

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, OCTOBER 2, 2001

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

Other Aldermen present: Ald. Baker, Mansfield, Parker, Yates.

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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222-01 JANE ARANSKY petition for SPECIAL PERMIT TO EXTEND NONCONFORMING STRUCTURE and SITE PLAN APPROVAL to convert an existing two-family dwelling to a combined single-family dwelling and business use at 336 ELLIOT STREET/7 HALE STREET, Ward 5, on approximately 7,113 of land known as Section 51, Block 41, Lot 13, in a district zoned Business 1.

ACTION: Held 7-0; extension of time for Board action through November 21 approved 7-0.

NOTE: The petitioner wishes to convert part of her two-family dwelling to business use, specifically to house her skin care salon now located on Walnut Street in Newton. The dwelling is located at the corner of Elliot and Hale Streets in Newton Upper Falls and is within the Upper Falls Historic District. As part of the conversion to business use, the petitioner proposes an addition of 175 sf to create an entrance and waiting area for the business. She intends to use more than half of the original historic structure for business purposes. She requires a special permit to enlarge the structure, which is nonconforming as to lot area and a number of other features not directly impacted. She also seeks waivers of parking requirements for the number of stalls and various dimensional requirements. At the public hearing on August 14, 2001, a representative of the abutting restaurant spoke in favor of the petition.

The Committee focused extensively on the site plan. The petitioner proposes six parking spaces, rather than the 9 required. The parking area is deficient in several features. The stalls are 16.6' rather than 19' in depth and they are within the setback and within five feet of the lot line. The maneuvering aisle is 16.5' rather than the 20' required. Roy Lamotte, in a memo dated 9/25, confirmed that the parking area is severely compromised and "[i]f adjacent parking spaces are filled with a vehicle, a departing vehicle cannot exit a space as designed without making numerous turns." The handicapped ramp is proposed for a location along Hale Street, completely separate from the parking area where the proposed handicapped space would be located. While the Upper Falls Historic District Commission apparently has found that location acceptable, the Committee questioned whether it meets either the spirit or the letter of the ADA. Mr. Daley noted that it may not be necessary for the petitioner to provide a handicapped space in a lot with fewer than 15 spaces, but if she does so, she needs to meet certain ADA requirements. The petitioner is still awaiting final review by the UFHDC and by the accessibility review board.

Ald. Samuelson moved to hold the item, particularly because the petitioner still needs to iron out issues with two other commissions. Ald. Lipsitt said she would be loathe to give the Board's imprimatur to the location of the handicapped ramp even if other agencies approve it. Ald. Basham cautioned the petitioner that because the site is severely compromised, the petition may not ultimately succeed. The petitioner offered an extension of time for Board action through November 21.

Following the conclusion of the Committee's formal deliberations, the Chairman asked the Law Department to consider whether an expiring special permit might be a reasonable solution in this case where the Committee may be persuaded that this petitioner's business will not be more than the site can support but remains concerned about future business use of the site.

220-01 TRUSTEES OF BOSTON COLLEGE petition for SPECIAL PERMIT TO EXTEND NONCONFORMING USE/STRUCTURE and SITE PLAN APPROVAL to renovate and expand existing Claver/Loyola/Xavier and Fenwick Halls to convert unused attic floor space to dormitory rooms, 68 and 41 beds respectively, and to construct a connector pavilion containing 22 additional dormitory beds, a lounge, meeting space and handicapped access, all at BOSTON COLLEGE, CHESTNUT HILL "UPPER CAMPUS," Ward 7, on approximately 476,000 sf of land known as Section 63, Block 15, Lots 1 and 2, in a district zoned SR1. ,

ACTION: Approved 7-0.

NOTE: This is the second of Boston College's petitions intended to add dormitory beds in unused attic space of existing structures. This petition proposes a total of 141 beds. It requires a waiver of parking requirements under one of several provisions of the Ordinance. The petitioner also has revised its proposed modifications to the intersection of Hammond and Beacon Streets and College Road as part of this petition. If not approved, the petitioner will proceed with modifications approved in conjunction with its petition approved June 19, 2000. There was no public testimony at the hearing on August 14, 2001, but the Board asked a number of questions. Ald. Baker also submitted a memorandum with questions concerning the intersection in particular. Following the public hearing, the petitioner provided responses to those questions, all of which were attached to the Planning Department's September 28k, 2001 Working Session memorandum.

At the working session, the Committee reviewed the site plan. Ms. Radzevich pointed out that the additional beds will serve freshman and sophomore students who are not allowed to have cars on campus. The Committee reviewed the landscape plan and computer-generated illustrations of screening along Tudor Road and found the plantings acceptable. The petitioner intends to add more evergreens near the connector.

