



Land Use Committee Report

City of Newton In City Council

Tuesday, June 11, 2019

Present: Councilors Schwartz (Chair), Lipof, Laredo, Greenberg, Kelley, Crossley, Downs

City Staff Present: Associate City Solicitor Jonah Temple, Senior Planner Neil Cronin, Senior Planner Michael Gleba, Planning Associate Katie Whewell

All Special Permit Plans, Plan Memoranda and Application Materials can be found at http://www.newtonma.gov/gov/aldermen/special_permits/current_special_permits.asp. Presentations for each project can be found at the end of this report.

#163-19 Special Permit Petition to exceed FAR at 18 Upham Street

BEN AND SIOBHAN CROSBY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story rear addition, creating an FAR of .67 where .48 is allowed and .47 exists at 18 Upham Street, Ward 3, West Newton, on land known as Section 33 Block 34 Lot 67, containing approximately 4,884 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref. 7.3.3, 7.4, 3.1.9, 3.1.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0-1 (Auchincloss abstaining); Public Hearing Closed 06/11/2019

Note: Steve Reilly, SLR Architecture, represented the petitioners Siobhan and Ben Crosby. Mr. Reilly presented the request to add a rear addition to construct additional living space on the first floor, a second-floor bedroom and additional basement space, replacing an existing screened porch. Mr. Reilly presented details of the project as shown on the attached presentation, noting that the shaded portion represents the new addition and the white portion represents the existing structure. The proposed addition increases the FAR to .67 where .47 exists and .48 is allowed.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and photos of the site as shown on the attached presentation. Mr. Gleba noted that the proposed addition is located at the rear of the site, abutting properties with large lots and open space.

The Public Hearing was Opened.

Carlton Smith, 16 Upham Street, expressed support for the petition and believe the plans will fit in in the neighborhood.

Seeing no other member of the public who wished to speak, Councilor Kelley motioned to close the public hearing which carried unanimously. Councilor Kelley motioned to approve the petition. The Chair noted that the addition is thoughtfully designed at the rear and subordinate to the existing structure. Committee members reviewed the draft finding and conditions as shown on the attached presentation. Committee

members asked that the draft Order reflect that the petitioner must CCTV the sewer to ensure that no damage occurs during construction. A Committee member questioned whether the petitioner is considering additional stormwater management and/or landscaping. Mr. Reilly stated that the proposed addition meets the threshold for additional stormwater management and confirmed that the petitioner has hired an engineer to analyze and implement stormwater mitigation measures, subject to the Engineering Department's approval. Committee members agreed that a condition relative to landscaping is not necessary. With that, Committee members voted 7-0 in favor of approval (Auchincloss abstaining).

#564-18 Petition to allow nine-unit multi-family dwelling at 39 Herrick Road

STUART ROTHMAN/HERRICK ROAD REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 36' three-story nine-unit multi-family dwelling with accessory parking for nine cars, to allow multi-family residential use on the ground level in a BU1 district, to allow a reduction to one parking stall per unit, to waive 18 stalls on the parcel associated with the multi-family dwelling located on the adjacent parcel, to allow off-site parking facilities, ~~to waive~~ to allow parking in the side setback, to allow a reduced minimum aisle width, to waive maneuvering space required of restricted stalls, to allow a retaining wall greater than 4' in the setback, to waive perimeter screening requirements and to waive lighting and surfacing requirements at 39 Herrick Road, Ward 6, on land known as Section 61 Block 36 Lot 7, containing approximately 12,979 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.4.1, 4.1.2.B.3, 5.1.4, 5.1.13, 5.1.6.A, 5.1.6.B, 5.1.8.A, 5.1.8.B.6, 5.1.8.C.2, 5.1.9.A, 5.1.10, 5.4.2.B of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use voted No Action Necessary 8-0**

Note: An amended application for this petition. The public hearing was reassigned and re-advertised. Committee unanimously voted No Action Necessary on this item.

#564-18(2) Petition to allow nine-unit multi-family dwelling at 19-31 and 39 Herrick Road

STUART ROTHMAN/HERRICK ROAD REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 36' three-story nine-unit multi-family dwelling with accessory parking for nine cars, to allow multi-family residential use on the ground level in a BU1 district, to allow a reduction to one parking stall per unit, to waive 18 stalls on the parcel associated with the multi-family dwelling (Lot 7), to allow off-site parking facilities (Lot 6), to allow parking in the side setback, to allow a reduced minimum aisle width, to waive maneuvering space required of restricted stalls, to allow a retaining wall greater than 4' in a setback, to waive perimeter screening requirements and to waive lighting and surfacing requirements at 39 Herrick Road, Ward 6, on land known as Section 61 Block 36 Lots 6 and 7, in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.4.1, 4.1.2.B.3, 5.1.4, 5.1.13, 5.1.6.A, 5.1.6.B, 5.1.8.A, 5.1.8.B.6, 5.1.8.C.2, 5.1.9.A, 5.1.10, 5.4.2, 5.4.2.B of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 8-0; Public Hearing Closed 06/11/2019**

Note: Attorney Terry Morris, offices at 57 Elm Road represented the petitioner, Stuart Rothman/Herrick Road Realty Trust. Atty. Morris presented the request to construct a three-story, nine-unit, residential building on the 18-stall parking lot 39 Herrick Road. One unit will be designated as an affordable unit at 65% AMI or lower. Atty. Morris noted that the proposed residential building will be

restricted to age 55+. He stated that the petitioner has performed community engagement and has received support from community residents as well as the Fair Housing Committee. Atty. Morris noted that there are 9 parking spaces, which will be unbundled with the exception of the parking stall for the affordable unit. Some residents at 19-31 Herrick Road use the parking spaces at the site. As part of the Transportation Demand Management Plan, Atty. Morris noted that the residents at 19-31 who currently use parking at the site will be eligible for a 50% subsidy for Link passes. Additionally, a 20% Link pass subsidy will be offered to future residents at 39 Herrick Road as well as residents at 19-31 Herrick Road that are not currently utilizing parking at the site. The petitioner proposes to subsidize the Link passes for two years.

Atty. Morris noted that the site is accessed through an easement through the Cypress Tree municipal parking lot. There was some concern relative to the access of the site if the City chooses to develop the municipal lot. The petitioner originally proposed a driveway on Herrick Road, which was not the preferred option. The draft Order specifies what changes the petitioner will be permitted to make in the event the petitioner chooses to develop at the Cypress Tree lot. The Fire Department required sprinkling of the building as well as the installation of two fire hydrants (on site and on Herrick Road). Atty. Morris noted that the draft Order currently includes a condition that requires the petitioner to mill and overlay curb to curb Herrick Road from the bridge to Union Street. The petitioner acknowledges that the City has a 5-year moratorium on street paving but noted that Herrick Road was paved in 2011. Noting that the curb to curb mill and overlay of Herrick Road is cost prohibitive, the petitioner is seeking a waiver of the recommendation.

Senior Planner Neil Cronin presented that requested relief, criteria for consideration, land use, zoning, plans and photos of the site as shown on the attached presentation. Mr. Cronin noted that the proposed structure creates a zero-setback condition where 10' is required. As such, the petition will require a variance from the Zoning Board of Appeals. Mr. Cronin noted that the proposed structure mimics architecture in the neighborhood and stated that the petition has received support from the Fair Housing Committee due to the fact that it meets or exceeds the state's regulatory requirements with regard to inclusionary zoning, accessibility, visitability and proximity to housing, employment & transportation.

The Public Hearing was Opened. Seeing no member of the public who wished to speak, Councilor Crossley motioned to close the public hearing which carried unanimously. Councilor Crossley motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown on the attached draft Order.

Committee members discussed requiring the petitioner to mill and overlay curb to curb. Atty. Morris noted that striking the condition will still allow the City Engineer to impose whatever conditions are determined to be necessary. Councilors agreed that the condition should be amended to require that the condition of the road is left in the same or better condition than prior to construction at the discretion of the Commissioner of Public Works. With that, Committee members voted unanimously in favor of approval.

#88-19 Petition to allow a rear-lot subdivision at 41 Washington Street

JANE O'CONNOR petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a rear lot subdivision to create two lots, abandon the two-family use in the existing structure and creating a second single-family on the rear lot, extending the existing non-conforming side setback at 41 Washington Street, Ward 1, Newton, on land known as Section 71 Block 29 Lot 07, containing approximately 25,964 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3, 7.4, 3.5, 3.1.10, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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

Note: Attorney Peter Harrington, offices at 505 Waltham Street, represented the petitioner, Jane O'Connor. Atty. Harrington presented the request to subdivide the lot at 41 Washington and construct a single-family dwelling on the new rear lot at 41 Washington Street. Atty. Harrington noted that the massing and scale of the proposed dwelling would be consistent with the abutting houses neighborhood and will be accessed by a 20' wide driveway easement through the front lot, which has been approved by the Fire Department. Atty. Harrington reviewed the petitioner's concerns and requests as shown attached.

Senior Planner Neil Cronin presented the requested relief, criteria for consideration, land use, zoning, photos and plans of the proposed work as shown on the attached presentation. Mr. Cronin noted that the lot slopes as it gets back. Planning recommends that the final landscape plan be submitted for approval by the Director of Planning and Development if the petition is approved. Mr. Cronin stated that the Planning Department is unconcerned with the proposed dwelling given the size of the proposed dwelling in the context of the neighborhood.

The Public Hearing was Opened.

Paul, 20 Martin Street, noted that the site has a low water table and is sloped. He has concerns that the proposed addition will create added runoff onto his abutting property. He noted that he would like a fence between the properties.

James, 74 Elmhurst Road, submitted the attached letter.

Kevin, 128 Grasmere Street, is opposed to the petition. He noted that when he purchased his house in 2017, he did not envision an additional house at 41 Washington Street. He has concerns relative to the added noise, reduced sunlight and impact on water runoff at the site and expressed support for a fence around the property.

Jody, 128 Grasmere Street, has concerns relative to the increase in noise from construction. She also has concerns about the impact on the surrounding area and disruption from snow plowing in the winter.

Laura Johnson, 33 Washington Street, expressed support for the petition and noted that the proposed work will allow the petitioner to maintain the existing dwelling.

Committee members expressed concerns relative to stormwater management and the landscape plan at the site. Councilors were not supportive of waiving the requirements of the Tree Ordinance. A Committee member suggested that the petitioner consider relocating parking at the site so that it is less impactful on the abutters. Committee members urged the petitioner to continue to communicate the plans with members of the neighborhood and work with the Planning Department to revise the plans. With that, a motion from Councilor Greenberg to hold the item carried unanimously.

#175-19

Special Permit to allow attached dwelling units at 145 Warren Street

145 WARREN STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwellings in two buildings, to allow reduced side setbacks, to increase the allowed lot coverage, to allow a driveway within ten feet of the side lot line and to allow retaining walls greater than 4' within a setback at 145 Warren Street, Ward 6, Newton Centre, on land known as Section 61 Block 39 Lot 10, containing approximately 23,399 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action:

Land Use Held 8-0; Public Hearing Closed 06/11/2019

Note: Attorney Laurance Lee, Rosenberg, Freedman and Lee, represented the petitioner, 145 Warren Street, LLC. Atty. Lee presented details of the petition as shown on the attached presentation. The petitioner proposes to construct three units at the site while preserving the existing historic home. The construction will result in four, attached single-family dwellings. Atty. Lee noted that the Historic Commission has approved the petition and the Conservation Commission has issued an Order of Conditions for the site; noting the adjacent wetland area. Atty. Lee noted the Historic Commission recommended that the structure was lower and flatter to appear consistent with the existing structure. The front house will remain dominant. There is one garage door that leads to four private garages. Atty. Lee noted that the proposed dwellings are single-level living, designed to meet increasing demands.

Planning Associate Katie Whewell presented the requested relief, criteria for consideration, zoning, land use, plans and historical context of the site and existing dwelling as shown on the attached presentation. Ms. Whewell noted that the site abuts to the MBTA Green line.

The Public Hearing was Opened.

Aedin Culhane, 47 Glen Avenue, expressed concerns relative to the demolition of the existing house. Ms. Culhane emphasized the historic importance of the existing bungalow and the former resident as shown on the attached presentation.

John Sirafis, 131 Warren Street, noted that the developer is working to preserve the existing house. He stated that he is in support of the proposed development.

Simon French, 47 Glen Avenue, questioned whether the proposed single-family attached dwelling units meet the definition of attached dwellings and whether the square footage is being accurately calculated. Mr. French has concerns about the size of the proposed development.

Louis, 160 Warren Street, expressed support for the proposed petition and preservation of the existing house.

Martin Gretsche, 84 Warren Street, questioned what the developer can build by right.

It was confirmed that the petitioner could construct a two-family dwelling or a two-family with an accessory apartment as a matter of right. Seeing no other member of the public who wished to speak Councilor Crossley motioned to close the public hearing which carried unanimously. Councilors expressed support for the considerate design of the attached dwelling units but questioned the size of the proposed units. A Committee member questioned whether the petitioner can consider reducing the number of units. A Councilor noted that the petitioner is proposing the work in order to finance the restoration of the historic bungalow. A Committee member asked for further detail of the 6' wall at the site. Committee members expressed support for a site visit before the item returns to Committee. With that, a motion from Councilor Kelley to hold the item carried unanimously.

#227-17(2) Special Permit to amend Order #227-17 at 2171 Commonwealth Avenue

THEODORE VENTOURIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Council Order #227-17 to allow changes to the approved site plan at 2171 COMMONWEALTH AVENUE, Ward 4, Auburndale, on land known as Section 41 Block 18 Lot 0032A containing approximately 19,682 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Held 8-0

Note: Ms. Evanthia Nassios represented the petitioner, Theodore Ventouris. Ms. Nassios presented the request to allow changes to the approved site plan at 2171 Commonwealth Avenue. The petitioner received a Special Permit in 2017 to construct a four-car garage at 2171 Commonwealth Avenue. After approval of Special Permit #227-17 in 2017, the petitioner constructed a stone wall and stone pillars. The petitioner received an amendment to the Special Permit to allow the modifications to the site plan. Ms. Nassios explained that the modifications to the site plan as currently proposed include 30 additional stone pillars, patio pavers and 1000 sq. ft. of additional paved area. She confirmed that the Engineering Department has reviewed and approved the drainage system. Ms. Nassios noted that the paved area at the rear of the dwelling was constructed to enhance snow plowing operations in the driveway.

Senior Planner Michael Gleba confirmed that the Engineering Department has reviewed the drainage plan for the site. Committee members shared concerns that the no Engineering memo was issued for the added impervious surface. Mr. Gleba presented photos of the site as shown on the attached presentation.

The Public Hearing was Opened. No member of the public wished to speak. Committee members requested that the Engineering Department issue a memo relative to the increase in impervious surface. A Councilor asked that the Planning Department analyze all of the construction that has been completed at the site. With that, Councilor Markiewicz motioned to hold the item which carried unanimously.

#174-19 Petition to allow 6 dwelling units at 180, 184-186 Adams Street

180 ADAMS STREET, LLC/184-186 ADAMS STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing non-conforming single-family and two-family dwellings, combine the lots and construct six dwelling units in two buildings, extending the non-conforming residential use, to allow ground level residential use in the BU2 district, to allow a three-story structure, to allow an FAR of 1.1 in a three-story structure and to extend a non-conforming side setback in Ward 1, Newton at 180, 184-186 Adams Street, also known as Section 14 Block 14 Lots 20 and 22, containing a combined total of 15,355 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 4.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0 (Lipof not Voting); Public Hearing Closed 06/11/2019

Note: Attorney Laurance Lee, Rosenberg, Freedman and Lee represented the petitioner, 180 Adams Street, LLC./184-186 Adams Street, LLC. Atty. Lee presented the request to construct a three-story structure with six dwelling units at 180, 184-186 Adams Street. Atty. Lee noted that the petitioner proposed structure would replace the existing dwellings at 180, 184-186 Adams Street, creating two additional units at the site. Atty. Lee presented an overview of the petition as shown on the attached presentation. He noted that the six units are accessed by one common driveway. Each unit has two garage bays.

Planning Associate Katie Whewell presented the requested relief, criteria for consideration, land use, zoning, plans and photos of the site as shown on the attached presentation.

The Public Hearing was Opened. No member of the public wished to speak. Councilor Greenberg motioned to close the public hearing which carried unanimously. Committee members expressed support for the project as well as appreciation for the community outreach and thoughtful design of the units. Councilors noted that the petitioner was receptive to feedback from City staff and members of the community. Councilor Greenberg motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation. Atty. Lee confirmed that the petitioner will be responsible for snow removal. Committee members expressed no concerns relative to the petition and voted 7-0 in favor of approval (Lipof not Voting).

The Committee adjourned at 10:35 pm.

Respectfully Submitted,

Greg Schwartz, Chair



1



2



3



4

ARCHITECTURE

CROSSBY RESIDENCE
18 UPHAM STREET
METHUEN, MA

PROJECT NUMBER: 201901

DESIGN DEVELOPMENT

DATE: 10/18/18

REVISIONS

Number	Description	Date

Scale: As Shown

EXTERIOR PERSPECTIVES

A4.1

PERSPECTIVE B - VIEW FROM REAR
NOT TO SCALE

PERSPECTIVE A - VIEW FROM YARD SIDE
NOT TO SCALE

PERSPECTIVE D - VIEW FROM REAR DRIVEWAY SIDE
NOT TO SCALE

PERSPECTIVE C - VIEW FROM REAR YARD SIDE
NOT TO SCALE

PLEASE NOTE THAT GREEN
AREAS INDICATE THE
CONSTRUCTION

PLEASE NOTE THAT GREEN
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CONSTRUCTION

Department of Planning and Development



PETITION #163-19

18 UPHAM STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO CONSTRUCT A
TWO-STORY REAR ADDITION,
CREATING AN FAR OF .67
WHERE .48 IS ALLOWED AND
.47 EXISTS



JUNE 11, 2019

1

Requested Relief



Special permit per §7.3.3 to:

- exceed the maximum floor area ratio (FAR) (§3.1.9.A.2)

2

Criteria to Consider

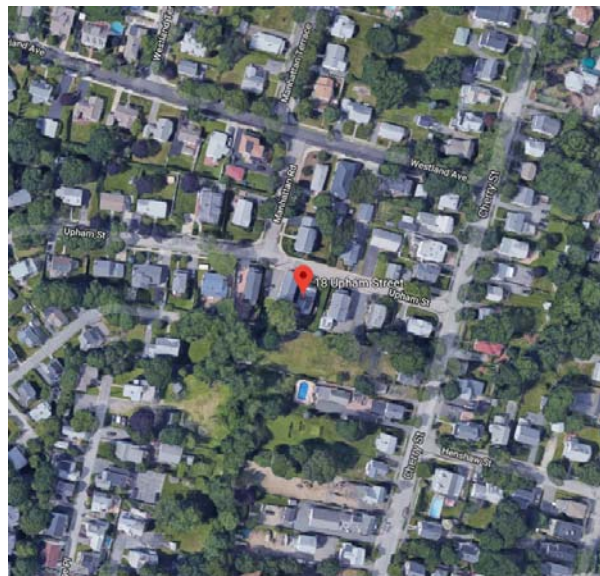


When reviewing the requested special permits the Council should consider whether:

- The proposed increase in FAR from 0.47 to 0.67, where 0.48 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.A.2).

3

AERIAL/GIS MAP



4

Zoning



ATTACHMENT B

Zoning

18 Upham Street

City of Newton,
Massachusetts

Legend

Single Residence 3



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of the map is responsible for determining its suitability for his or her intended purpose. GIS departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Kathleen Fuller
GIS Administrator - Douglas Greenfield

Map Date: June 05, 2019

5

Land Use



ATTACHMENT A

Land Use

18 Upham Street

City of Newton,
Massachusetts

Land Use

Single Family Residential

Multi-Family Residential

Commercial

Mixed Use

Nonprofit Organizations

Vacant Land

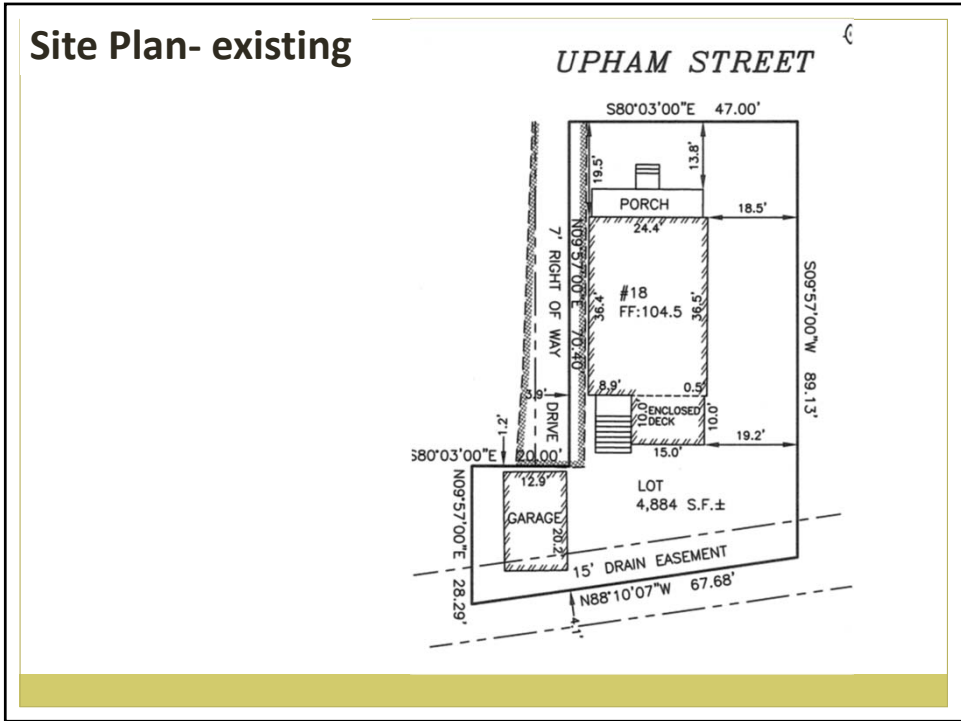


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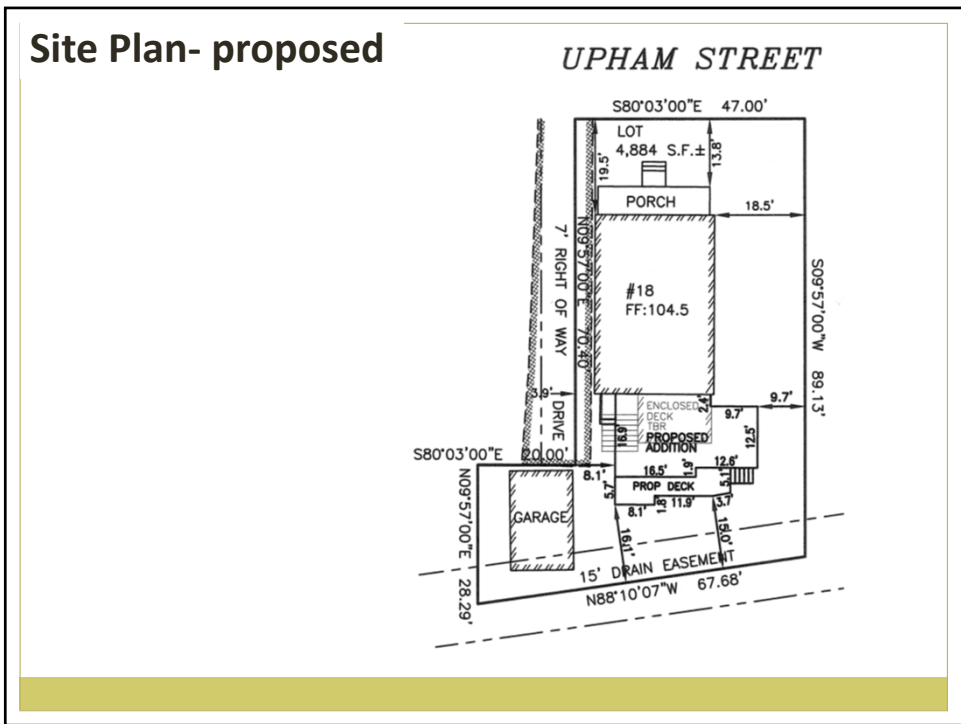
CITY OF NEWTON, MASSACHUSETTS
Mayor - Kathleen Fuller
GIS Administrator - Douglas Greenfield

Map Date: June 05, 2019

6



7



8

Elevations- Proposed



9

Perspectives



10

Photos



11

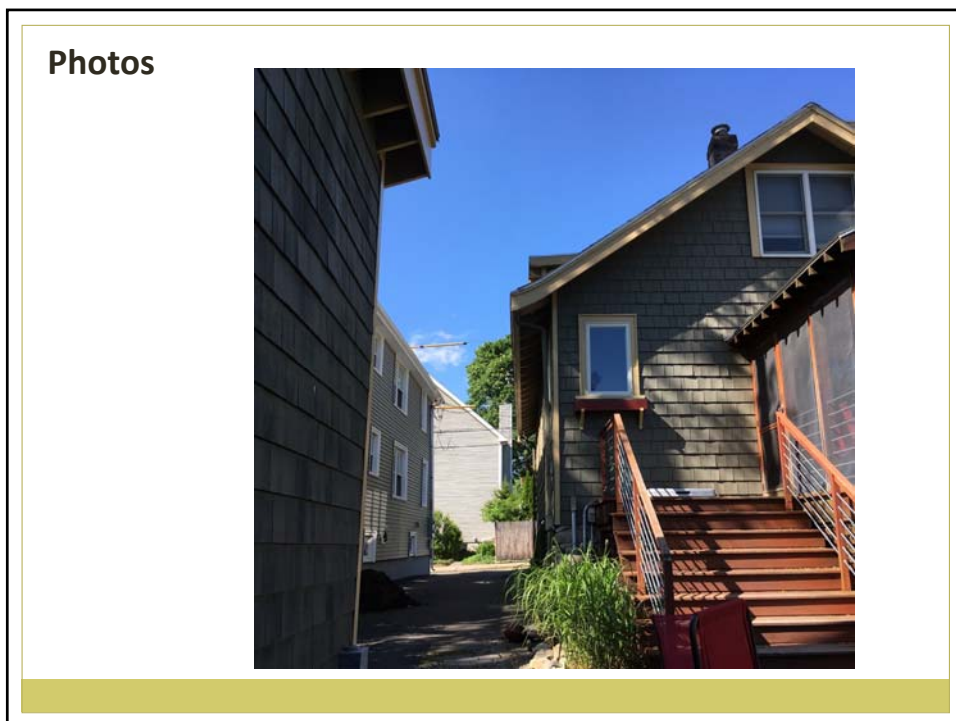
Photos



12



13



14

Photos



15

Photos



16

Photos



17

Photos



18

Proposed Findings

1. The expanded structure that would result from the proposed increase in floor area ratio (FAR) from 0.47 to 0.67, where 0.48 is the maximum allowed by-right, will be consistent with and not in derogation of the size, scale and design of other structures in the neighborhood as it will be similar in regard to those characteristics of other structures in the surrounding area and conform to other relevant dimensional requirements; further, the addition will have limited visibility from the street given that it will be located to the rear of, and not be higher than, the existing dwelling (§3.1.9).

