



Land Use Committee Report

City of Newton In City Council

Tuesday, April 25, 2023

Present: Councilors Lipof (Chair), Kelley, Bowman, Downs, Greenberg, Laredo, Lucas, and Markiewicz

Also Present: Councilors Albright, Malakie, Crossley and Danberg

City Staff Present: Senior Planner Cat Kemmett, Senior Planner Michael Gleba, Chief Planner Katie Whewell, Deputy Chief Planner Alyssa Sandoval, and Assistant City Solicitor Jonah Temple

All Special Permit Plans, Designs, Plan Memoranda and Application Materials, both past and present, can be found at the following link: [NewGov - City of Newton Land Use Committee Special Permit Search](#).

The full video of the April 25, 2023, Land Use Meeting can be found at the following link:
[04-25-23 Land Use Committee Meeting](#)

#130-23 **Request to allow a free-standing sign at 1010 Chestnut Street**
ROSTRUM N. NAZAR, BEST PRICE SIGNS & PRINTING petition for SPECIAL PERMIT/SITE PLAN APPROVAL to replace an unpermitted free-standing sign with a 24 square foot free-standing sign in the same approximate location at 1010 Chestnut Street, Newton Upper Falls, Ward 5, on land known as Section 51 Block 04 Lot 03, containing approximately 6,754 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 7.4, 5.2.13.A, 5.2.13.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 7-0 (Councilor Markiewicz not voting); Public Hearing Closed**

Note: Deputy Chief Planner Alyssa Sandoval presented the request for a special permit at 1010 Chestnut Street. This request is to replace a free-standing sign. The Planning Department's presentation is attached. Please find additional back-up at the following link:
[1010 Chestnut St - Petition Documents](#)

The public hearing was opened and with no member of the public wishing to speak, the public hearing was closed.

The Committee discussed the draft Council order. Councilor Downs motioned to approve which passed 7-0 with Councilor Markiewicz not voting.

Chair's Note: *The Committee will review a request for a consistency ruling for 424-432 Cherry Street. The petitioner is seeking a consistency ruling from the Commissioner of Inspectional Services to increase the height of the proposed multifamily building. The Commissioner is seeking the opinion of the Land Use Committee on the matter.*

Note: Senior Planner Cat Kemmett presented the attached presentation regarding the property at 424-432 Cherry Street. The Commissioner of Inspectional Services is seeking the opinion of the Land Use Committee to allow a change in height from 30 feet to 35.4 feet for the approved multifamily dwelling. She noted that the historic commission did approve this change, but it was not unanimous. Ms. Kemmett noted that members of the historic commission did agree that this change would fit better with the historic district.

Councilors asked the following question:

Q: Is there an explanation why the change was made at this time?

A: Chief Planner Katie Whewell explained that when this request was initially made the historic commission didn't agree with the increased footage. There has been a change in the make-up of the historic commission.

Councilors made the following comments:

A councilor raised concerns regarding the increased footage and the fact that this is now being approved by a different historic commission.

It was noted that this will be a better fit for the neighborhood. The buildings across the street from this property are 3 stories and it is right off a main street.

The Committee took a straw vote to approve the changes to the property which passed 6-2 with Councilors Laredo and Markiewicz opposed.

#113-23 Request to add 40 patio seats and to remove six parking stalls, and to amend Special Permit #501-94(2) at 344-346 Elliot Street

SEANA GAHERIN AND ROBERT DUNN, TRUSTEES OF D&G REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend the prior Special Permit with site plan modifications to remove six parking stalls to be used for outdoor dining seats and to waive 20 parking stalls at 344-346 Elliot Street, Ward 5, Newton Upper Falls, on land known as Section 51 Block 41 Lot 10, containing approximately 9,676 sq. ft. of land in a district zoned BUSINESS 1. Ref: Sec. 7.3.3, 7.4, 5.1.4, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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

Note: Senior Planner Cat Kemmett presented the attached request for a special permit at 344-346 Elliot Street. The presentation is attached and additional back-up can be found at the following link: [344 Elliot St - Petition Documents](#). Ms. Kemmett explained that new plans were submitted and are reflected in the presentation. The request is to eliminate 10 parking spaces to allow for patio seating. The new plans show that the patio seating will be closer to Elliot Street. She noted that a concern that the Planning Department had is that the accessible spot is in front of an existing dumpster.

Attorney Stephen Buchbinder explained that Ms. Gaherin has met with the abutters of the restaurant and that is why they decided to make the change to have the patio seating in the front of the property. He also noted that the dumpsters are emptied early in the morning before the restaurant opens.

Additionally, they will continue to work with the neighbors on the noise levels. Verne Porter, surveyor found that there are approximately 100 spots around the building so there is not a need for parking spaces on the property. It was also noted that this is an area that people walk to, take public transportation or use a car share app. Ms. Gaherin has also updated the landscaping and has replaced the signage that informs patrons that they need to back-in to the spot.

The public hearing was opened.

Despina Felis, 9 Hall Street, noted that she is a direct abutter to the property. She explained that Ms. Gaherin did meet with her to discuss the proposed plan. She raised concerns regarding the noise and safety concerns. Ms. Felis asked questions related to how many seats are being proposed and what time does the outdoor portion of the restaurant closed. She also requested that there is documentation that the noise ordinance will be followed and that there will no longer be tents on the property.

It was noted that in the months of December, January and February the seating will not be used. It was also added that the parking spaces will not be put back during these months. Atty. Buchbinder explained that the 40 seats were decided due to a number of regulations that need to be followed and that they felt this would be the best number for the space. Ms. Gaherin explained that out-door dining will end at 9 pm and agreed that they will not be using tents.

Robert Kopelman, Chestnut Street stated that he is also a direct abutter to the restaurant. He questioned if there could be a trial period of a year to see if this outdoor dining works for the restaurant and the abutters. Jonah Temple, Deputy City Solicitor explained that they are unable to do this but there could be a condition on the Council Order that they receive an update in a year. But the permit could not be revisited.

The following residents expressed their support for Dunn-Gaherins.

Bonnie Frasier, 31 Elliot Street

Jerry Reilly, Spring Street

Matthew Chotkowski, 36 Indiana Terrace

Verne Porter, Newton Resident

Johnathan Frieze, 43 Wilde Road

The public hearing was closed.

Councilors expressed their support for the restaurant and thanked Ms. Gaherin for her continuous work with the neighbors. The importance of outdoor dining was also expressed.

The Committee discussed the draft Council Order, where they added the condition that outdoor dining would end at 9 pm and tents would only be allowed if the City issues a temporary tent permit. Councilor Downs motioned to approve which passed unanimously.

