

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, JULY 31, 2001

Members of Committee present: Ald. Basham, Chairman; Ald. O'Halloran, Salvucci, Samuelson, Tattenbaum.

Members of Committee absent: Ald. Antonellis, Lipsitt.

Other Aldermen present: Ald. Mansfield, Merrill.

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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REQUESTS FOR EXTENSION OF TIME FOR BOARD ACTION

#176-01(4) AGREEMENT TO AN EXTENSION OF TIME IN WHICH TO ACT on petition #176-01(2), NATIONAL DEVELOPMENT/QUINOBEQUIN REALTY TRUST, et al. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an office building of approx 121,875 sq. ft. with 401 parking spaces (297 of which will be located within a 2 ½ floor parking garage beneath the building) at 26 QUINOBEQUIN ROAD, Ward 4, NEWTON LOWER FALLS; said EXTENSION will run from SEPTEMBER 10, 2001 to DECEMBER 31, 2001.

ACTION: Approved 5-0.

#176-01(5) AGREEMENT TO AN EXTENSION OF TIME IN WHICH TO ACT on petition 176-01(3), NATIONAL DEVELOPMENT/RANDOLPH CORPORATION petition for SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE to waive the height and story requirements and the dimensions and number of parking stalls in order to locate a building containing offices, retail, bank, or a limited food service establishment with less than 50 seats at 2322 WASHINGTON STREET, Ward 4, NEWTON LOWER FALLS; said EXTENSION will run from SEPTEMBER 10, 2001 to DECEMBER 31, 2001.

ACTION: Approved 5-0.

SPECIAL PERMIT/SITE PLAN APPROVAL and REZONING PETITIONS

86-01(3) MICHAEL LATZ petition to rezone approximately 2,437 sf of land located on STATION STREET, Ward 6, also known as Section 52, Block 21, Lot 5 (portion), from PUBLIC USE to MR 1.

ACTION: Approved 2-0-3 (Ald. Salvucci and Tattenbaum voting in the affirmative; Ald. Basham, Samuelson and O'Halloran abstaining).

86-01(4) MICHAEL LATZ petition for SPECIAL PERMIT and SITE PLAN APPROVAL to locate parking for four automobiles, including waivers for parking within setback(s) and a change of grade of more than three feet, for an existing dwelling at 336 LAKE AVENUE, Ward 6, on land known as Section 52, Block 21, Lot 5 (portion), measuring 6,981 sf in a MR1 zoning district and 2,437 sf proposed for MR1 zoning district.

ACTION: Approved 2-0-3 (Ald. Salvucci and Tattenbaum voting in the affirmative; Ald. Basham, Samuelson and O'Halloran abstaining).

NOTE: The petitioner proposes the development of parking for an existing two-family house on what was, until recently, a separate lot. The special permit petition is dependent on the rezoning of the former "Lot B" from public use to MR1, consistent with the existing residential lot. The creation of four parking stalls according to the petitioner's plan will require a waiver of setback requirements and approval of a grade change of more than three feet. At the public hearing on June 12, 2001, the abutter at 340 Lake Avenue expressed his concern that existing trees on the site (which is partly directly behind his property) should be preserved and some tree cutting activity appeared to have begun.

At the working session, the Committee reviewed the site plan and the proposed parking layout. The front setback will be reduced to 1.8' instead of the required 5'. The rear setback will be reduced to .9' instead of 15' as required. The Committee questioned whether there may be alternative arrangements that would not require setback waivers. In particular, the Committee noted that there is room on the original "Lot A" where the residence is located to create parking without setback waivers. The Committee also noted that the grade change proposed is not related to the parking but to the creation of more yard area for the residence. It will result in the installation of an "interlocking concrete block" retaining wall extending out to Station Street.

The Committee reviewed the landscape plan and confirmed the preservation of an existing catalpa tree. Ald. Tattenbaum commented that the area is barren and the landscaping will improve its appearance. Ald. Basham suggested that neglect of a property is a poor justification for changes that would not otherwise be acceptable on their merits.

Ald. Samuelson and Ald. Mansfield asked for information on the "displaced" public parking that has occurred on the site informally for a number of years.

Tom Daley reported that the Engineering Department finds the drainage plan, which includes one storm drain, adequate. He explained that there is a decrease in the "runoff coefficient" because of the change in hard gravel surface to paved surface, effectively resulting in a reduction in impervious area.