19

Proposed Conditions

1. Plan Referencing Condition
2. Standard Building Permit Condition.
3. Standard Final Inspection/Certificate of Occupancy Condition.

20

Department of Planning and Development



**PETITION #564-18 AND #564-18(2)
17-31 AND 39 HERRICK ROAD**

SPECIAL PERMIT/SITE PLAN APPROVAL
TO ALLOW A NINE-UNIT, MULTI-FAMILY
DEVELOPMENT OF THREE STORIES AND
36 FEET IN HEIGHT, AND WAIVERS
FROM THE PARKING PROVISIONS



JUNE 11, 2019

1

Special Permit Criteria

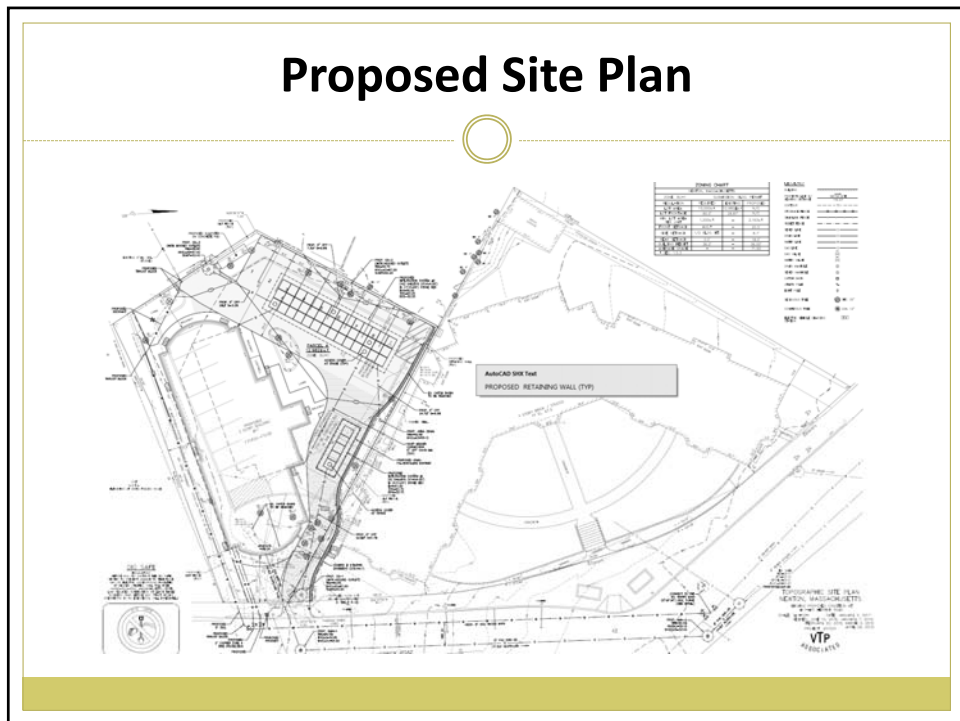


- The specific site is an appropriate location for the proposed multi-family dwelling. (§7.3.3.C.1)
- The multi-family dwelling as developed and operated will not adversely affect the neighborhood. (§7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- Literal compliance with the parking requirements of the Newton Zoning Ordinance 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).

2

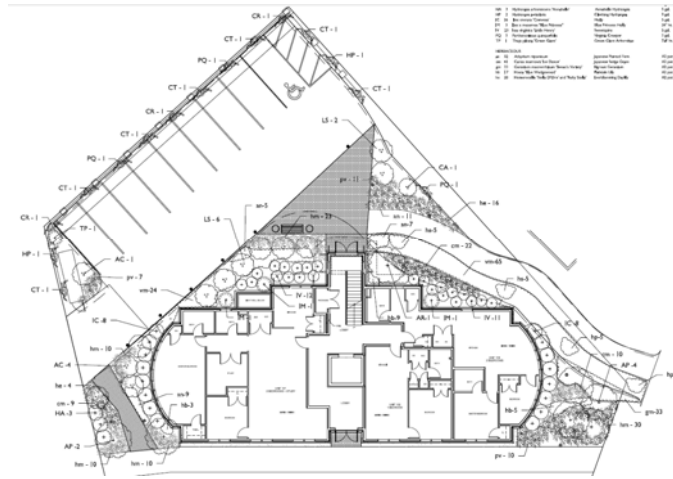


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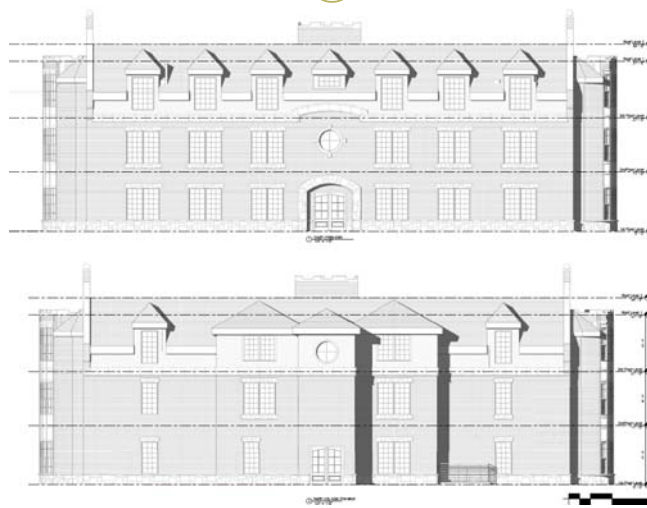
4

Proposed Landscape Plan



5

Elevations



6

Petition Updates

- Petitioner appeared before the Fair Housing Committee.
- Fire Department review.
- Petitioner will implement a Transportation Demand Management Plan.

7

Transportation Demand Management

- Partial transit reimbursement for residents of 17-31 and 39 Herrick Road.
- Staff believes the reimbursement is appropriate because it will compensate the residents of 17-31 Herrick Road and encourages transit use by residents of both properties.

8

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 construct a three-story, 35.5 foot tall, multi-family dwelling containing nine units, including ground floor units, to waive nine parking stalls, to allow off-site parking facilities, to allow a retaining wall greater than four feet in the setback, and to waive the requirements of parking facilities containing more than five stalls, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The specific site is an appropriate location for the proposed multi-family dwelling because the site is located within a village center and is proximate to transit. (§7.3.3.1)
2. The multi-family dwelling as developed and operated will not adversely affect the neighborhood given the presence of a multi-family dwelling on the adjacent parcel. (§7.3.3.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because access will be provided over the Cypress Street Municipal Lot. (§7.3.3.3)
4. Access to the site is appropriate for the types and numbers of vehicles involved. (§7.3.3.4)
5. Exceptions to the parking requirements, including, waive nine parking stalls, allowing parking stalls within the side setback, waiving the drive aisle width, allowing off-site parking facilities, and waiving the dimensional and design controls for parking facilities containing more than five stalls are in the public interest for the following reasons:
 - a. Waiving nine parking stalls increases the amount of open space on site .
 - b. Allowing parking with the side setback, reducing the minimum width of maneuvering aisles, while locating parking stalls off site makes for the most efficient layout of the parking lot and helps to maximize the number of stalls that will be available.

c. Fencing and landscaping will be installed to screen the facility. Additionally, lighting will be minimized to mitigate trespass onto neighboring properties while still lighting the facility to ensure safety.

(§5.1.4, §5.1.6.A, §5.1.6.B, §5.1.8.A, §5.1.8.B.5, §5.1.8.C.2, §5.1.9.A, §5.1.10 and §5.1.13

6. The construction of retaining walls within the side setback of 17-31 Herrick Road will not adversely affect immediate abutters. (§5.4.2)

PETITION NUMBER: #564-18 and #564-18(2)

PETITIONER: Herrick Road Realty Trust

LOCATION: 17-31 Herrick Road Section 61, Block 35, Lot 06 and 39 Herrick Road, Section 61, Block 35, Lots 07 containing approximately 34,618 square feet of land

OWNER: Rothman George & Stuart J. Trust and Herrick Road Realty Trust

ADDRESS OF OWNER: 907 Massachusetts Avenue, Cambridge, MA 02139

TO BE USED FOR: A three-story, 35-foot tall multi-family dwelling containing nine units, including ground floor units on 39 Herrick Road and a driveway and a retaining wall exceeding four feet within the setback at 17-31 Herrick Road.

CONSTRUCTION: Brick

EXPLANATORY NOTES: §4.4.1, §4.1.2.B.3, and §7.3.3 to allow a multi-family dwelling with ground floor units of three stories and 35.5 feet in height; [§1.5.2.E.2 to measure frontage along a public footpath](#); §5.4.2 to allow for a retaining wall greater than four feet within the setback; §5.1.4 and §5.1.13 to waive nine parking stalls; §5.1.6.A, §5.1.6.B, and §5.1.13 to allow off-site parking facilities; §5.4.2. to allow a retaining wall in excess of four feet within the setback; §5.1.8.B.5 and §5.1.13 to waive the maneuvering space required of end stalls; §5.1.8.C.2 and §5.1.13 to reduce the drive aisle width; §5.1.9.A and §5.1.13 to waive the perimeter screening requirements; and §5.1.10 and §5.1.13 to waive the lighting and surfacing requirements.

ZONING: Business Use 1

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. Set of plans for 39 Herrick Road, prepared by VTP Associates, 132 Adams Street, West Newton, MA 02458, stamped and signed by Marc Besio, Professional Engineer, and Joseph R. Porter, Professional Land Surveyor. The plan set includes the following five (5) sheets:
 - i. "Topographic Site Plan Showing Proposed Conditions" dated January 4, 2017 revised through April 26, 2019
 - ii. "Detail Sheet 1 Showing Proposed Conditions at Herrick Road" dated January 4, 2017.
 - iii. "Detail Sheet 2 Showing Proposed Conditions at Herrick Road" dated January 4, 2017 revised June 15, 2018.
 - b. Set of plans for 39 Herrick Road, prepared by Khalsa Design, Inc., 17 Ivaloo Street, Suite 400, Somerville, MA 02143, stamped and signed by Jai Singh Khalsa, Registered Architect, dated August 8, 2018, revised through March 19, 2019, consisting of twelve (12) sheets.
 - c. Landscape Plans for 39 Herrick Road, prepared by Verdant Landscape Architecture stamped and signed by Blair C. Hines, Registered Landscape Architect, dated march 14, 2019 consisting of two (2) sheets.
 - d. Lighting Plans for 39 Herrick Road, prepared by RAB Lighting, unstamped and unsigned, dated September 24, 2018, consisting of nine (9) sheets.

2. Prior to the issuance of any building permits, the Petitioner is required to request an amendment to its license with the City to allow for access and exit to and from the site over the Cypress Street Municipal Lot for the purpose of parking for the special permit use and agrees to accept all reasonable terms and conditions of an amended license.

~~2. This site plan approved in Condition #1.a above includes a driveway providing access to the site from Herrick Road. This driveway will not be constructed concurrently with the multi-family dwelling because the Petitioner will amend its license with the City to access the site over the Cypress Street Municipal Lot. A certificate of occupancy will not be withheld because the driveway wasn't built. Similarly the petitioner shall not be required to seek an amendment to this Special Permit/Site Plan Approval to construct the driveway, unless the driveway is inconsistent with the plan refenced in Condition #1.a~~

3. In the event that the license with the City is not amended or is later revoked, resulting in a lack of access to the site, the Petitioner may construct the driveway shown on the approved site plan to provide access to the site from Herrick Road. Said driveway shall not be constructed unless or until the site cannot be accessed through the Cypress Street Municipal Lot pursuant to a license.
 - a. In the event the Petitioner is allowed to include the driveway under this condition, the Petitioner is required to seek approval from the Traffic Council for the removal of an on-street, metered parking stall and shall confer with the Commissioner of Public Works to determine whether the City light pole along the site's frontage can be relocated from the west side of Herrick Road to the east side prior to the issuance of any building permit for driveway construction.
 - b. If the Petitioner is allowed to include the driveway under this condition, the Petitioner is not required to seek an amendment to this Special Permit/Site Plan Approval unless the driveway is inconsistent with the plan referenced in Condition #1(a).
- ~~3. The Petitioner shall amend its license with the City to access the multi-family dwelling over the Cypress Street Municipal Lot. Such amendment shall include condition(s) outlining the process by which the site will be improved and the process by which the Petitioner will construct the driveway from Herrick Road, including seeking approval from the Traffic Council for the removal of an on-street, metered parking stall, and whether the Petitioner shall relocate the City of Newton light pole along the site's frontage. Such amendment shall be agreed upon prior to the issuance of any building permit for the Project.~~
4. This Special Permit/Site Plan Approval governs both 17-31 Herrick Road and 39 Herrick Road. As such, this Special Permit/Site Plan Approval shall be recorded against both lots at the Middlesex South Registry of Deeds. 17-31 Herrick Road contains a legal nonconforming multi-family dwelling. This Special permit/Site Plan Approval shall not prevent the Petitioner or his successors and assigns from pursuing as of right improvements to 17-31 Herrick Road.
5. Prior to the issuance of any building permits for the Project, the Petitioner shall obtain a variance from the Zoning Board of Appeals to reduce the front setback along the public footpath from ten feet to zero feet.
6. In accordance with the City's Inclusionary Zoning Ordinance (§5.11.4), one of the dwellings units shall be made available to households earning at or below 65% of Area Median Income (AMI), as designated by the U.S. Department of Housing and Urban Development, adjusted for household size for the Boston-Cambridge-Quincy, MA-NH HMFA. Monthly housing costs (inclusive of heat, hot water, electricity, domestic water and sewer, and one parking space) shall not exceed 30% of the applicable monthly income limit for that unit. For the initial lottery, 70% of the Inclusionary Units shall be designated

as Local Preference units, as permitted and defined by the Massachusetts Department of Housing and Community Development (DHCD).

The Inclusionary Units shall comply with the provisions of the City's Inclusionary Zoning Ordinance (§5.11.4).

7. The inclusionary unit shall be a two-bedroom, two-bathroom unit, located on the second floor of the multi-family dwelling, as proposed in the Preliminary Inclusionary Housing Plan dated February 22, 2019, that is on file with the City Clerk, and approved by the Director of Planning and Development.
8. To the extent permitted by applicable regulations of DHCD, the Inclusionary Unit shall be eligible for inclusion on the State's Subsidized Housing Inventory (SHI) as Local Action Unit through DHCD's Local Initiative Program. Prior to the issuance of any occupancy certificates (temporary or final), the Petitioner, City, and DHCD will enter into a Regulatory Agreement and Declaration of Restrictive Covenants, in a form approved by the City of Newton Law Department, which will establish the affordability restriction for the Inclusionary Unit in perpetuity.
9. Prior to the issuance of any building permits for the construction of the Project, the Petitioner shall provide a final Inclusionary Housing Plan and Affirmative Fair Marketing and Resident Selection Plan for review and approval by the Director of Planning and Development. The Inclusionary Housing Plan and Affirmative Fair Marketing and Resident Selection Plan must meet the requirements of DHCD's guidelines for Affirmative Fair Housing Marketing and Resident Selection and be consistent with §5.11.9. of the Newton Zoning Ordinance. In accordance with DHCD's current guidelines, the Inclusionary Unit will be affirmatively marketed and leased through a lottery.
10. No dwelling unit shall be constructed to contain, and/or marketed and/or sold to contain more bedrooms than the number of bedrooms indicated for said unit in the plans referenced in Condition #1(b).
11. The cost of parking stall(s) shall be rented separately from the cost of rent for a unit, provided, however that the cost of one parking stall shall be included in the rent for the Inclusionary Unit. Prior to the issuance of any certificate of occupancy for a market rate unit (temporary or final), the Petitioner shall provide a sample lease that includes said language.
12. The Petitioner shall ~~implement~~ revise the Transportation Demand Management (the "TDM") Plan dated May 17, 2019, a copy of which is on file in the office of the City Clerk to include a 20% transit reimbursement for the future residents of 39 Herrick Road. The Petitioner shall implement the TDM Plan 30 days after notifying the residents of 17-31 Herrick Road that agreements allowing parking at 39 Herrick Road will be dissolved.
13. The Petitioner shall provide space for not less than ten bicycles within the multi-family dwelling. Additionally, the petitioner shall provide not less than five electric vehicle ~~(EV)~~ charging stations on site.

14. The trash and recycling disposal shall be handled by a private entity and collection shall be scheduled at such times to minimize any disruption of the on-site parking and shall comply with the City's Noise Control Ordinance.
15. The Petitioner shall remove all snow from site, but shall not be required to remove snow from the public footpath.
16. The Petitioner shall comply with the City's Tree Preservation Ordinance.
17. All on-site landscaping associated with this Special Permit/Site Plan Approval shall be installed and maintained in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.
18. At the Petitioner's sole expense, the petitioner shall locate all utility service lines on site underground from the right of way into the site.
19. The Petitioner shall be responsible for securing and paying for any and all police details that may be necessary for traffic control throughout the construction process as required by the Police Chief.
20. Prior to the issuance of any building permit for the Project, the Petitioner shall receive approval from the City Council, through its Public Facilities Committee, to extend the sewer and water lines in Herrick Road to the site. The petitioner shall also gain approval to connect the water line to the existing municipal water line located within the Cypress Street Municipal Lot. Any required easements shall be approved by the City Council, recorded at the Middlesex South Registry of Deeds, shall be provided to the Engineering Division of Public Works, and the Department of Planning and Development.
21. Prior to the issuance of any building permit for the Project, the Petitioner shall submit a final photometric plan detailing the lighting level as well as the location and the height of the poles to light the public footpath along the Project's frontage to the Commissioner of Public Works and the Department of Planning and Development for review and approval. The petitioner shall have no obligation regarding the ongoing maintenance or repair of either the poles or the fixtures. ~~be responsible for operating and maintaining the poles and fixtures in perpetuity unless stated otherwise by the Commissioner of Public Works.~~
22. Prior to the issuance of any building permit for the Project, the petitioner shall submit a final landscape plan detailing the number, type, and maturity size of any planting proposed along the public footpath to the Commissioner of Public Works and the Department of Planning and Development for review and approval.
23. Prior to the issuance of any building permit for the Project the Petitioner shall submit a Construction Management Plan (CMP) for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer. The Construction Management Plan shall be consistent and not in conflict with relevant conditions of this Order and shall include, but not be limited to, the following provisions:
 - a. 24-hour contact information for the general contractor of the project.

- b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and from 8:00 a.m. to 7:00 p.m. on Saturdays. No construction is permitted on Sundays, or holidays except in emergencies, and only with prior approval from the Mayor.
 - c. The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones.
 - d. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for construction and delivery vehicles, and location of any security fencing.
 - e. Proposed methods for ensuring the public walkway will be open during construction and proposed temporary detour paths for when the walkway will be closed. The construction timeline in Condition #23.c above should indicate when this walkway will be open and closed.
 - f. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - g. Proposed methods of noise control, in accordance with the City of Newton's Ordinances. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.
 - h. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.
 - i. A plan for rodent control prior to demolition, during demolition, and during construction.
 - j. The CMP shall also address the following:
 - safety precautions;
 - anticipated dewatering during construction;
 - site safety and stability;
 - impacts on abutting properties.
24. Prior to the issuance of any certificate of occupancy for the Project (temporary or final), the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be recorded by the petitioner at the Middlesex South District Registry of Deeds and implemented. A recorded copy of the O&M shall be submitted to the Engineering Division of Public Works, the Inspectional Services Department, and the Department of Planning and Development.
25. Prior to the issuance of any certificate of occupancy for the Project (temporary or final), the Petitioner shall mill and overlay Herrick Road from curb line to curb line beginning

from the water and sewer line connections Project's frontage on Herrick Road to the bridge abutment or a similar location approved by the Commissioner of Public Works after a site visit.

26. Prior to the issuance of any certificate of occupancy for the Project (temporary or final), the Petitioner shall reconstruct the public footpath out of stamped concrete, or a similar material approved by the Commissioner of Public Works. The walkway shall comply with Massachusetts Architectural Access Board (MAAB) regulations. All other walkways on site shall also comply with MAAB regulations but shall not be required to be constructed of stamped concrete.

26-27. Prior to the issuance of any certificate of occupancy for the Project (temporary or final), the Petitioner shall update the pedestrian curb cuts on either side of Herrick Road to the satisfaction of the Commissioner of Public Works.

27-28. The dumpster on the subject property will be appropriately screened with fencing to be approved by the Director of Planning and Development and shall be maintained free of debris and odors.

28-29. In the event that 17-31 Herrick Road and 39 Herrick Road are not in common ownership, the Petitioner or his successor in interest shall record easements that allow driveway access over 17-31 Herrick Road to 39 Herrick Road. Copies of the recorded easements shall be filed with the City Clerk, the Director of Planning and Development, and the Commissioner of Inspectional Services.

29-30. 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 council order for the approved Special Permit/Site Plan with the Registry of Deeds for the Southern District of Middlesex County for both parcels.
- b. Filed a copy of such recorded council order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
- c. Amended its license with the City in accordance with Condition #3 above.
- d. Obtained a variance from the Zoning Board of Appeals to reduce the front setback in accordance with Condition #5 above.
- e. Obtained approval from the Director of Planning and Development for the Final Inclusionary Housing Plan and Affirmative Fair Marketing and Resident Selection Plan in accordance with Condition #9 above.
- f. Obtained approval from the City Council to extend the water and sewer lines in Herrick Road to the Project site, recorded all necessary easements, and provided evidence of such recordation to the Engineering Division of Public Works and the Department of Planning and Development in accordance with Condition #19 above.
- g. Received approval from the Commissioner of Public Works and the Director of Planning and Development for the photometric and landscape plans for the public footpath in accordance with Conditions #20 and #21 above.