#112-23 Request to further increase nonconforming FAR, to allow an accessory building with a footprint exceeding 700 square feet, and for a dormer within three feet of the intersecting wall at 20 Norwood Avenue
PAUL WONG petition for SPECIAL PERMIT/SITE PLAN APPROVAL requesting to further extend nonconforming FAR; to allow an oversized detached accessory apartment and to

allow a dormer within three feet of the intersection of the roof and main building wall at 20 Norwood Avenue, Ward 6, Newton Centre, on land known as Section 62 Block 10 Lot 06, containing approximately 11,689 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2, 6.7.1.E.2, 1.5.4.G.2.c of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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

Note: Senior Planner Michael Gleba presented the request for a special permit at 20 Norwood Ave. The presentation is attached, and additional back-up materials can be found at the following link: [20 Norwood Ave - Petition Documents](#). This request is to extend nonconforming FAR; to allow an oversized detached accessory apartment and to allow a dormer within three feet of the intersection of the roof and main building wall. Jay Walter, Architect for the petitioner noted that they needed to adjust the dormer to be able to stay within the setback. He also explained that they will be leaving the existing tree which will screen most of the accessory apartment from the street.

The public hearing was opened.

John Harrington, 45 Crescent Avenue expressed his support for the project. He noted that there is a housing shortage and an ADU will allow seniors to stay in the city that they reside.

The public hearing was closed.

Councilors expressed their support for the addition of the ADU.

It was questioned what the screening would be at the backside of the property and where the condenser would be place outside.

Mr. Walter explained that there is already a fence at the back of property and the condenser would be on the northside of the garage.

A councilor noted that this addition does fit in with the existing neighborhood. It was questioned if the petitioner needs to apply for a demolish delay through the historic commission. Mr. Walters explained that they have applied for this and the commission is currently looking at the project.

The Committee discussed the draft Council Order. Councilor Bowman motioned to approve which passed unanimously.

#111-23 Request to allow four single-family attached dwellings in two buildings, to waive certain dimensional requirements and one parking stall at 77 Hartford Street
ADELINE ELMEUS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow an additional unit within the existing dwelling, to allow attached single-family dwellings; to reduce the required lot area per unit; to reduce the minimum front setback; to reduce the minimum side setback; to reduce the minimum rear setback; to exceed 36 feet in height; to allow three stories; to waive one parking stall and to allow a driveway within 10 feet of the side lot line and parking within 20 feet of the side lot line at 77 Hartford Street, Ward 6, Newton Highlands, on land known as Section 52 Block 43 Lot 5A, containing approximately 15,950

sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 3.4.2, 5.1.4, 5.1.13, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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

Note: Senior Planner Cat Kemmett presented the request for a special permit at 77 Hartford Street. The presentation is attached and additional back-up for the item can be found at the following link: [77 Hartford St - Petition Documents](#). This request is to an additional unit within the existing dwelling, to allow attached single-family dwellings; to reduce the required lot area per unit; to reduce the minimum front setback; to reduce the minimum side setback; to reduce the minimum rear setback; to exceed 36 feet in height; to allow three stories; to waive one parking stall and to allow a driveway within 10 feet of the side lot line and parking within 20 feet of the side lot line.

Adeline Elmeus joined the committee to discuss the petition. It was noted that the family has lived on this property for a number of years. Ms. Elmeus explained that they will not be doing any construction, this request is to rectify the existing accessory apartment.

The public hearing was open.

Meredith Warshaw, abutter to the property, expressed her support for the project.

The public hearing was closed.

Councilors expressed their support for the petition due to the fact that he adds additional housing units to the city.

It was questioned if the property has been operating as a 3-family plus accessory apartment. The petitioner noted that it is correct. Ms. Whewell explained that accessory apartments are only allowed on a 1 or 2 family home, that is why the petitioner is making this request.

The Committee discussed the draft Council Order and Councilor Bowman motioned to approve which passed unanimously.

The Committee adjourned at 9:30 pm.

Respectfully Submitted,

Richard Lipof, Chair

City of Newton Planning and Development

Petition: #130-23

Special Permit/Site Plan Approval

to install a free-standing sign replacing the existing free-standing sign

April 25, 2023



1010 Chestnut Street

Zoning Relief

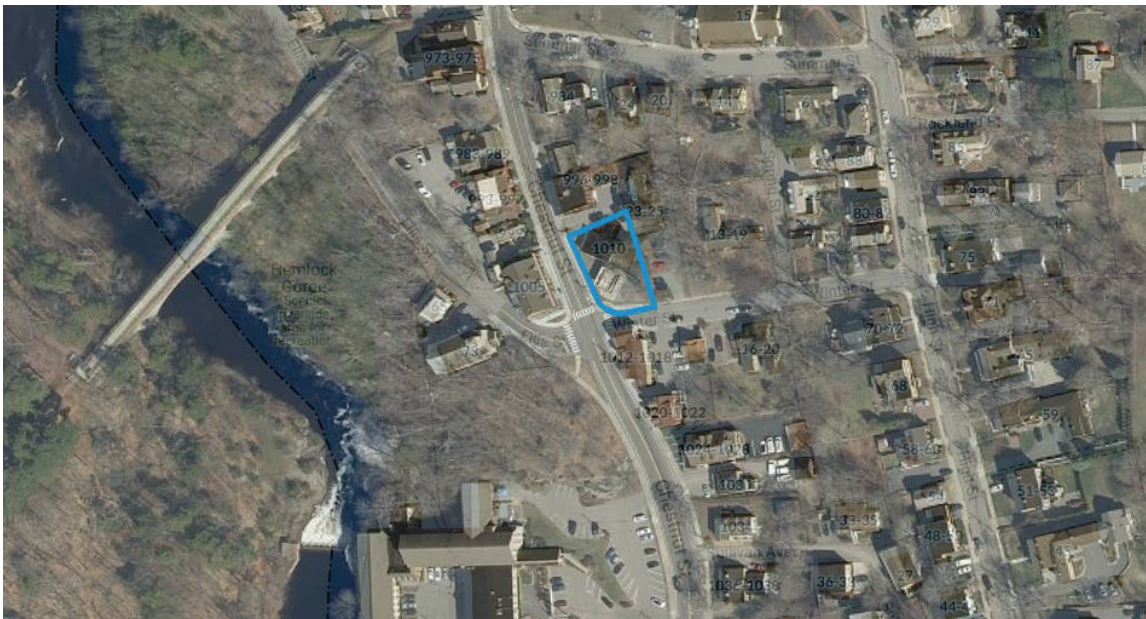
Zoning Relief Required		
Ordinance		Action Required
§5.2.13.A §5.2.13.B	To allow a free-standing sign	S.P. per §7.3.3

Criteria to Consider

When reviewing this request, the Council should consider:

- The proposed exceptions to the sign ordinance should be permitted and are appropriate due to the nature of the use of the premises, the architecture of the buildings or their location with reference to the street is such that such exceptions are in the public interest. (§5.2.13)
- The specific site is an appropriate location for the proposed sign that requires waivers from the Sign Ordinance . (§7.3.3.C.1)
- The proposed sign that requires waivers from the Sign Ordinance will not adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed sign will not be a nuisance or serious hazard to vehicles or pedestrians; (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

