

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, MARCH 5, 2002

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

Member of Committee absent: Ald. Lipsitt.

City officials present: Ouida Young, Associate City Solicitor; Nancy Radzevich, Chief Planner/Land Use Coordinator; John Daghlian, Associate City Engineer; Linda Finucane, Chief Committee Clerk.

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SPECIAL PERMIT and SITE PLAN APPROVAL PETITIONS

17-02 MARK AND DONNA STEIN petition for SPECIAL PERMIT and SITE PLAN APPROVAL for a grade change in excess of three feet in order to convert an existing bulkhead to French doors at 65 OLD FARM ROAD, Ward 8, on approximately 18,660 sf of land known as Section 82, Block 16, Lot 21, in a district zoned SR1.

ACTION: Approved 7-0.

NOTE: As part of an as-of-right renovation to the rear of their single family residence, the petitioners are converting a basement area to an exercise room. They would like to replace an existing bulkhead with a set of French doors that will provide access to the rear yard and new pool. Because the French doors are wider than the bulkhead, the petitioners need to excavate an additional 120 sf and reconstruct retaining walls and steps up to the yard. They require a special permit for a grade change in excess of three feet. There was no public testimony at the hearing on February 12, 2002, but abutters submitted a petition in support dated January 7, 2002.

At the working session, the Committee reviewed the site plan and discussed the Engineering Department's recommendations. John Daghlian reported that although the Engineering Department had recommended erosion control, the department's concern about erosion was related to other aspects of the project that have already been completed. The Committee noted that the retaining walls will be less than 4' in height and will be stone faced. The Engineering Department has approved the drainage plans. There was no need to cross reference the Engineering Department's memo because all of the department's concerns have been resolved.

The Committee also considered whether there is any need to impose a landscaping requirement. The petitioners have commissioned an elaborate landscape plan, but have not decided how much of it they will actually install. After determining that the landscaping will

have no affect on erosion control or screening, the Committee declined to impose landscaping review or tie the petitioners to a particular plan.

Ald. Fischman moved approval of the special permit and site plan, finding that the public convenience and welfare will be served because the grade change will enhance the use of the property's rear yard. Drainage on the site will be improved, and the grade change will cause no erosion.

429-01 ANASTASIA LESHINSKY and VLADIMIR TRAININ petition for SPECIAL PERMIT and SITE PLAN APPROVAL to divide an existing 23,580 sf lot into two lots by measuring the frontage of the rear lot along the lot line of the front lot, for purposes of constructing a new two-family dwelling on the new lot, with waivers of the requirements for the build factor, two-way driveway width, and parking within 5' of a street line for one space on Lot 1, all at 15 THURSTON ROAD, Ward 5, on approximately 23,580 sf of land known as Section 51, Block 15, Lot 27, in a district zoned MR1.

ACTION: Withdrawal without prejudice of request for special permit to install parking within five feet of a street line approved 7-0; other special permit and site plan approval requests approved 6-1, Ald. Linsky voting in the negative.

NOTE: The petitioners propose the division of an existing 23,580 sf lot into two lots. The new rear lot will measure 13,568 sf and will have almost 26 feet of frontage on Thurston Road. The remaining front lot will have 10,012 sf. The petitioners plan to refurbish the existing historic two-family house on the front lot under plans approved by the Historical Commission and construct a new two-family structure on the rear lot. They require special permits to create the rear lot, exceed the build factor (23.26 v. 20), and waive parking ordinance requirements to share a driveway. In a separate special permit request, the petitioners also sought approval of a parking space within five feet of a street line. That request was denied by the Committee in its working session of February 5, 2002.

At the public hearing on January 15, 2002, one neighbor expressed concern about parking on Thurston Street. She had a number of other questions that could best be answered by the petitioners. The Committee also received a letter from Martha Cochrane of 55 Circuit Avenue, expressing concern about screening and privacy.

The Committee first discussed this petition at its February 5 working session and, among other things, reached agreement with the petitioners to substitute double-hung for casement windows because they are more in keeping with the neighborhood. Ald. Yates expressed concern about the adequacy of screening and future survival of hemlocks. The petitioners will install several additional evergreens measuring 12 to 15 feet at planting. They agreed to an annual hemlock inspection and treatment program as well as a landscape maintenance condition. The Committee held the item to give the petitioners an opportunity to work on the site plan

concerns of the Committee, particularly the amount of pavement on the site and the width of the driveway.

At this working session, the Committee reviewed a revised site plan. The driveway is to be 16' in width and has been approved by Assistant Chief LaCroix. Adjustments of several of the surface parking spaces resulted in an increase in open space on both lots, with lot 1 increasing from 59.8% to 61.44% and lot 2 increasing from 59.3% to 62.14%. The Committee rejected Roy LaMotte's recommendation that the driveway be expanded to more than 20'. Ald. Samuelson, for one, said that we should not be designing residential driveways to accommodate delivery trucks, and there is no reason to widen an existing curb cut that has been in use for many years. The petitioners offered a condition restricting parking from the driveway.

The Committee was divided on the proposed changes in the parking configuration. Several members preferred a larger paved area on the rear lot to avoid the need for "three point turns" to drive out of the site instead of backing out. Others advocated for the additional green space shown in the revised site plan. After some discussion with Mr. Daghlian and the petitioners' engineer, Verne Porter, the Committee agreed to alter the curbing arrangements, using a "cape cod berm" along the driveway to control runoff but not to continue it throughout the rear parking area. This arrangement will allow more maneuvering flexibility. Mr. Porter agreed to prepare a revised site plan.

Ald. Samuelson moved approval, finding that the public convenience and welfare will be served by approval of the special permit for the rear lot subdivision with the waiver of the build factor and the use of a single driveway, along with the site plan as revised. The creation of the rear lot is justified because the lot is large and the rear lot will have frontage on the street. The existing historical house will be preserved. The design of the rear house is in character with the neighborhood, and the city will benefit from the creation of two units of housing. The two two-family dwellings are consistent with the area, which includes one and two family houses. There are no close abutters, and the screening will protect the views of abutters on Circuit Avenue. The petitioners' hemlock treatment and landscape maintenance will preserve important trees and screening on the site. The shared driveway is appropriate because it minimizes pavement and is residential in scale. Ready access to public transportation may serve to minimize the use of cars on this site. The build factor waiver is justified because the rear lot is over 10,000 feet without counting the "flag." The Committee supported the motion 6-1. At the petitioners' request, Ald. Samuelson also moved withdrawal without prejudice of the special permit request for parking within five feet of a street line, which had been denied by the Committee at its prior working session. The Committee supported the motion 7-0.

APPLICATIONS FOR AUTOMOBILE DEALER LICENSES

335-01 ENZO'S AUTO SALES
 10 Hawthorn Street
 Class 2 license

ACTION: No action necessary 7-0.

NOTE: The City received no application for a license for 2002.

The meeting was adjourned at 8:57 p.m.

Respectfully submitted,

Ald. Susan M. Basham
Chairman