

CITY OF NEWTON
IN BOARD OF ALDERMEN
LAND USE COMMITTEE REPORT
THURSDAY, OCTOBER 24, 2001

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

Members of Committee absent: Ald. O'Halloran.

Other Aldermen present: Ald. Baker, Mansfield, Merrill, Parker, Sangiolo.

City officials present: Ouida Young, Associate City Solicitor; Nancy Radzevich, Chief Planner/Land Use Coordinator; John Daghljan, Associate City Engineer; Linda Finucane, Chief Committee Clerk.

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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: Approved 5-0-1 (Ald. Antonellis abstaining).

NOTE: The Committee met for the sole purpose of reviewing revisions to the draft of the Board Order conditions associated with this petition. The Committee reviewed in detail the third revised redlined draft, which included the 10/10/01 revisions inserted by Ouida Young and Nancy Radzevich and the 10/24/01 comments of Ald. Basham. Several conditions were the focus of additional discussion:

The Committee modified the condition calling for revisions to the design of the "hammerhead" turnaround to include a provision that will call for an alternative to asphalt paving, either the contemporary version of "grasscrete" or stabilized stone dust, provided that the alternative surface is approved by the Fire and Engineering Departments. In a separate condition, the Committee required the petitioner to remove snow from the hammerhead.

In light of a letter from some members of the community claiming that the Bowen-Thompsonville Neighborhood Association does not represent their interests, the Committee focused in detail on the composition of the proposed Liaison Committee and arrangements for notice to the neighbors of meetings. The Committee decided to expand the membership to include residents of Cypress, Langley and Oakmont and to require hard-copy notice rather than email notice. The Committee asked the Law Department to refer to the Temple Emanuel and Hebrew College board orders for guidance.

Concerning the blasting conditions, Ms. Radzevich reported that Assistant Chief LeCroix had reviewed the concerns about the proximity of the Bowen School and concluded that the blasting

will not present a safety hazard or distraction to Bowen students, particularly since the Fire Department will have the authority to order any extra precautions that might be needed. He said that a two-week notice period would not be feasible, given the way blasting is planned and conducted, and that a 96 hour notice should be sufficient.

After completing the review of the draft Board Order, Ald. Samuelson moved approval adopting the findings she had offered when moving approval at the October 16 working session, all of which had been incorporated into the most recent draft.

Ald. Parker said he did not agree with the findings in support of approval. In his view, while the petitioner has made an extensive effort to meet the neighborhood's requests, he believes the project as a whole, even with many conditions, does not meet the criteria for special permit approval under Newton's Zoning Ordinance. In particular, he offered the following negative findings:

1. Access to the site over existing streets is inappropriate; traffic accessing the site would cause a serious hazard to pedestrians, including children walking to and from Bowen Elementary School. Furthermore, the increased traffic generated by the project would be detrimental to the neighborhood.
2. The site is inappropriate for the proposed use. The existing slope limits the size and number of units that could reasonably be built to fewer and smaller units than are proposed. Furthermore, the proximity of the site to Bowen Elementary School makes a development of this size inappropriate.
3. The development as proposed would be detrimental to the character of the neighborhood. The proposed units are inconsistent with the existing homes in the area and the walls surrounding the proposed development would isolate it from the community in which it is proposed to be located.
4. The proposed development would increase the average cost of housing in the neighborhood and would be contrary to the goal of increasing housing affordability in Newton.
5. Construction of the project as proposed would be disruptive of classroom instruction at Bowen Elementary School.

Several members of the Committee offered their views on the petition before voting. Ald. Lipsitt said that she does not like the petition very much, but noted that a number of affordable housing advocates had called to urge her to support it. Since it is clear that something will be built on the site, she will support the petition. It provides controls over and above what we have under our ordinances. There are many benefits, including the conservation area, pathway and view easement that would not accompany an as of right development. She thinks the houses are too

big, but anticipates that the individual houses in a standard subdivision would be as big or bigger.

Ald. Salvucci said he had been ready to support the petition at the previous meeting and was ready to do so. In his view, the project is attractive and the community has gotten many extras from the petitioners.

Ald. Basham said she agreed with Ald. Lipsitt on her assessment of the petition and regrets that despite many hours of work by the Committee, it appears that the community remains divided on the merits of the petition. She expressed concern that people in the community believe that if the Board rejects this petition the site will remain undeveloped, when it is clear that Andover Newton intends to sell the property to realize a significant profit and the land will be developed in some manner. In her view, the many conditions associated with the special permit petition are a real benefit to the community that will evaporate with either an as of right subdivision or a comprehensive permit, and neither of those types of development will fit into the neighborhood any better than the current proposal. Ald. Antonellis said he would abstain because he had not been able to attend the previous meeting and needed to catch up on some of the details. The Committee supported the motion 5-0-1.

The meeting was adjourned at 10:16 pm.

Respectfully submitted,

Ald. Susan M. Basham
Chairman