaust system. Alderman Bryson agreed. Alderman Samuelson thought the proposed petition was the best and highest use of property -12 units, not terribly dense and no difference between 9 and 12 re: traffic impact. Alderman Merrill favored a 9-unit preservation option and felt further density would burden the neighborhood; he also felt the carport would negatively impact the neighborhood.

Alderman Lipsitt thought that 12-units would have no significant traffic impact; concerned about carports and outside parking; wants a 3D plan showing revised landscaping and how it will look from abutting properties; not concerned about exhaust, and expected code to be complied with; affordable units were important. Alderman Lipsitt suggested perspective or 3-D plan to showing revised landscaping and how it will look from abutting properties. Alderman Linsky thought the project has evolved, many meetings w/neighborhood to get best project, and that configuration of units may need to be worked out as well as impacts. Alderman Fischman felt that the site was a good “transit oriented location”; with regard to the 9 v.s. 12-units there were no clear differences in impacts and the extra affordable unit is a positive. Alderman Fischman thought the density was similar to that of the school converted on the other side of Walnut Street.

The detailed construction management plan submitted to the Planning Department would be distributed to the Committee.

The Engineering Dept. 9/22 memorandum was reviewed, but the Acting City Engineer was not available to discuss the memo. Alderman Salvucci had questions as to the structural engineer report re: loads on basement columns.

As discussed the noise consultant report, which included discussion of the garage doors, exhaust fan in garage, and elevator in basement, etc. would be reviewed by the City Engineer.

The question of whether the project would overburden electrical grid – Ms. Ananth indicated that the city/Petitioner is awaiting information from NSTAR.

Ms. Ananth reported that the lighting plan has been revised, height of poles reduced, only light overspill is at access/egress point on street; the freestanding sign has been reduced to 3.5’ h x 4w.

Alderman Lipsitt asked if the petitioner was willing to separate sign from package. Such a prominent building doesn’t need a sign that size. The petitioner’s counsel thought the freestanding sign is more sensitive to historic character of building than putting sign on building itself

Other discussion: By-right use: if building demolished 2 lots/2 singles in SR zone; 4 lots/8 units in MR zone.

Alderman Linsky’s motion to hold both items approved 7-0. The items will be taken up at the Committee’s October 21st meeting.

The meeting was adjourned at approximately 10:25 PM.

Respectfully submitted,

Alderman Mitchell Fischman, Acting Chairman