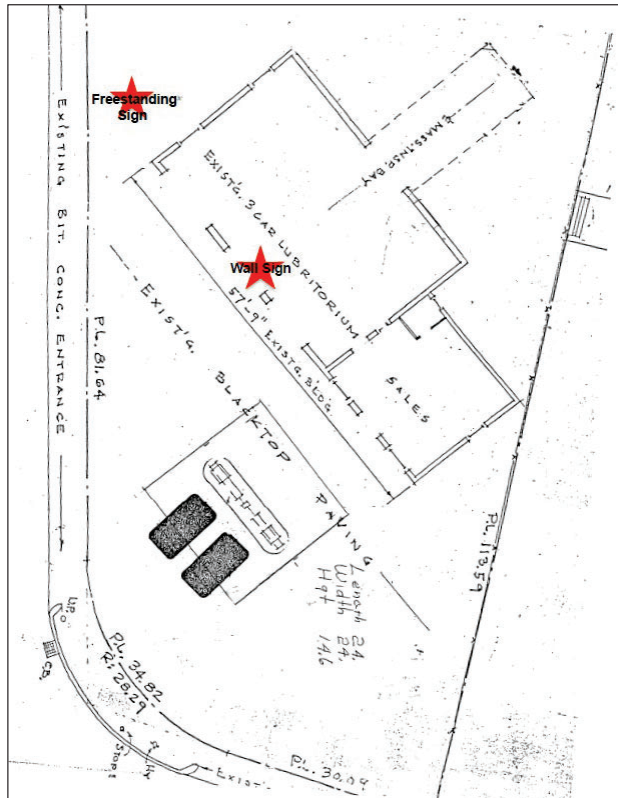
Aerial Map



Existing Conditions



Site Plan



Free Standing Sign

- Replaces existing sign in same location
- 6x4 foot sign: 24 sf area total
- Pylon sign with digital gas price



Review

- Urban Design Review: Approved free-standing sign at December 14, 2022 meeting.
- Engineering Review: Engineering review is not required at this time.
- Newton Historical Commission: Historic review is not required.
- Upper Falls Historic District Commission review and approval required.

Findings

1. The proposed free-standing sign should be permitted and is appropriate due to the commercial nature of the use of the premises and the sign's location set back from the intersection is such that such exceptions are in the public interest. (§5.2.13)
2. The site is an appropriate location for the proposed sign due to the site's commercial nature and its location on Chestnut Street. (§7.3.3.C.1)
3. The proposed sign will not adversely affect the neighborhood as the sign is well-placed within the site and replaces an already existing sign. (§7.3.3.C.2)
4. There will be no nuisance or serious hazard to vehicles or pedestrians as the sign does not interfere with the lines of sight of pedestrians and motorists (§7.3.3.C.3)
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

Conditions

1. Plan Referencing
2. Standard Building Permit Condition
 - Obtained all necessary approvals from Upper Falls Historic District Commission

City of Newton Planning and Development

Petition: #566-18

Consistency Request to allow a change in height from 30 feet to 35.4 feet for approved multifamily dwelling

April 25, 2023



424-432 Cherry St.

1

Background

- 2.5-story Georgian Style structure constructed circa 1716
- Newton Landmark Preservation Site
- Special Permit #566-18 granted relief to convert office space within the historic structure into six residential units, and to construct a second multi-family dwelling on the site containing three stories and 30 feet in height.
- On January 26, 2023, the NHC approved amended plans increasing height to 35.4 feet
- Commissioner of Inspectional Services is seeking guidance from the Land Use Committee for consistency

2

Front elevation

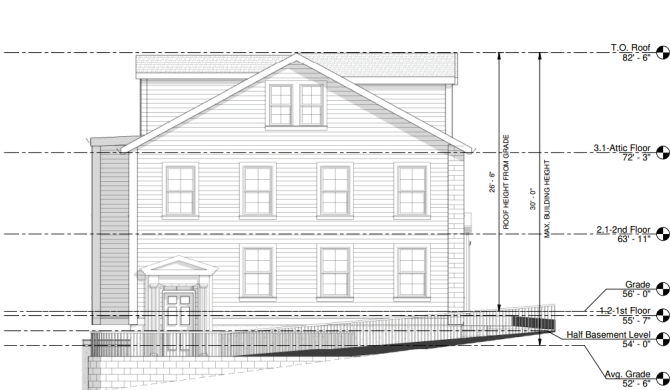


Approved

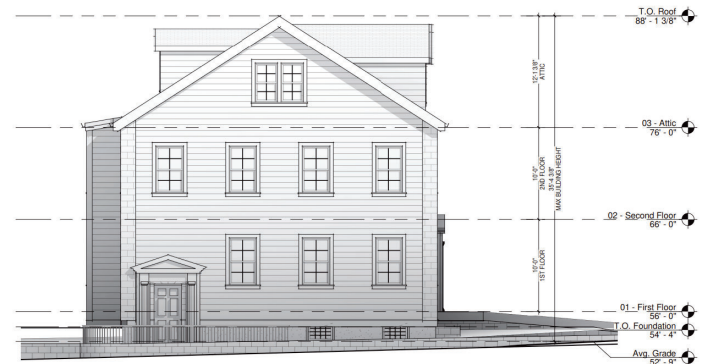


Proposed

Left elevation



Approved



Proposed

City of Newton Planning and Development

Petition: #113-23

Special Permit/Site Plan Approval to amend the prior Special Permit with site plan modifications to remove nine parking stalls to be used for outdoor dining seats and to waive 23 parking stalls

April 25, 2023



344-346 Elliot St.

Zoning Relief

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	Amend Special Permit #215-16(2)	S.P. per §7.3.3
§5.1.4 §5.1.13	To waive 24 parking stalls	S.P. per §7.3.3

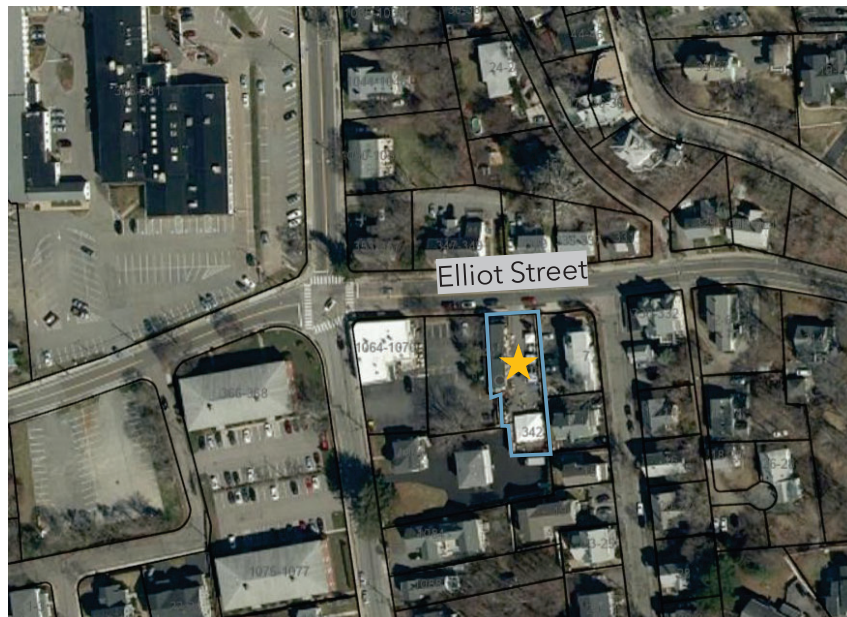
Criteria to Consider

When reviewing this request, the Council should consider:

