



# Land Use Committee Report

## City of Newton In City Council

**Tuesday, December 5, 2023**

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

**Also Present:** Councilors Albright, Malakie, and Wright

**City Staff Present:** Deputy Chief Planner Alyssa Sandoval, Chief Planner Katie Whewell, Senior Planning Joseph Iadonisi, 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 December 5, 2023, Land Use Meeting can be found at the following link: [December 5, 2023 meeting](#)

- #379-23**      **Class 2 Auto Dealers License**  
REGANS INC.  
2066 Commonwealth Avenue  
Auburndale, MA 02466  
*Petition Documents-* <https://newtonma.viewpointcloud.com/records/806831>
- #380-23**      **Class 2 Auto Dealers License**  
NEWTON AUTO GROUP, INC.  
182 Brookline Street  
Newton, MA 02459  
*Petition Documents-* <https://newtonma.viewpointcloud.com/records/807021>
- #381-23**      **Class 2 Auto Dealers License**  
ROBERT'S TOWING, INC.  
926r Boylston Street  
Newton, MA 02461  
*Petition Documents-* <https://newtonma.viewpointcloud.com/records/807185>
- #382-23**      **Class 2 Auto Dealer License**  
NEWTON TRADE CENTER ASSOCIATES INC  
103 Adams Street  
Newton, MA. 02458  
*Petition Documents-* <https://newtonma.viewpointcloud.com/records/807317>

- #383-23**      **Class 2 Auto Dealers License**  
OLD TIME GARAGE  
1960 Washington Street  
Newton, MA 02462  
*Petition Documents-* <https://newtonma.viewpointcloud.com/records/806942>
- #384-23**      **Class 2 Auto Dealer License**  
AUCTION DIRECT PREOWNED, INC  
1545 Washington Street  
West Newton, MA 02465  
*Petition Documents-* <https://newtonma.viewpointcloud.com/records/806939>
- #385-23**      **Class 2 Auto Dealers License**  
YES AUTO SALES GROUP INC  
D/B/A YES AUTO CENTER  
454 Watertown Street  
Newton, MA 02460  
*Petition Documents-* <https://newtonma.viewpointcloud.com/records/808845>
- #386-23**      **Class 2 Auto Dealers License**  
MAP DEVELOPMENT & INVESTMENTS INC  
d/b/a CHRISTIAN TAPIA/MASTER USED CARS  
175 North Street  
Newton, MA 02460  
*Petition Documents-* <https://newtonma.viewpointcloud.com/records/807262>
- #387-23**      **Class 1 Auto Dealer License**  
MAG RETAIL HOLDINGS – CJ LLC.  
D/B/A MCGOVERN CHRYSLER JEEP DODGE RAM  
777 Washington Street  
Newton, MA 02460  
*Petition Documents-* <https://newtonma.viewpointcloud.com/records/809975>
- #388-23**      **Class 1 Auto Dealers License**  
VILLAGE MOTORS GROUP INC D/B/A HONDA VILLAGE  
371 Washington Street  
Newton, MA 02458  
*Petition Documents-* <https://newtonma.viewpointcloud.com/records/810957>
- #389-23**      **Class 1 Auto Dealer License**  
NEWTON CENTRE SHELL INC  
1365 Centre Street  
Newton, MA 02459  
*Petition Documents-* <https://newtonma.viewpointcloud.com/records/811013>
- Action:**      **Land Use Committee Approved 6-0 (Councilor Downs abstaining)**

**Note:** Chair Lipof introduced the above auto dealer's licenses. With no questions or concerns from the Committee, Councilor Lucas motioned to approve which passed 6-0 with Councilor Downs abstaining.

**#364-23 Request for Extension of Time to Exercise Special Permit #358-22 at 1314 Washington Street, and 31, 33 Davis Street**

MADISON QUEENS-GUY BREWER LLC petition for Extension of Time to January 3, 2026 to allow a building in excess of 20,000 sq. ft., to allow a mixed-use residential building with five stories and 60 feet in height, to allow reduced lot area per unit, to exceed the maximum front setback, to allow a FAR of 2.45 in a five-story building, to waive the setback requirement for the portions of the building exceeding 40 ft. in height, to waive entrance and façade transparency requirements, to allow a restaurant with more than 50 seats with extended hours of operation, to allow ground floor residential use, to waive the requirement of using the A+B+C parking formula, to waive 115 parking stalls, to allow assigned parking, to allow reduced parking stall width and depth, to allow reduced accessible stall depth, to waive end stall maneuvering space requirements, to allow reduced aisle width at 1314 Washington Street and 31, 33 Davis Street, Ward 3, Newton, on land known as Section 33 Block 10 Lots 01, 11, 12 containing approximately 30,031 sq. ft. of land in a district zoned BUSINESS USE 1 (rezone to MIXED USE 4 proposed). Ref: Sec. 7.3.3, 7.4, 4.2.2.A.2, 4.2.5.A.3, 4.2.2.B.1, 4.2.3, 4.2.5.A.4, 4.2.2.B.3, 4.2.5.A.2, 4.2.5.A.4.c, 4.2.5.A.6.a, 4.2.5.A.6.b, 4.4.1, 6.4.29.B.1, 6.4.29.C.6, 6.2.4, 5.1.3.B, 5.1.13, 5.1.4, 5.1.3.E, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.B.6, 5.1.8.C.1, 5.1.8.C.2 of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Committee Approved 7-0

**Note:** Attorney Stephen Buchbinder presented the request for an extension of time to exercise Special Permit 358-22, he was joined by Damien Cheviano from Mark Development. Atty. Buchbinder explained that the Special permit was approved in January 2023 at 1314 Washington Street and consisted of both residential and commercial properties. After the project was approved, Mark Development purchased abutting properties including the West Newton Cinema. Mark Development did give the West Newton more time to get finances together to repurchase the property and the developer was waiting to see the outcome of the Village Center rezoning vote from the City Council which just took place on December 4, 2023. Mr. Cheviano noted that they need the extension due to those factors.