Ald. Salvucci moved approval of both the zone change and the special permit/site plan approval petition, finding that the public convenience and welfare will be served by creating

legal parking for the residence. The waivers are justified because of the unusual configuration of the lots. The grade change will permit more usable yard space, and adequate landscaping will improve the site while preserving several significant trees. Ald. Samuelson said she thinks there are preferable alternatives to the present proposal. Ald. Basham said she intended to abstain because she is not convinced the proposal is appropriate for the site. The Committee supported the motion 2-0-3.

120-01(2) LASZLO and RITA VARADY, TRUSTEES OF 16 WALNUT HILL ROAD REALTY TRUST, petition for SPECIAL PERMIT TO EXTEND NONCONFORMINGN STRUCTURE and SITE PLAN APPROVAL to expand an existing nonconforming house on a nonconforming lot, resulting in reduced front setback and driveway width, at 16 WALNUT HILL ROAD, Ward 8, on land known as Section 81, Block 37, Lot 22, in a district zoned SR3.

ACTION: Approved 4-0-1 (Ald. Basham abstaining).

NOTE: The subject property sits at the corner of Oakdale Road and Walnut Hill Road. The structure is nonconforming as to lot area. The petitioners wish to expand the footprint of their residence in several places, the most significant of which will involve an extension across the entire Oakdale Road facade of the structure that will further encroach on the already-nonconforming setback, reducing it from 21.4 feet to 16.4 feet at the narrowest point where a “bump out” occurs and 18.73 feet otherwise. The petitioners also propose the relocation of the existing driveway from Walnut Hill Road to Oakdale Road. They seek a waiver of parking requirements that will permit the parking of more than one vehicle in the setback. There was no public testimony at the hearing on July 10, 2001, but a number of residents of the area signed a petition in support.

At the working session, the Committee reviewed the site plan and noted that even with the proposed reduction in setback along Oakdale, the resulting setback will remain consistent with adjacent and nearby properties. Oakdale Road is not a through street, and by moving the parking from Walnut Hill Road to Oakdale, the petitioners will change a driveway of nonconforming width to a conforming width. Ms. Radzevich reported that the Conservation Commission is reviewing the petitioners’ Notice of Intent, necessitated by renovations within the 100 foot buffer zone of the Stearns Brook resource area. She reported that the Commission is aware of the driveway relocation and is expected to approve it.

The Committee reviewed the facade plans. The residence lacks any design integrity, having been severely modified from its original 1924 design. The proposed renovations include wood clapboard siding and new casement windows. The Planning Department recommended that the petitioners stay with double-hung windows consistent with the original structure, but the petitioners declined to modify their plans.

Ald. Tattenbaum moved approval, finding that the proposed structural changes will not be substantially more detrimental to the neighborhood than the existing nonconforming structure

because the setback will remain consistent with the neighboring houses. The parking waiver is justified because the parking will be moved to the less traveled street and will contribute to improvements in public safety. Ald. Samuelson said she is entirely in support of the proposal as a reasonable means of improving a substandard house. Ald. Basham said she would abstain because she sees the casement windows as a problem. They operate to further reduce the setbacks and they are inconsistent with what remains of the original design of the residence. The Committee supported the motion 4-0-1.

207-01 JILL GOLDENBERG and SIDNEY KRIGER petition for SPECIAL PERMIT TO EXTEND NONCONFORMING STRUCTURE and SITE PLAN APPROVAL for a change of grade of more than three feet at 25 LARCH ROAD, Ward 5, on land known as Section 55, Block 2, Lot 23, measuring approximately 17, 308 sf, in a district zoned SR2.

ACTION: Approved 5-0.

NOTE: The petitioners are in the process of enlarging an existing 3 ½ story residence. As part of their renovations, they would like to construct a new garage and turnaround area. They require a special permit to change the grade by more than three feet and to extend the existing driveway at 7' width rather than enlarging it to the standard 12'. If approved, the grade change will have the additional result of removing the structure's nonconformity as to number of stories and converting the residence to a conforming 2.5 story structure. Conversely, if not approved, the petitioners would require specific relief for the extension of the nonconforming structure. One abutter testified at the public hearing on July 10, 2001 concerning potential drainage impacts on her property.

At the working session, the Committee reviewed the Engineering Department's report and confirmed that the proposed engineering plan will contain all runoff on the site. The proposed regrading will require the installation of a retaining wall with a maximum height of 7' in the rear and an average height of 4.5'. The wall will be concrete with a stone veneer and cap. Ms. Radzevich reported that the majority of driveways in the neighborhood are 7 to 8 feet in width. The Planning Department is in the process of reviewing a landscape plan for the site.