- The site in BU-1 is an appropriate location for the requested parking waivers (§7.3.3.C.1)
- The requested parking waivers will not adversely affect the neighborhood (§7.3.3.C.2)
- The requested parking waivers will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Literal compliance with the required amount of parking is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§5.1.13);
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

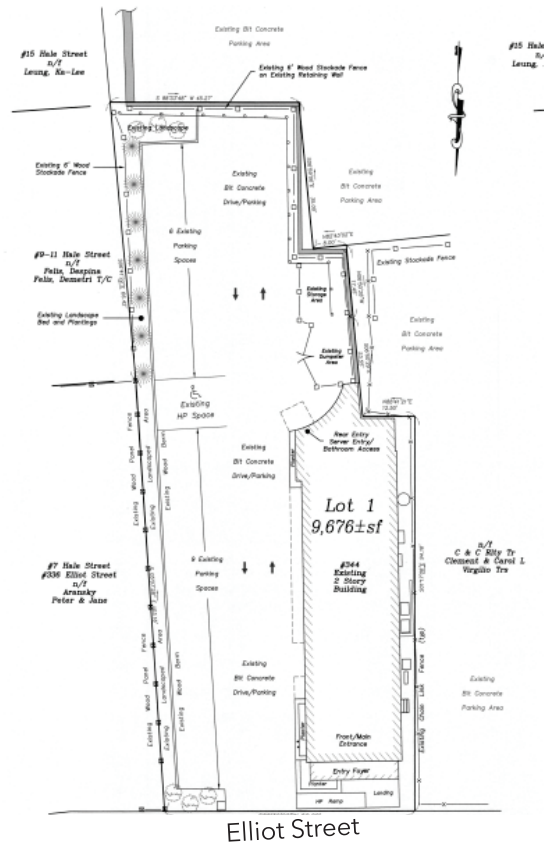
3

Aerial Map



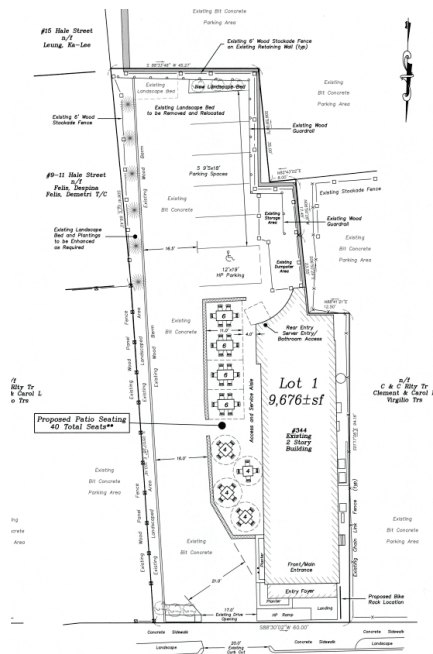
4

Existing Site Plan



Proposed Site Plan

(submitted 4/21/23)



Operations

- Patio seating will be located near restaurant and away from residential abutters
- Patio will be seasonal subject to weather, but closed December-January, and revert to parking when not used as dining area
- Kitchen to close at 9:00 p.m.
- New lighting will be limited to non-permanent string lights
- Noise ordinance would apply

Zoning Enforcement

- Zoning enforcement violation notice sent on April 12, 2023
- Bike rack per Condition #19
- Violations to remedy:
 - Condition #1, #8, and #13 related to landscaping
 - Condition #14, requiring striped parking stalls and 9.5 feet in stall width
 - Condition #15, maintaining appropriate signage for parking

Proposed findings

1. The site in a Business 1 (BU1) district is an appropriate location for the requested parking waivers because modest sized lots with less parking than would be required under current zoning requirements is consistent with the historic pattern of commercial space in Newton Upper Falls, much of which developed before zoning was implemented. Additionally, some on-site parking will remain, and public transportation is available. (§7.3.3.C.1)
2. The requested parking waivers will not adversely affect the neighborhood because on-street parking is available nearby. (§7.3.3.C.2)
3. The requested parking waivers will not create a nuisance or serious hazard to vehicles or pedestrians because the existing curb cut will remain unchanged (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. Literal compliance with the required amount of parking is in the public interest because constructing 24 additional parking stalls would require a substantial increase in impervious paving. (§5.1.13)

9

Proposed conditions

1. Plan referencing & standard conditions
2. Parking spaces shall be striped and maintained at 9.5 feet in width
3. No more than 109 seats for restaurant
4. Appropriate signage for parking
5. Encourage restaurant customers to comply with all parking and other traffic safety regulations
6. All deliveries to the restaurant shall occur from the parking area and at off-peak hours
7. Outdoor dining to end at 9 pm
8. No tents unless allowed by permit

10

City of Newton Planning and Development

Petition #112-23

Special Permit/Site Plan Approval to further extend nonconforming FAR; to allow an oversized detached accessory apartment and to allow a dormer within three feet of the intersection of the roof and main building wall



April 24, 2023

20 Norwood Avenue

Zoning Relief

Zoning Relief Required		
Ordinance		Action Required
§3.1.3 §3.1.9 §7.8.2.C.2	Request to further extend nonconforming FAR	S.P. per §7.3.3
§6.7.1.E.2	Request to allow an oversized detached accessory apartment	S.P. per §7.3.3
§1.5.4.G.2.c	Request to allow a dormer within three feet of the intersection of the roof and main building wall	S.P. per §7.3.3

- would increase floor area by approx. 1,996 square feet, from 4,347 to 6,343 SF, increasing nonconforming FAR from 0.38 to 0.54 where 0.36 is the max. allowed by right
- detached accessory apartment would have 1,488 square feet of habitable space- more than max. of the lower of 900 square feet & 50% of the total habitable space of principal dwelling- just below the max. 1,500 square feet allowable by SP

