

DEPARTMENT OF PLANNING AND DEVELOPMENT

**CITY OF NEWTON
Massachusetts**

DATE: February 4, 2022

TO: Land Use Committee

FROM: Neil Cronin, Chief Planner for Current Planning
Michael Gleba, Senior Planner

SUBJECT: 961 Walnut Street- Petition#23-22

Pursuant to comments at the January 25, 2022, hearing on this petition, the petitioner submitted to the Planning Department the attached modified site plan updated with dimensions of the proposed parking area located on the left (south) side of the property that indicate its length is in excess of the required 24 feet (19-foot parking stall length and five feet from the sidewalk) and its width is in excess of the required 9 feet.

Please let us know if you have any further questions regarding this subject. Thank you.

cc: Planning Department Files
City Clerk Files

ATTACHMENTS:

Attachment A: Proposed site plan dated January 26, 2022

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a nonconforming front setback (§3.2.3, §7.8.2.C.2); further extend nonconforming floor area ratio (FAR)(§3.2.3, 3.2.11, §7.8.2.C.2); further increase nonconforming lot coverage (§3.2.3, §7.8.2.C.2); further decrease nonconforming open space (§3.2.3, §7.8.2.C.2); and allow an oversized dormer (§1.5.4.G.2.b), as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The site, located in a Multi Residence 1 (MR1) zoning district, is an appropriate location for the proposed dwelling as designed, including an oversized dormer and increased floor area ratio (FAR), given the property's previous use as a single-family dwelling and the area's predominantly residential use. (§7.3.3.C.1)
2. The proposed dwelling as designed, including an oversized dormer and increased floor area ratio (FAR) will not adversely affect the neighborhood given the small increase in the footprint of the dwelling and required setbacks are not being reduced. (§7.3.3.C.2)
3. The proposed dwelling as designed, including an oversized dormer and increased floor area ratio (FAR) will not create a nuisance or serious hazard to vehicles or pedestrians as the parcel's two curb cuts are existing. (§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. The proposed project will not be substantially more detrimental than the existing nonconforming use to the neighborhood, given the reuse of the existing foundation and that the parcel is abutted on several sides by aqueduct corridor property. (§7.8.2.C.2)

PETITIONER: Oscar Escobar/PropertyVelopment LLC

LOCATION: 961 Walnut Street, Section 52, Block 14, Lot 1, containing approximately 1,588 square feet of land

OWNER: PropertyVelopment LLC

ADDRESS OF OWNER: 432 America Boulevard
Ashland, MA 01721

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to:

- extend a nonconforming front setback (§3.2.3, §7.8.2.C.2)
- further extend nonconforming floor area ratio (§3.2.3, 3.2.11, §7.8.2.C.2)
- further increase nonconforming lot coverage (§3.2.3, §7.8.2.C.2)
- further decrease nonconforming open space (§3.2.3, §7.8.2.C.2)
- allow an oversized dormer (§1.5.4.G.2.b)

ZONING: Multi Residence 1 (MR1)

