CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, MAY 27, 2003

Members of Committee present: Ald. Basham, Chairman; Ald. Bryson, Fischman, Linsky, Lipsitt, Merrill, Salvucci, Samuelson.

Other Aldermen present: Ald. Yates.

City Officials present: Eric Jerman, Planner; Nancy Radzevich, Chief Planner; Michael Kruse, Director of Planning and Development; Dave Willet, City Engineer; Ouida Young, Associate City Solicitor; Linda Finucane, Chief Committee Clerk.

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171-03 CHARLES HOBAN and ELIZABETH HISER petition for SPECIAL PERMIT TO ALTER A NONCONFORMING STRUCTURE AND SITE PLAN APPROVAL associated with construction of a 3.5 story addition at the rear of an existing house and alteration of the grade by more than three feet, at 93 HILLSIDE ROAD, Ward 6, on approximately 25,425 sf of land known as Section 54, Block 30, Lots 11 and 12, in a district zoned SR2.

ACTION: Approved 7-0 (Ald. Samuelson not voting).

NOTE: The petitioners wish to expand and renovate the rear of their Victorian residence and substantially upgrade the existing yard. The residence currently measures 4,776.6 square feet, and the proposed expansion will add 987.3 square feet in a 3.5 story addition. The current structure is legally nonconforming as to height and number of stories because the basement counts as a story where the property slopes downward at the rear. Because the average grade of the site will be lower and the house technically taller as a result of the addition, the nonconformity as to height will be extended. In addition, the dwelling has nonconforming front and west side setbacks and nonconforming frontage that will not be affected by the proposed project. The petitioners also wish to create a more usable back yard through the installation of a patio and extensive plantings. This landscaping requires several small grade changes greater than three feet. At the public hearing on May 13, the petitioners were represented by G. Michael Peirce, Esquire. Residents of 47 Terrace Avenue testified as to their concern that the proposed fence is too tall at six feet and will have the effect of walling off space that now is visible from the aqueduct running behind the property.

At the working session, the Committee reviewed the site plan and elevations, noting that the proposed addition is not visible from the street and is designed to be in keeping with the Victorian features of the existing residence. The Committee considered two alternative designs

for cedar fences four feet in height, both of which are acceptable to the petitioner. Several members of the Committee expressed a preference for the more open of the two designs, while other members said that the fence is unrelated to the relief sought and the Committee should not be involved in reviewing it. The Committee agreed to leave the final selection subject to review by the Planning Department, as well as the final landscape plan. Dave Willet was present, and he indicated that all of the engineering work proposed for the site meets the department's approval, including accommodations of runoff at the 100 year storm standard.

Ald. Lipsitt moved approval, finding that the proposed structure as altered will not be substantially more detrimental to the neighborhood than the existing structure because the increased height is purely technical and not related to the additional construction, the addition will have no negative visual impact from the street, and the grade change will have no adverse impact on drainage within the neighborhood. The Committee supported the motion 7-0.

169-03 SUSAN HURWIT petition for SPECIAL PERMIT TO EXTEND A NONCONFORMING STRUCTURE AND SITE PLAN APPROVAL associated with proposed construction to convert an existing garage to use as a home office at 44 BOWDOIN STREET, Ward 6, on approximately 10,500 sf of land known as Section 52, Block 3, Lot 3, in a district zoned SR 3.

ACTION: Held 4-0-3 (Ald. Salvucci, Linsky and Merrill abstaining).

NOTE: The Committee reviewed the site plan and elevations for the proposed project, but found that the petition lacked a measured drawing and associated information concerning the design of the proposed walkway, fence and lighting and the potential impacts on runoff associated with the increase in impervious surface. The Committee was concerned that the proposed pathway is too narrow to be functional and urged the petitioner to consider moving the proposed pathway to the other side of her garage or creating an entrance for her clients through the front of the garage.

149-03 300 NEEDHAM STREET, LLC/REGALITE PLASTICS CORPORATION petition for SPECIAL PERMIT TO EXTEND NONCONFORMING STRUCTURE AND SITE PLAN APPROVAL to demolish portions of an existing manufacturing building and reconstruct a mixed-use building, including self-storage and retail, at 300 NEEDHAM STREET, Ward 8, on approximately 205,211 sf of land known as Section 83, Block 30, Lot 11, in a district zoned Mixed Use 1.