- h. Received approval for the Construction Management Plan in accordance with Condition #22 above.
- i. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.

30.31. No occupancy permit for the use 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 statements by a registered architect and a professional land surveyor certifying compliance with Condition #1.
- b. Submitted to the Department of Inspectional Services, the Department of Planning and Development, and the Engineering Division final as-built survey plans in paper and digital format.
- c. Provided the City Engineer, Department of Inspectional Services, and the Department of Planning and Development with a recorded copy of the Operation and Maintenance (O & M) plan for Stormwater Management in accordance with Condition #24 above.
- d. Received approval from the City Engineer for milling, milling and overlaying Herrick Road ~~along the Project's frontage from curb line to curb line~~ in accordance with Condition #25 above.

e. Received approval from the City Engineer for the reconstruction of the public footpath accordance with Condition #26 above.

e.f. Received approval from the Commissioner of Public Works for the reconstruction of the pedestrian curb cuts in accordance with Condition #27 above.

f.g. Filed with the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that all engineering details for the project site have been constructed to standards of the City of Newton Public Works Department.

g.h. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number, and type of plant materials, final landscape features, fencing, and parking areas.

h.i. Provided evidence confirming the marketing, lottery, and resident selection for the Inclusionary Unit has been completed to the Director of Planning and Development for review and approval.

i.j. Entered into, and recorded at the Middlesex South Registry of Deeds, a Regulatory Agreement and Declaration of Restrictive Covenants for the Inclusionary Unit with the City of Newton and the Department of Housing and Community Development, in a form approved by the Law Department, which will establish the affordability restriction for the Inclusionary Unit in perpetuity.

j.k. The Inclusionary Unit shall be constructed and available for occupancy coincident with market rate units such that no more than four market rate units may receive

occupancy permits until the corresponding affordable unit has received its occupancy permit.

~~31.32.~~ Notwithstanding the provisions of Condition #~~31~~¹⁹ above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the site prior to installation of final landscaping, fencing, and/or benches provided that the Petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining site work to secure installation of such landscaping, fencing, signage and parking areas. This condition shall not apply to the public footpath.

Department of Planning and Development



PETITION #88-19
41 WASHINGTON STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO ALLOW A REAR
LOT SUBDIVISION AND TO
EXTEND A NONCONFORMING
SIDE SETBACK



JUNE 11, 2019

1

Requested Relief



Special permits per §7.3.3 and §7.8.2.C.2 to:

- allow a rear lot subdivision (§3.1.5)
- extend a nonconforming side yard setback (§3.1.3)

2

Criteria to Consider

When reviewing the requested special permits the Council should consider whether:

- the specific site is an appropriate location for the rear lot subdivision (§7.3.3.C.1);
- the rear lot subdivision as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2);
- there would 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); and

3

Criteria to Consider (cont.)

- the extension of the nonconforming side setback is substantially more detrimental than the existing nonconforming structure is to the neighborhood (§3.1.3 and §7.8.2.C.2).

4

Criteria to Consider for Rear Lots

The City Council shall also consider the following criteria for a rear lot development:

- whether the proposed buildings or structures exceed the respective average height of abutting residential buildings and any structures used for accessory purposes (§7.3.4.B.1);
- the scale of proposed buildings or structures in relation to adjacent residential buildings and structures used for accessory purposes and in relation to the character of the neighborhood (§7.3.4.B.2);
- topographic differentials, if any, between proposed buildings or structures and adjacent residential buildings and any structures used for accessory purposes (§7.3.4.B.3);

5

Rear Lot Criteria (cont.)

- proposed landscape screening (§7.3.4.B.4);
- adequacy of vehicular access, including, but not limited to fire and other public safety equipment, with emphasis on facilitating common driveways (§7.3.4.B.5);
- whether any historic or conservation public benefit is provided or advanced by the proposed development (§7.3.4.B.6);
- Whether the location of structures used for accessory purposes or mechanical equipment, including but not limited to free-standing air conditioning units or compressors, on the new rear lot or on abutting lots will negatively impact either the proposed rear lot development or abutting property (§7.3.4.B.7);

6

Rear Lot Criteria (cont.)

- whether the siting of the proposed buildings or structures with reference to abutting residential buildings or any structures used for accessory purposes (§7.3.4.B.8); and
- impact of proposed lighting on the abutting properties (§7.3.4.B.9).

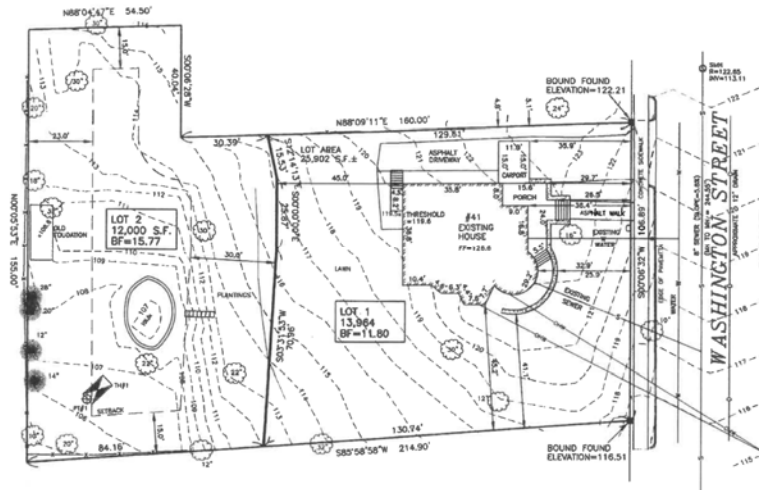
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AERIAL/GIS MAP



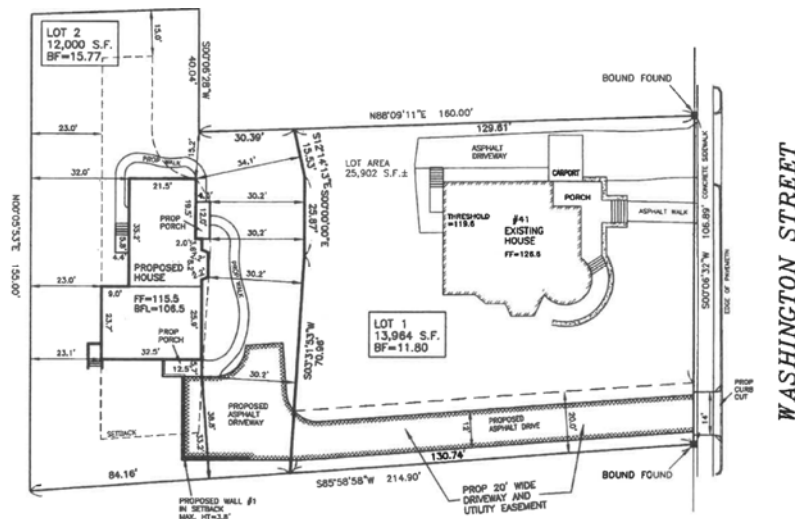
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Existing Site Plan



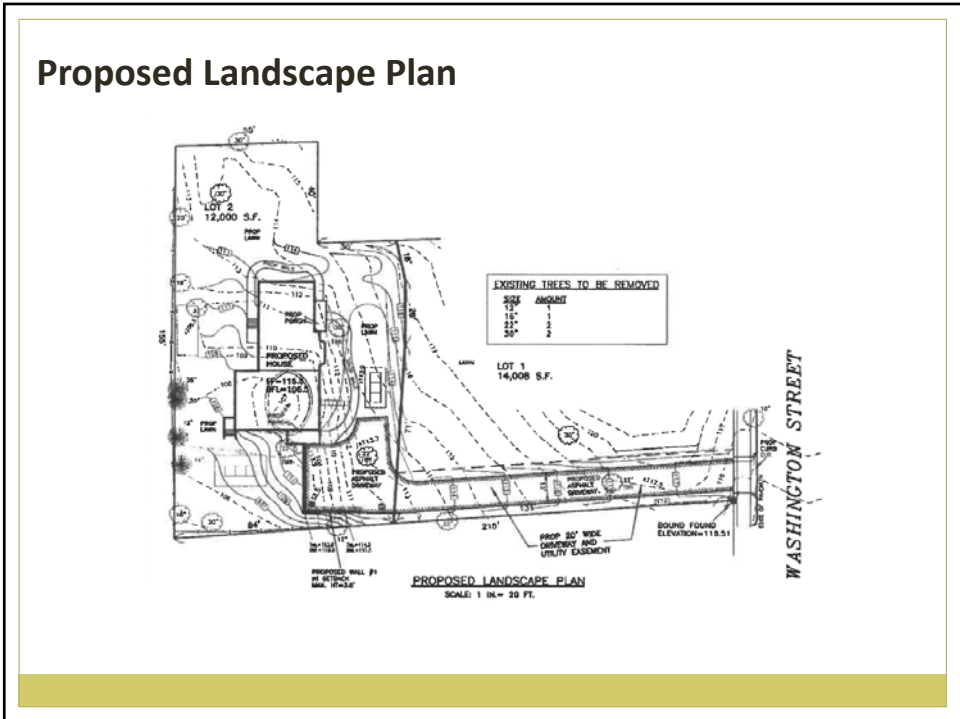
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Proposed Site Plan



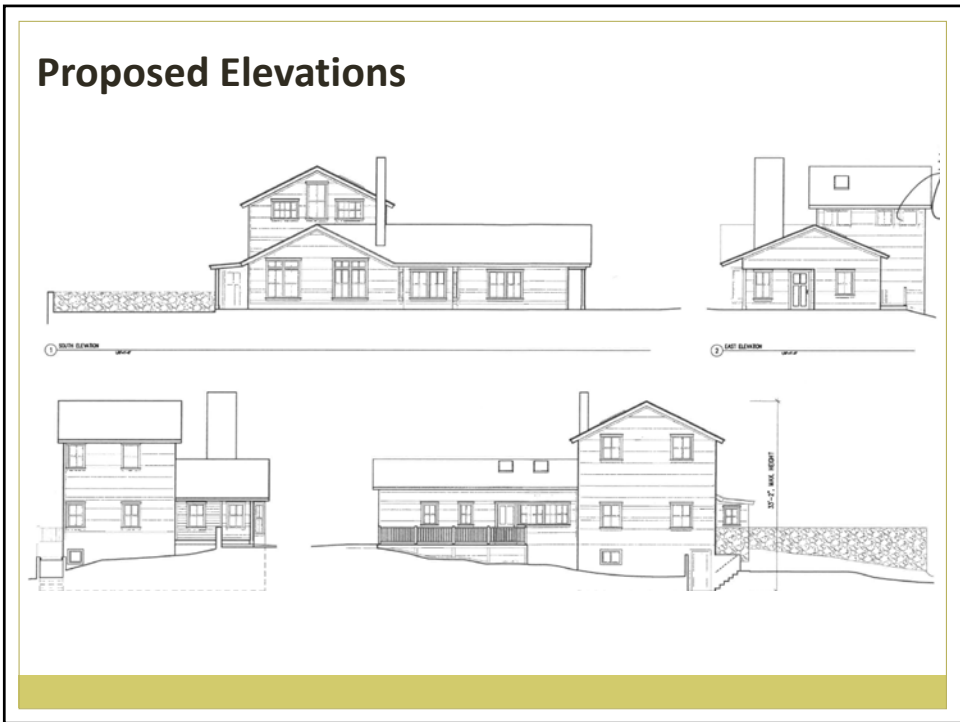
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Proposed Landscape Plan



11

Proposed Elevations




12

Height Difference and Distance Comparison Chart

Property Address	Peak Elevation	Site Peak Elevation	Height Over Site Elevation	Distance From New Building
	Proposed			
41 Washington St, rear	139.7	139.7		
41 Washington St. existing	163.8	139.7	24.1	105.4
33 Washington St.	163.8	139.7	24.1	102
Elmhurst Rd Garage Lot 6 A	141	139.7	1.3	34
74 Elmhurst Road	154.1	139.7	14.4	92
6 Merton Street	148.3	139.7	8.6	112
12 Merton Street	134.1	139.7	-5.6	89
20 Merton Street	127.4	139.7	-12.3	87
124 Grassmere Street	141.1	139.7	1.4	125
128 Grassmere Street	144.7	139.7	5	70
136 Grassmere Street	143.8	139.7	4.1	64
47 Washington Street	153.6	139.7	13.9	90
Average Distance from New Home to Existing Homes, including Lot 6A				88.22

13

Planning Department Analysis



- The Planning Department is unconcerned with the request to establish a rear lot because the proposed dwelling will be smaller in scale than the abutting dwellings will comply with the dimensional standards of a new lot in the Single Residence 3 zone.
- The Planning Department suggests that the petitioner be required to submit a more detailed landscape plan for review and approval prior to the issuance of an occupancy certificate.

14

145 WARREN STREET NEWTON, MASSACHUSETTS

Land Use Public Hearing
June 11, 2019

1

NEIGHBORHOOD

- Located in Heart of Newton Centre
- Short Walk to Newton Centre Green Line Station;
- Immediate Area Restaurants and Shops
- Mixed Businesses and Multi-Family zoned properties



2

SITE INFORMATION

- 23,399 SF of land, which is one of the larger parcels of land within the immediate area.
- MRI Zoning District
- Historically Significant Home to be Preserved – NHC Approved Design
- Proposed Four Residential Units
- MBTA Green Line at Rear of Property
- Wetlands at Rear of Property – Order of Conditions Issued by City of Newton Conservation Commission

3

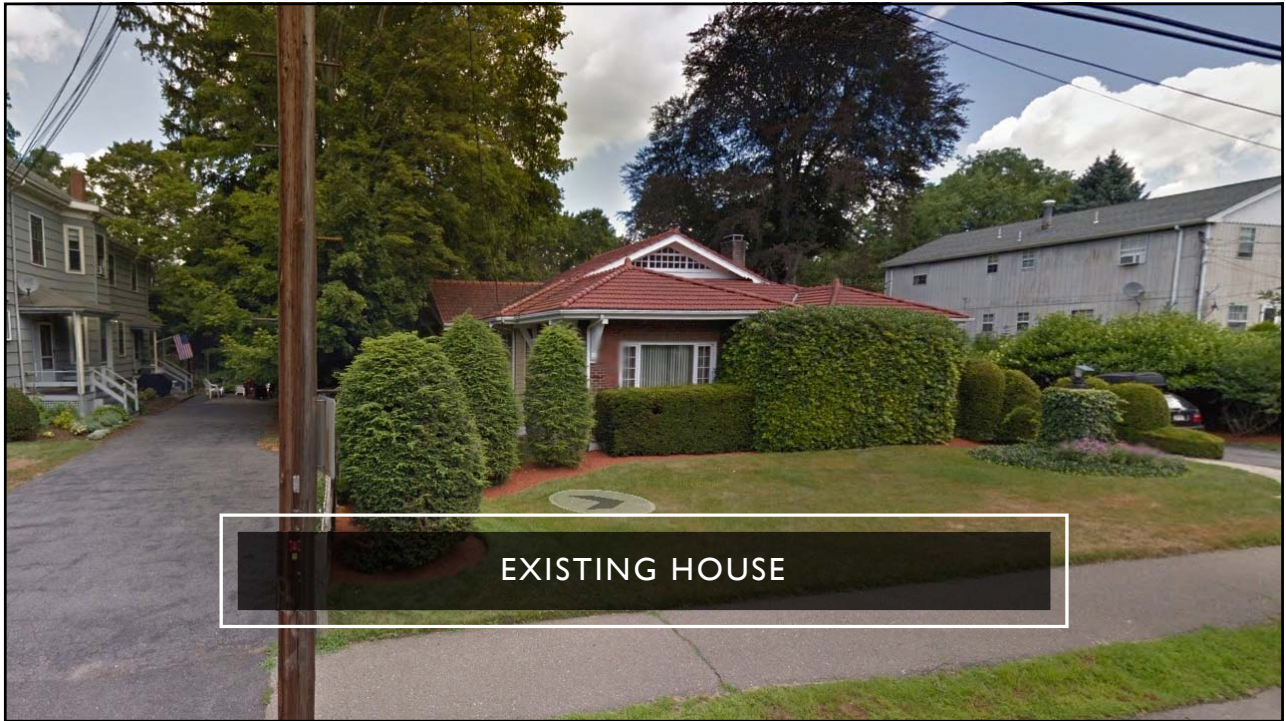


Immediate Neighborhood Density = 5,670 SF Per Unit
 Proposed Project Density = 5,850 SF Per Unit

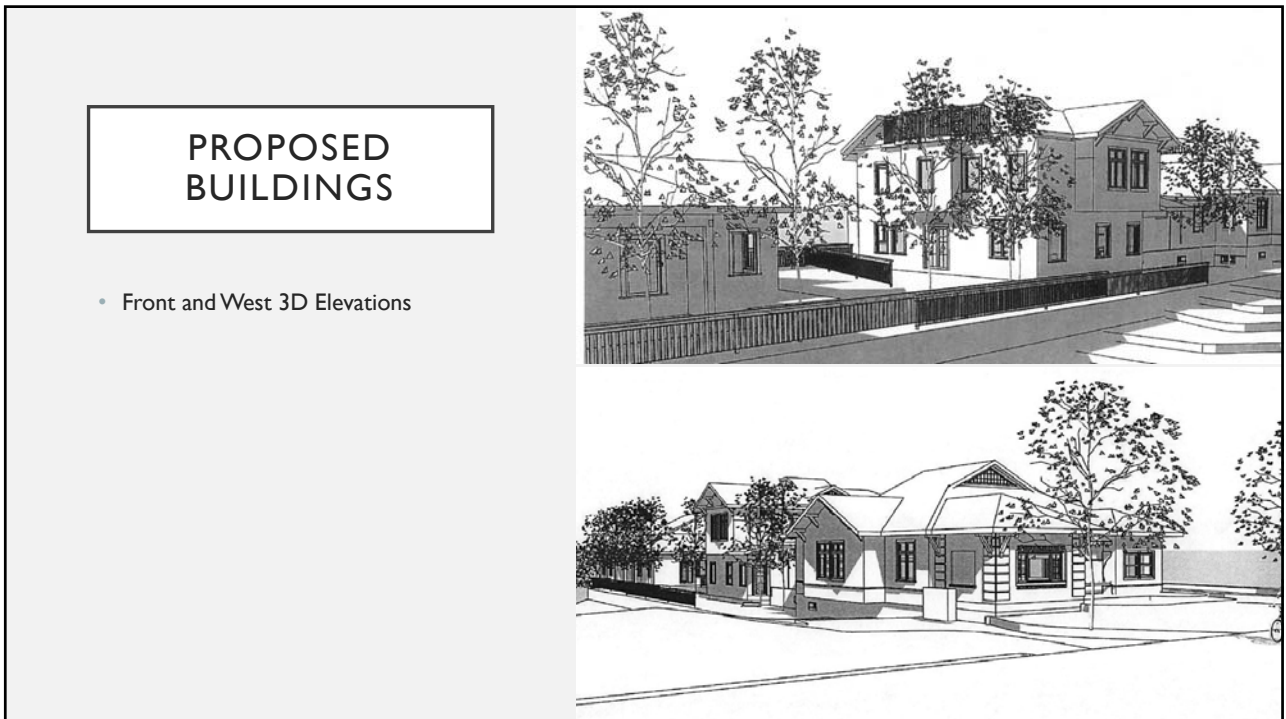
DENSITY

Address	Lot Size	Number of Units	Lot Area Per Unit
7-11 Warren Terr.	7760	2	3880
5-7 Warren Terr.	6615	2	3307.5
159 Warren St.	6615	2	3307.5
16-18 Warren Terr.	5200	2	2600
4 Warren Terr	12825	2	6412.5
149-151 Warren St	24135	2	12067.5
137-139 Warren St	17455	2	8727.5
131-133 Warren St	18020	2	9010
125 Warren St	20846	2	10423
128 Warren St	9286	2	4643
130-132 Warren St	8700	2	4350
136 Warren St	10291	2	5145.5
140-142 Warren St	7200	2	3600
148-150 Warren St	11998	2	5999
154-156 Warren St	10902	2	5451
160-162 Warren St	10134	2	5067
168-170 Warren St	4808	2	2404
Total	192790	34	5670.29