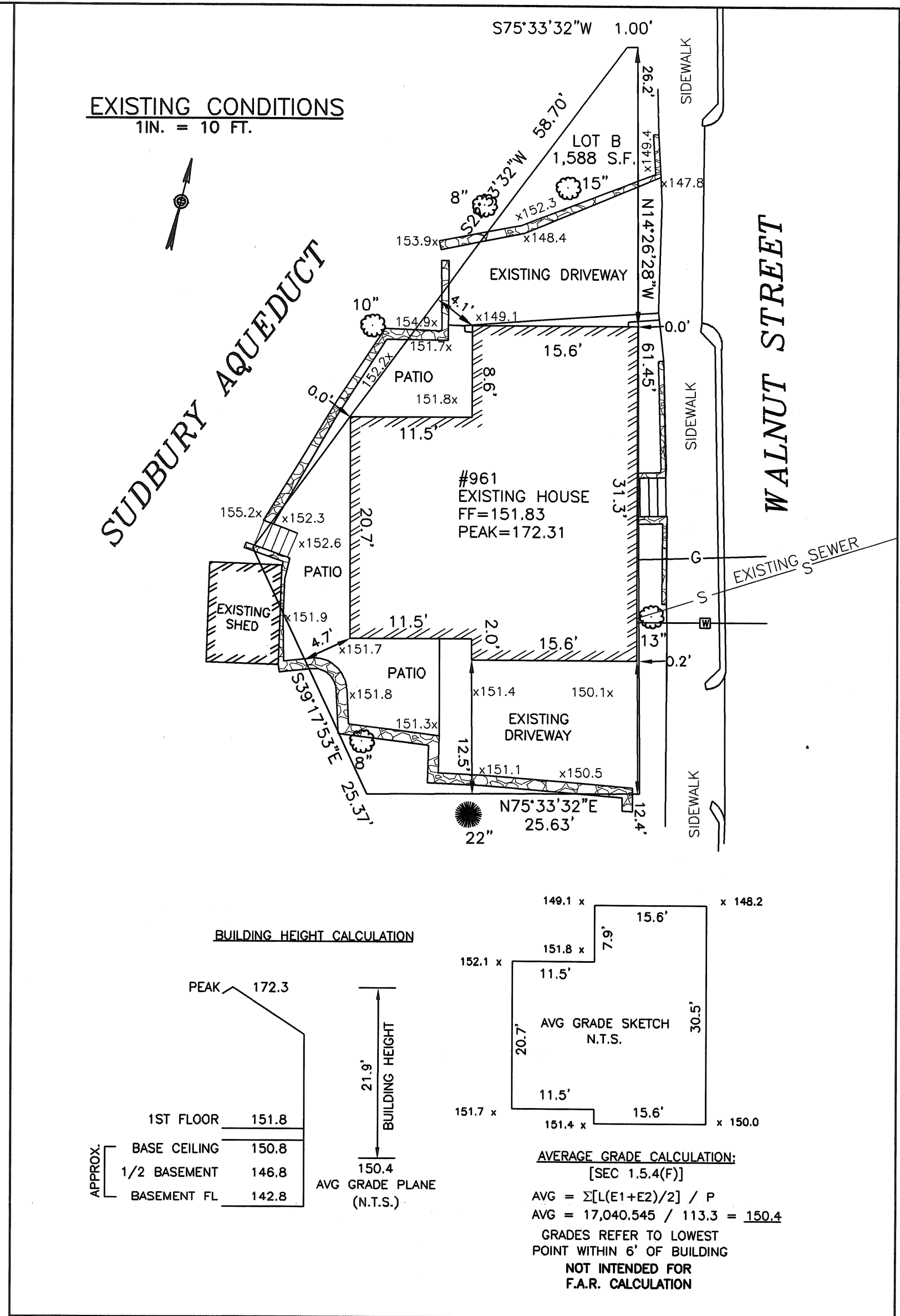
Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with the following plans:
 - a. a site plan entitled "Site Plan of Land in Newton, MA, 961 Walnut Street," dated June 4, 2021 as revised through January 26, 2022, prepared by Everett M. Brooks Co., signed and stamped by Bruce Bradford, Professional Land Surveyor, January 26, 2022
 - b. a set of architectural drawings entitled "961 Walnut Street, Newton Ma" prepared by Michael Huller Architects, dated August 23, 2021, signed and stamped by Michael Huller, Registered Architect, consisting of the following sheets:
 - i. First Floor Plan
 - ii. Second Floor Plan
 - iii. Attic Floor Plan
 - iv. Front Elevation

- v. Right Elevation
 - vi. Rear Elevation
 - vii. Left Elevation
2. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
- a. Recorded a certified copy of this order for the approved Special Permit/Site Plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No Final Inspection and/or Occupancy Permit for the buildings covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1.
 - b. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement from the Engineering Division of the Department of Public Works certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.
 - c. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.

