



Land Use Committee Report

City of Newton **In City Council**

Tuesday, February 23, 2016

Present: Councilors Marc Laredo (Chair) Lennon, Cody, Auchincloss, Lipof, Leary, Schwartz, Crossley & Harney
Also present: Councilors Albright & Leary
Staff present: Ouida Young (Associate City Solicitor), Alexandra Ananth (Chief Planner), and David Olson (City Clerk)

#50-16 **Temporary license for Nonantum Village Day**
NONANTUM NEIGHBORHOOD ASSOCIATION requesting a temporary license pursuant to Sec 30-6(k) of the City of Newton Ordinances to hold NONANTUM VILLAGE DAY on Sunday, June 5, 2016.

Action: **Land Use Approved 8-0**

Notes: Councilor Leary noted this was a great tradition and President Lennon added that the Newton Police Department is being honored this year as well as the inclusion of \$1,000 scholarship to a local Newton senior.

#15-16 **Special permit petition for an accessory apartment at 126 Cornell Street**
SCOTT TIMMINS petition for an accessory apartment in a detached carriage house at 126 Cornell Street, Ward 4, Newton Lower Falls, on land known as SBL 42, 32, 72, containing approximately 12,682 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 7.3, 7.4, 6.7.1.D of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing opened on February 9 and continued to February 23, 2016.

Action: **Public Hearing Closed 8-0, Land Use Approved 8-0**

Notes: This item had been before the Committee on February 9th and at that time there were questions about whether the petition was filed with the proper legal name. Ms. Young answered that it was filed correctly. The parking plan was revised and trees were added that will serve as a buffer.

John Connor of 135 Cornell Street was concerned about the size of the accessory apartment as he could not find anything that was comparable. Ms. Ananth responded that this project was not unusual. The Council has approved others of this size and it is within the allowable size limit. Chair Laredo stated that requirements have been met on the dimensional requirements. Mr. Connor noted that he was pleased with the change in parking.

The findings and conditions were reviewed and the Committee voted to approve 8-0.

#480-14(4) Petition to expand Turtle Lane Playhouse and construct second building for a mixed-use project

STEPHEN VONA petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to change one nonconforming use to another by restoring and expanding an existing structure known as the Turtle Lane Playhouse with office space above, to provide a mixed-use building with an addition containing 4 dwelling units at street level and above and a second building containing a 16-unit multi-family dwelling with a below grade parking garage for 27 cars at 283 MELROSE STREET, Ward 4, Auburndale, on land known as SBL 41, 14, 10 containing approximately 43,783 sf of land currently zoned MULTI-RESIDENCE 1 *or in the alternative in a proposed MIXED USE 4 DISTRICT*. Ref: Sec. 7.3, 7.4, 7.8.2.C, 4.4.1, 4.2.2.B.1, 4.2.5.A.1, 4.2.5.A.6.b, 5.4.2, 5.1.4, 5.1.13, 5.1.4.C, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing opened on January 12 and continued to February 2, 2016, and continued to February 23, 2016.

Action: **Public Hearing Closed 7-1 (Harney); Land Use Approved 5-0-3 (Harney, Lennon, Schwartz)**

Notes: There had been previous discussion regarding the reduction of the units and requests for more open space. Attorney Morris explained the building has been pulled back 14 ft. from the intersection and there was an offer to take out the four residential units and replace them with office space. The setback has been increased to 39.2 ft. The design has gone to a Mansard style roofline. The volume of the building has been cut down considerably. A concerted effort has been made to address the two major issues which included the reduction in the residential space from 20 down to 16 units and pulling the building back as far as possible.

Councilor Crossley stated the amount of care in designing these elements is extraordinary and agreed with the architect that this is not about matching architectural styles but rather its fit within the context of the village setting. The change in roof lines simplified the building. She went on to say that she was disappointed that the restaurant plan was given up and the desperately needed smaller units could not be part of this project. She stated this project has been carefully considered with rich detail that will enhance the village square.