It was questioned when the developer intends to start construction. Mr. Cheviano explained that they need to go back and redesign the project, so the estimation is approximately 2 years. The cinema also has until August 2024. Atty. Buchbinder explained that they can come back to the Committee with an update.

It was also noted that this is a difficult environment in development everywhere.

Councilors expressed their support for the 2 year extension.

Councilor Kelley motion to approve which passed unanimously.

**#367-23 Request to further extend a nonconforming 3-story single-family dwelling at 146 Oliver Road**

Susan Harvey petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an addition over existing second-story living space within the footprint, extending the nonconforming third story at 146 Oliver Road, Ward 5, Waban, on land known as Section 54 Block 01 Lot 16, containing approximately 8,878 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

*146 Oliver Documents* - <https://newtonma.viewpointcloud.com/records/809214>

**Action:** Land Use Committee Approved 7-0; Public Hearing Closed 7-0

**Note:** Joe Iadonisi, Senior Planner presented the request to further extend a nonconforming 3-story single-family dwelling at 146 Oliver Road. Mr. Iadonisi read through the attached presentation. He explained that this work would add a third story living space, which requires the relief. The Planning Department explained that this will not be substantially more detrimental than the existing nonconforming residential structure to the neighborhood. The petitioners/owners joined the discussion to note that they have received support from the abutters.

Councilors expressed their support for the project.

The committee reviewed the draft Council order and Councilor Downs motioned to close the public hearing and approve item #367-23 which passed unanimously.

**#366-23 Request to further extend a nonconforming 3.5 story single-family dwelling at 255 Jackson Street**

Mary Beth Johnson petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a rear addition consisting of an attached garage with two stories of living space above, further extending the nonconforming 3.5-story structure at 255 Jackson Street, Ward 6, Newton Centre, on land known as Section 62 Block 24 Lot 24, containing approximately 14,368 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

*255 Jackson Documents*- <https://newtonma.viewpointcloud.com/records/806471>

**Action:** Land Use Committee Approved 7-0; Public Hearing Closed 7-0

**Note:** Joe Iadonisi, Senior Planner presented the request to further extend a nonconforming 3.5 story single-family dwelling at 255 Jackson Street. This is to add a rear addition consisting of an attached garage with two stories of living space. The Planning Department's findings that this will not be substantially more detrimental than the existing nonconforming residential structure is to the neighborhood because the addition which extends the nonconformity is replacing an existing deck in the rear of the building will be minimally visible from the street. The petitioner joined the discussion to note that they have received approval from their direct abutters.

Lucie Chansky, next door neighbor expressed her support of the project.

Councilors expressed their support of the project.

The committee reviewed the draft councilor order. Councilor Bowman motioned to close the public

hearing and to approve item 366-23 which passed unanimously.

**#285-23 Request to extend a nonconforming side setback for a detached garage at 75 Royce Road**  
DAN HAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to expand a detached garage toward the front property line, further extending a nonconforming side setback at 75 Royce Road, Ward 2, Newton Centre, on land known as Section 24 Block 41 Lot 19, containing approximately 22,995 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 3.4.3.A.1, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
*75 Royce Documents-* <https://newtonma.viewpointcloud.com/records/799803>  
**Land Use Held 7-0 (Councilor Laredo Recused); Public Hearing was Opened on 09/19/23**  
**Action: Land Use Committee Approved 6-0 (Councilor Laredo recused); Public Hearing Closed 7-0**

**Note:** Alyssa Sandoval, Deputy Chief Planner presented the request to extend a nonconforming side setback for a detached garage at 75 Royce Road. Ms. Sandoval read through the attached presentation. She explained that this is adding to an existing garage and the Committee had previously held this item so that the petitioners could work with the neighbors. The petitioner did submit a revised plan to accommodate the neighbors request. The neighbors were present for the meeting and expressed their support. The revised plan presented for a smaller addition at the front of the garage instead of the rear.

It was questioned if brick will be used for the frontage of the garage and the petitioner noted that they will be using brick.

The committee reviewed the draft council order. Councilor Lucas motioned to close the public hearing and approve item #285-23 which passed 6-0 with Councilor Laredo recused.

**#365-23 Request to further extend nonconforming FAR at 286 Highland Avenue**  
SETH AND JULIA BURR petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct two shed dormers on the second story which will further extend the nonconforming FAR at 286 Highland Avenue, Ward 2, West Newton, on land known as Section 32 Block 02 Lot 08, containing approximately 15,890 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 3.1.3, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
*286 Highland Documents* <https://newtonma.viewpointcloud.com/records/808686>  
**Action: Land Use Committee Approved 7-0; Public Hearing Closed 7-0**

**Note:** Alyssa Sandoval, Deputy Chief Planner presented the request to further extend nonconforming FAR at 286 Highland Avenue. Ms. Sandoval read through the attached presentation. The dormers would not be visible from the street and does blend with the existing architecture of the Victorian home. Jonathan Chase, Architect joined the committee for the discussion.

The committee reviewed the draft council order. Councilor Lucas motioned to close the public hearing and approve item 365-23 which passed unanimously.