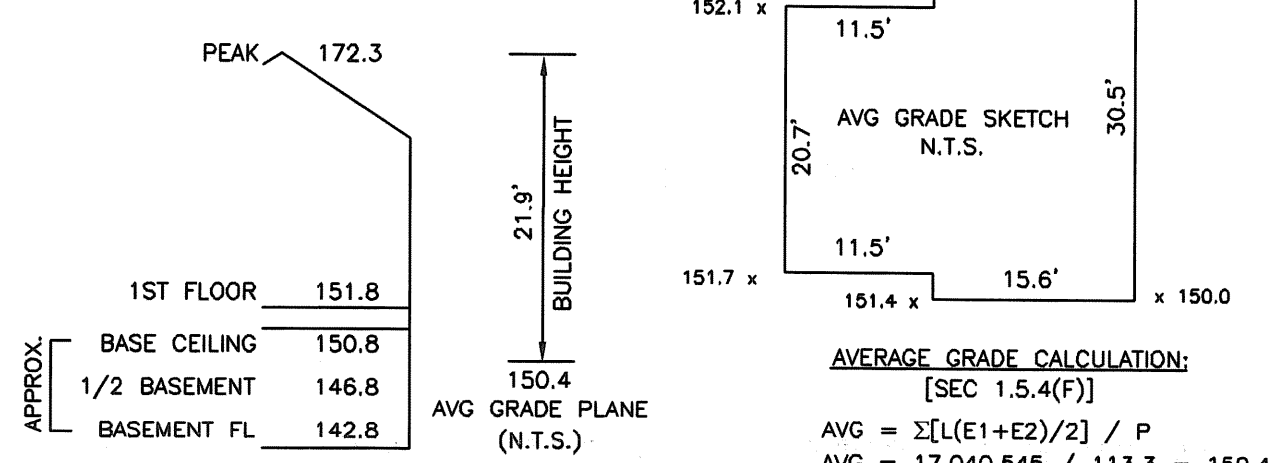
GENERAL NOTES:

- ELEVATIONS REFER TO CITY OF NEWTON BASE. BENCHMARK: MAGNETIC NAIL SET IN UTILITY POLE ON WALNUT STREET, ELEVATION=151.02.
- THE LOCATION AND ELEVATIONS OF ALL EXISTING UTILITIES SHALL BE CONSIDERED APPROXIMATE AND MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION. THE CONTRACTOR SHALL VERIFY THE LOCATIONS OF ANY CROSSINGS OF PROPOSED AND EXISTING UTILITIES.
- MASSACHUSETTS STATE LAW REQUIRES UTILITY NOTIFICATION AT LEAST THREE BUSINESS DAYS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL CALL DIG-SAFE AT 811 OR 1-888-DIG-SAFE (1-888-344-7233) IN ORDER TO COMPLY WITH STATE LAW.
- ALL UTILITY CONSTRUCTION SHALL CONFORM TO THE CITY OF NEWTON GENERAL CONSTRUCTION DETAILS, LATEST EDITION, PREPARED AND ISSUED BY THE NEWTON ENGINEERING DEPARTMENT. COPIES MAY BE OBTAINED AT THE OFFICE OF THE CITY ENGINEER.
- NO WORK WITHIN ANY CITY OF NEWTON RIGHT-OF-WAY IS ALLOWED BETWEEN NOVEMBER 15TH AND APRIL 15TH. IF AN EMERGENCY EXISTS OR THERE ARE EXTENUATING CIRCUMSTANCES, THE APPLICANT MAY REQUEST PERMISSION FROM THE CITY ENGINEER, OR DESIGNEE FOR SUCH WORK.
- ALL CONSTRUCTION ACTIVITIES WITHIN THE CITY OF NEWTON RIGHT-OF-WAY MUST FULLY COMPLY WITH ALL CITY OF NEWTON CONSTRUCTION SPECIFICATIONS AS WELL AS 521 CMR 21.00 AND 22.00.
- ALL WORK SHALL BE SUBJECT TO THE INSPECTION BY AND APPROVAL OF THE CITY ENGINEER.
- NO EXCAVATION SHALL BE MADE BY THE CONTRACTOR IN ANY PUBLIC WAY OR UTILITY EASEMENT UNLESS AT LEAST FORTY-EIGHT (48) HOURS, EXCLUSIVE OF SATURDAYS, SUNDAYS AND HOLIDAYS, BEFORE THE PROPOSED EXCAVATION IS TO BE MADE, HE HAS SUBMITTED BY WRITTEN NOTICE OF THE PROPOSED EXCAVATION TO THE FOLLOWING:
A. SUCH PUBLIC UTILITY COMPANIES AS SUPPLY GAS, ELECTRICITY AND TELEPHONE SERVICE IN THE CITY.
B. SUCH PRIVATE COMPANIES AS PROVIDE CABLE TELEVISION SERVICE IN THE CITY.
C. CITY OF NEWTON WATER & SEWER DEPARTMENT.
SUCH NOTICE SHALL SET FORTH THE STREET NAME AND A REASONABLY ACCURATE DESCRIPTION OF THE LOCATION OF THE EXCAVATION.
- THE CONTRACTOR SHALL PROVIDE CITY OF NEWTON POLICE OFFICERS FOR THE DIRECTION AND CONTROL OF TRAFFIC, AS REQUIRED BY THE CITY ENGINEER.
- NO WORK SHALL BE PERFORMED UNTIL THE NECESSARY PERMITS ARE OBTAINED FROM THE CITY OF NEWTON PUBLIC WORKS DEPARTMENT.
- ALL TRENCHES IN PAVED STREETS SHALL BE TEMPORARILY PATCHED TO THE SAME DEPTH OF THE EXISTING PAVEMENT (BINDER & TOP), OR AS DIRECTED BY THE ENGINEERING SITE INSPECTOR, LAID HOT AND MAINTAINED UNTIL THE PERMANENT PATCH IS INSTALLED.
- WITH THE EXCEPTION OF THE GAS UTILITY SERVICES, ALL UTILITY TRENCHES WITHIN ANY CITY OF NEWTON RIGHT-OF-WAY WILL BE BACKFILLED WITH TYPE IE (EXCAVATABLE) CONTROLLED DENSITY FILL, AS SPECIFIED BY THE CITY OF NEWTON ENGINEERING SPECIFICATIONS.
- WARNING SIGNS SHALL CONFORM TO PAGE 12 OF THE CITY OF NEWTON GENERAL CONSTRUCTION DETAILS.
- THE APPLICANT WILL HAVE TO APPLY FOR A STREET OPENING AND UTILITIES CONNECTION PERMITS AS WELL AS A SIDEWALK CROSSING PERMIT WITH THE DPW.
- ALL TRENCH EXCAVATION CONTRACTORS SHALL COMPLY WITH MASSACHUSETTS GENERAL LAWS CHAPTER 82A, TRENCH EXCAVATION SAFETY REQUIREMENTS, TO PROTECT THE GENERAL PUBLIC FROM UNAUTHORIZED ACCESS TO UNATTENDED TRENCHES. TRENCH EXCAVATION PERMIT REQUIRED. THIS APPLIES TO ALL TRENCHES ON PUBLIC AND PRIVATE PROPERTY.
- IN CASES WHERE LEDGE OR BOULDERS ARE ENCOUNTERED, EVERETT M. BROOKS CO. INC. WILL NOT BE RESPONSIBLE FOR THE AMOUNT OF ROCK ENCOUNTERED.
- IF ANY PART OF THIS DESIGN IS TO BE ALTERED IN ANY WAY, THE DESIGN ENGINEER, AS WELL AS THE APPROVING AUTHORITIES, SHALL BE NOTIFIED IN WRITING BEFORE CONSTRUCTION.
- THE CONTRACTOR SHALL NOTIFY THE ENGINEERING DIVISION 48 HOURS IN ADVANCE AND SCHEDULE AN APPOINTMENT TO HAVE THE DRAINAGE SYSTEM, WATER & SEWER SERVICES INSPECTED. THE SYSTEM & UTILITIES MUST BE FULLY EXPOSED FOR THE INSPECTOR. ONCE THE INSPECTOR IS SATISFIED, THE SYSTEM & UTILITIES MAY THEN BE BACKFILLED.