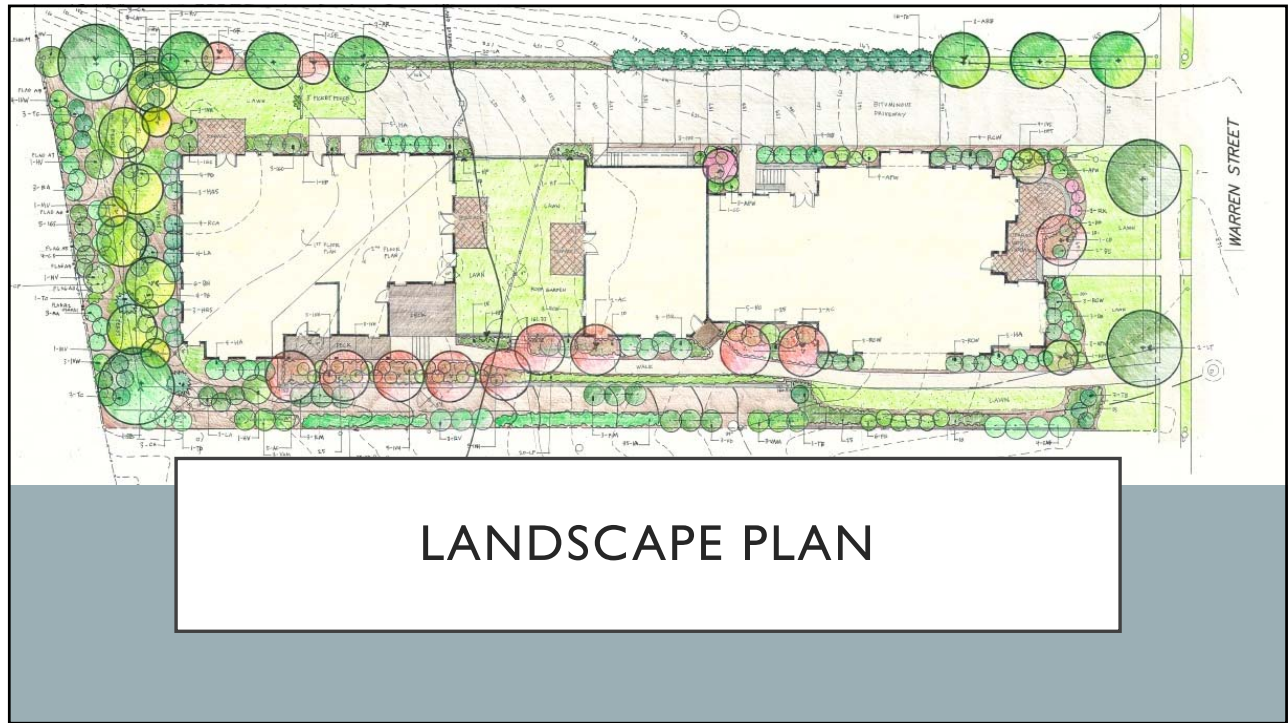
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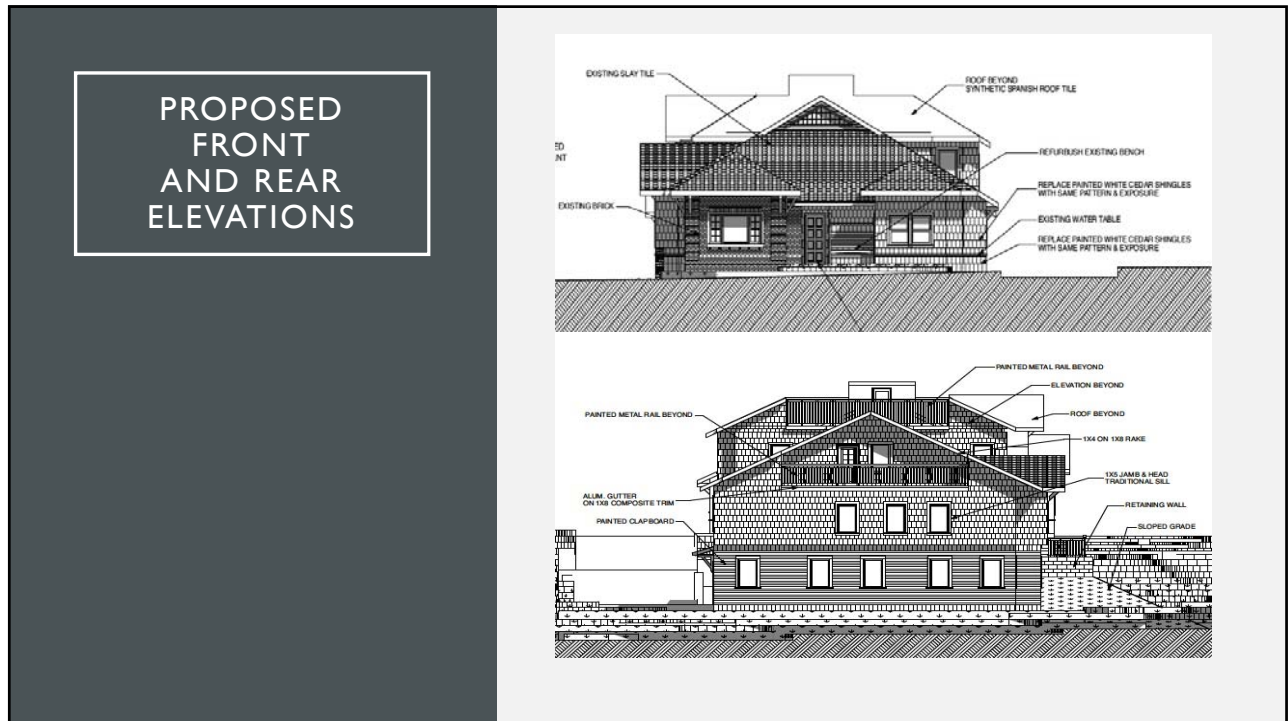
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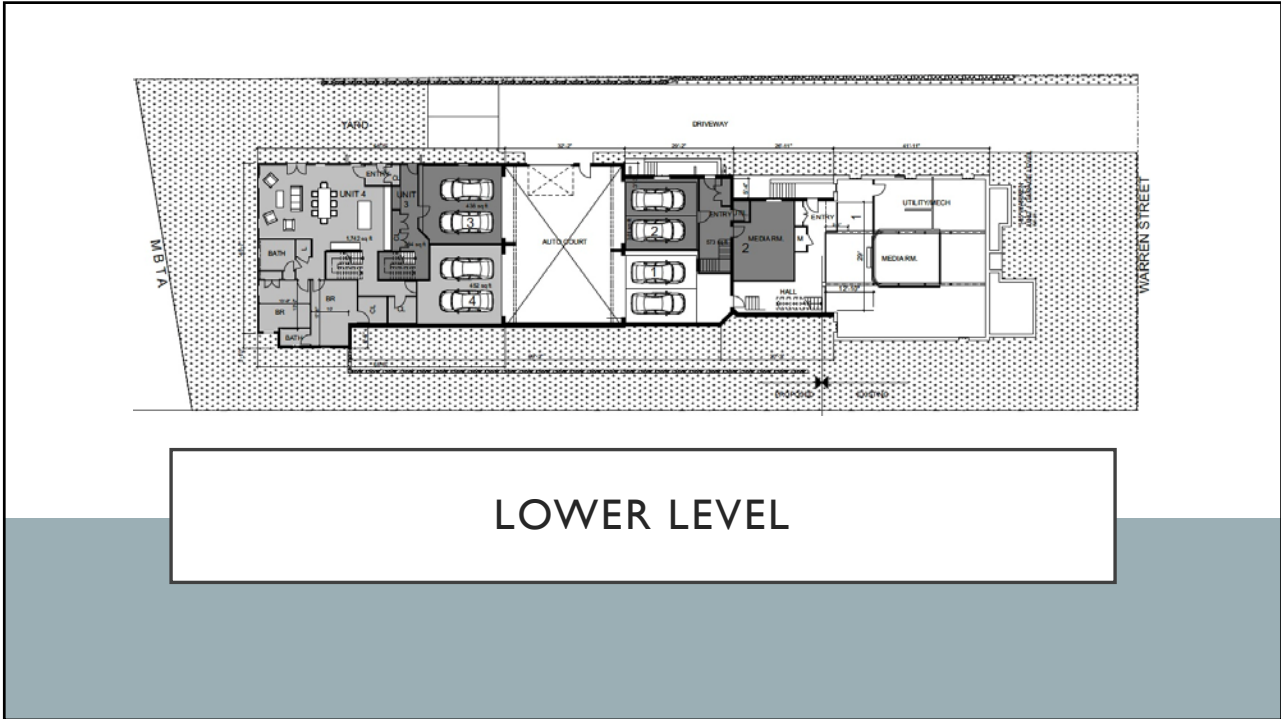
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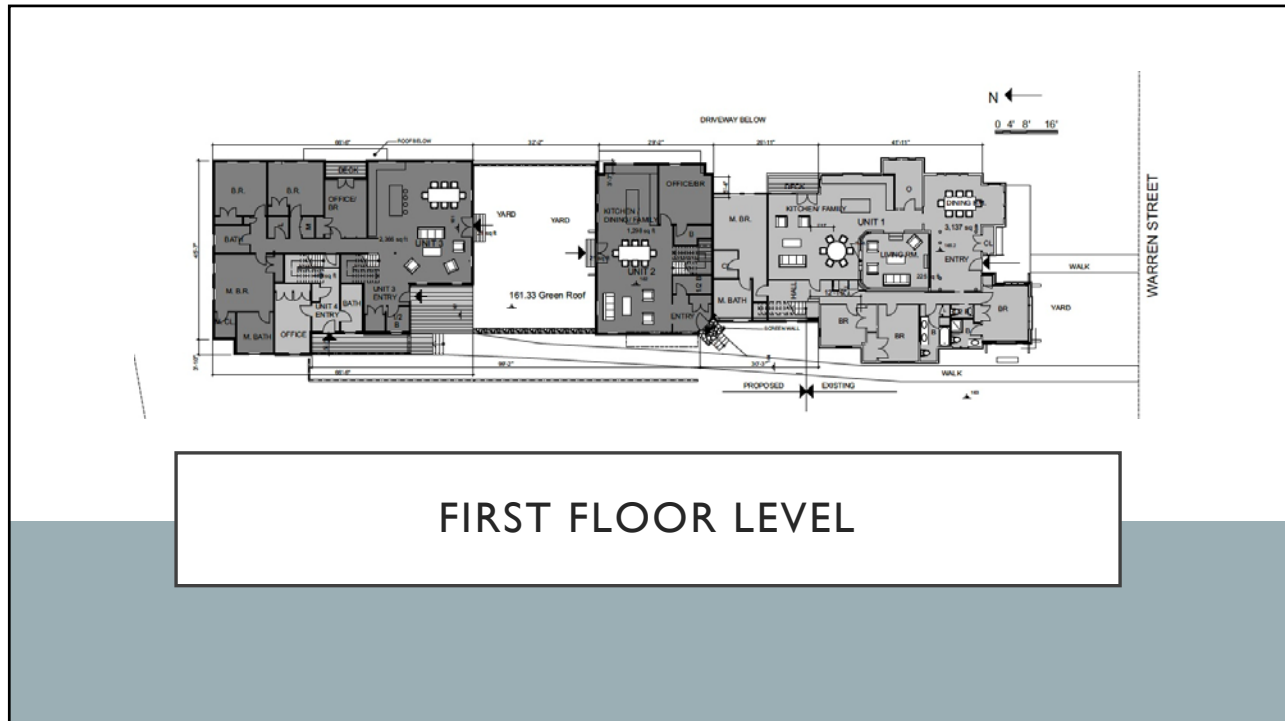
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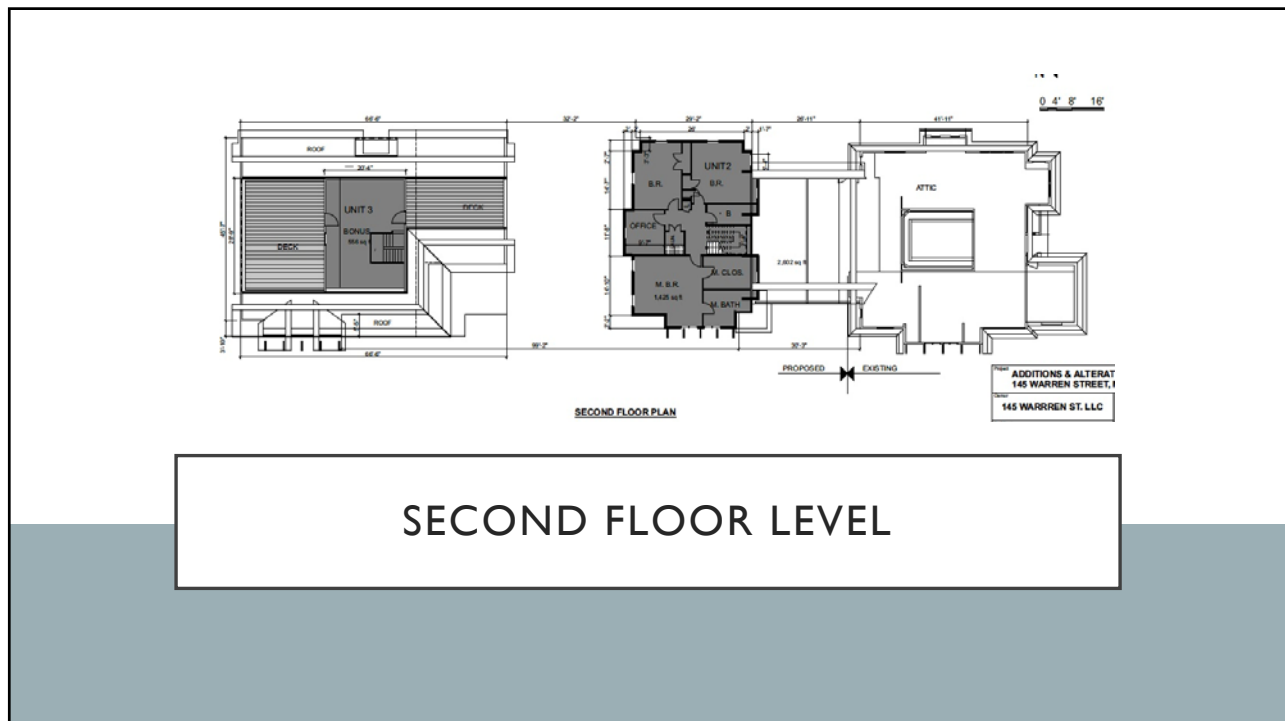
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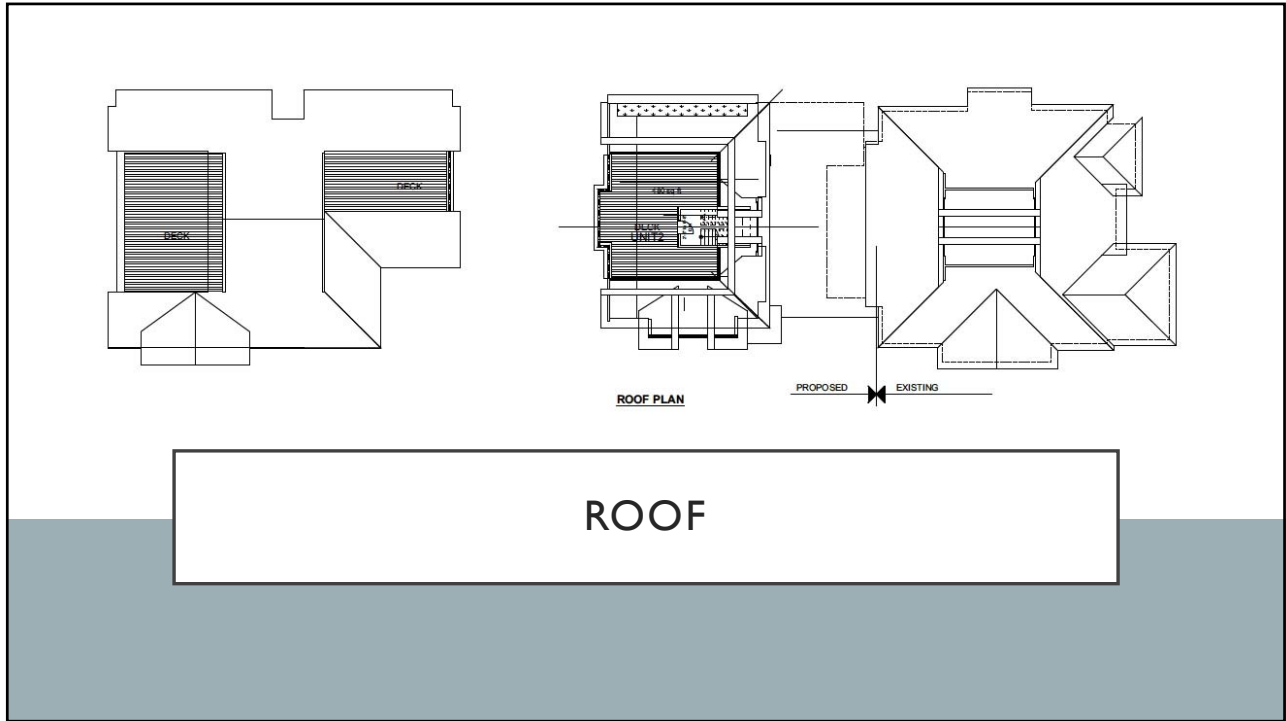
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11



12



The aloha bungalow

The story of 145 Warren St and Ms Dai Buell

Compiled by Aedin Culhane



The Music Magazine-musical Courier, Volume 75, Sep 17th 1917

The Legacy of Dai Bruell, why Newton should celebrate her and the Aloha Bungalow



- Her house 145 Warren, “**The Aloha Bungalow**” was designed for her, was featured in numerous articles and was famous as her performance and recording venue.
- Dai Buell played the **first piano concert by radio to an audience (>35,000)** on **Nov 1st 1921**. Broadcast recorded at studio of the American Radio & Research Corporation (AMRAD) in Medford Hillside, Mass.
- On Oct. 2, 1931, she repeated history by giving **the world's first complete concert by television**.
- She predicted that radio/TV was essential for growth & public appreciation of the classics. She urged musicians to meet the changes from concert stage technique to that of radio. Her goal was that **“in the future perhaps an artist's tours may be made from their very own music room”**

Dai Buell, renowned pianist, TV/Radio pioneer and feminist

DIA BUELL
Emmett M. Ford

Dai Buell was a well-known concert pianist, teacher and piano roll artist born in Fort Wayne, Indiana.

Enrolling in the New England Conservatory in Boston, study in piano was with Carl Baermann, a former pupil of Franz Liszt. Graduating from the conservatory the young pianist had further study with Antonette Szumowska, one of the three students of Ignace Paderewski.

Miss Buell's debut was with the Boston Symphony Orchestra in 1916 and the New York City debut was in Aeolian Hall, January 13, 1917.

Her marriage to Audley Earl Greenridge was in 1918 but kept a secret as he was an ensign in the Navy. It was six years later the marriage was announced.

Concerts were in Europe and the U.S. and during the years of 1923 to 1929 she researched the history of music in Europe.

The first piano recital by radio was in 1921 with Miss Buell as the pianist. She was active in the early stages of the radio and urged musicians to meet the changes from concert stage technique to that of radio. Her prediction was the radio would turn the public to appreciation of the classics.

continued —

The first piano recital by radio was in 1921 with Miss Buell as the pianist. She was active in the early stages of the radio and urged musicians to meet the changes from concert stage technique to that of radio. Her prediction was the radio would turn the public to appreciation of the classics.

Dia Buell continued —



While in France to study modern French composition, Miss Buell was a frequent contributor to musical magazines and gave recitals in France. In the U.S. her recitals were works of representative composers of different musical periods which she discussed and analyzed. She was active in Chromatic Club. Her recital advertisements listed the use of the Mason & Hamlin piano and her recording for Ampico and Duo-Art Rolls.

As an active member in the MacDowell Club her advanced piano students were presented in weekly recitals in her Aloha bungalow in Newton Center for the benefit of the club.

Her sudden death was July 9, 1939. Survivors were her husband and a brother, R. Judson Buell.

Of her Ampico rolls, the Paradies "Toccata in A" (6329F) is an impressive revelation of the personality capturing the message in this lovely piece first heard in Italy three centuries ago. The Duo Art rolls are masterpieces of her playing the works of Lisapouand and Bach.

DIA BUELL

As an active member in the MacDowell Club her advanced piano students were presented in **weekly recitals in her Aloha bungalow** in Newton Center for the benefit of the club.

AMICA News Bulletin, Nov/Dec 1990, Vol 26, Number 6, page 256

Homes and Garden Magazine

October 1918

Featured the "Aloha Bungalow",

145 Warren St, Newton Center

Custom designed for Dai Buell

by her Uncle William L Church

October, 1918



The exterior shows a direct adaptation of the bungalow idea to a structure containing interior features usually possible only in a full sized house. The tall, open and airy, unobscured roof, resulting in water warmth and summer comfort.

A BUNGALOW with a REAL SALON

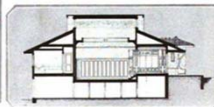
The Home of Miss Dai Buell, Pianist, at Newton Center, Massachusetts.

Designed by William L. Church, Inc.



The floor is arranged around the main room, which extends through to the rear. A double hallway crosses the bathroom and all the bedrooms, leading one picture to three corners.

The unusual height of the main room, partly a full story under the great windows. The height has been secured partly by taking the floor below the ground level. The walls are perfectly shaded.



NWT.5604

NATIONAL REGISTER CRITERIA STATEMENT (if applicable)

The William L. Church House possesses integrity of location, design, materials (except for some window sash), setting, workmanship, feeling and association. It is significant as a representation of Newton's early 20th century growth which resulted in infill of established areas as well as in the creation of new subdivisions. It is also important as an exceptionally detailed Craftsman style bungalow, surpassed locally only by the Goodbar House (NV-085). It thus meets criteria A and C of the NRHP.

ARCHITECTURAL SIGNIFICANCE Describe important architectural features and evaluate in terms of other buildings within the community.


The Church House is a well-detailed example of a Craftsman style bungalow which adheres to the prescribed one story height unlike many other examples in the city. It is built on a rectangular plan with some squared projecting window bays and a projecting entry porch. It is sheathed with the banded shingles popular for this style, and its low pitched hip roof is covered with tiles. The entrance porch displays rusticated brick piers and heavy carved struts to support the overhanging roof. An original built-in bench remains between the porch and the balancing window bay to the right. The major alteration to the house has occurred in this window bay where original vertically aligned sash with transoms has been replaced by horizontal louvers; fortunately this is a change that could easily be restored. Original sash, some with stained glass transoms, remains on the side elevations. Small, multi-pane sash remains in the gabled dormers.

HISTORICAL SIGNIFICANCE Explain the role owners played in local or state history and how the building relates to the development of the community.

Mr. and Mrs. William Lee Church were the original owners of the bungalow at 145 Warren Street which was built in 1916. The architect and builder of the house are unknown, but it may be that Mr. Church who graduated from Rensselaer Polytechnic Institute as a mechanical and hydraulic engineer had some hand in its design. Before coming to Newton, Mr. Church worked for the firm of Westinghouse, Church and Kerr Company of New York, and then in Boston for Lockwood-Green Company. (The Lockwood-Green Company was responsible for the design of the Gameswell Company buildings in Newton Upper Falls.) He was also President for a time of the Ambursen Hydraulic Construction Company of Boston. Church and his wife Sarah had one son, Burr Aiden Church who became a photographer and a niece, Miss Dai Buell, a music teacher and concert pianist, who lived with them. The house is said to be designed with proper acoustics for the piano for the use of Miss Buell. Sarah Church died in 1922 within days of their fifteenth wedding anniversary. William, who was listed as an "old resident" of Newton Centre died in 1927 at the age of 77. The early picture of the house can be dated to the 1940s due to the Red Cross sign in the front window.

BIBLIOGRAPHY and/or REFERENCES
 Building Department Records: 145 Warren Street
 City Directories and Atlases, VF-Jackson Homestead
Newton Graphic 27 May 1927

8/85



Newton, MA-MRA
NWT.5604


1916

From: Massachusetts Cultural Resource Information System
 "Image from circa 1940s dated due to red cross in window"


5

House Exterior

1918 (Homes & Gardens)



2018 (extracted from historical application)



6

The exterior shows a clever adaptation of the bungalow idea to a structure containing interior features usually possible only in a full sized house. The walls, floors and ceilings are insulated with seaweed, resulting in winter warmth and summer coolness.

A BUNGALOW with a REAL SALON

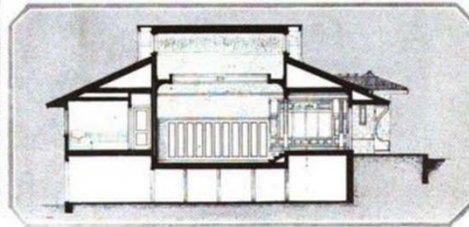
The Home of Miss Dai Buell, Pianist, at Newton Center, Massachusetts

Designed by William L. Church, Esq.



The plan is arranged around the music room, which carries through to the roof. A single hallway serves the bathroom and all the bedrooms, making for practical living convenience and economy of space.

The unusual height of the music room permits a balcony below the peak windows. This height has been secured partly by sinking the floor below the ground level. The walls are perfectly deadened.



Homes and Garden Magazine, October 1918

7



Left—The reception hall of "Aloha Bungalow," Miss Buell's home at Newton Center, Massachusetts
Right—Miss Buell's music room
Below—The "Aloha Bungalow"



WITH little more than two years of "concertizing" behind her, Miss Dai Buell, pianist, has triumphed in Boston, New York, Chicago, Detroit—in fact, wherever she has been heard she has aroused interest and no little discussion in musical circles. In January of 1916 she made her debut in Steinert Hall, Boston. Her entire musical education was received in this country, for the most part in Boston, under Carl



concise, to guide the appreciation of her interpretation. In studying a composition, she acquaints herself not only with the life, times and atmosphere of the composer, but also becomes thoroughly familiar with the thought motif of the piece. In the case of Scriabine's "Marionettes," which frequently appear on her programs, she delved deep into the theory and early history of the ruse, show as conducted in the

8

Music Room with sunken floor, 27 foot in height

1918 (National Magazine Vol 47:266)

2018 (extracted from historical application)



9

The National Magazine - Volume 47 - Page 266

NATIONAL MAGAZINE

Mostly About People

An Illustrated American Monthly



Volume XLVII:
December, 1917, to December, 1918

56 *Mostly About People* NATIONAL MAGAZINE



WITH little more than two years of "concerting" behind her, Miss Dai Buell, pianist, has triumphed in Boston, New York, Chicago, Detroit—in fact, wherever she has been heard she has aroused interest and no little discussion in musical circles. In January of 1916 she made her debut in Symphony Hall, Boston. Her entire musical education was received in this country for the most part in Boston, under Carl Baermann. From the circumstance, it is generally agreed that she is an eastern product. As a matter of fact she is a Hoosier—born in Indiana, and spending her childhood in Logansport.

The story of the early life of this young musician is another example of the value of confidence in self, combined with the grit and pluck to back it up. At a very early age the unusual decision and unselfish that the companions and family of genius in the embryo usually furnish. Brought with more than a goodly share of worldly possessions, lessons were something of a problem, but, nothing daunted, at the age of twelve she began to study in earnest with a good master. At fourteen she had a class of her own, which provided funds and enabled her to

...to secure her education.

Not far long could the Indiana town hold Dai Buell. Consistent with her decision to come to Boston was the discovery of a relative, William Lee Church, a prominent engineer living in Newton Centre, a nearby suburban city. It is with this uncle that she made her home during her years of study, all the while maintaining a class and paying her own way. It was in part to give Dai Buell's music the proper setting that "Albion Burglar" was designed. Here she has been able to live "the life royal." Extremely sensitive to surroundings, she is firmly convinced that, to make the most of an artistic gift, the artist's daily life must be raised above the world and the commonplace. At "Albion Burglar" she holds informal concerts, and those who have heard her play in her home declare that environment, playing and player form an ideal ensemble. These concerts are usually feature appearances with well-chosen selections, which serve to illustrate her talks. It is her intention to inaugurate a series of "appreciation" talks, after the old continental fashion so much in vogue in the days of Liszt and the old masters. To those who have come in contact with her vivid personality, Dai Buell seems peculiarly fitted to work with a piece of work.