**#311-23 Request to allow four single-family attached dwellings, to waive lot area and lot area per unit requirements and to allow a driveway and parking within setback distances at 2202 Commonwealth Avenue**

2202 COMMONWEALTH AVENUE LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing dwelling and construct four single-family attached dwellings with dimensional waivers, and to allow a driveway and parking within setback distances at 2202 Commonwealth Avenue, Ward 4, Auburndale, on land known as Section 41 Block 13 Lot 06, containing approximately 13,696 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 3.4.1, 3.2.4, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017. *2202 Commonwealth Documents-*

<https://newtonma.viewpointcloud.com/records/800354>

**Land Use Held 5-0 (Councilors Bowman and Markiewicz Not Voting); Public Hearing Opened on 10/03/23**

**Action: Land Use Committee Approved 7-0; Public Hearing Closed 7-0**

**Note:** Alyssa Sandoval, Deputy Chief Planner presented the request to allow four single-family attached dwellings, to waive lot area and lot area per unit requirements and to allow a driveway and parking within setback distances at 2202 Commonwealth Avenue. Ms. Sandoval read through the attached presentation. She explained that this was previously heard on October 3, 2023 and was held by the committee for additional work with the neighborhood. The recent site plan/ architectural drawings have been revised to eliminate the attic floor living space which slightly reduces bulk of building and the usable living space. The other dimensions and setbacks remain the same and the building is in the same location. Attorney Lawrence Lee, attorney for the petitioner joined the committee to discuss the project. He noted that the engineering issues will be addressed during that permit process. He noted that they have also moved the driveway away from the intersection. He noted that he has met with two of the neighbors.

A councilor asked the architect to rethink the need for the furthest retaining wall. The architect explained they will discuss this with the owner.

A councilor raised concerns regarding the width of the driveway and safety concerns for pedestrians. It was noted that the driveway is in compliance with the ordinance. This is also a two-way driveway that exits to a busy street, so the 16 feet width may be necessary for traffic flow.

It was questioned what the developers contribution to the Newton Housing Authority. Atty. Lee explained that they will be contributing \$50,000. This will be added as a condition to the council order.

The committee reviewed the draft council order. Councilor Markiewicz motioned to close the public hearing and approve item 311-23 which passed unanimously.

**Respectfully Submitted,**

**Richard Lipof, Chair**

# City of Newton Planning and Development

Petition: #367-23

## Special Permit/Site Plan Approval

To add third-story living space, further extending the nonconforming story height

December 5, 2023



146 Oliver Road

# Zoning Relief

Zoning Relief Required		
Ordinance		Action Required
§3.1.3 §7.8.2.C.2	Request to extend a nonconforming 3-story single-family dwelling	S.P. per §7.3.3

# Criteria to Consider

When reviewing this request, the Council should consider:

- The proposed extension of the nonconforming third-story will not be substantially more detrimental than the existing nonconforming residential use is to the neighborhood (§3.4.1, §7.8.2.C.2).

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3

## Aerial Map



4

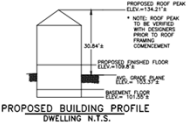
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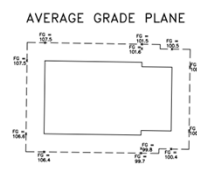
# Site Plan



- NOTES:
1. INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY SPIRMAN ENGINEERING, P.C. AS OF 3/13/2021.
  2. GRID REFERENCED: BOOK GRADE PAGE 262 PLAN REFERENCE: PLAN BOOK DEL PLAN 36 MOOREHEAD COUNTY REGISTRY OF DEEDS.
  3. THIS PLAN IS NOT INTENDED TO BE RECORDED.
  4. I CERTIFY THAT THE SHEDLINE SHOWN IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONING DISTRICT OR LOCATED WITHIN A FLOOD HAZARD BOUNDARY MAP FLOOD EVIDENTIARY PANEL NUMBER 2002L IN COMMENTARY NUMBER 200204L DATED 04/24/2016.
  5. THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNMATHED EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO DISCOVER ANY APPROPRIATE USES OF THE LAND, HOWEVER THIS NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.
  6. FIRST FLOOR ELEVATIONS ARE TAKEN AT THRESHOLD.
  7. ZONING DISTRICT - SRS, LOT CREATED BEFORE 1983.



ZONE DISTRICT - SRS (PREVIOUS S) SET CREATED BEFORE 1983	ZONING LEGEND	
	REQUIRED	PROPOSED
MIN. AREA	10,000 SF	6,000 SF
MIN. FRONTAGE	25'	20.0'
MIN. YARD FRONT	7.5'	5.0'
SIDE YARD	5.0'	5.0'
MAX. LOT COV.	30%	33.3%
MIN. OPEN SPACE	50%	43.8%
MAX. HEIGHT	30'	30.84'



AVERAGE GRADE CALCULATION

SEGMENT	LENGTH	1. POINT 1	2. POINT 2	3. MEAN ELEVATION
1	10.00	10.0	10.0	10.0000
2	10.00	10.0	10.0	10.0000
3	10.00	10.0	10.0	10.0000

NOTE: THERE IS NO IMPERVIOUS AREA INCREASE SINCE THE ADDITION IS ABOVE THE EXISTING FIRST STORY THRESHOLD. NO NEED FOR DRAINAGE SYSTEM.

# Elevations

Existing Front Elevation



Proposed Front Elevation



# Findings

1. The proposed extension of the nonconforming 3-story dwelling will not be substantially more detrimental than the existing nonconforming residential structure is to the neighborhood. The addition is located at the rear of the building, does not add to the existing footprint, does not change the use, and proposes only 209 square feet (§3.4.1, §7.8.2.C.2).

7

7

# Conditions

1. Plan referencing
2. Standard building permit conditions
3. Standard occupancy conditions

8

8

# City of Newton Planning and Development

Petition: #366-23  
**Special Permit/Site Plan Approval**  
to enclose two open porches, further extending  
the nonconforming use

*December 5, 2023*



255 Jackson St.

# Zoning Relief

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §7.8.2.C.2	Request to extend a nonconforming 3.5-story single-family dwelling	S.P. per §7.3.3