- PRIOR TO AN OCCUPANCY PERMIT BEING ISSUED, AN AS-BUILT PLANS SHOULD BE SUBMITTED TO THE ENGINEERING DIVISION IN BOTH DIGITAL FORMAT AND HARD COPY. THE PLAN SHOULD SHOW ALL UTILITIES AND DRAINAGE (INCLUDING SWING-TIES), EASEMENTS AND FINAL GRADING.
- THE CONTRACTOR IS RESPONSIBLE FOR NOTIFYING THE DESIGN ENGINEER FOR INSPECTIONS OR AS-BUILT LOCATIONS. EVERETT M. BROOKS CO. INC. WILL NOT PROVIDE AS-BUILT CERTIFICATIONS TO UNINSPECTED BACKFILLED UTILITIES. A MINIMUM OF 48 HOURS NOTICE IS REQUIRED PRIOR TO INSPECTIONS.
- APPROVAL OF THIS PLAN BY THE CITY OF NEWTON ENGINEERING DIVISION IMPLIES THAT THE PLAN MEETS THE MINIMAL DESIGN STANDARDS OF THE CITY OF NEWTON. HOWEVER, THE ENGINEERING DIVISION MAKES NO REPRESENTATIONS AND ASSUMES NO RESPONSIBILITY FOR THE DESIGN(S) IN TERMS OF SUITABILITY FOR THE PARTICULAR SITE CONDITIONS OR OF THE FUNCTIONALITY OR PERFORMANCE OF ANY ITEMS CONSTRUCTED IN ACCORDANCE WITH THE DESIGN(S). THE CITY OF NEWTON ASSUMES NO LIABILITIES FOR DESIGN ASSUMPTIONS, ERRORS OR OMISSIONS BY THE ENGINEER OF RECORD.
- PROPOSED SEWER PIPE SHALL BE 6" PVC SDR 35
- PROPOSED DOMESTIC WATER SERVICE SHALL BE 1" TYPE K COPPER.
- THE NEW SEWER SERVICE AND/OR STRUCTURES SHALL BE PRESSURE TESTED OR VIDEOTAPE AFTER FINAL INSTALLATION IS COMPLETE. METHOD OF FINAL INSPECTION SHALL BE DETERMINED SOLELY BY THE ENGINEERING INSPECTOR FROM THE CITY OF NEWTON. ALL SEWER MANHOLES SHALL BE VACUUM TESTED IN ACCORDANCE WITH CITY OF NEWTON SPECIFICATIONS. THE SEWER SERVICE WILL NOT BE ACCEPTED UNTIL ONE OF THE TWO METHODS STATED ABOVE IS COMPLETED. ALL TESTING MUST BE WITNESSED BY A REPRESENTATIVE OF THE ENGINEERING DIVISION.
- THE EXISTING WATER & SEWER SERVICES SHALL BE CUT AND CAPPED AT THE MAIN AND COMPLETELY REMOVED FROM THE SITE AND PROPERLY BACKFILLED. THE ENGINEERING DIVISION MUST INSPECT THE WORK; FAILURE TO HAVE THIS WORK INSPECTED MAY RESULT IN THE DELAY OF ISSUANCE OF THE UTILITY CONNECTION PERMIT.
- THIS PLAN IS THE RESULT OF AN INSTRUMENT SURVEY DONE ON THE GROUND APRIL 15, 2021.
- ALL PROPOSED WALLS BY OTHERS.
- CONSTRUCTION FENCING AND SILT FENCING SHALL BE PLACED AROUND THE ENTIRE SITE, AS REQUIRED.
- THE ENGINEER OF RECORD IS RESPONSIBLE FOR ON-SITE INSPECTION(S) OF ALL SUBSURFACE STRUCTURES. THIS INCLUDES BUT IS NOT LIMITED TO DRAINAGE, ALL UTILITIES (INCLUDING SEWER PIPE SLOPE), ROOF LEADER COLLECTION SYSTEM, TRENCH DRAINS, MANHOLES, ETC. ENGINEER OF RECORD MUST ALSO CONDUCT BOTTOM OF HOLE? INSPECTION(S) PRIOR TO SUBSURFACE DRAINAGE SYSTEM(S) BEING INSTALLED.
- PRIOR TO THE ENGINEERING DIVISION RECOMMENDING THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, AN AS-BUILT PLAN MUST BE SUBMITTED. THE AS-BUILT PLAN MUST SHOW TIES FROM FIXED POINTS (FOUNDATION CORNERS) TO ALL SUBSURFACE COMPONENTS, A TABLE OF INVERT ELEVATIONS; BOTH PROPOSED AND ACTUAL, AS WELL AS FINAL GRADING. THE AS-BUILT PLAN MUST BE STAMPED, SIGNED, AND DATED BY THE ENGINEER OF RECORD. THE FOLLOWING STATEMENT MUST BE ON ALL AS-BUILT PLANS SUBMITTED TO THE ENGINEERING DIVISION: "I CERTIFY THAT THE CONSTRUCTION AS INDICATED WAS INSPECTED PRIOR TO BACKFILL AND THAT ALL WORK CONFORMS WITH THE APPROVED PLAN".
- PER CITY OF NEWTON ORDINANCE NO. B-42, COUNCIL ITEM #251-19, BUILDING SEWER, WATER SERVICE PIPE AND SIDEWALK/CURB REPLACEMENT ORDINANCE. THE APPLICANT IS REQUIRED TO INSTALL/REPLACE SIDEWALK AND CURB ALONG THE ENTIRE FRONTAGE. THIS SHALL INCLUDE APPROPRIATE TRANSITION TO ADJOINING CURBING AND WALKWAYS, INCLUDING ACCESSIBLE CURB CUTS AND OTHER ACCESS AS REQUIRED. THE ENGINEERING CONSTRUCTION INSPECTOR MAKES A DETERMINATION, BASED ON THE MATERIAL AND MANNER OF CONSTRUCTION OF THE EXISTING SIDEWALK AND CURB, THAT THE EXISTING SIDEWALK AND CURB HAS THE ABILITY TO BE RE-SET OR REUSED WITHOUT REPLACEMENT.

