

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, MAY 21, 2002

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

City officials present: Ouida Young, Associate City Solicitor; Nancy Radzevich, Chief Planner; Linda Finucane, Chief Committee Clerk.

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SPECIAL PERMIT and SITE PLAN APPROVAL PETITIONS

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

ACTION: Approved 8-0.

NOTE: The petitioners wish to develop for residential use a single site comprising two lots, Lots 17 and 18, which are used currently for a moving and storage business. The residential-style structure on the site, numbered 31 Court Street, is used for warehouse purposes and is considered not preferably preserved by the Historic Commission. The Board rezoned these parcels to MR2 in 1987 with the goal of encouraging the future development of residential uses in the area.

The petitioners wish to construct six attached single-family dwelling units on the site, four in one building and two in the other. They require a special permit to construct attached dwellings at this location. The site is essentially "land-locked" and is accessed by two ten-foot wide strips of land extending to Court Street, for a combined actual frontage of 20 feet. Thus this petition presents a request for a special permit to create a "rear lot subdivision," in which part of the frontage is measured along the rear lines of the lots in front of the subject parcels. The petitioners propose the elimination of the access between 21 and 25 Court Street, with adjustment of the driveway and landscaping for the continued use of residents in those dwellings, and the creation of a one-way circulation pattern with egress between 25 and 33-33A Court Street and ingress between 35-37 and 41-43 Court Street. The location of these driveways within 10 feet of the side or rear lot line requires that the Board grant an exception to

requirements of the Zoning Ordinances. The petitioners propose filling an area in the north eastern portion of the site, which also requires a special permit. They propose two garage parking stalls per unit, plus two tandem driveway spaces for each unit, and five additional visitor spaces onsite. While the number of spaces is more than adequate, the petitioners seek various waivers from the parking facility requirements in the Zoning Ordinances.

This site has been the subject of several petitions over the past fifteen years, and the means of access to the site has long been a point of controversy in the neighborhood. At the public hearing on March 12, 2002, the Committee heard from residents at 51 Court Street and 22-24 Court Street expressing their support for the petition. One resident at 41-43 Court Street asked a number of specific questions to which the petitioners agreed to respond. In addition, the Committee became aware of a private agreement between the petitioners and Mrs. Arcese at 21 Court Street concerning the abandonment of the existing driveway and other matters of mutual concern, as well as various easements related to the lots fronting Court Street to accomplish access to the site. Subsequent to the public hearing, the petitioners requested that the Board extend its time for action to June 28, 2002, and the Board voted that extension on May 20.

At its working session on April 23, 2002, the Committee reviewed the site plan and the elements of the petition in detail, suggesting a number of site plan modifications. The Committee also reviewed the report of the Engineering Department and found that the Engineering Department has signed off on the plans. There will be an infiltration system throughout the site that will accommodate the 100 year storm standard. Curbing along the paved areas will pull runoff into the site. The petitioners represented that the proposed grade change in the rear of the site is designed in part to hold the runoff. The petitioners have agreed to install a new 8" water line through Court Street and to install a new hydrant at the north end of the site. The Committee also reviewed landscape plans and the plans for a retaining wall with a fence on top that will enclose the rear and east sides of the site and part of the west side. The Committee asked the petitioners to modify the landscaping in the area bisected by a city drain easement to integrate this small area into the site, as well as to improve the mix of evergreen plantings.

At the working session of May 21, the Committee reviewed a revised site plan showing the reduction of driveways to 12' and the elimination of two visitor parking spaces, resulting in a reduction in the amount of paving and an increase in open space from 60% to 63% while still retaining 13 visitor spaces on the site. The petitioners also agreed to adjust the proposed facades of the buildings by continuing the shingle and clapboard configuration on all four sides. At the Committee's request, the petitioners added a sidewalk along the egress drive for the safety of pedestrians living in the new buildings. After some discussion, the petitioners agreed to move the sidewalk to the opposite side of that driveway so that it will be continuous and not bisected by the entry to the parking area behind 33 Court Street, provided that Roy LaMotte approves this change. The petitioners also proposed a dyed and scored concrete, creating a brick-like surface, for the parking areas to diminish the "sea of pavement." Landscaping was modified as requested.

The Committee reviewed a proposed Construction Management Plan and proposed conditions of approval provided by the petitioner. The Committee made a number of technical modifications, eliminating certain matters that are covered in the petitioners' private agreements and sorting out conditions of approval from matters that are better covered under construction management. Ald. Linsky then moved approval, finding, among other things, that the site is appropriate for the proposed use. Because of the site's unusual configuration, attached dwellings are an appropriate type of residential development. There will be no deleterious impact on the neighborhood because of mitigations provided in the site plan and the conditions of approval. The Committee added that the rear lot subdivision is appropriate because of the limited access and substantial size of the site. The public convenience and welfare will be served by eliminating a nonconforming use and improving drainage on the site. The Committee acknowledged that through private agreements, the petitioners have improved landscaping for abutters and have arranged with Mrs. Arcese for the abandonment and refurbishing of one existing driveway. The Committee supported the motion 8-0.

95-02 VIKING CULINARY ARTS CENTER, LLC/FOX & HOUNDS REALTY TRUST, JAMES H. MC MANUS, JR., TRUSTEE petition for SPECIAL PERMIT TO EXTEND NONCONFORMING USE AND STRUCTURE and SITE PLAN APPROVAL to locate a culinary arts center including retail sale of kitchen accessories, a kitchen design center, and a cooking school, including waivers for number of parking spaces and landscaping, and special permit for a free standing sign, all at 230-244 NEEDHAM STREET, Ward 8, on land known as Section 83, Block 28, Lots 77 and 78, measuring approximately 163,655 sf, in a district zoned Mixed Use One. This petition involves a change of tenant in a portion of the building known as 230 Needham Street, located on Lot 78, measuring 88,728 sf.

ACTION: Held 8-0.

NOTE: The Committee discussed this item extensively and voted to hold it pending the receipt of additional information and site plan revisions. In particular, the Committee asked for a parking analysis of the entire site with all of its uses, not just Lot 78 where Viking wishes to locate. After reviewing the site plan in detail, the Committee asked the petitioner to consider several modifications, including revisions to the proposed outdoor patio area to integrate it more effectively into the streetscape, and modifications to the landscaping and parking arrangement along Industrial Place. The Committee also asked for an analysis of the impact on lines of sight at the corner of Industrial Place if the proposed free standing sign and landscaping around the proposed patio were installed.

The meeting was adjourned at 11:26 p.m.

Respectfully submitted,

Ald. Susan M. Basham
Chairman