ACTION: Approved 8-0.

NOTE: The petitioners are Regalite Plastics Corporation, the current owner of the subject property, and the proposed buyer/redeveloper, 300 Needham Street, LLC. Regalite ceased manufacturing operations approximately a year ago, and the petitioners now propose two new uses for the existing building: a self-storage facility and retail. The site is located at the corner of Christina and Needham Streets. The building now is one story in height and measures

approximately 92,345 sf. After redevelopment, which will include small alterations in the footprint, the building will be configured so that the self-storage facility will be in the rear and the retail will be installed along the two street frontages. The building will be increased in height to accommodate three floors of storage (each floor less than would be required for other types of occupancy). A small area of retail will also be available on the upper level at the intersection corner of the building. Altogether the reconstructed building will have approximately 251,038 sf. The petitioners propose more than adequate parking at 152 parking spaces (121 required). They propose one curb cut on each of the street frontages, removing two others now existing on Needham Street.

The petitioners require relief from this Board because the current structure is nonconforming as to maximum height, rear setback and gross floor area. The height and setbacks, however, will be made conforming in this development. They also require permission to install retail and self-storage uses in the Mixed Use zoning district, to expand a building containing 20,000 sf or more gross floor area, to waive certain dimensional requirements of the zoning ordinance in the Mixed Use 1 district, and to waive certain screening, lighting and landscaping requirements for parking facilities. The petition as originally presented included a request for approval of two free-standing signs.

At the public hearing on May 13, the petitioners were represented by Howard Levine, Esquire. The Committee received testimony from Charles Eisenberg, who reported that the Economic Development Commission is in support of this petition. Mark DiOrio, on behalf of the owners of 320 Needham Street (the former GZA building), stated that the building will be far too large and should be limited to Class I office or retail. A resident of Manchester Road stated that the storage and commercial uses will be a welcome addition on Needham Street.

In advance of the public hearing, the petitioners provided a comprehensive packet of materials, including but not limited to a traffic report from Rizzo Associates, a construction management plan, ISD memoranda, and approvals from the Fire Department and City Engineer. The Committee also received the Planning Department's report and the report of GEOD Consulting, the City's independent traffic consultant, dated April 30, 2003. At the public hearing, the Committee also received a letter from William T. Steffens of McMahon Associates, responding to Mike Kruse's request that Mr. Steffens review the plans in relation to the partially-developed plans for the redevelopment of Needham Street. The Committee asked a number of questions at the public hearing and, in the intervening weeks, the petitioners and the Planning Department provided written responses to all of the questions that had been asked. Thus, the working session focused on a general review of the site plan and proposed uses and a discussion of the issues that Committee members thought required further debate. Mike Kruse, Director of Planning and Development, and Dave Willet, City Engineer, joined the Committee for this discussion. Among the issues discussed were the following:

<u>Relationship to Needham Street Redevelopment</u>. Mike Kruse reported to the Committee that the plans for redevelopment of Needham Street in the so-called "three lane model" are approaching 25% completion and should be ready to be docketed for a public hearing in another month. He

noted that these plans have been put together "one property at a time," and there is still a lot of work to be done in working with property owners regarding curb cuts and other changes. In particular, the question of realignment at Oak and Christina Streets has not been resolved. The Chairman reported that she had discussed with Ouida Young whether proposed plans such as these should be taken into consideration in the Committee's review of this petition, and Ms. Young had advised that the plans will not become "real," from the Board's viewpoint, until a later date – certainly not before a public hearing, and perhaps not until the plans are complete and/or certain funding is in place. The Committee expressed concern that the petitioners not be held to a plan that doesn't yet exist, but also expressed its willingness to try to keep the proposed plans in mind during the review of various aspects of the petition so as not to preclude desirable later outcomes.