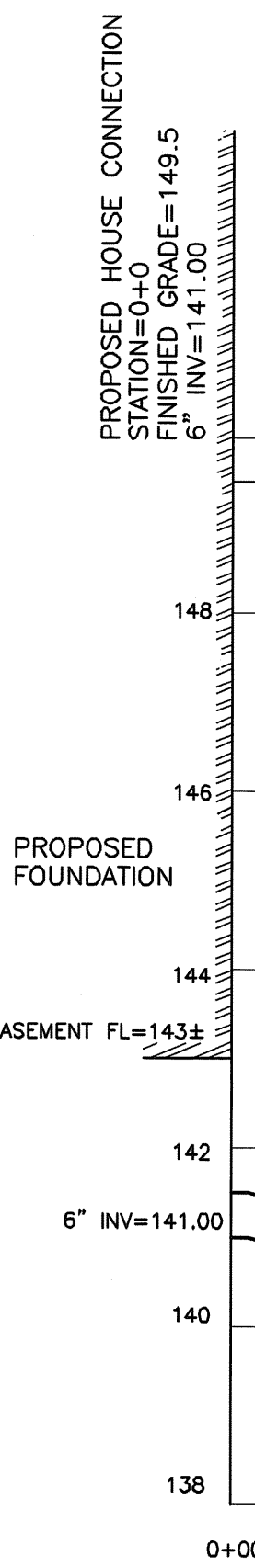


EXISTING CONDITIONS
1IN. = 10 FT.