Councilor Harney requested that this item be held as Councilor Gentile and Councilor Sangiolo were absent. Chair Laredo stated it would be the will of the Committee if the item is voted out.

Barbara Zelles of 267 Melrose Street feels the fully functioned theatre will be an issue as the third story is a problem.

Richard Kaplan of 18 Woodbine Street said the set back is an improvement. He would like to see a more complete plan as well as landscaping plan. He asked that there not be a vote at this meeting.

Theresa Kasavant of 27 Ash Street agreed with Mr. Kaplan.

Marie Caruso of 278 Melrose Street also agrees with Mr. Kaplan but did not want the change in zoning because the commercial aspect was not a positive addition and that was a concern.

Doris Sweet of 281 Lexington Street said the restaurant was really a benefit to the community and there is disappointment that has not been included.

Gayle Whiting of 187 Melrose Street disagreed that people were disappointed that there was not going to be a restaurant and feels a restaurant does not belong in a residential zone.

Jane Walsh of 100 Day Street spoke in favor of the project and was in favor of a restaurant. The square needs some revitalization and supports the project.

Rachel Free, 30 Chaske Avenue agreed with Mr. Kaplan. She would like the Committee to hold as they have not seen the plans.

Lynne Slobodin, 61 Woodbury Ave has been in support of project from the beginning. She agrees vitality is needed in the village and does not think Mr. Kaplan's group represents the neighborhood. In her opinion it is time to approve.

Elaine Rush Arruda of 1821 Commonwealth Avenue has concerns about density but does applaud the developer for increasing the setbacks and having more commercial tax income.

Ernie Zupancic of 37 Cheswick Road Auburndale stated you cannot stand still with business district and as things change, it will be difficult to satisfy people 100%. He feels this project will be an asset to Auburndale Center.

A motion to close the Public Hearing was made and seconded. Approved 7-1 (Harney)

A Power Point presentation was shown and the conditions and findings were reviewed.

#326-15 Petition to Increase seating at Bertucci's Restaurant

BERTUCCI'S RESTAURANT CORPORATION/KNAPP FOOD INC.

Public Hearing opened on January 12 and continued to February 23, 2016

Action: Public Hearing Closed 8-0; Land Use Approved 8-0

Notes: Chairman Laredo explained that this item had been previously before the Council. It was noted that a full renovation was currently going on. The new layout will accommodate 170 seats. Improvements are being made to the site including improved access. Current plans include repaving, restriping the entire parking lot, and adding two planters at the entrance.

President Lennon stated part of the concern was the increase in seats and he wanted an opportunity to understand better what was being planned. The previous Board Order was for 130 seats and the current plan is for 170 seats. It was explained that this was not a further build out but a renovation of what was going on inside.

The interior sidewalk at the entrance will be changed as the restaurant entrance will be moved making it more convenient and ADA access will be improved. Internally in the restaurant there is an antiquated wheel chair ramp and bar configuration which will be taken out. The ramp will be moved as well as an expansion of the bar area.

There were no members of the public present and the Public Hearing was closed.
(Approved 8-0)

Councilor Leary requested more information about the landscaping. The petitioner responded that the current landscape plan will take out the bushes and put in new ones, replace the fence and generally clean up the area. The parking lot and sidewalk will be repaired. Planters will also be placed around the building. It was noted that the Board Order included a voluntary contribution. A voluntary contribution is requested due to the increase in traffic and seating that has had an impact on the neighborhood area. The hours of operation are the same. Exterior parking lot lighting will also be the same. Snow removal has never been a problem. Grease traps and catch basins will be cleaned.

It was noted that Councilor Leary walked the entire area with members of the Commission on Disabilities, with the Pedestrian Coordinator, to identify a whole list of improvements that needed to be done.

President Lennon wanted to be sure that appropriate conditions from the previous Board Order were included. Ms. Ananth went over the Board Order and the Committee voted to approve 8 in favor, 0 opposed.

Respectfully submitted,
Marc C Laredo, Chair