Industrious and conscientious, Dai Buell is well interpreted, candid and disinterestedly constructive into every program. One piece in particular always elicits enthusiastic commendation—the "Lughinda" of Lisjansov, the Russian composer whom Miss Buell considers to have done the most notable work of the last decade.

When making up her programs, the complex notes, brief and



MISS DAI BUELL

NATIONAL MAGAZINE: *Mostly About People*

Moscow, took this strange theme from its Tartar setting and evolved therefrom a wonderfully impressive composition. In preparing the notes on this, Miss Buell ransacked the Boston Library, and, when her search seemed most fruitless, she located a remote reference in a ponderous history of Russia.

It may be glimpsed something of the earnestness, sincerity and enthusiasm with which Dai Buell approached her work. Magnetic personality, pleasing appearance and charming manner, first impressions of this young artist are distinctly happy. Her playing is brilliant and entirely free from mannerisms; her tones are wonderfully clear and her technique excellent. Her fine intelligence shines thru her interpretations—they are expressive, confident and clean-cut. She possesses unusual power for a feminine pianist, and her faculty for making her work understandable amounts to genius. Like the girl herself, her interpretations are glowingly alive and vital.

American of ancestry, birth and education, this fact will count to her credit in these days of patriotism. And she is truly present-day American in her distinctively individual interpretations and choice of program.

Youthful—she is in her early twenties—comely, vivacious, her valiant spirit and success are an inspiration to others toiling along the obstacle-strewn road of artistic endeavor.

https://books.google.com/books?id=4NROAQAMAAJ&pg=PA266&ots=mk1JqBf_-n&dq=Dai%20Buell%20piano&pg=PA266#v=onepage&q=Dai%20Buell%20piano&f=false

10

The Music Magazine-musical Courier, Volume 75, Sep 17th 1917

Dai Buell's Handsome New Bungalow

Temperament creates an atmosphere and stimulates the artist. Nature has abundantly endowed Dai Buell with temperament, and the photographs accompanying this article show that she lives in a thoroughly artistic atmosphere. Her residence at Newton, Mass., is a charming one story bungalow of the Drury type, the exterior walls of which are of moss green shingles and the roof of red terra cotta tiles. The columns of the porch, as well as the pier supporting the eaves, are of dark mahogany wood. The trim is a delicate primitive color equivalent to a light cream, carrying the faintest suggestion of green.

The bungalow, being of one story, necessarily covers a large ground area. It follows that the central portion is disbarred from external windows and it has therefore been set apart for a most charming music room, in which the day lighting is from large triangular windows of amber cathedral glass in the two gables. The music room not only extends clear to the peak of the roof, but the floor is depressed two feet below the general level, the total height being twenty-seven feet. This is relieved and the acoustic properties conserved by drawing in the walls to form a covered gallery fourteen feet above the floor. The space above the gallery forms a miniature art gallery.

The arrangement of the bungalow is such that the portion used for entertaining forms essentially one large room, but with sufficient demarcation to set apart the different functions. In the view looking out from the music room, the main entrance is in the center, opening into the foyer hall. The living room and the dining room are on the right and left respectively. A sufficient demarcation is afforded by the arrangement of the columns.

The living room is finished in mahogany and the foyer



DAI BUELL.

and dining room in the rich, warm, natural tone of mahogany. The wall decorations are also in a harmonious color tone, so that the effect is that of a welcoming gallery. The decorative treatment of the music room is ever, in such an as to frankly set it apart in a special formal room, somewhat classic in its severity. The wall work is in chestnut, and the high dado in its tone will thus stand out in boldness. The piano is built into the entire room is finished in a cool, smoky grey, which the contrasted silver lighting brackets beautifully accentuate. Plants and trailing vines on the parapet of the gallery will in the winter time give a touch of color and grace to the otherwise formal lines.

Miss Buell gives a series of solos during each week, on which occasions, when in recital form, about one hundred and fifty guests can find comfortable seating on the main floor without encroaching on the music room. The low level of the piano enables most of the audience to see the keyboard work of the artist at close range.

An interesting feature is the means used for insulating the sound of the piano from the sleeping rooms and domestic portions of the house. For this purpose the wall of the music room is double—strictly, a room within a room. The space between the walls is packed with seaweed as a soundproof material, and the walls themselves have no point of connection, except at the floor and a slight tie at the level of the gallery. The piano is therefore practical, inaudible in other portions of the house.

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The music room, showing the lighting arrangement and the acoustic properties.



Dai Buell's house at Newton, Mass.



View from the music room, showing the high level of the piano.

Her residence at Newton, Mass., is a charming one story bungalow

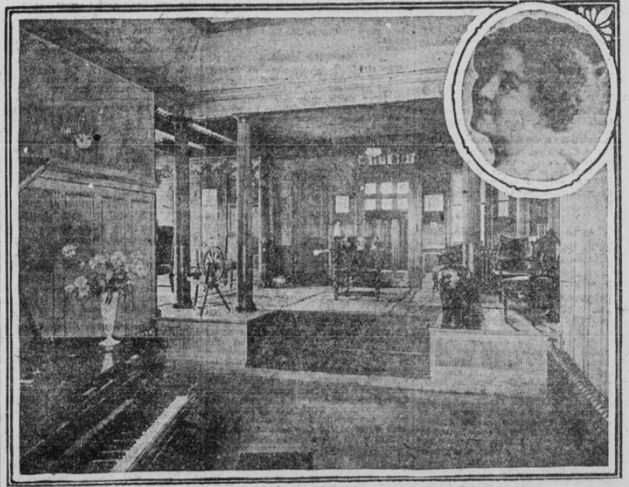
The music room not only extends clear to the peak of the roof, but the floor is depressed two feet below the general level, the total height being twenty-seven feet. This is relieved and the acoustic properties conserved by drawing in the walls to form a covered gallery fourteen feet above the floor.

[Boston Post, 09 Jan 1921, Sun, Page 41](#)

Featured the Aloha house and Dai Buell

https://www.newspapers.com/clip/16253984/aloha_bungalo_w_dai_buell_1921/

Double Walls of Studio Make 'Soundless Music Room'



Dai Buell (insert) and her soundless music room. This room is so ingeniously constructed that one can play on the piano and still not be heard in other portions of the house.

Dai Buell, the well known Newton Centre pianist, has the distinction of having in her home the only known "soundless music room" in existence.

Here the artist can work through the still hours of the night without disturbing the sleep of other members of the household.

The music room is literally a room within a room, the double walls being packed with seaweed, making the piano absolutely inaudible in other portions of the house. The lighting is from large triangular windows of amber cathedral glass in the gables at either end of the balcony. The illustration shows the foyer hall and the depression of the floor in the music room, which gives a height of 27 feet. This is relieved and the acoustical properties preserved by drawing the walls to form a covered gallery 14 feet above the floor. The classical simplicity carried to the extreme instead of draperies insures acoustical perfection.

Boston Post article (1921, Jan 9th Sunday): "Double walls of studio make soundless music room".

It states " the room is so ingeniously constructed that one can play on the piano and still not be heard in other portions of the house".



Further, text of the article states; "Dai Buell, the well know Newton Center pianist, has the distinction of **having in her home the only known "soundless music room" in existence.** Here the artist can work through the still hours of the night without disturbing the sleep of other members of the household. The music room is literally a room within a room, the double **walls being packed with seaweed**, making the piano absolutely inaudible in other portions of the house. The **lighting is from large triangular windows of amber cathedral glass in the gables** at either end of the balcony. The illustration shown of the foyer hall and the **depression of the floor in the music room which gives a height of 27 feet.** This is relieved and the acoustical properties preserved by drawing the walls to form a covered gallery 14 feet above the floor. The classical simplicity carried to the columns instead of the draperies insures acoustical perfection".

13

The "**Aloha Bungalow**" was so well-know as a performance venue it was featured in significant adverts

Advertisements for Steinway Pianos' in the Boston Symphony Orchestra concert programs, Season 57, 1937-1938 It states

"Steinway, the instrument of the immortals. used exclusively by DAI BUELL .at ALOHA BUNGALOW in a SCHUMANN Programme March 15 and 16 and in a programme of BACH and SOME OTHER MODERNS on April 12 and 13, at ALOHA BUNGALOW

STEINWAY THE INSTRUMENT OF THE IMMORTALS

used exclusively by
DAI BUELL
in her
CAUSERIES-CONCERTS
at
The Presidents' Club of Mass.
Y. W. C. A. Auditorium
March 9th

at ALOHA BUNGALOW in a SCHUMANN Programme
March 15 and 16

and in a programme of BACH and SOME OTHER MODERNS
on April 12 and 13, at ALOHA BUNGALOW

DEEMS TAYLOR says of Dai Buell: "In addition to her gift for choosing wise and instructive remarks, she has a zealous and reliable mastery of the piano."

"The Steinway is veritably the complement of the pianist, and a compliment to the art of pianoforte playing . . . through and for the ages"—Dai Buell

In Massachusetts new Steinways are sold only by
M. STEINERT & SONS
STEINERT HALL ··· 162 BOYLSTON STREET

[841]

14

Boston Symphony Orchestra Season Programmes

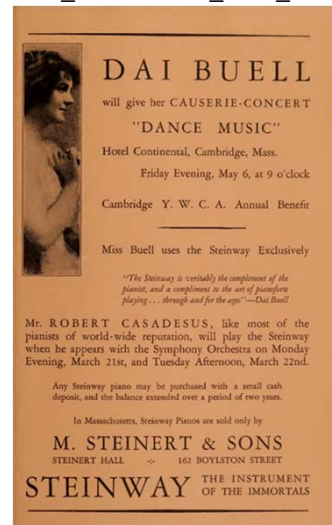
BSO_44th Season_1924_1925



BSO 47th Season 1927-1928



BSO_57th Season_1937_1938



15

145 Warren was known as the **Aloha Bunaglow** home to Miss Dai Buell, pianist in Newton, Boston, regional and international publication

The newton graphic. VOL. XLVIII— NO. 29
NEWTON MASS., FRIDAY. APRIL 2. 1920.
(https://archive.org/stream/NewtonGraphicApril1920/1920-04-Apr_djvu.txt)

"Miss Dai Buell, pianist, is to give a reception to her friends on Saturday, May 1st. at **Aloha Bungalow, 145 Warren street.**"

The Newton Graphic . VOL. LIII. — NO 34 .
NEWTON. MASS.. FRIDAY. MAY 1, 1925
(https://archive.org/stream/192505May/1925-05-May_djvu.txt)

"**Aloha Bungalow, 145 Warren street,** Newton Centre, the home of Miss Dai Buell, the well known pianist, will the first time since those delightful "May Days" which for many years were a tradition in musical circles."

16

Annual May Day at the Aloha Bungalow, Newton

The Newton Graphic . Vol. LIX— No. 35 .THE NEWTON GRAPHIC (Newton, Mata.) FRIDAY, MAY 1, 1931
(https://archive.org/stream/NewtonGraphicMay_1931/1931-05-May_djvu.txt)

MAY DAY AT ALOHA BUNGALOW

As is **her annual custom Dai Buell, well-known concert pianist, whose home, Aloha Bungalow, is at 145 Warren street, Newton Centre,** will keep open house to her friends this afternoon and evening. As a very young girl she set apart this day for her friends and has maintained the practice unless away on concert tours. A program of dancing and music has been arranged lasting well into the evening. There will be traditional folk dances, and a Maypole dance followed by several musical selections by artists of distinction, such as Mrs. Abby Conley Rice and Mlbb Dorothy George, soloists. Mrs. Georges His, violinist, and Miss Artiss de Volt, harpist. Several pianists, pupils of Dai Buell, will intersperse the selections by these artists with contrasting numbers. Miss Ethel deMille as trumpeter will serve as announcer.

Mrs. Oliver H. P. Rodman is in charge of the tea table, assisted by Baroness von Tippelskirch, and Mesdames Wm. H. Brennan. Reginald Heath, Alexander Steinert. Frederick S. Whitwell, Wm. A. Gaston, Wm. C. Bray, and Raymond Huntington. The Misses Violet James, Cornelia Wing, Muriel Ames. Martha Peterschen, Margaret Reeves. Ethel deMille and Helen Mumford will be at the punch bowl and the Misses Jane Cobb and Elizabeth McKey will be the cigarette girls. Girls with garlanded baskets assisting with serving will be the Misses Jane and Peggy Burgess, Katherine Niles. Elizabeth Huntington. Anne Kendall, Betty Cleverdon, Barbara Squier, Anne Stratton, Helen Dane, Helen Boyd, Grace McLellan. Virginia Lichtner, Priscilla Young and Lillian Taylor. **General dancing will continue until late in the evening.**

17

First Radio Recital heard from coast to coast

Dai Buell announced she was beginning my season on the evening of November 2 when "I am going to **play a program and give interpretative remarks over the radiophone from the highest powered station in New England**"

"The number of the station is Amrad IXE in case you want to tune in **This recital will be heard from coast to coast Canada to Texas and far out to sea** It is the first occasion of its sort on record I believe all other efforts along this line having been made by singers and speakers with an occasional violinist

This is to be a serious program with remarks to stimulate the uninitiated in music's beauties and it is a pleasant prospect to think that in the **future perhaps an artist's tours may be made from their very own music room** "

The Music Magazine-musical Courier, Volume 83. October 27, 1921
<https://books.google.com/books?id=0PM6AQAAAJ&pg=RA10-PA53&ots=GddjSRhFcl&dq=Dai%20Buell%20piano&pg=RA13-PA27#v=onepage&q&f=false>



18

**Local Indiana papers announced the broadcast
Note Radio = Radiophone, wireless telephone**

"Do you know what this means? If you are a 'Radio Fan' you will. If you are not, listen! Go to some friend who is, or to the nearest high-powered radio station, at 8 p. m. Eastern Standard time, on Wednesday, November 2nd., and hear Dai Buell in recital, with brief interpretive comments, all transmitted from Boston by Radiophone (wireless telephone). This is the first occasion of its kind in the development of wireless and will be a historical event.

Logansport Pharos-Tribune
(Logansport, Indiana) · 31 Oct 1921, Mon ·
Page 3

https://www.newspapers.com/clip/16253743/dai_buell_1921/

Logansport Pharos-Tribune (Logansport, Indiana)

**FORMER LOCAL GIRL TO ESTABLISH
UNIQUE RECORD IN MUSICAL WORLD**

Miss Dai Buell, a former Logansport girl, is winning an unusual degree of attention. The eyes of thousands from all parts of the country, are now centered on this girl who is preparing to make history in a performance to be given Wednesday. The following announcement has been received by local people, which will be of great interest to her large number of friends in this city.

"Do you know what this means? If you are a 'Radio Fan' you will. If you are not, listen! Go to some friend who is, or to the nearest high-powered radio station, at 8 p. m. Eastern Standard time, on Wednesday, November 2nd., and hear Dai Buell in recital, with brief interpretive comments, all transmitted from Boston by Radiophone (wireless telephone). This is the first occasion of its kind in the development of wireless and will be a historical event."

"Of this sterling artist the Boston Transcript says: 'She sits in a niche of her own among the young pianists of the hour.' Then remember that the wide publicity that Dai Buell enjoys assures her drawing power with your clientele. What are your plans? Let us hear from you.—Smalley Concert Bureau, 80 Boylston Street, Boston."

Miss Buell left Logansport a number of years ago for Boston, Mass., where she began an intensive course of study in music. She has been pronounced by some of the best critics as possessing a bright future. There has been much publicity concerning her many recitals when she appeared before audiences of distinction. Her progress has always been watched with interest by local people who knew her well when she resided in Logansport.



LISBON MINISTRY
TO BE REORGANIZED
MADRID, Oct. 31—Advised from

AMRAD "radiophone" station

AMRAD RADIO
for the HOME

**Make this a Radio Christmas—
But satisfy with AMRAD**

Unless you have heard the AMRAD, you haven't heard Radio. AMRAD Receiving Sets—large or small—incorporate the latest TESTED refinements only possible after many years of deliberate research and actual Radio engineering and manufacturing experience. Superior performance, reasonable cost, lasting satisfaction—if your Radio is AMRAD.

Go to Your Dealer
Ask him to show you the latest AMRAD Receiving Sets, from \$21.50 to \$300.00. If your dealer is not equipped, place your order, and he will fill it quickly. Look for the green and yellow AMRAD labels in the best stores, and insist on seeing the AMRAD before you purchase.

Complete sets include everything you need for Radio Satisfaction, 100% in service.

Attention Postmen and Postpaid Customers
117 Collins Ave., Medford Hillside, Mass. (4 Miles West of Boston)
New York City Chicago
17 Park Row 228 So. State St.

AMRAD Radio Emergency Receiver 228
Latest AMRAD Quality Receiver—Impregnable construction
in 2500 Milepost Columns. Price, see table, \$125.00

Advert 1922

"Main Factory of the American Radio and Research Corporation, Medford Hillside, Mass. Home of Amrad Radio. Showing at extreme right Research and Engineering Laboratories and Broadcasting Station WGI, the Pioneer Radiophone for Broadcasting to the Layman Public." (Caption from 1922 company advertisement)^[1]

Girl plays to unseen audience 35,000 hear pianist give concert by wireless.

Dai Buell plays the piano in front of broadcast equipment in a performance said to be the first piano concert by wireless telephone to the largest audience ever entertained by an artist by radio.

Photo from George Grantham Bain collection, Library of Congress.
<https://www.loc.gov/pictures/item/2012649426>



21

In addition to being the first to play a piano recital on radio, she was also the first on Television



DAI BUELL

22

Television performance Oct 1st 1931

For the first time in a public exhibition in New England a real demonstration of television is promised. Although the status of **television is still a controversial' subject**, It is admitted by those who take the most conservative views that television is not remotely removed. Recognizing this fact, Sheldon H. Fairbanks, founder and director of the Boston Radio Shows, has allotted space for the demonstration of television this year so that the public may view the art as it is and draw its own conclusions. One hall of the show will house the television demonstration which will be put on by the Shortwave and Television Laboratories of Boston. The demonstration will be devoted to the reception on the opening evening of a program from 8 to 8:30 and another from 9 to 9:30 o clock. The transmissions will be made from the company's laboratories on Brookline av, Eoston, the **sound being transmitted by Station WIXAU and the images by Station WIXAV. Miss Dai Buell, concert pianist who gave the first concert radio recital in Ne5V England over Station WGX back in November, 1921, has been elected to take a leading part in the epochal broadcast scheduled for this evening**

The Boston Globe from Boston, Massachusetts · Thursday, October 1, 1931 Page 31
<https://www.newspapers.com/newspage/431239182/>

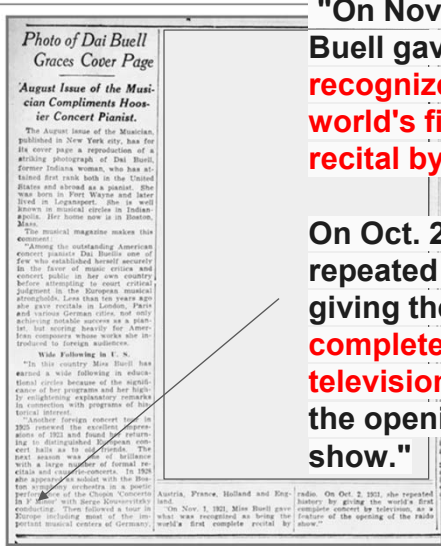
23

Photo of Dai Buell Graces Cover Page
 August Issue of the Musician
 Compliments Hoosier Concert Pianist.

"Among the outstanding American concert pianists Dai Buellis one of few who established herself securely in the favor of music critics and concert public in her own country . before attempting to court critical judgment in the European musical strongholds.

Less than ten years ago she gave recitals in London, Paris and various German cities, not only achieving notable success as a pianist, pianist, but scoring heavily for American American composers whose works she introduced introduced to foreign audiences.

The Indianapolis Star (Indianapolis, Indiana) · 11 Sep 1932, Sun · Page 30



"On Nov. 1, 1921, Miss Buell gave what was recognized as being the world's first complete recital by radio.

On Oct. 2, 1931, she repeated history by giving the world's first complete concert by television, as a feature of the opening of the raiddo show."

24

She recorded on Ampico and Duo-Art Reproducing Piano, I could identify >50 recordings at https://www.player-care.com/ampico_catalog.pdf.