BUILDING HEIGHT CALCULATION

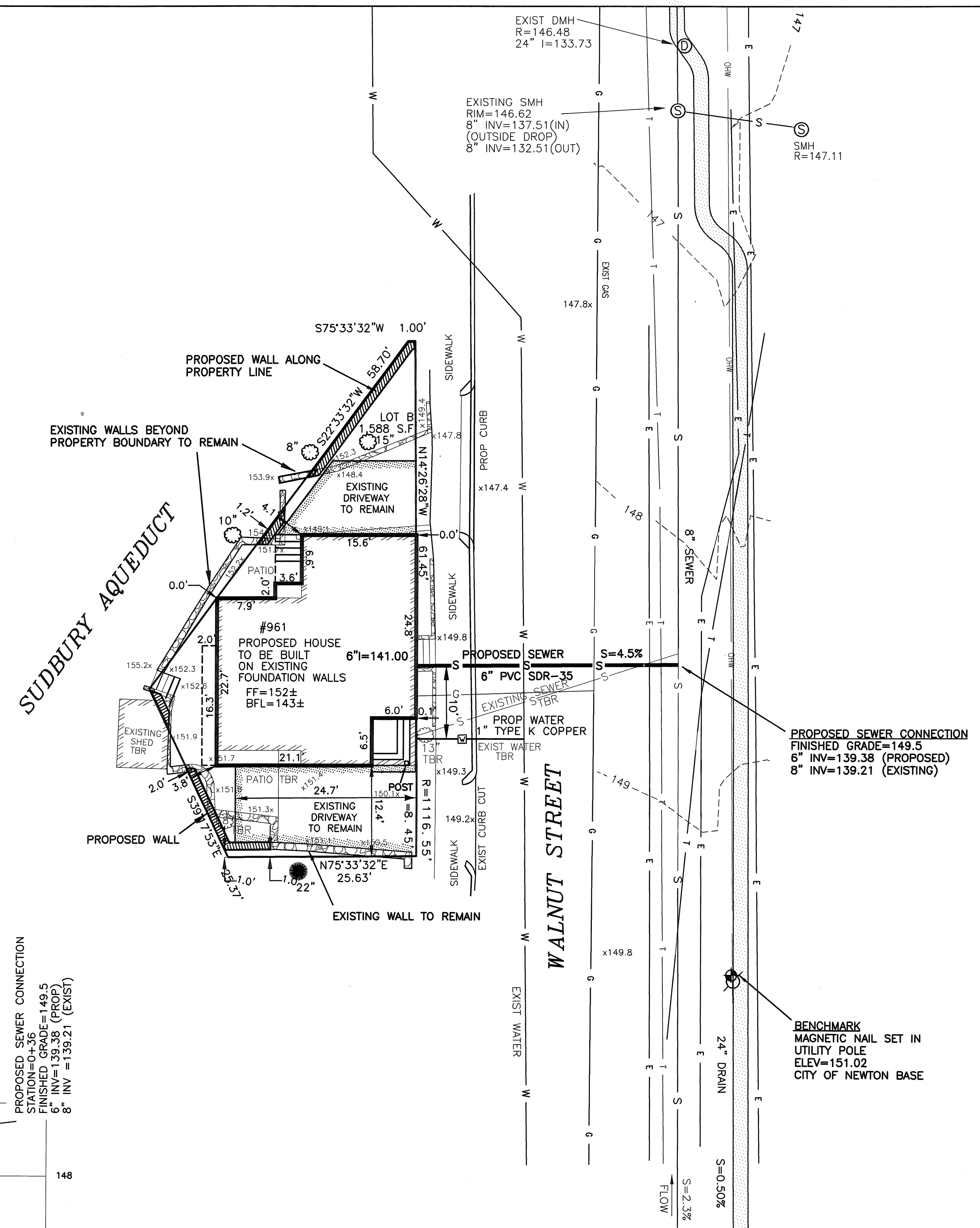


AVERAGE GRADE CALCULATION:
[SEC 1.5.4(F)]
AVG = $\sum[L(E1+E2)/2] / P$
AVG = 17,040.545 / 113.3 = 150.4
GRADES REFER TO LOWEST POINT WITHIN 6' OF BUILDING
NOT INTENDED FOR F.A.R. CALCULATION



PROPOSED SEWER CONNECTION

VERTICAL SCALE: 1 IN. = 2 FT.
HORIZONTAL SCALE: 1 IN. = 10 FT.



PROPOSED WALL ALONG PROPERTY LINE

AVERAGE GRADE CALCULATION:
[SEC 1.5.4(F)]
AVG = $\sum[L(E1+E2)/2] / P$
AVG = 16,005.7 / 111.2 = 150.2
GRADES REFER TO LOWEST POINT WITHIN 6' OF BUILDING
NOT INTENDED FOR F.A.R. CALCULATION

AVERAGE GRADE CALCULATION:
[SEC 1.5.4(F)]
AVG = $\sum[L(E1+E2)/2] / P$
AVG = 16,005.7 / 111.2 = 150.2
GRADES REFER TO LOWEST POINT WITHIN 6' OF BUILDING
NOT INTENDED FOR F.A.R. CALCULATION

BUILDING HEIGHT DETAIL

N.T.S.