# Criteria to Consider

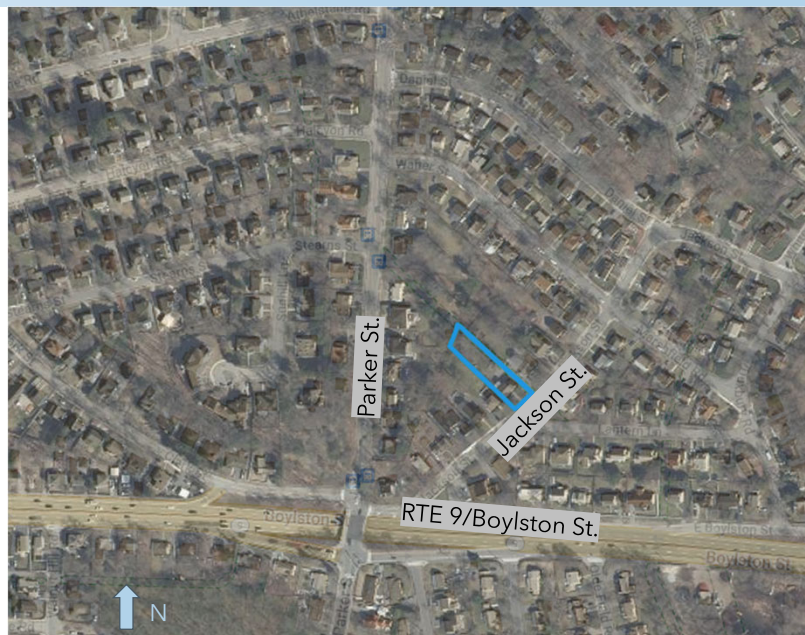
When reviewing this request, the Council should consider:

- The site in SR-3 is an appropriate location for the addition that will extend the nonconforming 3.5-story dwelling (§7.3.3.C.1).
- The proposed addition that will extend the nonconforming 3.5-story dwelling will not adversely affect the neighborhood (§7.3.3.C.2).
- The proposed addition that will extend the nonconforming 3.5-story dwelling will not create 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).
- The proposed extension of the nonconforming 3.5-story dwelling will not be substantially more detrimental than the existing nonconforming residential use is to the neighborhood (§3.4.1, §7.8.2.C.2).

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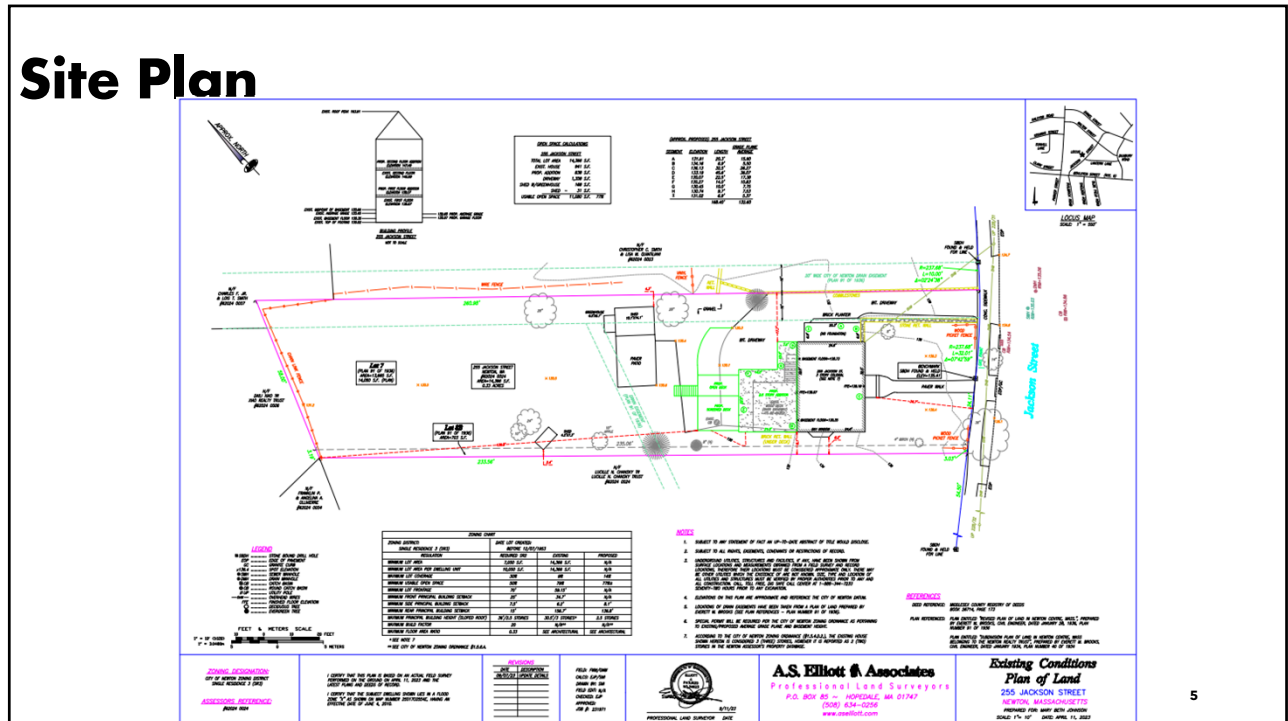
## Aerial Map



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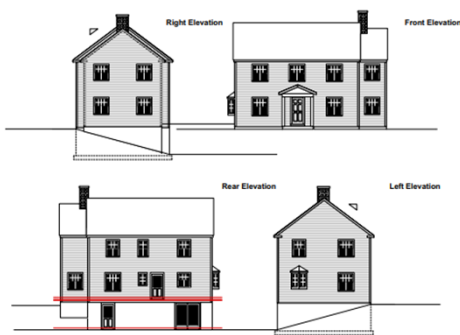
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# Site Plan



# Elevations

Existing Elevations



Proposed Elevations



# Findings

1. The proposed extension of the nonconforming 3.5-story dwelling will not be substantially more detrimental than the existing nonconforming residential structure is to the neighborhood because the addition which extends the nonconformity is replacing an existing deck, is to the rear of the dwelling, and will be minimally visible from the street (§3.4.1, §7.8.2.C.2).