Linens 'n' Things Board Order and possible shared access driveway. The Planning Department recommended that this property and the property owned by Northland, where Linens 'n' Things is located, should create a shared access driveway that would branch onto the two properties. If such an access were created, left turns into and out of the sites could be accommodated, while in the present configuration, the Planning Department has asked for no left out onto Needham Street. Mr. Levine reported at the public hearing that his clients are willing to share site access and had attempted to negotiate with Northland, but Northland was not willing. The Committee, after some discussion, decided upon a condition of approval that will put the burden on the Planning Department to try to achieve an agreement with Northland, and will require the petitioners to modify their plans to accommodate a shared driveway, without need of an amendment to the site plan, if the Planning Department is successful within a timeframe that precedes the petitioners' construction of the plans as approved. In addition, Ald. Bryson urged the Planning Department to work with ISD in requiring Northland to comply with the condition of its Board Order from 1996 concerning the creation of a rear access across the property line. Mike Kruse also noted that Linens 'n' Things is supposed to have installed a pedestrian access across the property line, and he will follow up on that also.

Curb cut and truck access from Christina Street. The original site plan called for a curb cut 35' wide on Christina Street to accommodate a WB50 truck. The Committee asked Dave Willet whether a smaller curb cut might suffice, and he said that he thinks the 35' width is necessary but would prefer that the curb cut be aligned with the garage entrance to the storage facility. The petitioners' engineer said that alignment would not be possible because of the steep grade at that location. The committee reviewed the interior of the storage facility with its four loading bays and the traffic circulation on the site. Some members of the Committee were not convinced that this site needs to be designed for the occasional large truck when most people bring goods for storage in U-Hauls and minivans. Ald Lipsitt suggested that a 25' curb cut would meet Mr. Willett's concern about truck turning movements if the curbs were designed to be mountable, and the petitioners' engineer provided an alternative drawing to that end. The Committee agreed to accept that plan as a modification to the site plan.

Desirability of storage use. Ald. Yates said he sees the "dead storage" as a perfect use for this site. In his view, the retail is not needed and will create more traffic. Others said that retail is

highly desirable and will promote pedestrian activity. The Planning Department has strongly urged the inclusion of a retail component in this project from the outset.

Landscaping and streetscape. Members of the Committee differed in their views of whether the proposed layout of the Needham Street frontage is desirable. Ald. Lipsitt suggested that the parking might be turned to face the building and then there could be more greenery along the street. Ald. Samuelson said she liked the arrangement and wouldn't want to lose any of the parking. She likes the pedestrian sidewalk along the building's frontage. The petitioner's architect urged the Committee to see the pedestrian walkway as a way of making the building's facade animated and interesting and of maximizing pedestrian quality. Ald. Fischman captured the Committee's attention with his view that this is a "gateway location" and the landscaping at the corner should be special. The Committee and the petitioners agreed on a condition that will require additional, improved landscaping at the corner and also modifications in landscaping to improve the line of sight at the Needham Street curb cut.

Free standing signs. The petitioner had proposed two freestanding signs to identify retail uses, but the Committee questioned whether two signs are needed and whether the retail uses might just as well be identified by wall or awning signs. The petitioners volunteered to withdraw the requests for signs without prejudice so that they may resubmit a complete sign package as the construction proceeds. .

Lighting. The petitioners had presented a lighting plan that is in compliance with the zoning ordinance requirements for intensity of light. After discussion in Committee, the petitioners agreed to modify their plan to take advantage of the waiver already applied for, which will permit them to reduce the light levels.

Size/massing of building. The Committee reviewed photographs of the surrounding buildings, which illustrated a number of structures greater than three stories in height. In addition, the petitioners' architect provided illustrations that showed how the building is not increasing three full stories in height along the entire Needham Street frontage and will remain below 36'.

After considerable discussion of these and other issues, Ald. Fischman moved approval of the petition and acceptance of the petitioners' request for withdrawal of the free-standing sign elements, finding that the proposed retail and storage uses are appropriate to this location and that the proposed altered nonconforming structure will not be substantially more detrimental to the neighborhood than the existing. The increased usable floor area will not result in added impact because of the nature of the use, and the overall site plan represents a significant improvement. The additional landscaping, particularly the "gateway landscaping," will enhance the site. The waivers of parking lot design are justified because literal compliance is not feasible in this configuration. The site plan contributes to the future development of Needham Street by adding to the continuous rear access across several properties. The retail will activate the street frontage and contribute to pedestrian use of Needham Street. The Committee agreed with his recitation of its findings and approved the motion 8-0.

The meeting was adjourned at 11:45 p.m.

Respectfully submitted,

Ald. Susan M. Basham
Chairman