Many on youtube
https://www.youtube.com/results?search_query=Ampico+Dai+buell

"

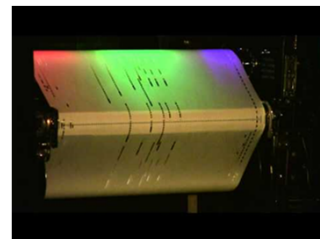
Played by Dai Buell Duo-Art Toccatina in A. 1924 #63291-F AMPICO
[1xtw33\({{2syxyfi2sq3{exlCzA5MpiZlZz}8](https://www.youtube.com/watch?v=1xtw33({{2syxyfi2sq3{exlCzA5MpiZlZz}8)

Played by Dai Buell Duo-Art # 72539 Released 9/28 from Sonata in E Flat, trans by Zadora (J.S.Bach)
https://www.youtube.com/watch?v=6BLE_XZQjT0

2 Beethoven: 6 Variations "Nel Cor Piu Non Mi Sento", Mme Dai Buell in 1924, on Ampico 63673

<https://soundcloud.com/veikko-viljanen/beethoven-6-variations-nel-cor-piu-non-mi-sento-mme-dai-buell-in-1924-on-ampico-63673>

Papillon (Grieg); Br'er Rabbit (Maddowell) - Dai Buell
<https://www.youtube.com/watch?v=TUzn2TxFUDg>



27

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- https://en.wikipedia.org/wiki/Dai_Buell
- Ginny Billings and Bob Billings, *The Billings Rollography* (Rock Soup 1990): 71.
- "Affairs and Folks: The Art and Personality of Dai Buell" *National Magazine* (May 1918): 266-267.
- "Former Local Girl to Establish Unique Record in Musical World" *Logansport Phoros-Tribune* (October 31, 1921): 3. via Newspapers.com
- "A Newcomer Among Our Pianists" *Musical America* (December 23, 1916): 23.
- "Dai Buell Lauded in New York Recital" *Musical Courier* (December 15, 1921): 53.
- "Miss Dai Buell Sails to Conquer Europe Saturday" *Boston Daily Globe* (April 4, 1923): 9.
- ^ [Jump up to: a b "Dai Buell, Noted Pianist, Dead at Newton Centre"](#) *Daily Boston Globe* (July 10, 1939): 11.
- "Recitalist Adds History to Music in Series of 'Pianotalks'" *Christian Science Monitor* (March 26, 1924): 5.
- "W. H. L. 'Dai Buell Delights Audience in Newtonville, Mass.'" *Musical America* (April 28, 1917): 46.
- "Musical by Miss Dai Buell Pleases" *Boston Daily Globe* (December 7, 1922): 13.
- "Benefit Concert at Symphony Hall" *Daily Boston Globe* (December 20, 1929): 33.
- "Dai Buell to Send Message" *Musical Courier* (October 27, 1921): 27.
- "Dai Buell and Braggiotti Sisters Charm" *Musical Courier* (December 8, 1921): 35.
- "Double Walls of Studio to Make 'Soundless Music Room'" *Boston Post* (January 9, 1921): 41. via Newspapers.com
- [Listing of Scanned Piano Rolls](#), International Association of Mechanical Music Preservationists (IAMMP).
- "Dai Buell Secretly Wed" *New York Times* (October 27, 1924): 19.
- "Dai Buell, Pianist and Writer on Music; Had Given Concerts Here and Abroad; Succumbs in Boston" *New York Times* (July 10, 1939): 23
- Marriage announced in NY times 6 years after wedding OCT. 27, 1924 <https://www.nytimes.com/1924/10/27/archives/dai-buell-secretly-wed-pianist-reveals-her-marriage-to-a-e.html>
- <https://www.revolvy.com/topic/Dai-Buell>

28

Department of Planning and Development



PETITION #175-19 145 WARREN STREET

TO ALLOW FOUR SINGLE-FAMILY ATTACHED DWELLINGS IN ~~TWO BUILDINGS~~, ONE BUILDING, TO ALLOW REDUCED SIDE AND REAR SETBACKS, TO INCREASE THE ALLOWED LOT COVERAGE, TO ALLOW A DRIVEWAY WITHIN TEN FEET OF THE SIDE LOT LINE AND TO ALLOW RETAINING WALLS GREATER THAN 4' WITHIN A SETBACK



JUNE 11, 2019

1

Requested Relief



Special Permit per §7.3.3 of the NZO to:

- Allow attached single-family dwellings. (§3.4.1)
- Reduce required side and rear setbacks. (§3.2.4)
- Increase allowed lot coverage (§3.2.4)
- Allow a driveway within 10 feet of the side lot line. (§6.2.3.B.2)
- Allow retaining walls of four feet or more in height within a setback. (§5.4.2.B)

2

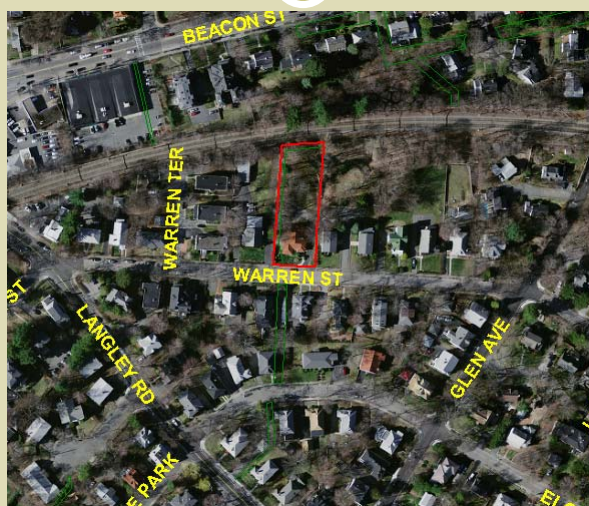
Special Permit Criteria

When reviewing this request, the Council should consider whether:

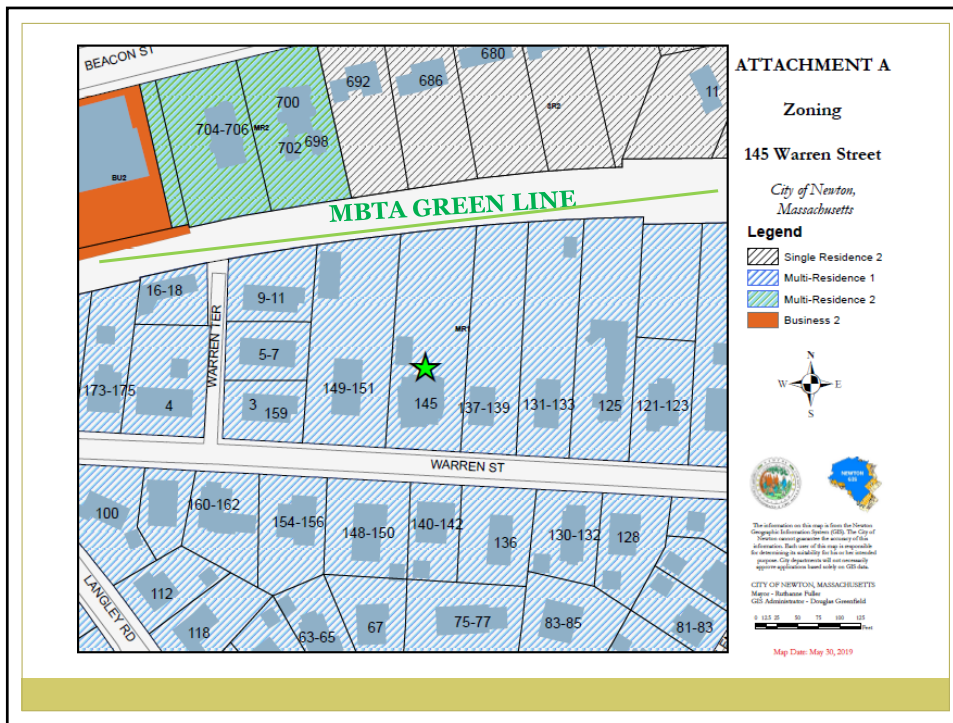
- The specific site is an appropriate location for the proposed four single-family attached dwellings. (§7.3.3.C.1)
- The proposed four single-family attached dwellings will adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed single-family attached dwelling will create a nuisance or serious 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)
- Literal compliance with the dimensional standards for the side and rear setbacks, lot coverage and a driveway located within ten feet of the side lot line, is impractical due to the nature of the use, or the location, size, frontage, 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 (§3.2.4, §6.2.3.B.2)

3

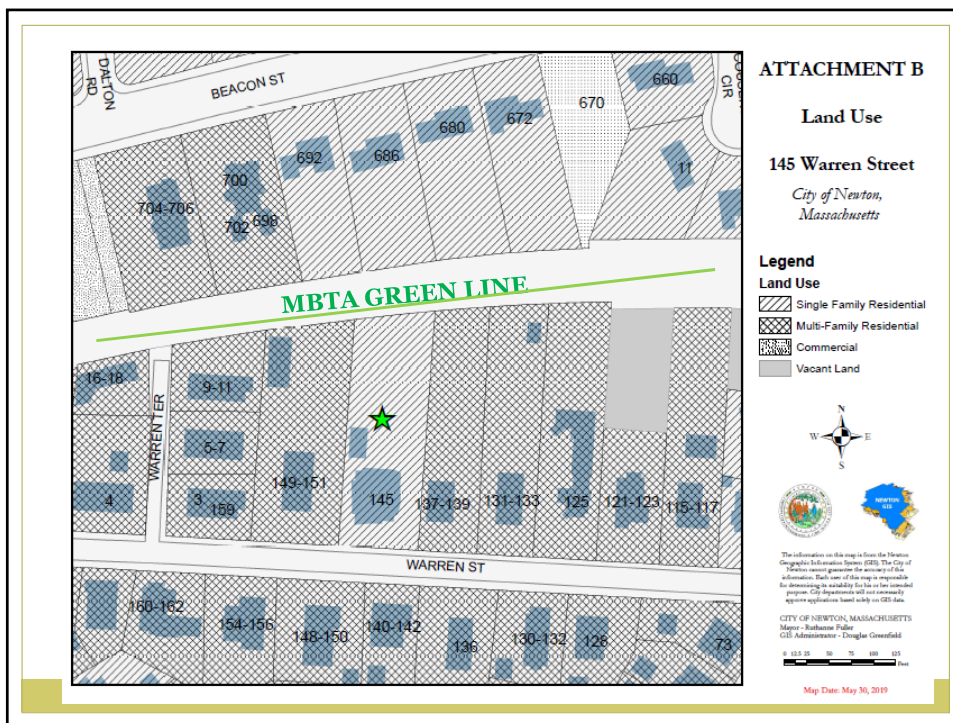
AERIAL



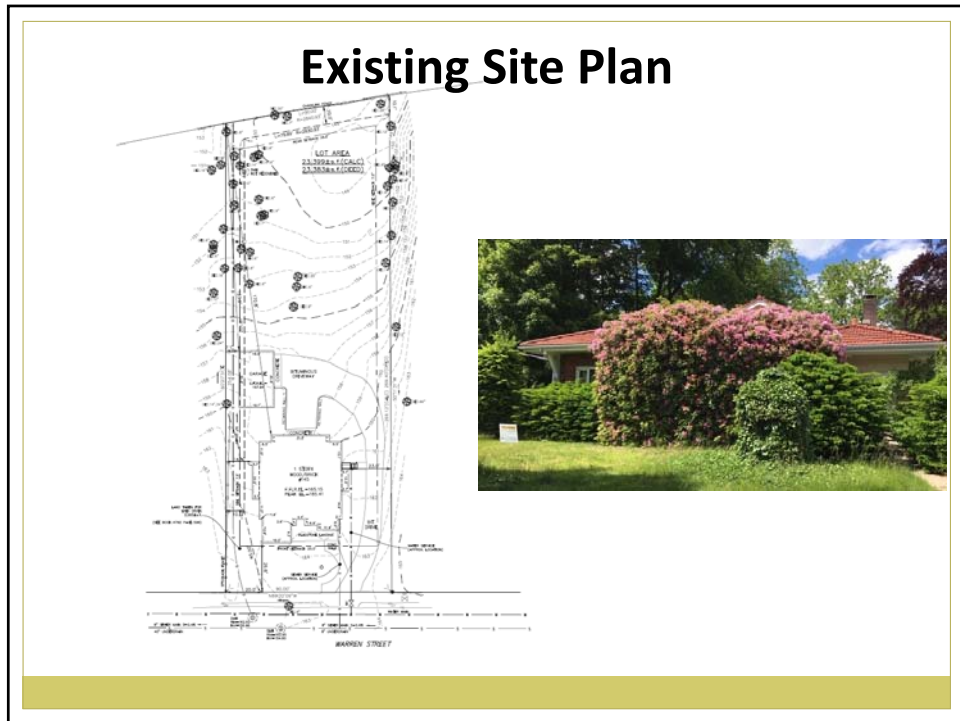
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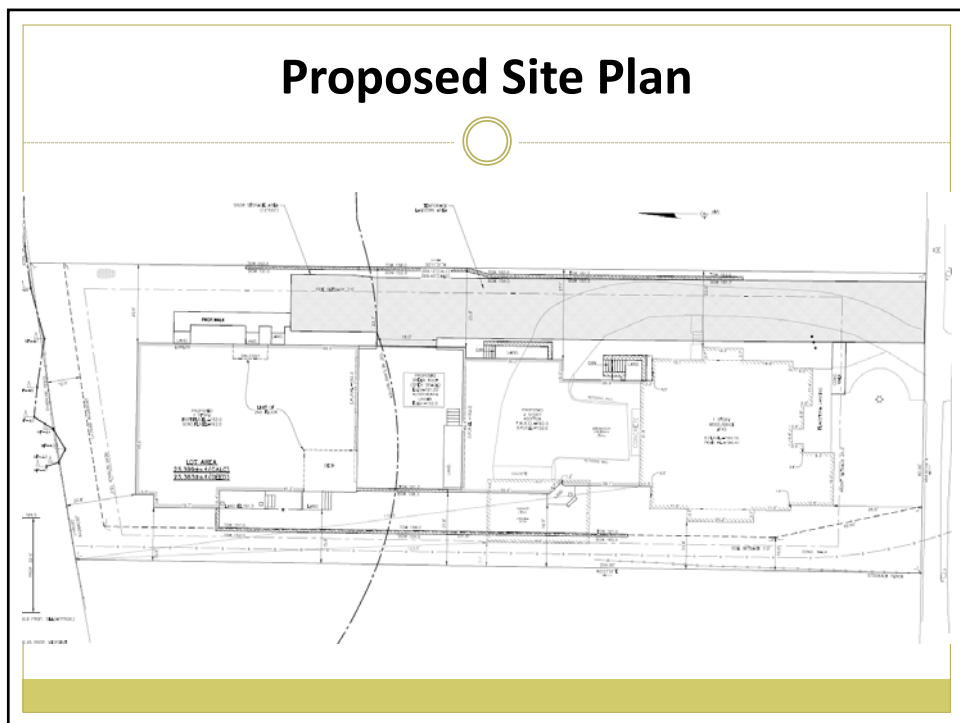
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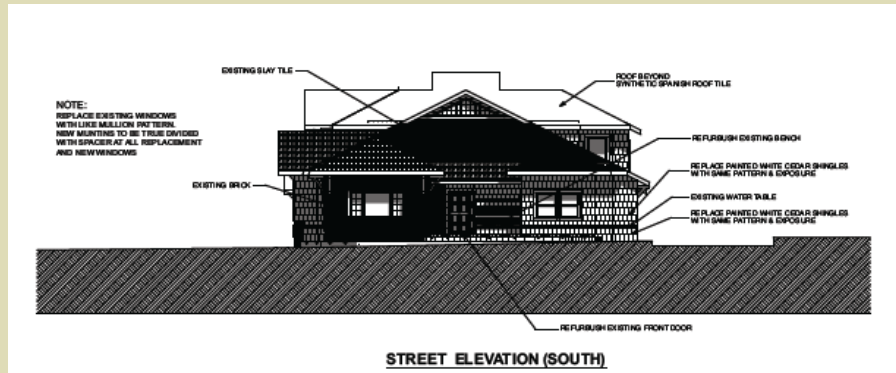


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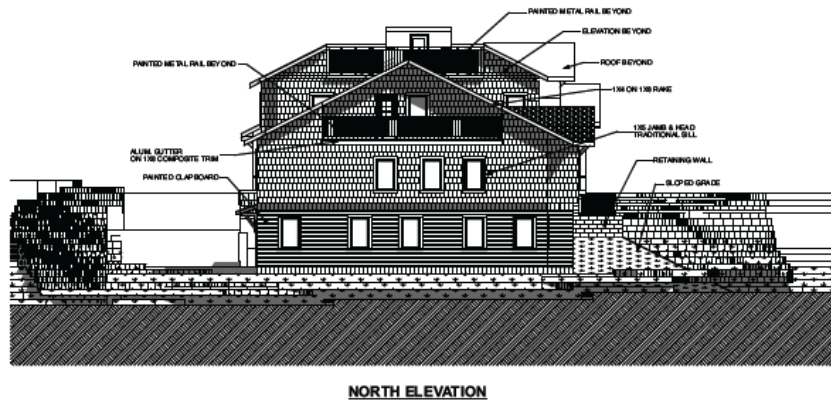
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Front Elevation



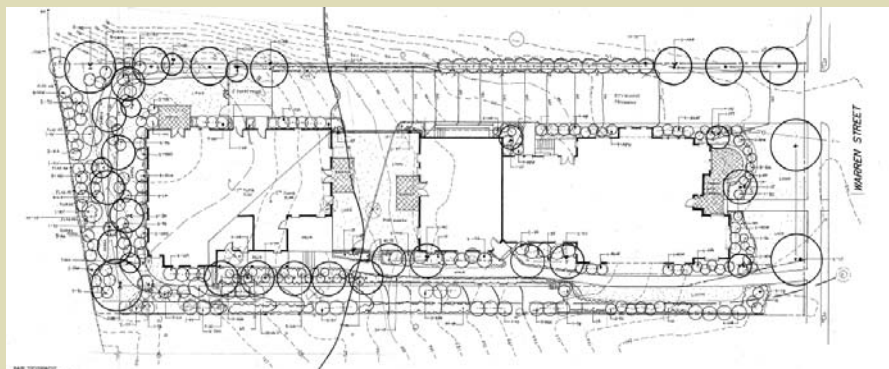
9

Rear Elevation



10

Landscape Plan



13

Proposed Findings

- The specific site is an appropriate location for the proposed four single-family attached dwellings due to the surrounding and largely multifamily residential uses on Warren Street in the multi-residence 1 zone. (§7.3.3.C.1)
- The proposed four single-family attached dwellings will not adversely affect the neighborhood as there are only three additional units being proposed in a largely multi-family residential neighborhood. (§7.3.3.C.2)
- The proposed single-family attached 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)
- Literal compliance with the dimensional standards for the side and rear setbacks, lot coverage and a driveway located within ten feet of the side lot line, is impractical due to the nature of the use, or the location, size, frontage, 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 due to the proposed project incorporating and existing historically significant structure. (§3.2.4, §6.2.3.B.2)

14

Proposed Conditions

1. Plan Referencing Condition
2. Newton Historical Commission approval requirement for changes to existing historic dwelling.
3. The petitioner shall comply with the Tree Preservation Ordinance.
4. All lighting fixtures shall be residential in scale.
5. Standard Building Permit Conditions.
 - o Obtain a license from DPW to construct the retaining walls prior to building permit
6. Submit Final Landscape Plan showing compliance with the Tree Preservation Ordinance and all new plantings, for review and approval by the Director of Planning and Development.
7. Submit Final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval.
8. Construction Management Plan (CMP) for review and approval.
9. Standard Final Inspection/Certificate of Occupancy Condition
10. Pre/post construction inspection of drainpipe
11. Approval from the Conservation Commission for any work done within 100 foot buffer zone.

15



16

Department of Planning and Development



PETITION #227-17(2)
2171 COMMONWEALTH AVENUE

SPECIAL PERMIT/SITE PLAN
APPROVAL TO AMEND COUNCIL
ORDER #227-17 TO ALLOW
CHANGES TO THE APPROVED SITE
PLAN

JUNE 11, 2019



1

Requested Relief



Special Permits per §7.3.3 of the NZO to:

- to amend Special Permit #227-17(2)

2

Criteria to Consider



When reviewing this request, the Council should consider whether:

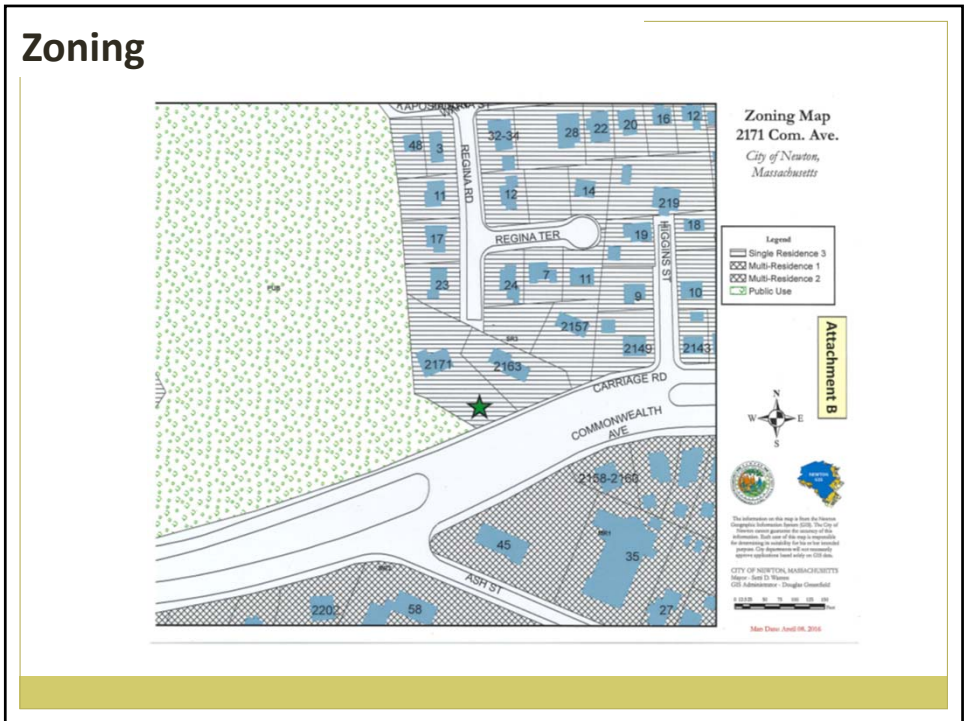
- The site is an appropriate location for the additional paved driveway and patio areas, the stone pillars and associated stone walls and iron fencing, and/or the motorized gate control system (§7.3.3.C.1);
- The additional paved driveway and patio areas, the stone pillars and associated stone walls and iron fencing, and/or the motorized gate control system will 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).

3

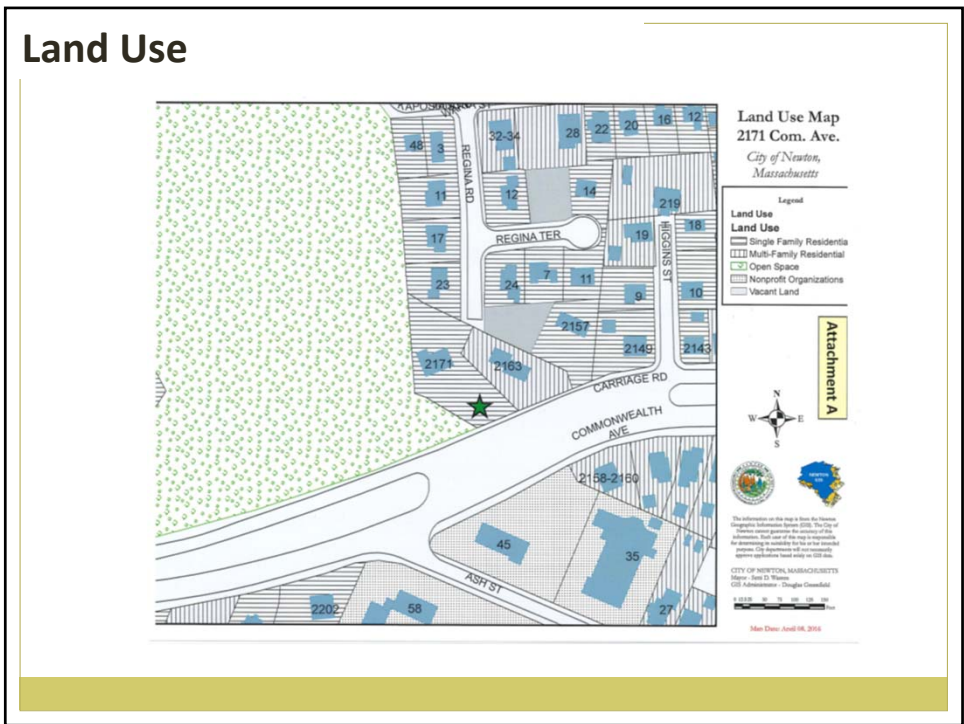
Aerial



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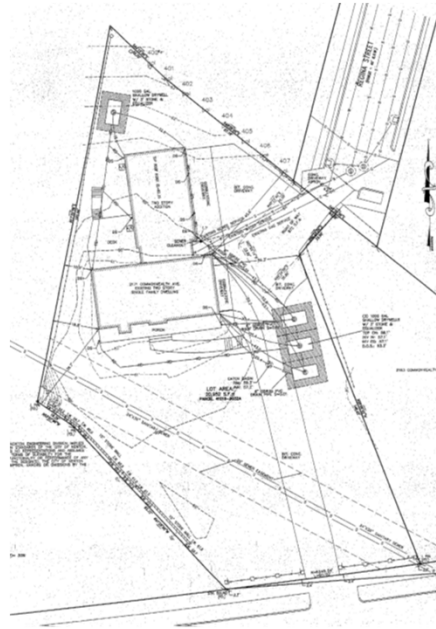


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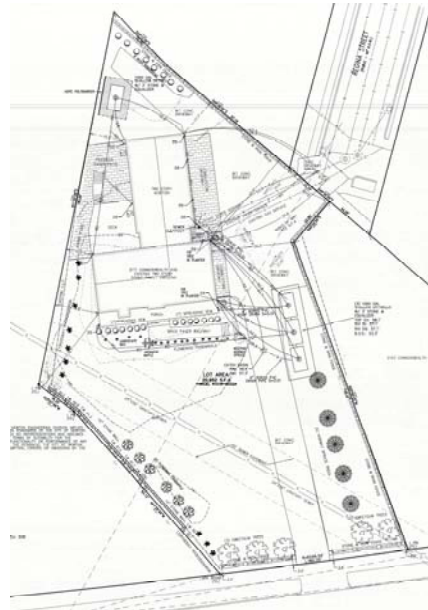
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**Site Plan-
SP #227-17**



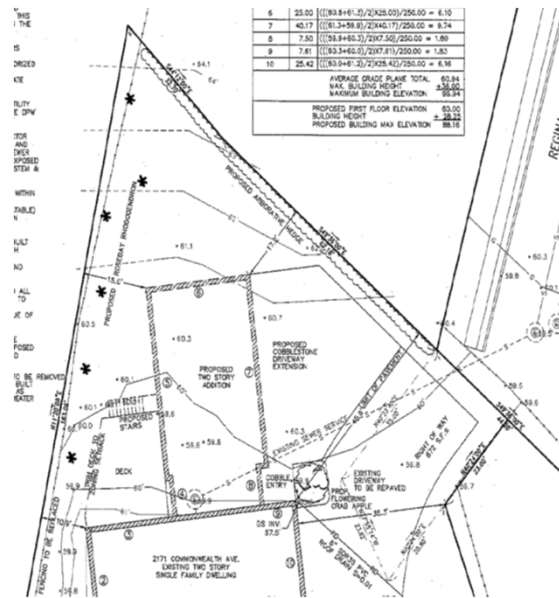
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**Site Plan-“proposed”
SP #227-17(2)**



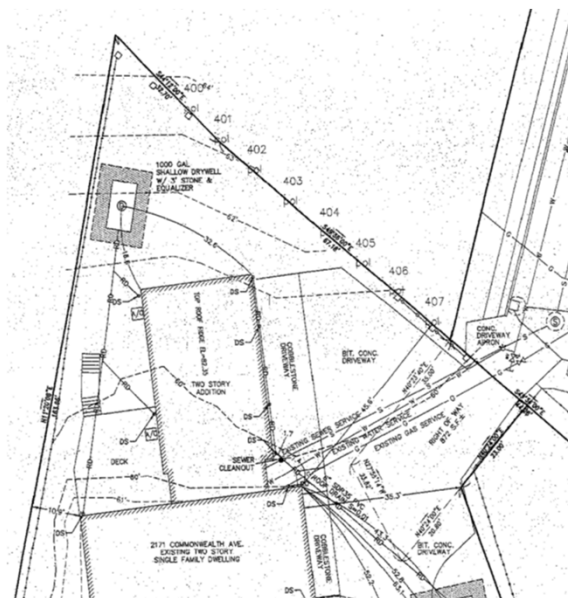
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**Site Plan-
SP #94-14
(detail)**



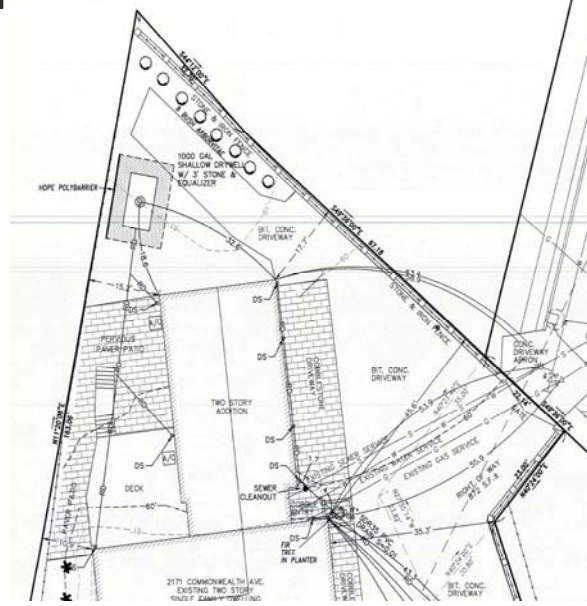
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**Site Plan-
SP #227-17
(detail)**



12

**Site Plan-“proposed”
SP #227-17(2)
(detail)**



13

Photo



14

Photo



15

Photo



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Photo



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Photo



18

Photo



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Photo



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Photo



21



22

Proposed Findings

1. The site is an appropriate location for the additional paved driveway and patio areas, the stone pillars and associated stone walls and iron fencing, and the motorized gate control system (§7.3.3.C.1);
2. The additional paved driveway and patio areas, the stone pillars and associated stone walls and iron fencing, and the motorized gate control system 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).