Criteria to Consider

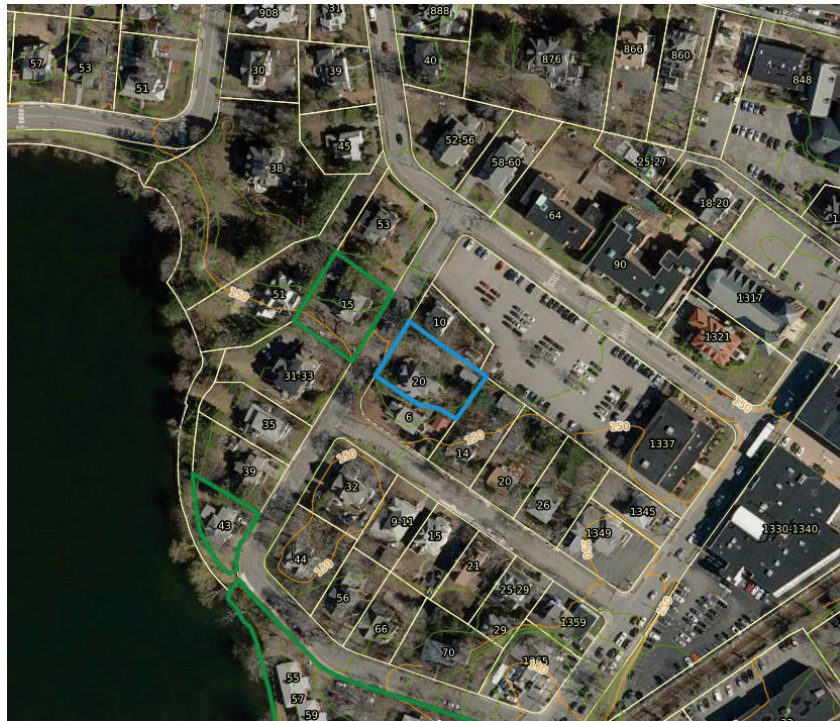
When reviewing this request, the Council should consider:

- The specific site is an appropriate location for the proposed structures as designed with an increased nonconforming floor area ratio (FAR) of 0.54 where 0.38 exists and 0.36 is the maximum allowed by-right, an oversized detached accessory apartment (§6.7.1.E.2), and a dormer within three feet of the intersection of the roof and main building wall (§1.5.4.G.2.c) (§7.3.3.C.1)
- The proposed structures as designed, with an increased nonconforming floor area ratio (FAR) of 0.54 where 0.38 exists and 0.36 is the maximum allowed by-right, an oversized detached accessory apartment (§6.7.1.E.2), and a dormer within three feet of the intersection of the roof and main building wall (§1.5.4.G.2.c) will not adversely affect the neighborhood (§7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

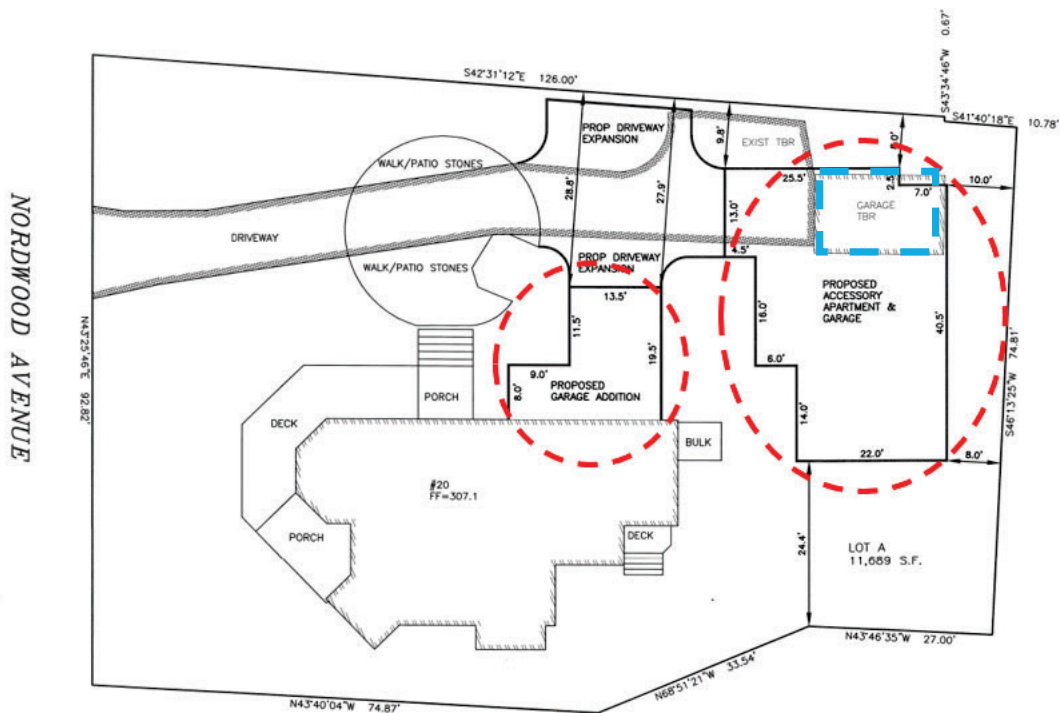
Criteria to Consider (cont.)

- The proposed expanded structures with an increased nonconforming floor area ratio (FAR) of 0.54 where 0.38 exists and 0.36 is the maximum allowed by-right is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood (§3.1.9)
- The proposed expanded structures with an increased nonconforming floor area ratio (FAR) of 0.54 where 0.38 exists and 0.36 is the maximum allowed by-right would be substantially more detrimental than the existing nonconforming structure is to the neighborhood (§7.8.2.C.2)