Turning its attention to the intersection plans, the Committee reviewed the proposed relocation of the crosswalks on Hammond Street and College Road, some distance from the

intersection. Ms. Radzevich reported that Roy Lamotte and Lou Mercuri have both reviewed the plan and like it better than the earlier arrangement. Recent traffic and pedestrian counts showed a 3 to 7 percent increase in peak traffic flow between March and September 2001, but these changes may be explained by timing. Roy Lamotte regards them as consistent with earlier estimates. Ald. Baker said his concerns about sight lines on the grade had been pretty well addressed but the condition needs to be monitored thoroughly. The crosswalks will be well marked on the surface and with lighting. The project will require further review by the Public Facilities Committee.

Ald. Lipsitt moved approval, finding that the proposed use and structures will not be substantially more detrimental to the neighborhood than the existing use and structures. She found that moving more students onto the campus will improve the quality of life for the college while reducing neighborhood impact without any substantial impact on the bulk of the structures. Additional landscaping will protect the neighborhood. Parking waivers are appropriate because the students to be housed in the dorms cannot have cars on campus. The intersection plan will improve pedestrian safety.

250-01 THE NEWTON TERRACES, LLC/ANDOVER NEWTON THEOLOGICAL SCHOOL petition for SPECIAL PERMIT/SITE PLAN APPROVAL for 41 single family attached dwellings and 7 detached dwellings with 109 parking spaces on a newly subdivided lot of approximately 552,226 sf with frontage on Langley Road and Cypress Street, also bounded by Langley Path, known as Section 65, Block 19, Lot 45, in a district zoned SR3.

ACTION: Held 6-0 (Ald. Tattenbaum not voting).

NOTE: At its working session on September 20, the Committee raised a number of questions requiring a further response from the petitioners or from City officials. In this working session, the Committee reviewed those responses. In particular, the Committee discussed the following:

Cluster zoning. At the Chairman's request, Ms. Young responded orally to several additional questions raised by a neighbor of the project, Sarah Barnett, in a communication to the Board. In sum, Ms. Young stated that the petitioners are actually seeking two different special permits, one for attached dwellings and one for single family "clustered" housing, all on a single lot. Therefore, dimensional controls and zoning requirements that pertain to dwellings "per lot" do not apply as they would in a traditional subdivision with one dwelling per lot.

Easements. Ms. Young reported that Andover Newton has granted Hebrew College two emergency access easements across the site, but only one of them (near Langley) can be used with the current site plan. These will need to be re-recorded and laid out accurately. Hebrew College has the right to require that access to be opened for emergency purposes. In addition, in its purchase and sale agreement with the petitioners, Andover Newton has reserved an access

easement through the site in a location to be determined. That presumably will be the access road near Langley. Ms. Young stated that the Board could require further approval by the Board before any access other than emergency access is granted. The Committee debated whether a barrier that would prevent pedestrian access in addition to vehicular access would be appropriate. The consensus was that pedestrian access should not be discouraged through physical barriers.

The Committee also reviewed the “view easement,” the open space protection, and the proposed easement for the walking path. Ms. Young suggested that the easement for the path should run to the Conservation Commission. She will report further on these easements.

Setbacks/buffer zones. Ald. Mansfield questioned whether the 30’ setbacks on three sides should be a buffer zone as in the Hebrew College project or whether ordinary setback provisions should apply. After some discussion and review of the landscape plan, and noting that there is a no cut/no fill line on the plan, the Committee concluded that zoning restrictions and the landscape plan will provide adequate protections for the abutters while permitting the occupants of the residences to enjoy their property.

Engineering. Tom Daley reported water flow calculations and the justification for a water system that is not “looped” at the main, but rather is looped through the site from a single point in the main. The Committee had expressed concern about the very wide entrance/exit from Langley Road. Tom Daley reported that the Engineering Department had analyzed the turning radii for fire engines at that location and, in his opinion, the wide entrance is necessary. The Committee challenged several assumptions, including the size of the presumed vehicle (the Fire Department has retired some of its larger units), and the necessity of planning for a situation where the fire apparatus would stay in the proper travel lane at all times. After further review, Mr. Daley reported that the necessary width could be reduced. He will work with the petitioner in a potential revision to the plans.

The Committee reviewed illustrations of the proposed material for the retaining walls. Ald. Mansfield asked for an actual sample, and the petitioner proposed erecting a small section of wall on City Hall grounds.

Landscaping. Ms. Radzevich reported that Kenn Eisenbraun has analyzed the landscape plan and the Brown and Rowe report and that he and the petitioners have come to an agreement on nearly all details. The Committee asked for further clarification on compliance with the tree ordinance.

The Committee asked the Planning and Law Departments to prepare a draft Board Order for its next working session.

The meeting was adjourned at 11:32 p.m.

Respectfully submitted,

Ald. Susan M. Basham
Chairman