7

7

# Conditions

1. Plan referencing
2. Standard building permit conditions
3. Standard occupancy conditions

8

8

# City of Newton Planning and Development

## **Petition #285-23**

Special Permit/Site Plan Approval to expand a detached garage toward the front property line, further extending a nonconforming side setback



**75 Royce Road**

**December 5, 2023**

1

# Zoning Relief

Zoning Relief Required		
Ordinance		Action Required
§3.4.3.A.1 §7.8.2.C.2	Request to extend a nonconforming side setback of a detached garage	S.P. per §7.3.3

**Background:**

- Existing detached garage (built in 1929) with non-conforming foot side setback- request to extend it to make it more usable
- Public hearing on September 19, 2023, and held for further discussion with neighbors
- Revised plan presented for smaller addition at front of garage instead of rear

2

# Criteria to Consider

When reviewing this request, the Council should consider:

- The proposed horizontal extension of the existing nonconforming side setback would not be substantially more detrimental than the existing nonconforming side setback to the neighborhood (§7.8.2.C.2).

3

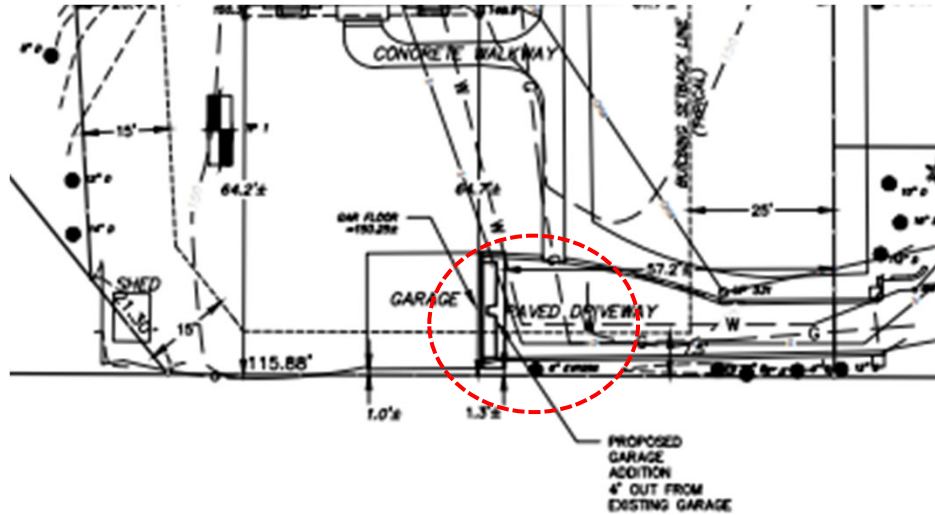
## Aerial Map



4



# Proposed Site Plan- detail



5

# Photos



6

## Findings

1. The proposed horizontal extension of an existing nonconforming one-foot side setback where five feet is the minimum allowed by-right of will not be substantially more detrimental than the existing nonconforming side setback to the neighborhood given that the proposed garage front addition would be small in scale and blends with the existing garage.

7

## Conditions

- + *Plan Referencing Condition*
- + *Standard Building Permit Condition*
- + *Standard Final Inspection/Certificate of Occupancy Condition*

8

# City of Newton Planning and Development

## Petition #365-23

Special Permit/Site Plan Approval to  
Request to further extend  
nonconforming FAR



286 Highland Avenue

**December 5, 2023**

# 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

# Criteria to Consider

When reviewing this request, the Council should consider whether:

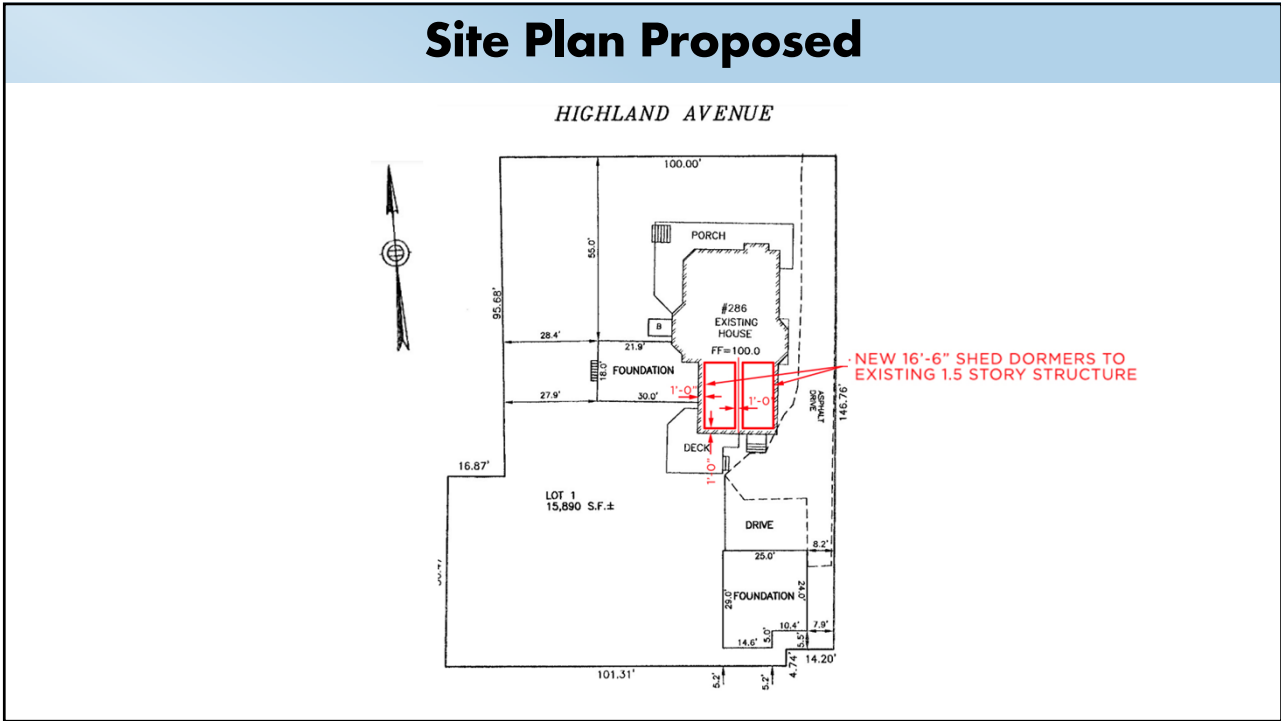
1. The proposed increase in the nonconforming FAR is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.1.3, and §7.8.2.C.2)
2. The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.3 and §7.8.2.C.2)