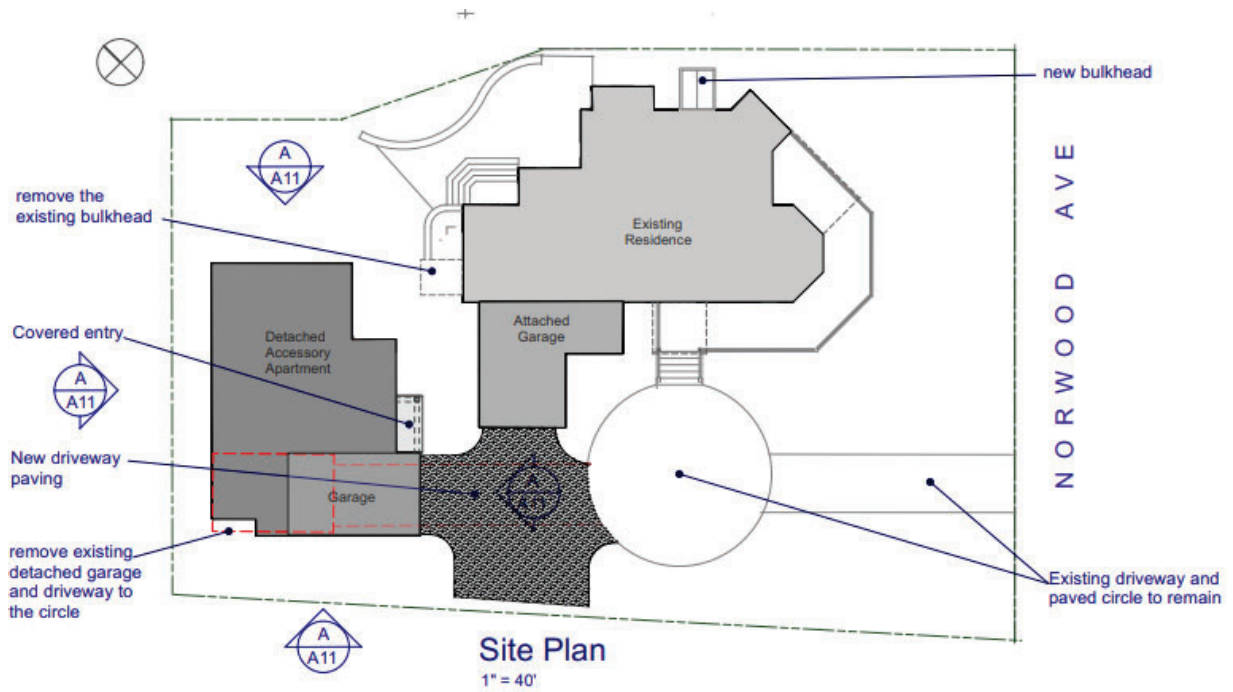
Aerial Map



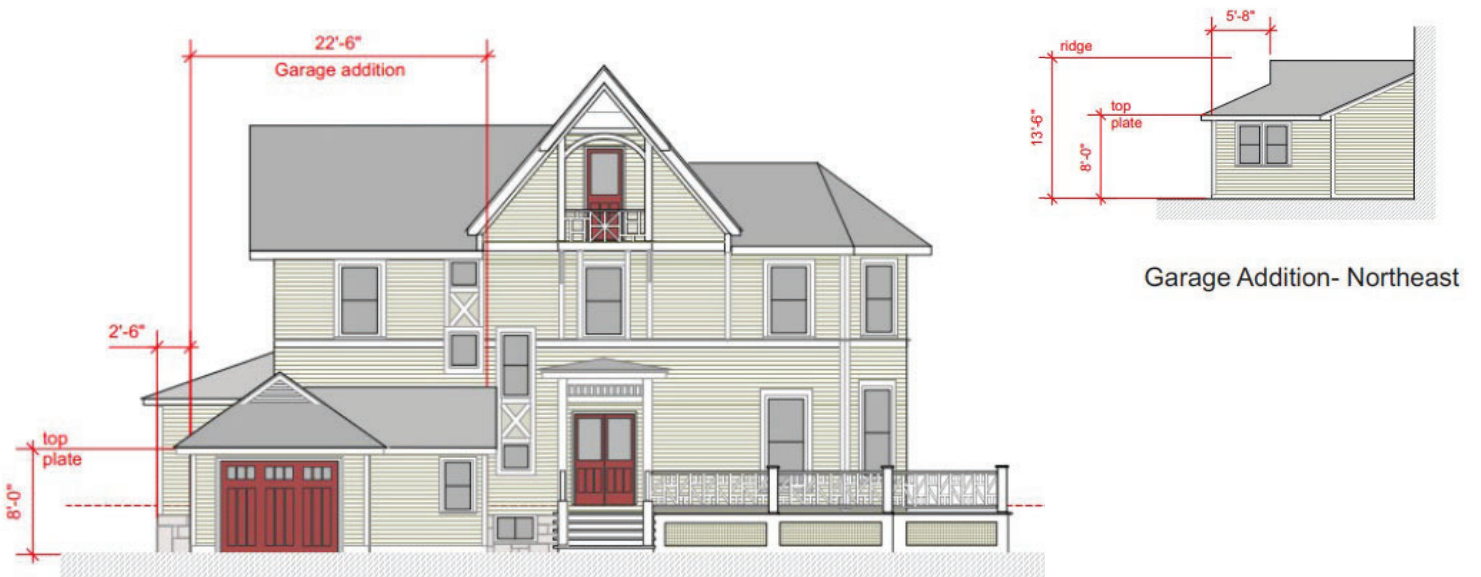
Site Plan



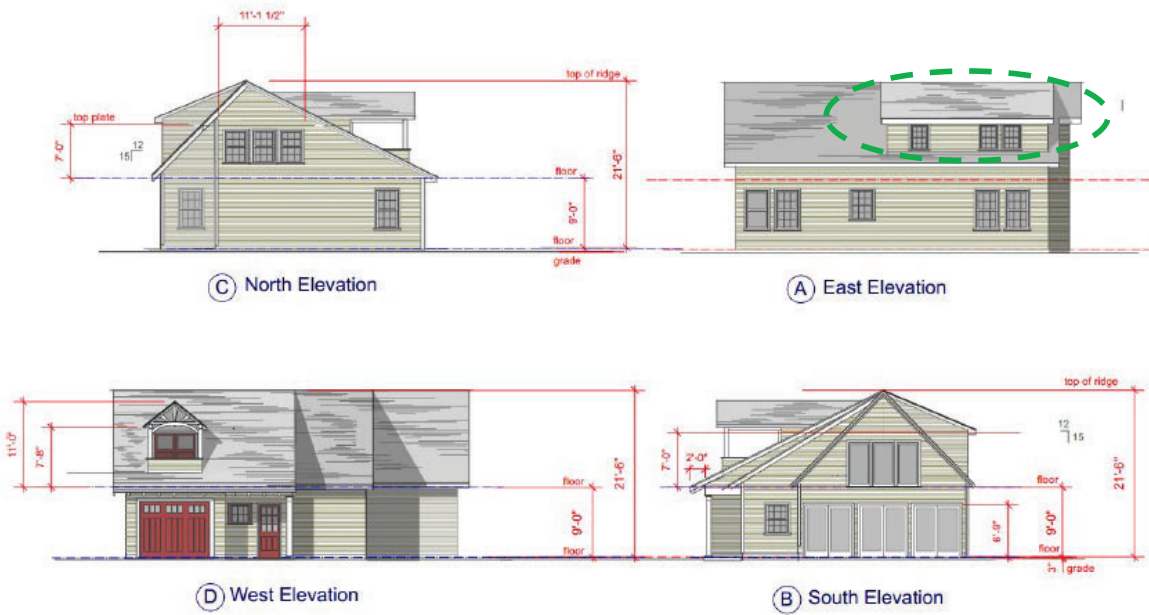
Site Plan



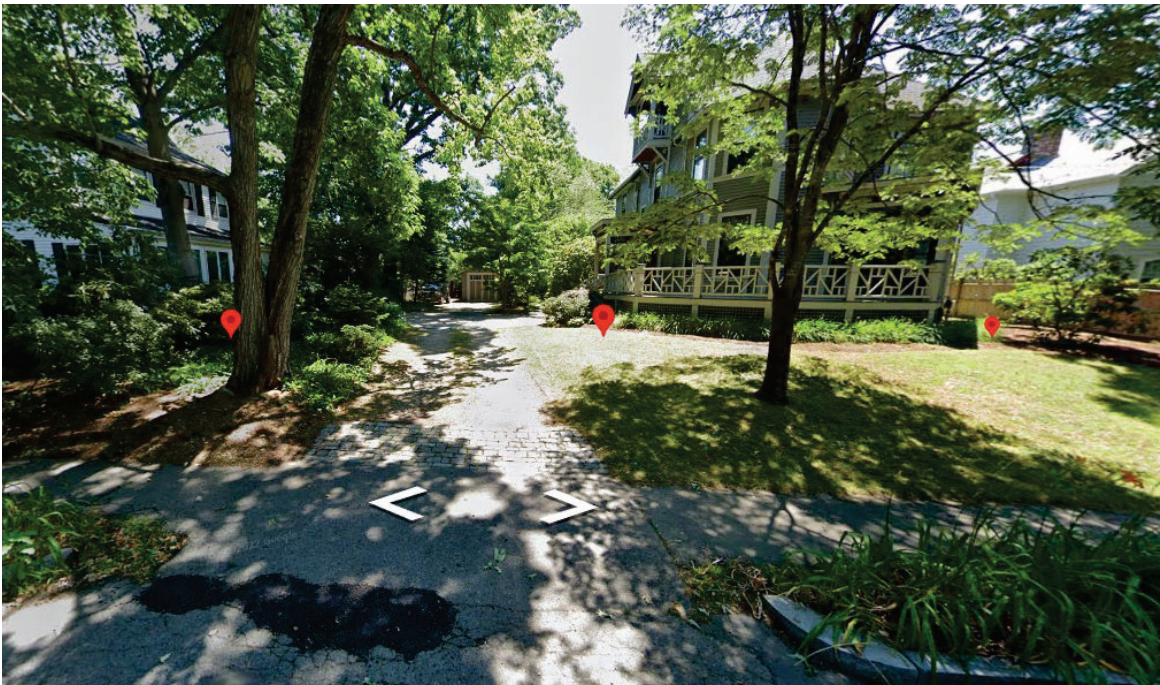
Elevations- existing dwelling w/proposed attached garage



Elevations- proposed accessory structure



Photo



Findings

1. The specific site is an appropriate location for the proposed structure as designed with an increased nonconforming floor area ratio (FAR) of 0.54 where 0.38 exists and 0.36 is the maximum allowed by-right, an oversized detached accessory apartment (§6.7.1.E.2), and a dormer within three feet of the intersection of the roof and main building wall given the mixed use character of the neighborhood which features similarly scaled and designed dwellings and larger institutional and commercial structures (§1.5.4.G.2.c) (§7.3.3.C.1)
2. The proposed structure as designed, with an increased nonconforming floor area ratio (FAR) of 0.54 where 0.38 exists and 0.36 is the maximum allowed by-right, an oversized detached accessory apartment (§6.7.1.E.2), and a dormer within three feet of the intersection of the roof and main building wall (§1.5.4.G.2.c) will not adversely affect the neighborhood and the dwelling has limited visibility from nearby properties and public rights of way (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

Findings

5. The proposed expanded structure with an increased nonconforming floor area ratio (FAR) of 0.54 where 0.38 exists and 0.36 is the maximum allowed by-right is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood given the mixed use character of the neighborhood which features similarly scaled and designed dwellings and larger institutional and commercial structures (§3.1.9)
6. The proposed expanded structure with an increased nonconforming floor area ratio (FAR) of 0.54 where 0.38 exists and 0.36 is the maximum allowed by-right would not be substantially more detrimental than the existing nonconforming structure is to the neighborhood given the mixed use character of the neighborhood which features similarly scaled and designed dwellings and larger institutional and commercial structures, and the dwelling has limited visibility from nearby properties and public rights of way (§7.8.2.C.2)

Conditions