Ald. Samuelson moved approval, finding that the public convenience and welfare will be served through changing the grade to improve access to the site and create a safer turnaround with no adverse drainage impacts. The proposed stone work is also consistent with other properties in the neighborhood, and the change of grade will remove a nonconformity as to number of stories. The extension of the narrow driveway is justified in light of the standard in the neighborhood and it will not be substantially more detrimental than the existing nonconforming driveway. The Committee supported the motion 5-0.

182-01 KEVIN and COLETTE THORNTON petition for SPECIAL PERMIT and SITE PLAN APPROVAL to exceed the floor area ratio requirement (from .4 to .556) in order to construct (after demolition of an existing structure) a 2 family dwelling with two 2-car garages,

and to waive parking stall width requirements by 2.5", at 390 LINWOOD AVENUE, Ward 2, on land known as Section 21, Block 24, Lot 3, measuring approximately 6,230 sf, in a district zoned MR1.

ACTION: Approved 5-0.

NOTE: The petitioners intend to demolish an existing one-story structure that has been used as a nonconforming plumbing business and replace it with a 2.5 story two-family dwelling with garages underneath. Their design for the two-family dwelling exceeds the FAR limits. The Board may permit a greater FAR if it finds that the proposed FAR will not derogate from the style and size of other structures in the neighborhood. At the public hearing on July 10, counsel for the petitioners, G. Michael Peirce, stated that each unit will have 1700 sf and the proposed FAR is consistent with the neighborhood. He agreed to provide a map showing neighborhood FARs. Also at the public hearing, two residents of the abutting condominiums at 629 Watertown Street expressed concern about the scale of the proposed structure and potential invasions of their privacy through loss of screening or the location of windows. Several other residents subsequently communicated their support in writing.

At the working session, the Committee reviewed the site plan and FAR map provided by the petitioners' counsel. The Committee observed that the Linwood Avenue FARs range from .29 to .71, with the majority of properties on the relevant block exceeding the current .4 FAR requirement. The Committee also reviewed the relative elevations of the subject site and the abutting condominiums, observing that the differences in topography will keep the proposed structure from towering over or invading the privacy of the existing structure. The petitioner has agreed to produce a landscape plan by August 13 showing new and preserved vegetation which will be subject to further review by the Planning Department.

Ald. Samuelson moved approval, finding that the waiver of the FAR will serve the public convenience and welfare because it is not inconsistent with the other structures in the neighborhood. The FAR waiver will facilitate the improved use of the lot for residential purposes in a scale and design that is in keeping with the neighborhood. There is plenty of parking onsite, and the requested waiver of 2.5" is minimal. The Committee supported the motion 5-0.

183-01 TOM LEIGHTON petition for SPECIAL PERMIT and SITE PLAN APPROVAL for a change of grade of more than three feet to construct a cast-in-place concrete wall with decorative stone facing for a new driveway at 15 CHARLES DEN PARK, Ward 2, on land known as Section 22, Block 21, Lot 41, measuring approximately 44,150 sf, in a district zoned SR2.

ACTION: Approved 5-0.

NOTE: The petitioner is in the process of renovating an existing dwelling. As part of his plan, he wishes to remove an existing detached garage and construct an attached garage, redesigning the driveway for improved access. The modified driveway design will allow residents to avoid backing out of the site. The area subject to grade change at the rear of the driveway measures approximately 42 sf and will include a new stone-faced retaining wall.

At the public hearing on July 10, 2001, the Committee learned that ISD originally had treated three existing parcels as one for purposes of open space and lot coverage calculations but later advised the petitioner that the three lots, which are registered land, must be merged to avoid setback requirements for the individual lots. The Chairman advised the petitioner to consult with the Law Department to determine whether the merger of the lots would accomplish his goals.

At the working session, Ouida Young reported that she had communicated with the petitioner's attorney and the petitioner is in the process of merging the lots. The merger will be required before issuance of an occupancy permit.

The Committee reviewed the site plan, observing the proposed reconfiguration of the driveway and garage. The plan shows pool houses and a swimming pool that the petitioner's architect described as conceptual at this point. The Committee agreed that these may be adjusted without amendment to the plan.

Ald. Salvucci moved approval, finding that the public convenience and welfare will be served by improved access and removal of the need to back out of the driveway. The alterations to the site are minor and there are no significant drainage issues. The Committee approved the motion 5-0.

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,
Ald. Susan M. Basham, Chairman