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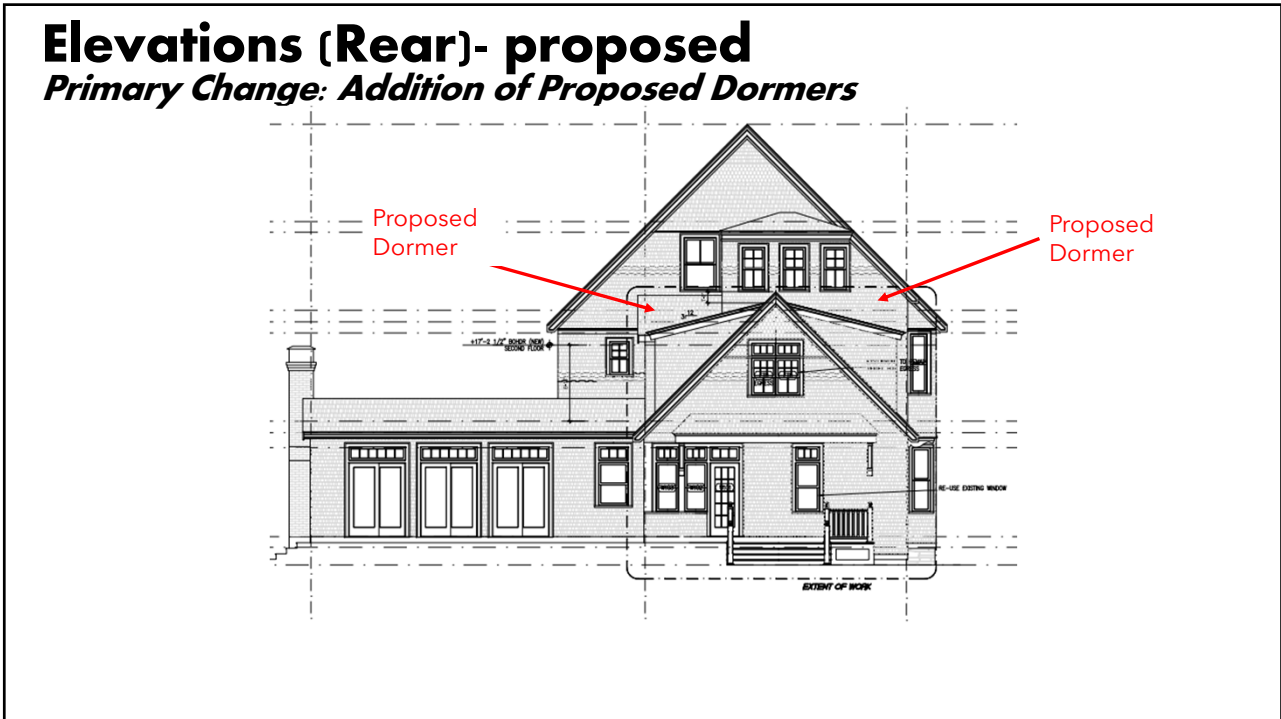
## Aerial Map



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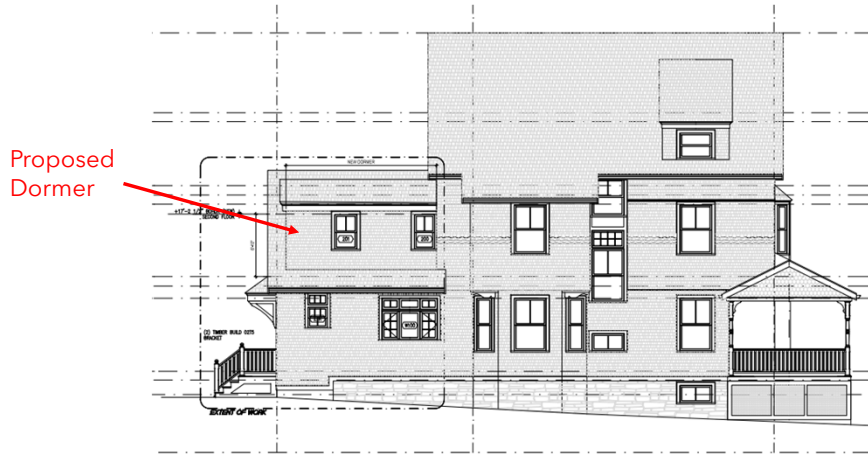


5



6

# Elevations (Side)- proposed



7

# Elevations (Side)- proposed



8

# Planning Analysis

- FAR is only a slight reduction from .36 to .37 (approximately 153 square feet)
- Dormer Additions blend with the existing architecture of the Victorian home
- Dormer Additions would not be visible from the street

9

## Findings

1. The proposed increase in the nonconforming FAR from .36 to .37, where .30 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. The additional square footage created by the two dormers is within the existing footprint of the house and does not add significantly to the overall scale of the existing structure. (§3.1.3, and §7.8.2.C.2)
2. The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the proposed additions are unobtrusive, not visible from the street, and complement the architecture of the existing structure. (§3.1.3 and §7.8.2.C.2)

10

## Conditions

- + *Plan Referencing Condition*
- + *Standard Building Permit Condition*
- + *Standard Final Inspection/Certificate of Occupancy Condition*



# City of Newton Planning and Development

## Petition #311-23

Special Permit/Site Plan Approval to demolish the existing dwelling and construct four single-family attached dwellings with dimensional waivers, and to allow a driveway and parking within setback distances



2202 Commonwealth Avenue

**December 5, 2023**

1

# Zoning Relief

Zoning Relief Required		
Ordinance	Requested Relief	Action Required
§3.4.1	To allow attached single-family dwellings	S.P. per §7.3.3
§3.2.4	To waive minimum lot area	S.P. per §7.3.3
§3.2.4	To waive minimum lot area per unit	S.P. per §7.3.3
§3.2.4	To waive minimum side setback	S.P. per §7.3.3
§6.2.3.B.2	To allow parking within 20 feet of a lot line and a driveway within 10 feet of the side lot line	S.P. per §7.3.3

**Existing Non-conformities include:**

Lot area- 13,696 SF (15,000 SF required)

Lot area per unit- 3,424 SF (4,000 SF required)

East side setback- 22 ft (25 ft required).