- + Plan Referencing Condition
- + Operations and Maintenance Plan (O&M)
- + Pest Control Condition
- + Standard Building Permit Condition
- + Standard Certificate of Occupancy Condition

City of Newton Planning and Development

Petition: #111-23

Special Permit/Site Plan Approval to allow an additional unit within the existing dwelling, to allow attached single-family dwellings; to reduce the required lot area per unit; to reduce the minimum front setback; to reduce the minimum side setback; to reduce the minimum rear setback; to exceed 36 feet in height; to allow three stories; to waive one parking stall; and to allow a driveway within 10 feet of the side lot line and parking within 20 feet of the side lot line



77 Hartford Street

April 25, 2023

Zoning Relief

Zoning Relief Required		
<i>Ordinance</i>	<i>Requested Relief</i>	<i>Action Required</i>
§3.4.1	To allow attached single-family dwellings	S.P. per §7.3.3
§3.2.4	To reduce the required lot area per unit	S.P. per §7.3.3
§3.4.2	To reduce minimum front setback	S.P. per §7.3.3
§3.4.2	To reduce minimum side setback	S.P. per §7.3.3
§3.4.2	To reduce minimum rear setback	S.P. per §7.3.3
§3.4.2	To exceed 36 feet in height	S.P. per §7.3.3
§3.2.4	To allow three stories	S.P. per §7.3.3
§5.1.4 §5.1.13	To waive one parking stall	S.P. per §7.3.3
§6.2.3.B.2	To allow a driveway within 10 feet of the side lot line and parking within 20 feet of the side lot line	S.P. per §7.3.3

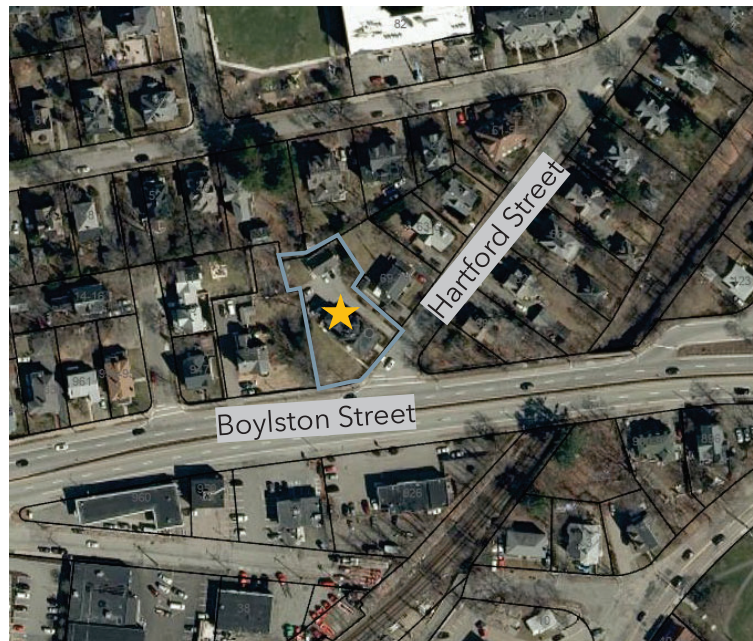
Criteria to Consider

When reviewing this request, the Council should consider:

- The specific site is an appropriate location for the proposed four attached dwellings in two separate buildings that are 36 feet tall and three stories in height, with reduced lot area per unit, reduced front setback, reduced side setback, reduced rear setback, with one parking stall waived, and with a driveway within 10 feet of the side lot line and parking within 20 feet of the side lot line. (§3.1.3, §3.1.9).
- The proposed project as designed will not adversely affect the neighborhood. (§7.3.3.C.2, §3.1.3, §3.1.9).
- There will not be a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3, §3.1.3, §3.1.9).
- Access to the sites over streets is appropriate for the types and number of vehicles involved (§7.3.3.C.4, §3.1.3, §3.1.9).

