

**CITY OF NEWTON**  
**IN BOARD OF ALDERMEN**  
**LAND USE COMMITTEE REPORT**  
**TUESDAY, APRIL 3, 2001**

Members of Committee present: Ald. Basham, Chairman; Ald. Antonellis, McGrath, O'Halloran, Salvucci, Samuelson, Tattenbaum.  
Members of Committee absent: Ald. Lipsitt.  
Other Aldermen present: Ald. Mansfield, Johnson.  
City officials present: Ouida Young, Associate City Solicitor; Nancy Radzevich, Chief Planner/Land Use Coordinator; Tom Daley, City Engineer; Linda Finucane, Chief Committee Clerk.

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**Application for Automobile Dealer License**

481-00      FROST MOTORS, INC. d/b/a FROST KIA  
              945 Moody Street  
              Class 1 License

ACTION:      Approved 6-1 (Ald. McGrath voting in the negative).

NOTE:        This license was held previously because of problems with temporary signage and snow removal, among other things, reported by an abutter, Sam Picariello. The site is partially in Waltham. Linda Finucane reported that the owner of the dealership had met with Mr. Picariello and had tried to resolve their differences. The dealership has agreed to remove "sale" signs from cars and flagpoles. It will try to have snow plowed into the back of the site. Both Mr. Picarillo and Thomas Drislane, Frost's representative, made statements at the working session. Mr. Picarillo expressed his continuing concern that the dealership is a "circus atmosphere," while Mr. Drislane commented that Kia is marketed differently from a Cadillac and the dealership necessarily has a different style.

Ouida Young reminded the Committee that the standards for licensure have to do with suitability of place and operator, and it would be inappropriate to condition a license where there is no apparent public welfare issue. She advised that the correct way for Mr. Picarillo to exercise his rights is through ISD's enforcement powers. Ald. Salvucci moved approval, and the Committee supported the motion 6-1.

**Special Permit and Site Plan Approval Petitions**

1-01        LUNNY AUTO SERVICE and DONALD F. LUNNY JR., TRUSTEE OF DONALD F. LUNNY TRUST, petition for SPECIAL PERMIT TO EXTEND NONCONFORMING USE AND STRUCTURE and SITE PLAN APPROVAL to AMEND Special Permit Nos. 157-92 and 91-98 to relocate an existing full service pump

island, add a second full-service pump island, and install a canopy over the two full-service pump islands at 2370 COMMONWEALTH AVENUE, Ward 4, on land known as Section 41, Block 9, Lot 1A, measuring approximately 16,300 sf, in a district zoned MR2.

ACTION: Held 6-0 (Samuelson not voting); extension of time to June 20 approved 6-0 (Samuelson not voting).

61-01 MICHAEL R. MIELE petition for SPECIAL PERMIT TO EXTEND NONCONFORMING STRUCTURE and SITE PLAN APPROVAL to replaced an existing detached garage with a new attached 2-car garage at the rear of 11 DEVON ROAD, Ward 6, on land measuring 2,525 sf, also known as Section Block 3, Lot 2, in a district zoned SR2.

ACTION: Approved 7-0.

NOTE: The petitioner wishes to demolish an existing detached garage and build a new attached garage in conjunction with an as of right renovation of the property. The existing dwelling is nonconforming as to stories and height, and the petitioner will increase these nonconformities through a small third story addition to a stairwell and the new garage. Also the petitioner proposes a grade change greater than three feet associated with the creation of a new garden area. There was no public testimony at the hearing on March 13, 2001.

At the working session, the Committee reviewed the site plan, noting that the height of the building will be 31.3' rather than 30' in the rear. After the public hearing, the petitioner realigned the driveway to increase its width and relocated an existing stone retaining wall so that it would no longer be on a city drainage easement. The petitioner reported that the retaining walls associated with the proposed grade change will be stone or stone-faced.

Tom Daley reported that he had reviewed the easement and the relocation of the retaining wall, as well as the drainage calculations. He agrees with the petitioner's engineer that the project will not create additional runoff from the site. The petitioner will install an oil and water separator, as well.

Ald. Samuelson moved approval, finding that the proposed nonconforming structure will not be substantially more detrimental to the neighborhood than the existing nonconforming structure because the construction is in the rear of the site, the garage will be farther from the setback, the easement trespass will be corrected, and the site arrangement will be improved. She added that the grade change serves a public purpose by avoiding any increase in runoff. The Committee supported the motion unanimously.

522-00      RONALD A. LOPEZ, PRESIDENT, NORTH SHORE CONSTRUCTION AND DEVELOPMENT, INC. and ROBERT C. MAC DONALD petitioner for SPECIAL PERMIT and SITE PLAN APPROVAL to construct 8 attached dwelling units, with waivers of requirements for frontage, location of driveways within 10' of side or rear lot line, location of driveways partially off premises to be served, dimensional requirements for two parking stalls, number of handicapped stalls, and lighting for a parking facility, at 31 COURT STREET, Ward 2, on land known as Section 23, Block 16, Lots 16 and 20, measuring approximately 45,103 sf, in a district zoned MR2.

ACTION:      Request for Withdrawal Without Prejudice approved 7-0.

The meeting was adjourned at 8:43 pm.

Respectfully submitted,

Ald. Susan M. Basham  
Chairman