2

# Overview of Plan Revisions

## **Background & Changes:**

- Public hearing held on October 3, 2023 and held for additional work with the neighbors.
- Recent site plan / architectural drawings have been revised to eliminate the attic floor living space which slightly reduces bulk of building and the usable living space
- All other dimensions and setback remain the same and the building is in same location

3

# Criteria to Consider

When reviewing this request, the Council should consider whether:

1. The specific site is an appropriate location for the proposed four attached single-family dwellings with a lot area of 13,696 square feet, a lot area per dwelling unit of 3,424 square feet, and a side setback of 22 feet. (§7.3.3.C.1)
2. The proposed four attached single-family dwellings as developed and operated with a lot area of 13,696 square feet, a lot area per dwelling unit of 3,424 square feet, and a side setback of 22 feet, will not adversely affect the neighborhood. (§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)
5. Granting exceptions to certain requirements provided by Sec. 6.2.3.B.2 not allowing the location of parking within 20 feet of a lot line and/or a driveway within 10 feet of the side lot line would be appropriate as literal compliance 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. (§6.2.3.B.2)

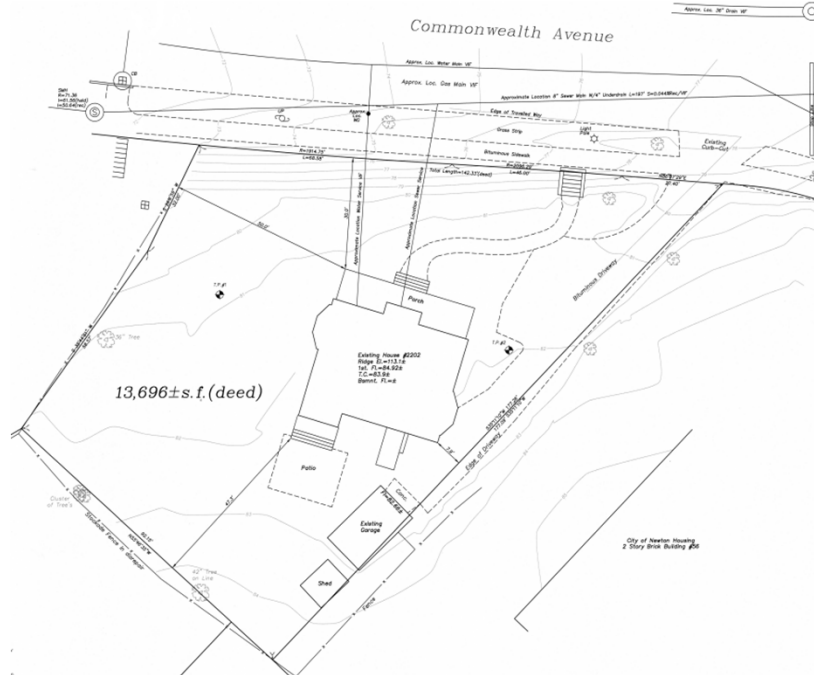
4

# Aerial Map



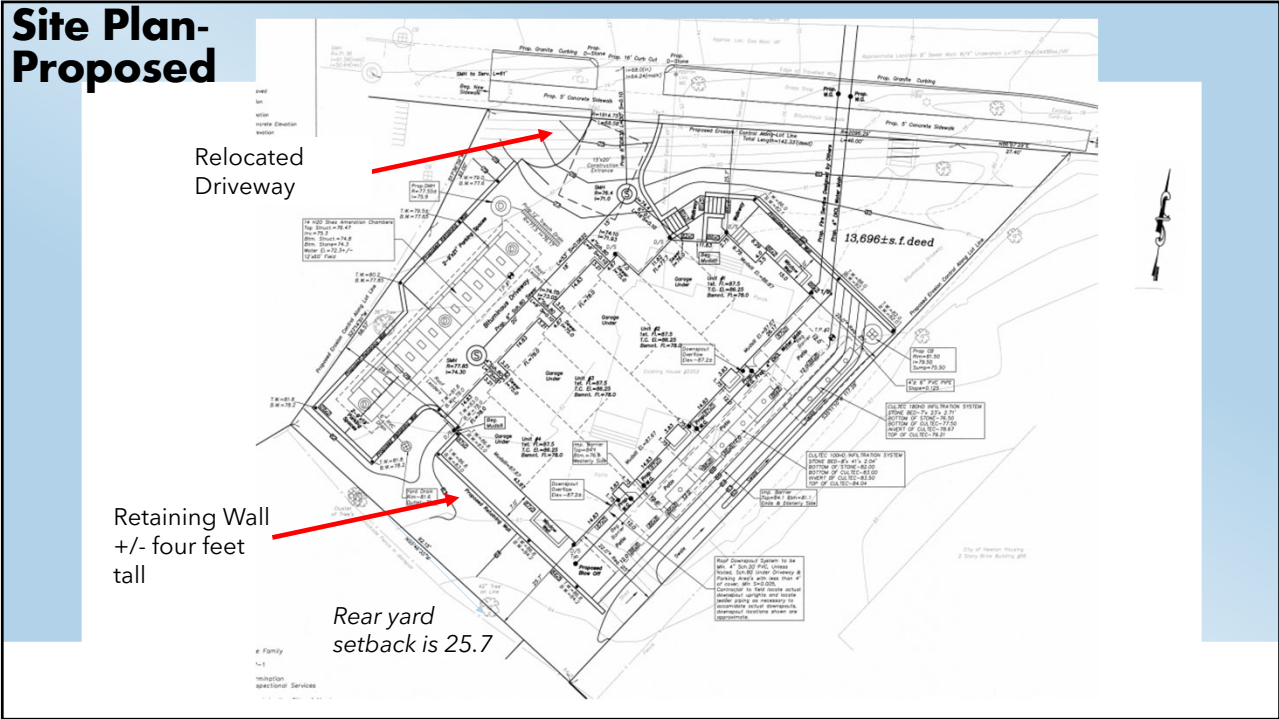
5

# Site Plan-Existing



6

# Site Plan-Proposed



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# Elevations (West)- proposed