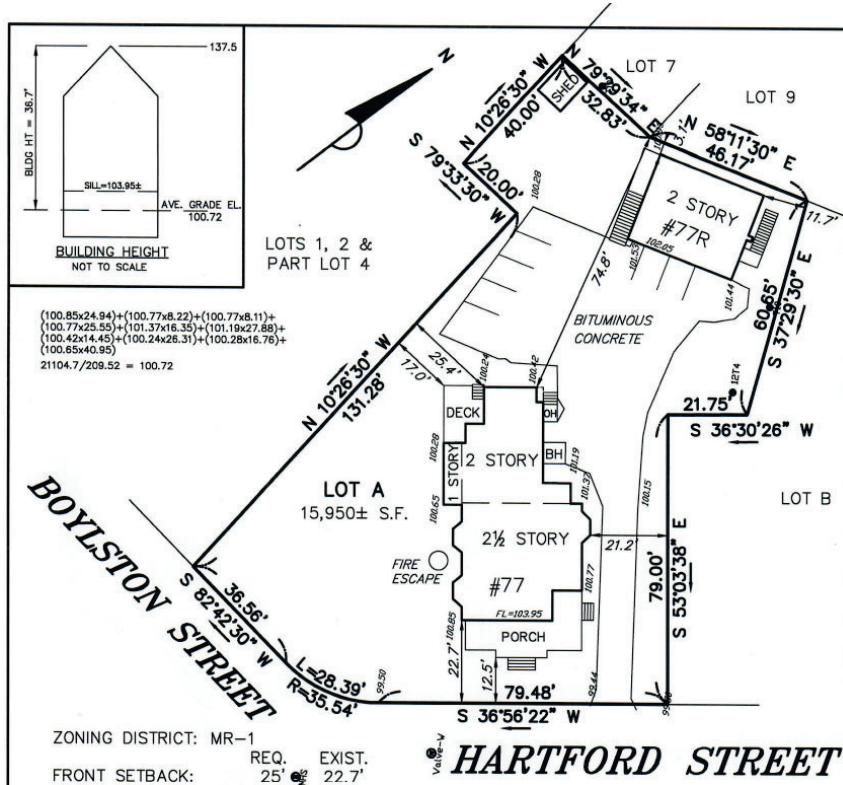
3

Aerial Map



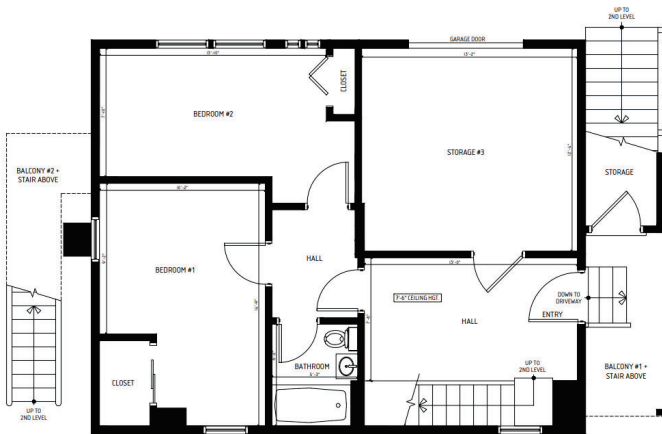
4

Site Plan

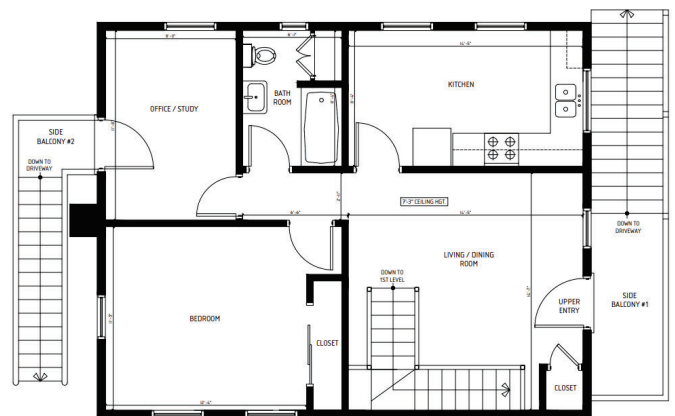


5

Proposed floor plans- Carriagehouse



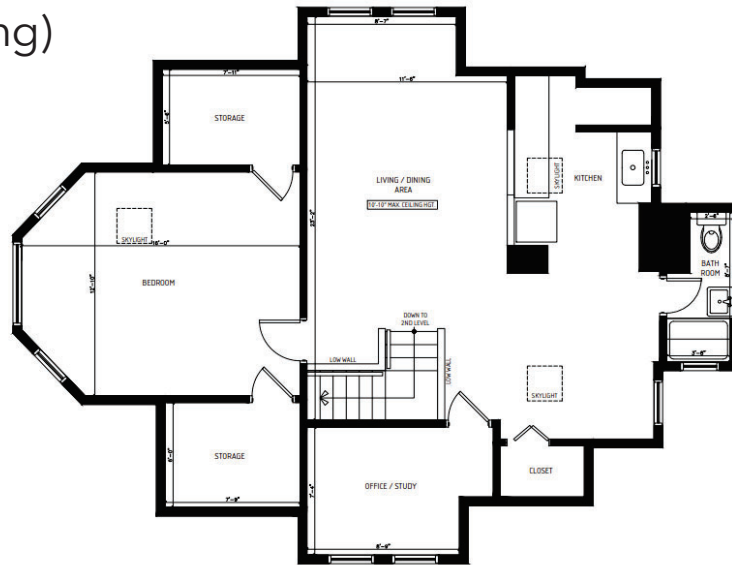
1 PROPOSED ACCESSORY STRUCTURE - 1ST LEVEL FLOOR PLAN
 77 HARTFORD STREET - NEWTON, MA SCALE: 1/4" = 1'-0"



2 PROPOSED ACCESSORY STRUCTURE - 2ND LEVEL FLOOR PLAN
 77 HARTFORD STREET - NEWTON, MA SCALE: 1/4" = 1'-0"

6

Proposed floor plan- new unit (third floor of main building)



3 PROPOSED 3RD LEVEL FLOOR PLAN
77 HARTFORD STREET - NEWTON, MA SCALE: 1/4" = 1'-0"

7

Proposed findings

1. The specific site in the Multi Residence 1 (MR1) district is an appropriate location for four attached dwellings in two separate buildings that are 36 feet tall and three stories in height, with reduced lot area per unit, reduced front setback, reduced side setback, reduced rear setback, with one parking stall waived, and with a driveway within 10 feet of the side lot line and parking within 20 feet of the side lot line because there is a diverse mix of residential building sizes and configurations in the area. (§7.3.3.C.1)
2. The project as proposed will not adversely affect the neighborhood because the proposed changes are limited to the existing building envelopes. (§7.3.3.C.2)
3. The proposed project will not create a nuisance or serious hazard to vehicles or pedestrians because all parking will be contained on the site and the curb cut will not be altered. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

8

Proposed conditions

1. Plan Referencing & standard conditions
2. Must comply with the City's Short-Term Rental Ordinances