23

Proposed Conditions

1. Plan Referencing Condition

“All conditions set forth in Special Permit/Site Plan Approvals #94-16 and #227-17 shall remain in full force and effect with the exception that the following plans are substituted for the plans identified in Condition 1(i-iii), and the buildings, parking areas, driveways, walkways, landscaping and other site features associated with Special Permit/Site Plan Approvals #94-17 and #227-17 shall be located and constructed consistent with the plans as originally identified in Condition 1 and as amended by the following plans:

- i.
- ii. *“As-Built Site Plan, 2171 Commonwealth Ave., Newton MA for Ted Vantouris,” prepared by Civil Environmental Consultants, dated 5/24/2017 as revised through 4/24/2019 and signed and stamped by James A. Herrion, Registered Engineer and William R. Dentrement, Professional Land Surveyor.*
- iii. ...

2. Standard Final Inspection/Certificate of Occupancy Condition.

24

Proposed Findings (-)

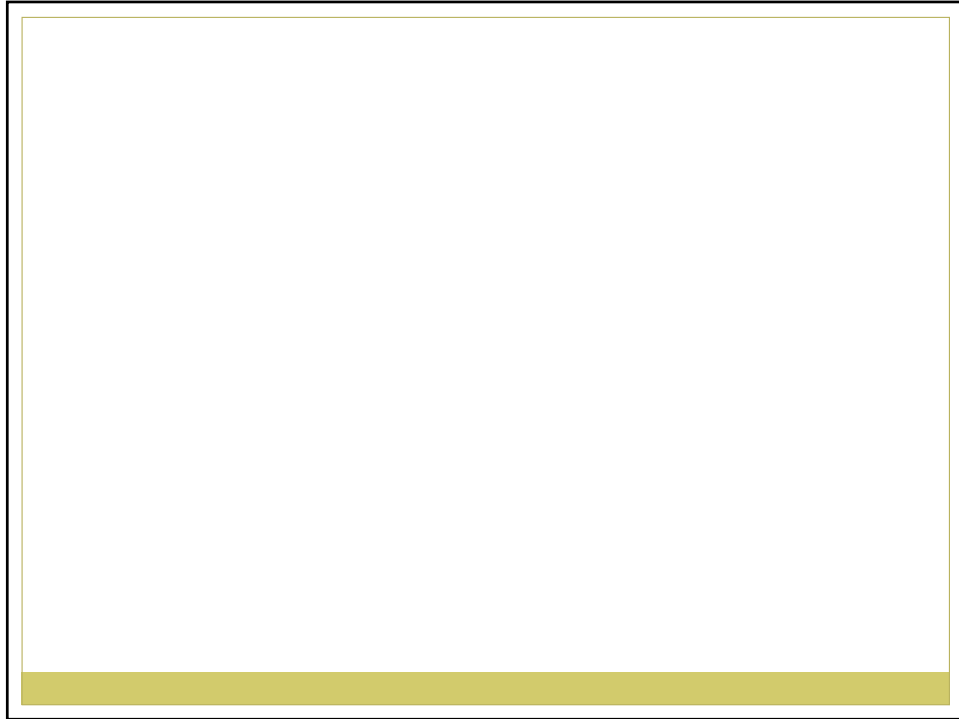
1. The site is NOT an appropriate location for the additional paved driveway and patio areas, the stone pillars and associated stone walls and iron fencing, and the motorized gate control system (§7.3.3.C.1)
Excessive impervious surfacing
Additional outdoor auto storage and circulation
Do not fit the context or character of the neighborhood
2. The additional paved driveway and patio areas, the stone pillars and associated stone walls and iron fencing, and the motorized gate control system will ~~not~~ adversely affect the neighborhood (§7.3.3.C.2)
Excessive impervious surfacing
Additional outdoor auto storage and circulation
Do not fit the context or character of the neighborhood

25

Proposed Findings (-)

- ~~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).~~

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Photo- previous conditions



31

Photo



32

Photo



33

Photo



34

Photo



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Photo



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Photo



37

Photo



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Photo



39

Photo



40

Photo- previously existing



41

Photo



42

Proposed Findings

(new conditions in italics)



1. The site is an appropriate location for a 1,169 square foot, four car garage given the lot's size and shape. (§3.4.2.C.1 and §7.3.3.C.1)
2. The proposed garage will not adversely affect the neighborhood as the topography and shape of the site is such that there will be limited if any visibility of the garage from adjacent public ways and parkland. (§7.3.3.C.2)
3. *The site is an appropriate location for the retaining wall along the southwestern property line and associated grading, and the pillars and related fencing (§7.3.3.C.1);*
4. *The retaining wall and associated grading, and the pillars and related fencing, will not adversely affect the neighborhood (§7.3.3.C.2).*

43

Proposed Conditions

(new conditions in italics)



1. Plan Referencing Condition- *updated with new site plan*
2. Final landscape plan to be reviewed and approved by the Director of Planning.
3. Standard Building Permit Condition.
4. Standard Final Inspection/Certificate of Occupancy Condition.
 - *Petitioner shall provide a modified final site plan that includes all landscaping required as shown by plans cited in Condition #1 of Order #94-16.*
5. Prior to the issuance of a Certificate of Occupancy the existing nonconforming deck shall be brought into compliance with current setback regulations.

(continued)

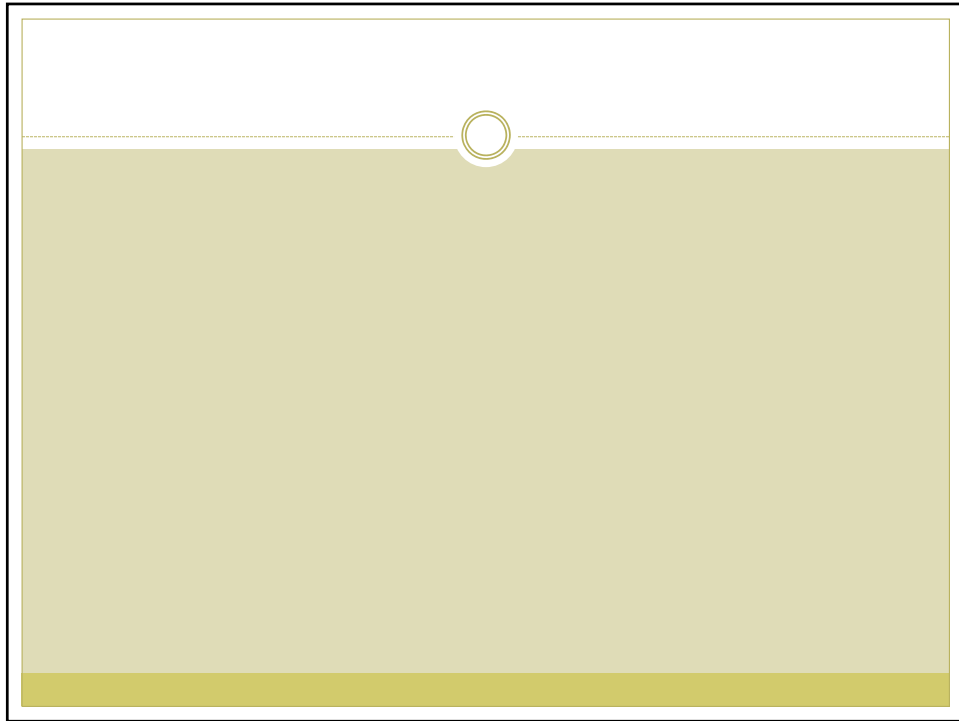
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Proposed Conditions
(new conditions in italics)

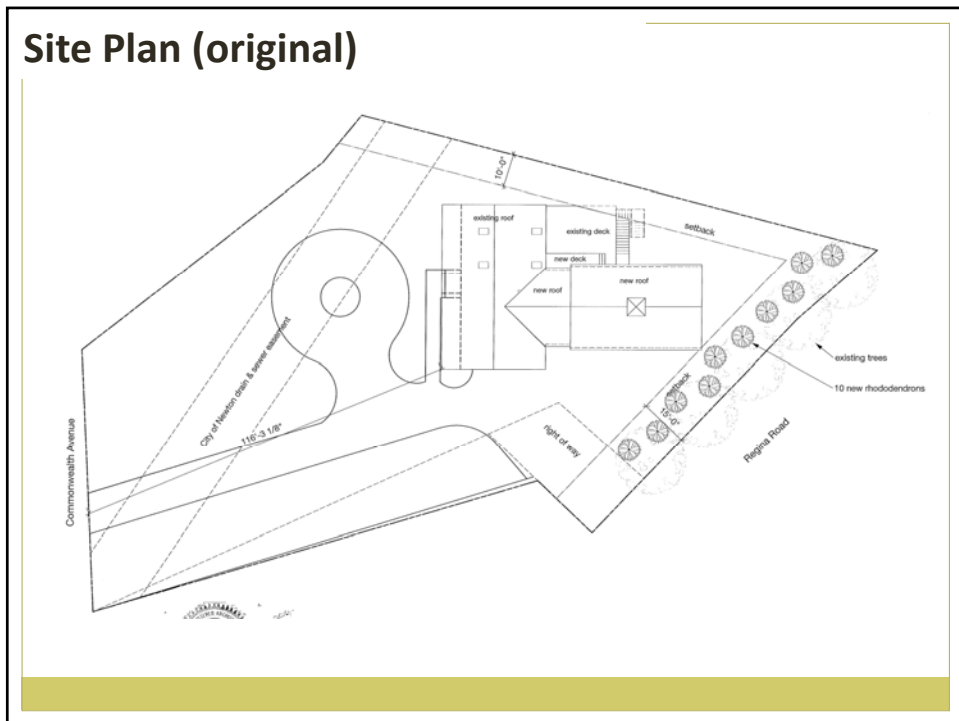
6. Prior to the issuance of any Building Permit, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval
7. No more than one commercial vehicle may be stored on the property at any time.
8. The landscaping shown on the approved Landscape Plan shall be maintained in good condition. The plantings shall be inspected annually and any plant material that becomes diseased or dies shall be replaced in a timely manner with similar material.

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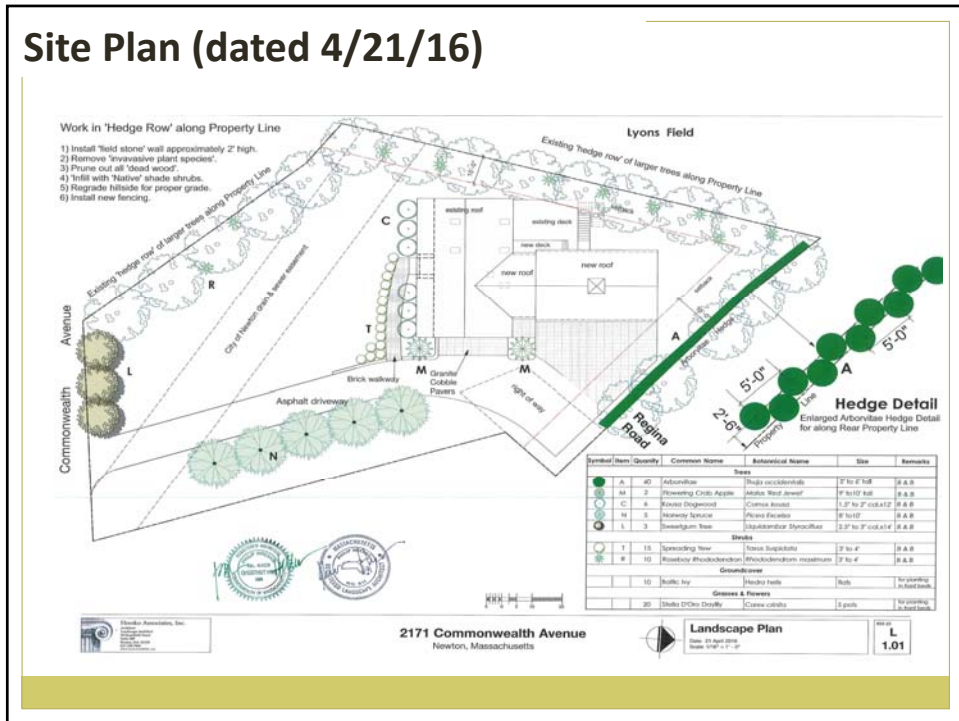
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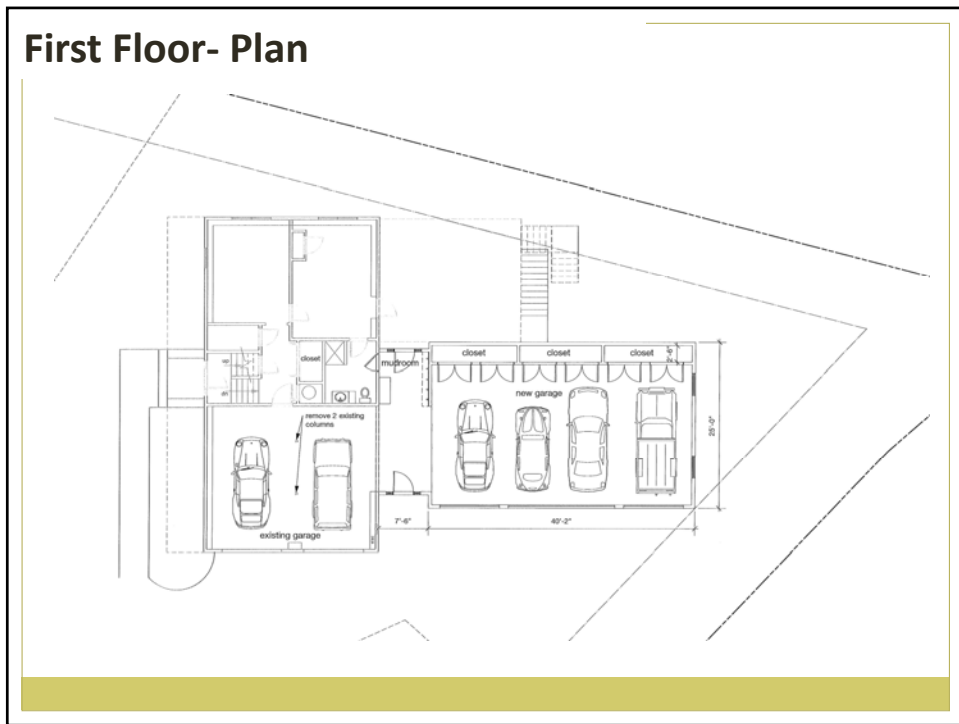
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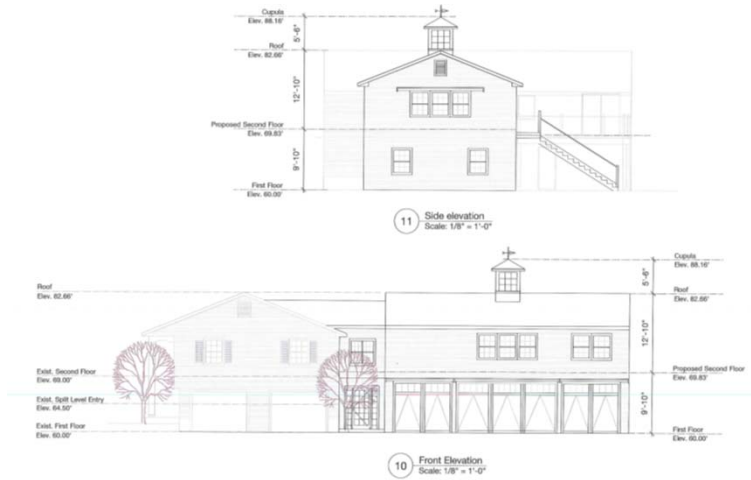


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Elevations- Front & Side (dated 4/20/2016)



51

Elevations- Rear (dated 4/20/2016)



52

Photos Submitted by Petitioner



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58

180 & 184-186 ADAMS STREET NEWTON, MASSACHUSETTS

Land Use Public Hearing
June 11, 2019







1

“THE LAKE”



2

SITE AND NEIGHBORHOOD

-  Located in the heart of "The Lake"
-  Vibrant mixed use area with various businesses and residential uses
-  Business 2 zoning district; Area consists of BUI, BU2 and MR2
-  MBTA Bus Line 558 through Adams Street; MBTA Bus Line 59 at corner of Adams Street and Watertown Street
-  Request to replace two 2-family houses (total 4 units); with six (6) single-family attached dwellings
-  NHC approved designs