ZONING INFORMATION

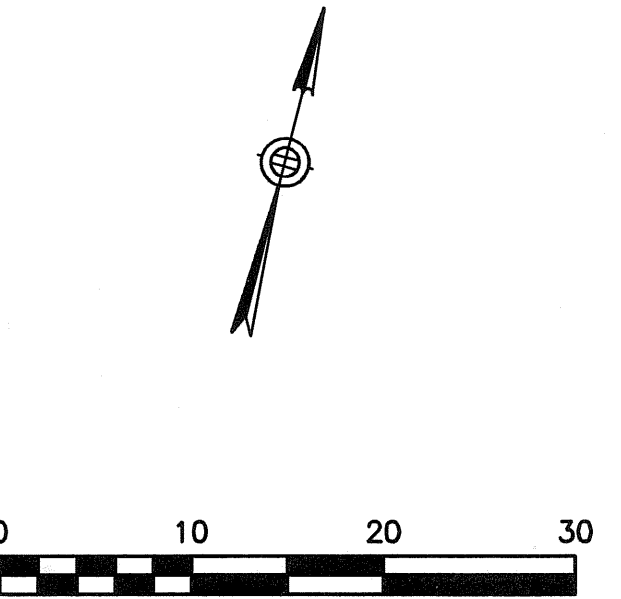
ZONE: MR1
PLAN DATED: OCTOBER 24, 1932
DEED REFERENCE: BOOK 77114 PAGE 351

BUILDINGS	EXISTING	PROPOSED	REQUIRED
DRIVE	723 S.F.	813 S.F.	
STRUCTURES	723 S.F.	813 S.F.	
LOT COVERAGE	46.4%	51.2%	(30% MAX.)
OPEN SPACE	31%	22%	(50% MIN.)

INCREASE TO IMPERVIOUS AREA = 10 S.F.

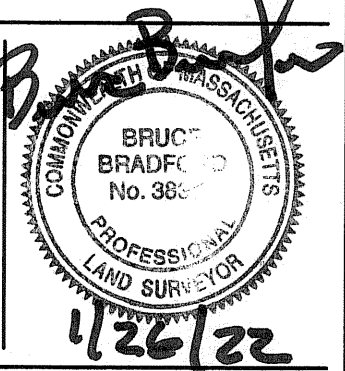
- NOTES
1. AREAS FOR F.A.R. CALCULATION PROVIDED BY ARCHITECT
2. ZONING COMPLIANCE DETERMINED BY MUNICIPALITY.

ESTABLISHED 1916
EMB
EVERETT M. BROOKS CO.
SURVEYORS & ENGINEERS
49 LEXINGTON STREET
WEST NEWTON, MA 02465
(617) 527-8750
info@everettbrooks.com



LEGEND

- UTILITY POLE
- WATER GATE
- ⊗ HYDRANT
- ⊗ GAS GATE
- ⊗ SEWER MANHOLE
- ⊗ DRAIN MANHOLE
- ⊗ CATCH BASIN
- TREE
- LIGHT POLE
- ⊗ SIGN
- TBR TO BE REMOVED
- TBA TO BE ABANDONED
- ⊗#1 DEEP TEST HOLE
- ⊗#1 PERCOLATION TEST
- 71.4 X SPOT ELEVATION
- PROPOSED CONTOUR
- 71 — EXISTING CONTOUR
- D — DRAIN LINE
- RD — ROOF DRAIN
- FD — FOUNDATION DRAIN
- W — WATER LINE
- S — SEWER LINE
- G — GAS LINE
- OHW — OVERHEAD WIRES
- X — FENCE
- STONEWALL
- HEDGE
- TREE LINE



SITE PLAN OF LAND IN NEWTON, MA
961 WALNUT STREET

SCALE: 1 IN. = 10 FT.
DATE: JUNE 4, 2021
DRAWN: LNS
CHECK: MSK & BB

REVISIONS:

DATE	DESCRIPTION	BY
9/2/21	BLDG. WALLS, DRIVE	LNS
1/20/22	wall, entry	LNS
1/28/22	various	