Primary Change: Elimination of Attic Living Space



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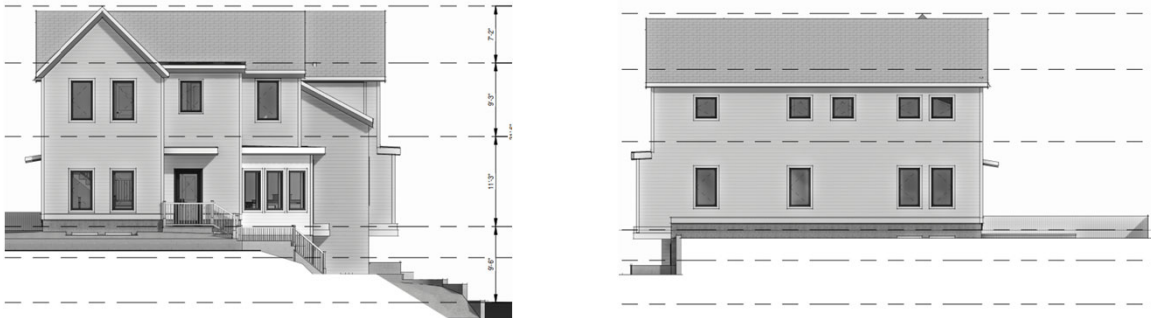
# Elevations (East)- proposed



Height has been reduced to 31.5 feet from 35.3 feet.

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# Elevations (North & South)- proposed



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# Plans- Landscaping (updated tree list)

The site plan shows a residential development with four units (Unit 1 Excl, Unit 2 Excl, Unit 3 Excl, Unit 1 Excl) and a shared driveway. Landscaping is planned around the units and driveway. Callouts include IGC (x6), IGC (x4), IGC (x7), IGC (x2), IGC (x8), AYR, AEG, AHB, and EX. A red dashed line indicates the site boundary, and Commonwealth Avenue is shown to the east.

NATIVE SPECIES PLANTING	
AEG -	THUJA OCCIDENTALIS COMMON NAME - EMERALD GREEN MATURE SIZE - 15'-20' H - 3'-4' W INSTALL SIZE - -6' H QUANTITY - 22
AYR -	THUJA OCCIDENTALIS COMMON NAME - "YELLOW RIBBON" MATURE SIZE - 8'-10' H - 2'-3' W INSTALL SIZE - -4' H QUANTITY - 14
IGC -	ILEX GLABRA COMMON NAME - "COMPACTA" MATURE SIZE - 4'-6' H - 4'-6' W INSTALL SIZE - -2' H QUANTITY - 34
AHB -	CARPINUS CAROLINIANA COMMON NAME - "AMERICAN HORNBEEAM" MATURE SIZE - 20'-30' H - 10'-20' W INSTALL SIZE - -8' H QUANTITY - 2
EX -	EXISTING TREES ON SITE TO REMAIN

SITE	
BLUESTONE PAVERS TO BE USED THROUGHOUT UNIT #1'S ENTRYWAY, AS WELL AS FOR EACH UNIT'S EXCLUSIVE USE PATIO.	
BLOCK WALLS TO BE USED FOR RETAINING WALLS IN DRIVEWAY AND AROUND THE STRUCTURE.	

EXISTING CALIPER INFORMATION	
EXISTING TREES TO BE REMOVED -	1 (36" CALIPER)
NEW PLANTING -	22 AEG @ (2.5" CALIPER)
	12 AYR @ (1.5" CALIPER)
	34 IGC @ (2 GALLON)
	2 AHB @ (2.5" CALIPER)
	<b>TOTAL - 78" CALIPER ADDED</b>

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# Interdepartmental Review

- Engineering - Questions need for retaining wall, stormwater calculations and proposes trench drain for driveway
- Engineering concerns can be handled in building permit process

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## Findings

1. The specific site is an appropriate location for the proposed four attached single-family dwellings with a lot area of 13,696 square feet, a lot area per dwelling unit of 3,424 square feet, and a side setback of 22 feet given its location on Commonwealth Avenue in a multiresidence zone and the mix of uses in the surrounding neighborhood, including an 18-unit multifamily use adjacent to the project. (§7.3.3.C.1)
2. The proposed four attached single-family dwellings as developed and operated with a lot area of 13,696 square feet, a lot area per dwelling unit of 3,424 square feet, and a side setback of 22 feet, will not adversely affect the neighborhood as the neighborhood includes a mix of uses including multifamily dwellings and public parkland. (§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)
5. Granting exceptions to certain requirements provided by Sec. 6.2.3.B.2 not allowing the location of parking within 20 feet of a lot line and/or a driveway within 10 feet of the side lot line would be appropriate as literal compliance is impracticable due to the nature of the use, and the size and width of the lot. (§6.2.3.B.2)

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## Conditions

- + *Plan Referencing Condition*
- + *Pest control*
- + *Construction Management Plan (CMP)*
- + *Operations & Management Plan (O&M)*
- + *Standard Building Permit Condition*
  - + *Final landscape plan*
- + *Standard Final Inspection/Certificate of Occupancy Condition*
- + *Landscape maintenance requirement*

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