3



4



5



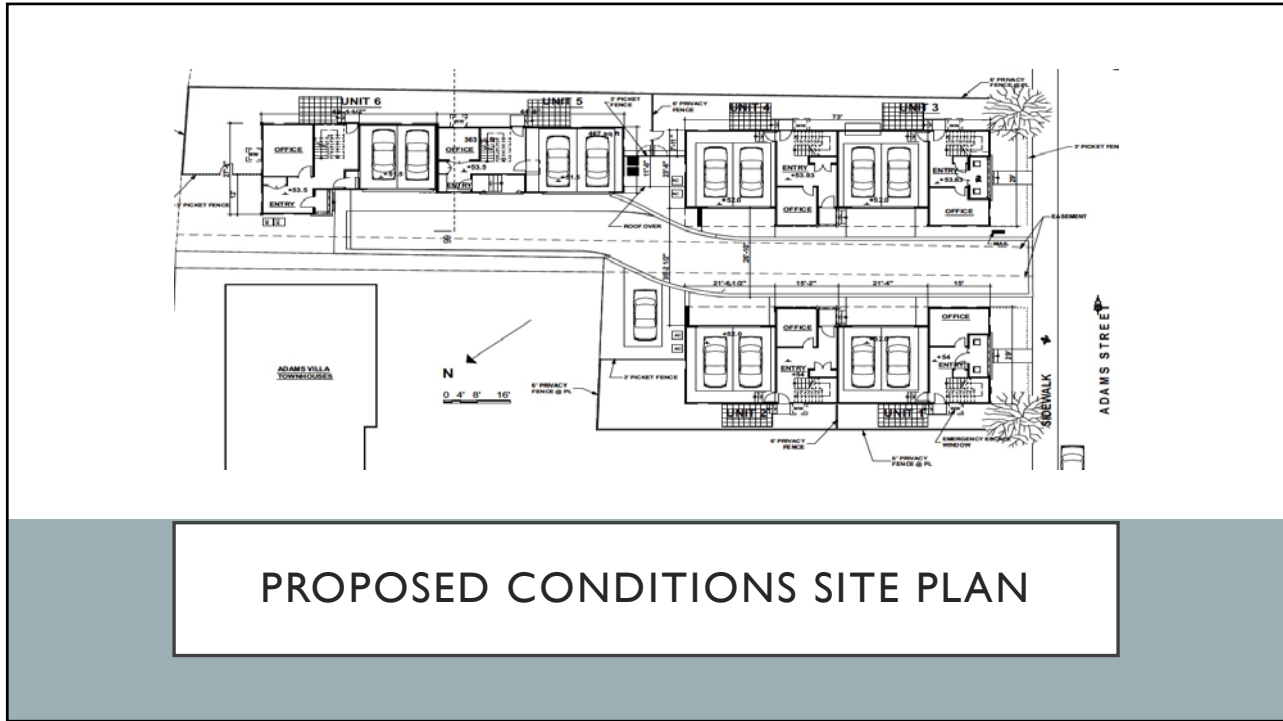
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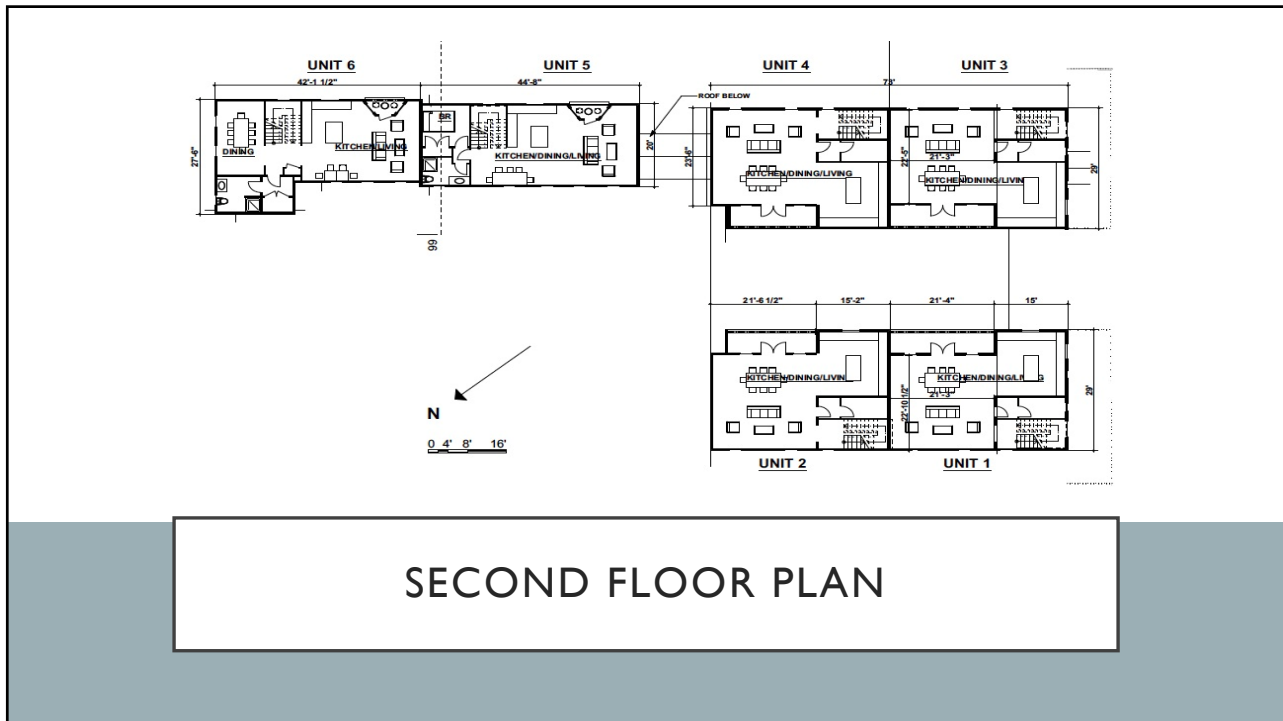
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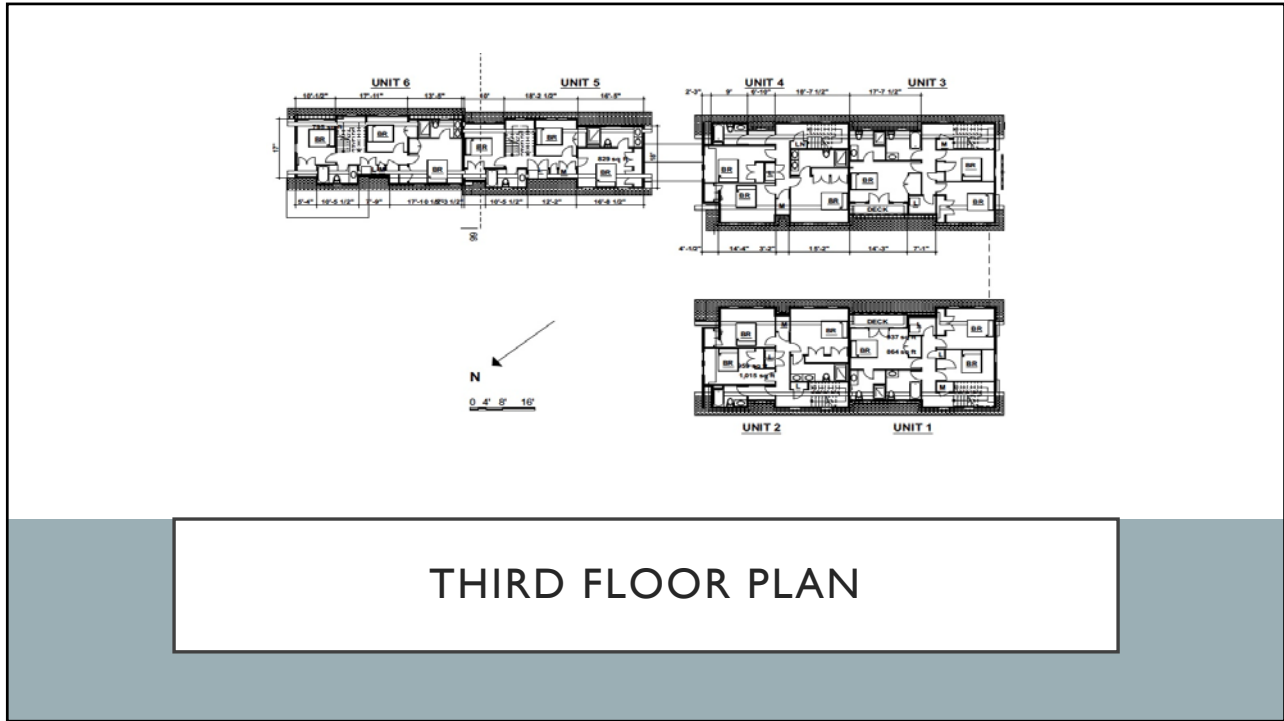
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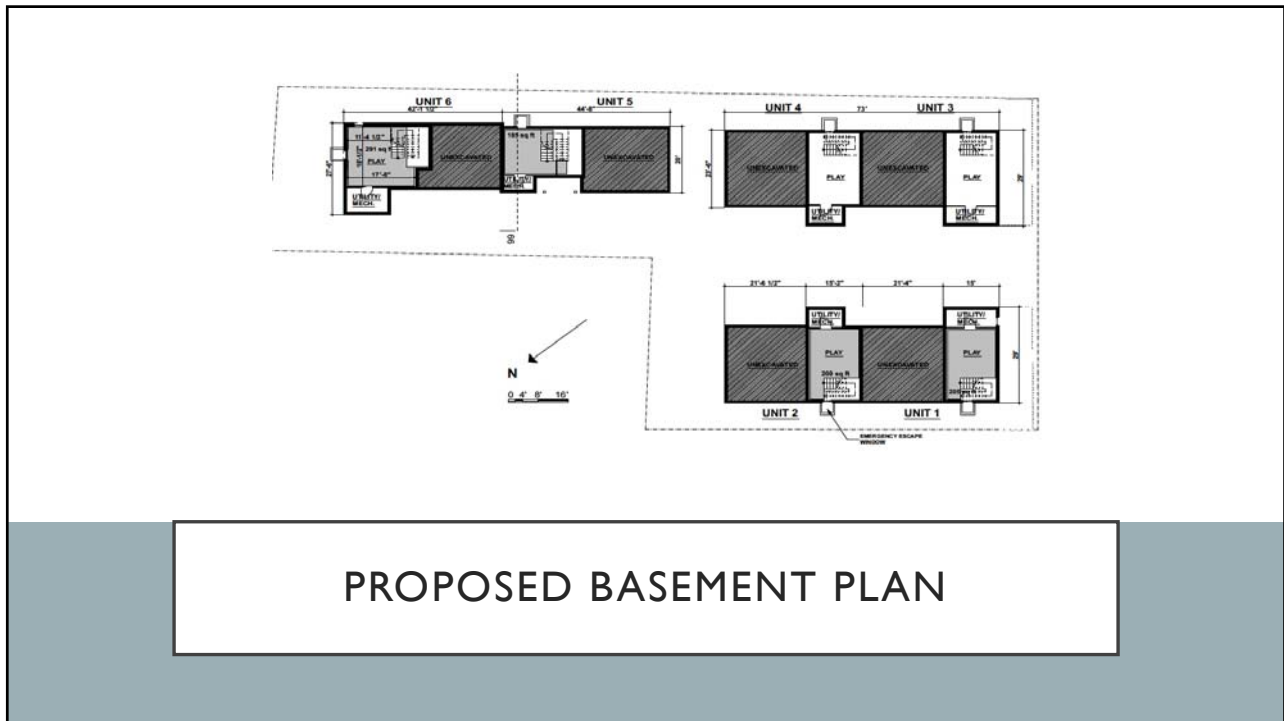


10




THIRD FLOOR PLAN

11



PROPOSED BASEMENT PLAN

12



COLLABORATION

- This Project is the result of terrific collaboration between the Development Team with the Neighborhood and Ward One City Councilors. We are very proud of the result and we are very excited to bring this project to The Lake!
- THANK YOU to all who participated and gave constructive feedback to make this project better.

Department of Planning and Development



PETITION #174-19 180 AND 184-186 ADAMS STREET

TO RAZE THE EXISTING NONCONFORMING TWO-FAMILY DWELLINGS, COMBINE THE LOTS AND CONSTRUCT SIX DWELLING UNITS IN TWO BUILDINGS, EXTENDING THE NON-CONFORMING RESIDENTIAL USE, TO ALLOW GROUND LEVEL RESIDENTIAL USE IN THE BU2 DISTRICT, TO ALLOW A THREE-STORY STRUCTURE, TO ALLOW AN FAR OF 1.1 IN A THREE-STORY STRUCTURE AND TO EXTEND A NON-CONFORMING SIDE SETBACK



JUNE 11, 2019

1

Requested Relief



Special Permit per §7.3.3 of the NZO to:

- Allow ground level residential use in the BU2 zoning district (§4.4.1)
- Allow a three-story structure (§4.1.3)
- Allow an FAR of 1.1 in a three story structure (§4.1.3)
- To extend nonconforming side setbacks (§4.1.3)

2

Special Permit Criteria

When reviewing this request, the Council should consider whether:

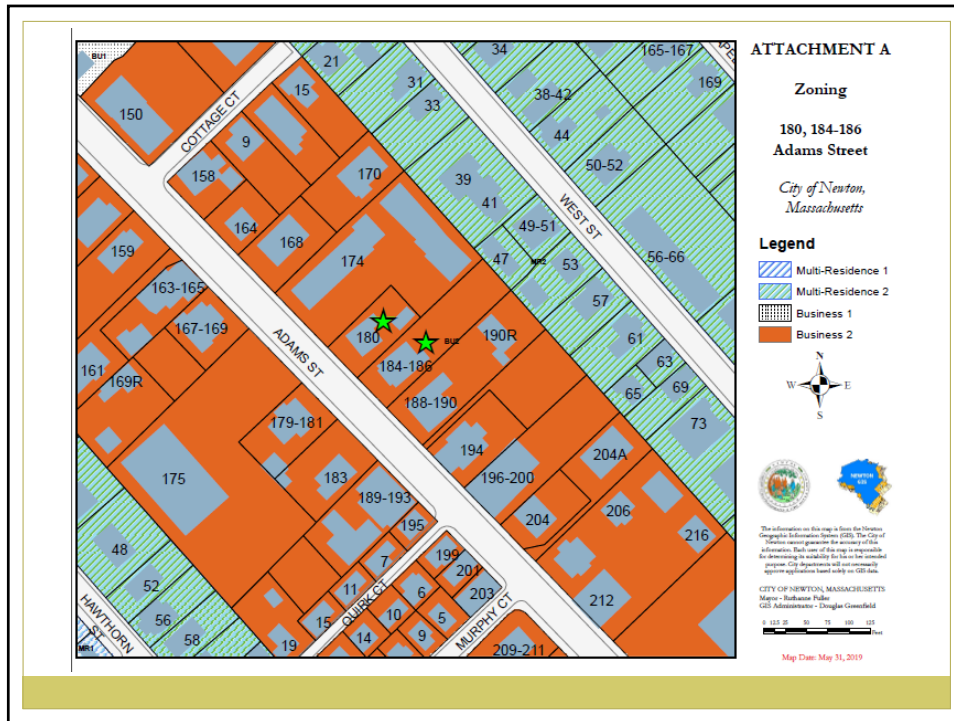
- The specific site is an appropriate location for the proposed six units in two buildings, with ground level residential use in a BU-2 district, and a floor area ratio of 1.1. (§4.1.3, §4.4.1, §7.3.3.C.1)
- The proposed six units in two buildings, with a floor area ratio of 1.1, and three stories will adversely affect the neighborhood. (§4.1.3, §4.4.1, §7.3.3.C.2)
- The proposed six units in two buildings, with a floor area ratio of 1.1, and three stories will create a nuisance or serious hazard to vehicles or pedestrians. (§4.1.3, §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 project that would further extend nonconforming side setbacks is not substantially more detrimental than the existing structure with nonconforming side setbacks is to the neighborhood. (§4.1.3 and §7.8.2.C.2)

3

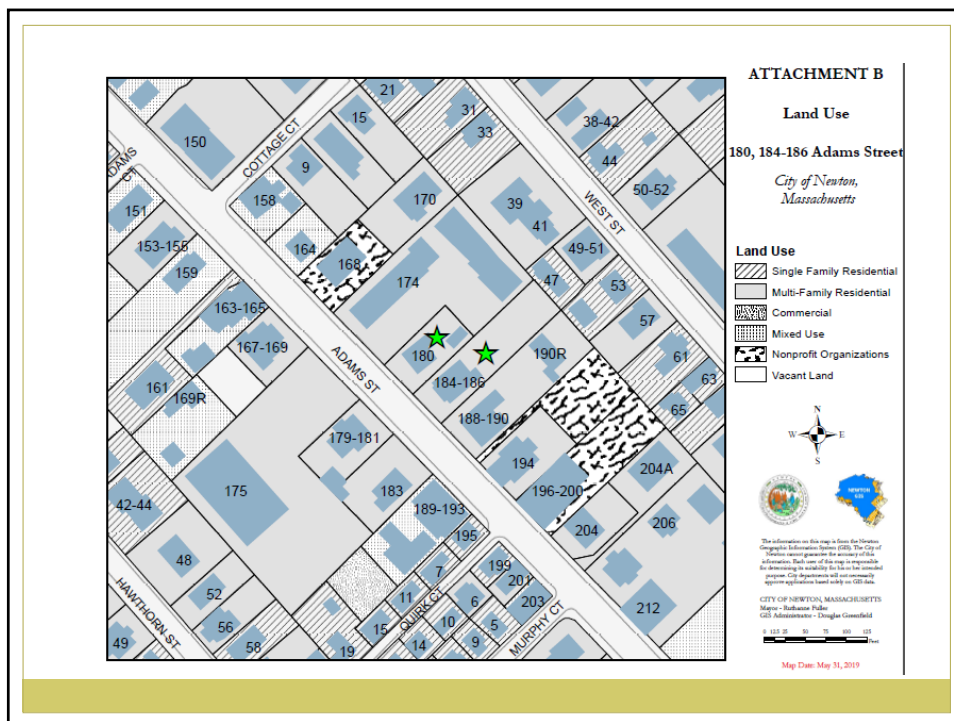
AERIAL



4

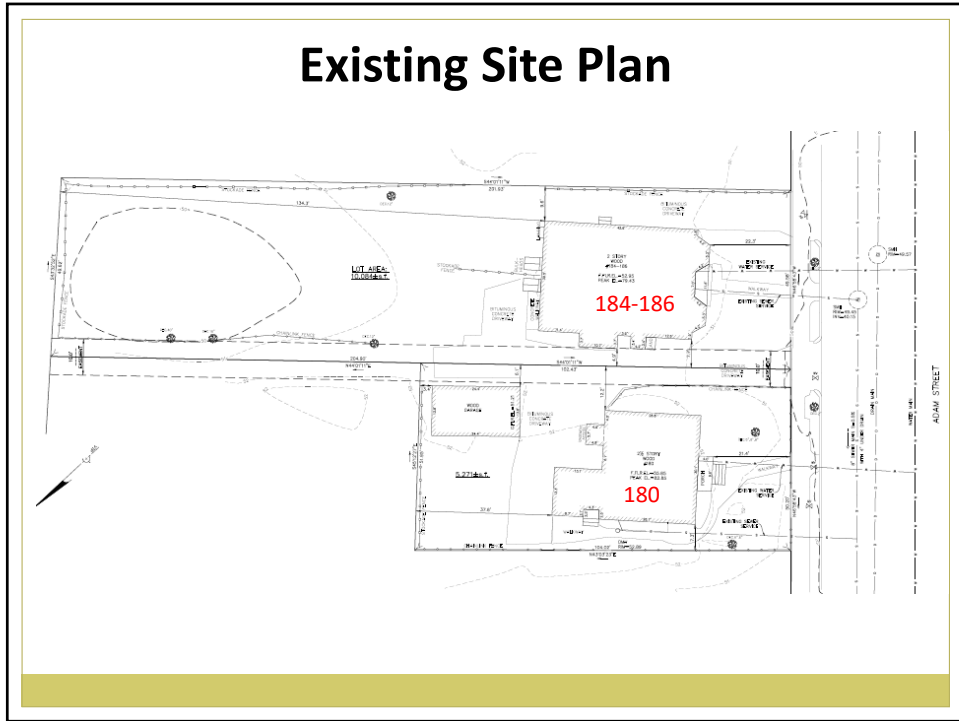


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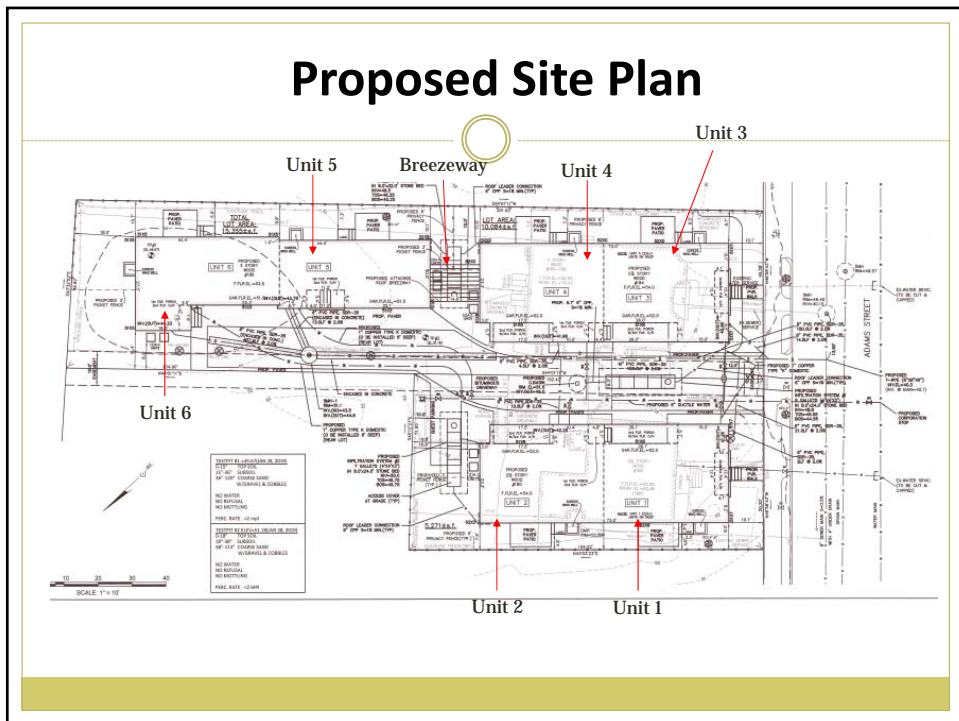
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Existing Site Plan



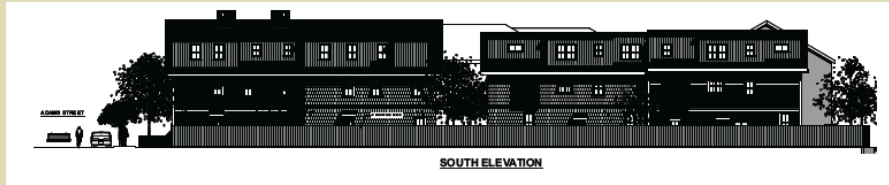
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Proposed Site Plan



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South Elevation



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West Elevation



12

Landscape Plan



13

Proposed Findings

- The specific site is an appropriate location for the proposed six units in two buildings, with ground level residential use in a BU-2 district, and a floor area ratio of 1.1, due to the surrounding multifamily uses, and location in a walkable, transit accessible neighborhood with a diverse mix of uses. (§4.1.3, §4.4.1, §7.3.3.C.1)
- The proposed six units in two buildings, with a floor area ratio of 1.1, and three stories will not adversely affect the neighborhood because there are only two additional units being proposed above what exists, and there are a variety of building heights in the neighborhood, ranging from two to three stories. (§4.1.3, §4.4.1, §7.3.3.C.2)
- The proposed six units in two buildings, has a floor area ratio of 1.1, and three stories will not create a nuisance or serious hazard to vehicles or pedestrians. (§4.1.3, §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 project that would further extend nonconforming side setbacks is not substantially more detrimental than the existing structure with nonconforming side setbacks because several structures in the neighborhood have nonconforming side setbacks. (§4.1.3 and §7.8.2.C.2)

14

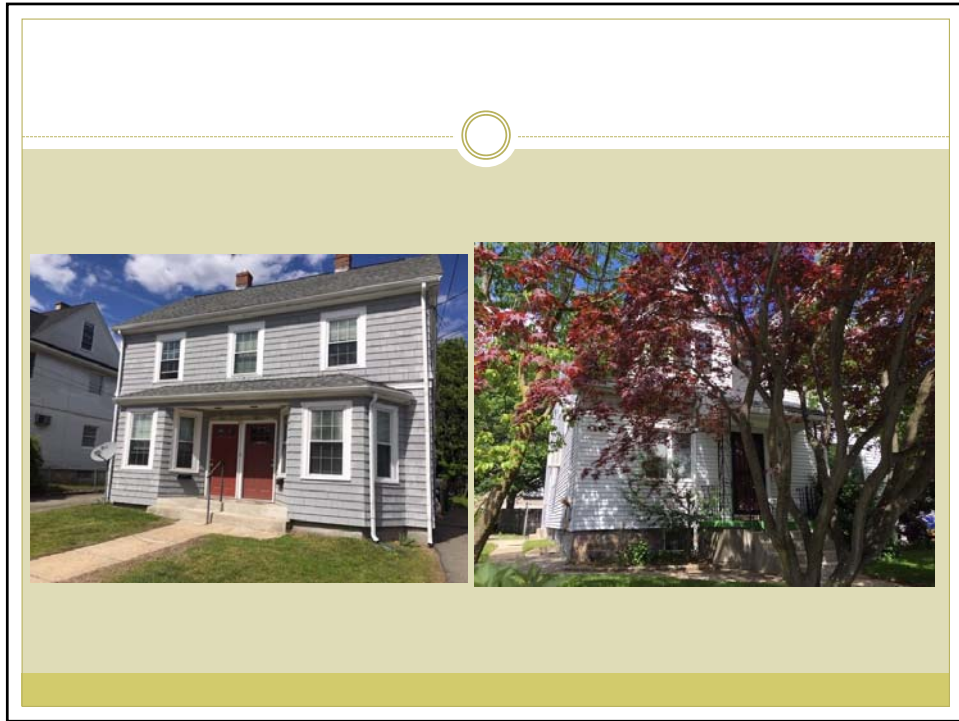
Proposed Conditions

1. Plan Referencing Condition
2. Standard Building Permit Conditions.
3. Submit Final Landscape Plan showing compliance with the Tree Preservation Ordinance and all new plantings, for review and approval by the Director of Planning and Development.
4. All lighting fixtures shall be residential in scale.
5. Submit Final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval.
6. Construction Management Plan (CMP) for review and approval.
7. Standard Final Inspection/Certificate of Occupancy Condition

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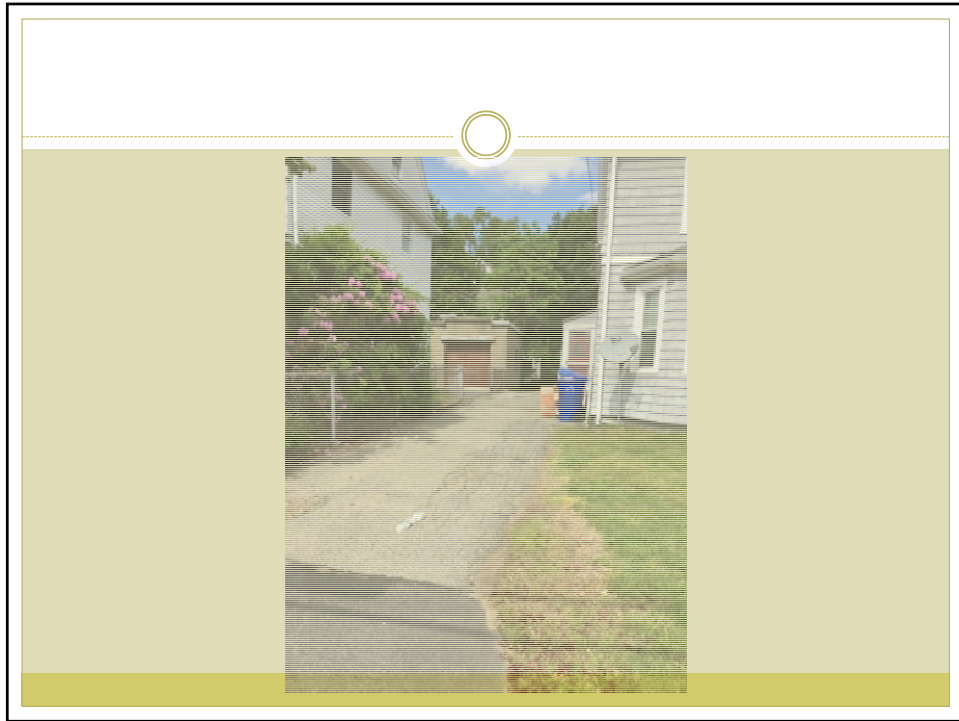
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