

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, FEBRUARY 6, 2001

Members of Committee present: Ald. Basham, Chairman; Ald. Antonellis, Lipsitt, McGrath, Samuelson, Tattenbaum.

Members of Committee absent: Ald. O'Halloran, Salvucci.

Other Aldermen present: Ald. Bryson.

City officials present: Ouida Young, Associate City Solicitor; Nancy Radzevich, Chief Planner/Land Use Coordinator; Tom Daley, City Engineer.

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Extension of Time

511-99(2) REQUEST FOR AN EXTENSION OF TIME IN WHICH TO EXERCISE SPECIAL PERMIT TO EXTEND NONCONFORMING USE AND SITE PLAN APPROVAL #511-99, granted on 3/6/00, to enclose approximately 3,200 sf of exiting 2' above street level open showroom space, located above existing garages at 1197-1213 WASHINGTON STREET, Ward 3; said EXTENSION will run from March 6, 2001 to March 6, 2002.

ACTION: Approved 5-0 (Ald. Basham, Antonellis, Lipsitt, McGrath, and Tattenbaum voting in the affirmative).

Special Permit/Site Plan Approval Petitions

364-99(3) RICK OLSTEIN FOR CREATIVE DEVELOPMENT petition to AMEND SPECIAL PERMIT #364-99(2), granted on 7/10/00, for the construction of two additional attached dwelling units to an existing residential at 65 OAK AVENUE, Ward 3, in order to add a 2-car carport over 2 existing surface parking stalls, on land known as Section 33, Block 22, Lot 14, measuring approximately 33,000 sf, in a district zoned MR1.

ACTION: Denied 6-0.

NOTE: The petitioner seeks an amendment to a special permit granted on July 10, 2000. In that petition, the Board approved the expansion of a single-family residence and construction of two new dwellings, which were to be attached by a rear porch addition to create three townhouse units under the Ordinance. The existing structure has nonconforming front and side yard setbacks. The petition included a plan for surface parking for more than five vehicles, for which the petitioner needed and received a waiver of parking lot requirements under ISD's interpretation of the Ordinance. In order to make room for the construction of the additional

units, the petitioner proposed the demolition of a two-car garage. In the present petition, the petitioner seeks the Board's approval of a "carport" structure over two of the approved surface parking spaces. Because the surface parking was approved for location in the setback, this petition calls for the construction of a structure in the setback. There was no public testimony at the hearing on January 9, 2001.

At the working session, the Committee reviewed the site plan and schematic design plans for the carport, noting that the structure is designed with latticework on three sides. Ald. Lipsitt observed that the "carport" looks just like a garage except for the openings in the lattice. It is a standard two-car garage size, and she is not enthusiastic about garages in setbacks. She disagrees with the petitioner's attorney that this is a "landscaping amenity," and she sees no public benefit in it. She added that the petitioner was asked to consider amending the original plan to create more indoor parking, but he declined to do so.

Ald. McGrath said he would rather see a garage than a carport, but does not like either one in the setback location. Ald. Antonellis agreed, saying that the petitioner should have refurbished the existing garage.

Ald. Lipsitt moved denial, finding that the public convenience and welfare is not met because construction in the front setback will diminish the attractiveness of the streetscape and block the view of the park across the street for certain residents. There is sufficient parking without the structure, and we have already provided waivers to permit the project to go forward without literal compliance with parking controls under the Ordinance. The Committee supported the motion 6-0.

421-00 CITIZENS FOR AFFORDABLE HOUSING IN NEWTON DEVELOPMENT ORGANIZATION, INC. d/b/a CAN-DO petition for SPECIAL PERMIT TO EXTEND NONCONFORMING STRUCTURE and SITE PLAN APPROVAL, with parking waivers, for a congregate living facility for 6 individuals with developmental disabilities at 228 WEBSTER STREET, Ward 4, also known as Section 33, Block 15, Lot 7, measuring approximately 9,231 sf in a district zoned MR1.

ACTION: Approved 6-0.

NOTE: The petitioners wish to renovate an existing single-family dwelling and expand it with approximately 1,012 sf of space in a single-story addition to house six individuals with developmental disabilities. The new construction will include three bedrooms, a bathroom, a deck a fire exit from the second floor of the existing residence, a new entrance and a handicapped ramp. They require a special permit for a congregate living facility. They also need relief from the Board pursuant to Section 30-21(b) because the existing front and rear setbacks are nonconforming. They also seek a waiver from parking requirements under Section

30-19(m) of the Ordinance because they have room on the site for four spaces but are required to have 7 spaces.

A public hearing was held on November 14, 2000. The time for action by the Board has been extended to March 20, 2001. At the public hearing, Aldermen raised concerns about the lack of detail on the proposed addition and the visual impact of its length. There were also questions concerning drainage on the site. There was no public testimony.

