

**CITY OF NEWTON**

**IN BOARD OF ALDERMEN**

**LAND USE COMMITTEE REPORT**

**TUESDAY, APRIL 23, 2002**

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

Member of Committee absent: Ald. Salvucci.

City officials present: Ouida Young, Associate City Solicitor; Nancy Radzevich, Chief Planner.

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**SPECIAL PERMIT and SITE PLAN APPROVAL PETITIONS**

94-02            JAMES AND CHRISTINE OSTROW petition for SPECIAL PERMIT TO EXTEND NONCONFORMING STRUCTURE and SITE PLAN APPROVAL to construct a 3 ½ story addition of 915 sf at the rear of a single family residence, with approximately 165 sf deck at the side of the new addition, at 40 MYRTLE AVENUE, Ward 4, on land known as Section 43, Block 30, Lot 15, measuring approximately 16,589 sf, in a district zoned SR1.

ACTION:        Approved 7-0.

NOTE:            The petitioners propose an addition at the rear of their home that will be 3 ½ stories in height. The footprint of the addition will be approximately 305 sf. They also wish to add a deck of approximately 165 sf. The residence was constructed in 1875, and the property is legally nonconforming as to lot area, frontage, side setback, and number of stories. The proposed deck will increase the nonconformity as to the side yard setback at its closest point (7.8 ft reduced from 8.1 ft., with 20 feet required), and the petitioners require a special permit to extend the nonconforming structure. There was no public testimony at the hearing held April 9, 2002.

At the working session, the Committee reviewed the elevations and the site plan, noting in particular that the distance between the property line and the dormitory next door is 61 feet. The Committee considered whether the petitioners might want additional privacy for their deck, given the presence of the dormitory next door, and made a finding that the petitioners should be able to add non-structural elements to improve their privacy without seeking an amendment to the special permit. The residence is on the National Register of Historic Places, and the proposed addition and deck have been reviewed and approved by the Historical Commission. The Committee found no nexus between this project and the garage structure, which the Planning Department had suggested should be renovated at the same time.

Ald. Bryson moved approval, finding that the proposed addition and deck will not be substantially more detrimental to the neighborhood than the existing, nonconforming structure because the addition has been designed to conform to the historic character of the structure, it is

on the rear of the residence, and the abutting properties are not likely to be negatively affected since they include a dormitory and a parking lot associated with Lasell College. The Committee supported the motion 7-0.

61-02        NORTH SHORE CONSTRUCTION AND DEVELOPMENT, INC./ROBERT C. MAC DONALD/GLORIA SIMONS ET AL. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct six single-family attached units in two buildings, each unit having interior garage parking, exterior parking spaces, and access driveways (one driveway for one way access being partially on 31 Court Street and partially on 49 Court Street, land of Jean DeAngelis Trust, and the other driveway for one-way egress being partially on 31 Court Street and partially on 33-33A Court St.), at 31, 33-33A Court Street, Ward 2, on land known as Section 23, Block 16, Lots 16 and 20 (45,103 sf) Lots 17 and 18 (10,720 sf) and Lot 21 (8,000 sf), for an approx total of 45,103 sf in a district zoned MR2.

ACTION:     Held 7-0.

NOTE:        This item was held after extensive discussion and suggestions to the petitioner concerning possible changes in the site plan, particularly a reduction in the extensive paving associated with proposed visitor parking, narrowing the width of driveways, introduction of a pedestrian walkway, modifications to landscaping in the rear of the site, and the addition of residential-scale site lighting. A complete report will be provided when the Committee takes final action.

The meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Ald. Susan M. Basham  
Chairman