At the working session, the Committee reviewed revised elevations for the addition, noting that the petitioners have reduced the length of the addition by 8' and added more double-hung windows on the east elevation. The building will be finished with wood clapboard rather than vertical siding. The ramp will now wrap around in the rear of the structure. The structure will be sprinklered with hard-wired alarms. The landscaping plan had been reviewed by Kenn Eisenbraun, and Nancy Radzevich reported that it was acceptable. Tom Daley reported that since the public hearing the petitioner had conducted appropriate soil tests on the site and provided drainage calculations. The drainage plans will contain all runoff on the site in accordance with the 100-year storm standard.

Ald. Bryson said she supports the petition. She reported that there had been neighborhood meetings to review the plans for this residence and the neighbors had put a lot of time into it. Bill Holland, one of the neighbors, added that the neighbors were pleased by the reduction in length of the building but still wished the roofline could have been lowered.

There was some discussion about whether an existing fence along the Webster Street retaining wall should be replaced or whether it is repairable. The petitioners agreed to a condition that they will repair or replace it and maintain it in good condition.

Ald. Samuelson moved approval, finding that a congregate living facility will meet a substantial public need; the parking waivers are justified because the nature of the use will reduce actual parking demand; and the proposed structure will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The Committee also found that the petition meets the criteria for site plan approval because it will create no traffic hazards and there will be a reduction in the use of Webster Street for parking, thereby reducing potential pedestrian hazards. The Committee supported the motion 6-0.

Automobile License Applications

All were approved 6-0 except for 481-00, which was held 6-0.

#476-00 CLARK & WHITE INC.
777 WASHINGTON STREET
NEWTONVILLE Class 1

- #477-00 CLAY CHEVROLET INC. d/b/a CHEVROLET-OLDSMOBILE-BUICK
431 WASHINGTON STREET
NEWTON CORNER Class 1
- #477-00(2) CLAY AUTO RENTAL INC.
431 WASHINGTON STREET
NEWTON CORNER Class 1
- #479-00 FROST MOTORS INC.
399 WASHINGTON ST.
NEWTON CORNER Class 1
- #480-00 FROST MOTORS INC. d/b/a FROST NISSAN
624 and 1180 WASHINGTON ST.
WEST NEWTON Class 1
- #481-00 FROST MOTORS INC. d/b/a FROST KIA
945 MOODY STREET
WALTHAM Class 1
- #482-00 VILLAGE MOTORS GROUP INC. d/b/a HONDA VILLAGE
371 WASHINGTON STREET
NEWTON CORNER Class 1
- #483-00 ALBEMARLE MOTORS INC.
50 FARWELL STREET
NEWTONVILLE Class 2
- #484-00 AUTO EUROPA
38 RAMSDELL STREET
NEWTON HIGHLANDS Class 2
- #486-00 AUTO SOLUTIONS
14 HAWTHORN ST
NONANTUM Class 2
- #487-00 DELIO CORPORATION d/b/a RVD AUTO SALES
227 CALIFORNIA STREET
NONANTUM Class 2

- #488-00 ENZO's AUTO SALES
10 HAWTHORN STREET
NONANTUM Class 2
- #489-00 LOS ANGELES AUTOBODY, INC.
41 LOS ANGELES STREET
NONANTUM Class 2
- #490-00 MINI-COST AUTO RENTAL d/b/a THE CAR STORE
210 BOYLSTON STREET
CHESTNUT HILL Class 2
- #491-00 NEW ENGLAND MOTOR MART
1221-1229 WASHINGTON STREET
WEST NEWTON Class 2
- #492-00 NEWTON TRADE CENTER
103 ADAMS STREET
NONANTUM Class 2
- #493-00 OLD TIME GARAGE LTD.
1960 WASHINGTON STREET
NEWTON LOWER FALLS Class 2
- #494-00 PRESTIGE AUTO BUYERS INC.
50 TOWER ROAD
NEWTON UPPER FALLS Class 2
- #495-00 R.S. SERVICE INC.
361 WASHINGTON STREET
NEWTON CORNER Class 2
- #496-00 ROBERT'S TOWING INC.
926R BOYLSTON STREET
NEWTON HIGHLANDS Class 2
- #497-00 VAN AUTO SALES INC.
50 TOWER ROAD
NEWTON UPPER FALLS Class 2

- #498-00 RONALD DIAL d/b/a NEWTON AUTOMOBILE CO.
 1235 WASHINGTON STREET
 WEST NEWTON Class 2
- #499-00 ECHO BRIDGE SALVAGE INC.
 16-24 MAGUIRE COURT
 NEWTONVILLE Class 3
- #500-00 SCHIAVONE BROTHERS INC.
 16-24 MAGUIRE COURT
 NEWTONVILLE Class 3
- #503-00 CITY OF NEWTON
 1000 COMMONWEALTH AVENUE Class 2

The meeting was adjourned at 8:59 pm.

Respectfully submitted,

Ald. Susan M. Basham
Chairman