



Land Use Committee Report

City of Newton In City Council

Thursday, October 10, 2019

Present: Councilors Schwartz (Chair), Lipof, Laredo, Greenberg, Auchincloss, Markiewicz

City Staff Present: Associate City Solicitor Jonah Temple, Senior Planner Neil Cronin, Planning Associate Katie Whewell, Chief Planner Jennifer Caira

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.

#315-19 Petition to exceed FAR at 73 Falmouth Road

MAUREEN DOWLING, TRUSTEE M&D FAMILY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to attach and expand an existing detached garage structure to the main dwelling, creating an FAR of .54 where .38 exists and .48 is allowed and to further extend the nonconforming front setback at ~~75~~73 Falmouth Road, Ward 3, West Newton, on land known as Section 34 Block 46 Lot 8, containing approximately 4,254 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.2.3, 3.2.11, 1.5.3, 7.8.2.2, 3.1.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Held 5-0 (Auchincloss not Voting)

Note: The Chair noted that the special permit petition will be re-advertised, and a public hearing to open on October 29, 2019. Committee members expressed no concerns and the item was held without discussion.

#317-19 Petition to allow attached dwelling units at 67 Walnut Street

60 WOODBINE STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing single-family dwelling and construct three single-family attached dwelling units in one building, to reduce side setback requirements, to reduce the required lot area, to allow a driveway within ten feet of the side lot line and to allow retaining walls of four feet or more in height within the setback at 67 Walnut Street, Ward 2, on land known as Section 21 Block 24 Lot 15, containing approximately 14,516 sq. ft. 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 5-0 (Auchincloss not Voting); Public Hearing Continued

Note: Attorney Laurance Lee, offices of Rosenberg, Freedman & Lee, represented the petitioner and presented the request to construct three, single-family attached dwelling units in one building at 67 Walnut Street. Atty. Lee's presented details of the request as shown on the attached presentation. Atty.

Lee compared the proposed development with a project that could be constructed as a matter of right. He explained that the property owner could construct a two-family dwelling with an internal accessory apartment, resulting in the same number of residents. Lee noted that the proposed development will provide one garage parking space and one exterior parking space at the rear of the site. One of the proposed units will be constructed with a first-floor bedroom and accessible bathroom and will have an exterior parking space that can accommodate an accessible van. Atty. Lee noted that the site has access to bus service and stated that the petitioner is committed to making the site EV charging station ready. He stated that with regard to sustainability, the petitioner intends to install solar ready roofs, low flow plumbing and smart energy efficient appliances. As part of the proposal, the landscaping plan includes the removal of some plantings and trees which will be coordinated with the City's Director of Urban Forestry. Atty. Lee confirmed that the demolition delay period will end at the end of the year.

Senior Planner Neil Cronin reviewed the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. Mr. Cronin noted that the Planning Department is not concerned about the request to locate a three-family dwelling but stated that it is the Planning Department's recommendation that the petitioner work to reduce the Walnut Street façade so that it is more subordinate. Atty. Lee noted that the existing height is 42' and the proposed heights range from 30-33' and stated that a further reduction in height would be difficult given the narrowness of the lot.

The Public Hearing was opened.

Ashley Richardson, 340 Linwood Avenue, noted that there are a lot of mature trees and woods at the rear of the site. She noted that the trees will be replaced with arbovitae, not deciduous trees. She stated that she has concerns about the negative impact on the neighborhood and expressed concerns relative to regrading and the creation of large retaining walls at the site. She noted that the proposed building is too large for the site and questioned whether drainage plans have been submitted.

Guntram Mueller, 53 Paul Street, questioned whether the proposed designs include 100% renewable energy and/or electric heat pump furnace, resulting in 0 emissions.

Jack Porter, 79 Walnut Street, expressed concern relative to the removal of mature trees at the site. He suggested that the petitioner could rehabilitate the existing historic structure which would allow some trees to remain.

A resident at 79 Walnut Street, questioned whether any thought was given to have the entrance not using the shared drive easement.

Atty. Lee noted that the proposed plans do not encroach in the backyard and stated that the backyard will not be clear cut. He reiterated that the petitioner will be working with the Director of Urban Forestry to ensure that trees are maintained and/or removed as appropriate. He explained that the petitioner will work to maintain as much green space as possible, in a better condition. A Committee member noted that the proposed units are large and questioned whether the lot will be significantly regraded to accommodate the new units. It was confirmed that the lot will remain at approximately the same height, with the exception of the garage space, which is in the basement level. Atty. Lee confirmed that details

relative to regrading can be provided for the next meeting. With that, Councilor Lipof motioned to hold the item which carried unanimously. (Councilor Auchincloss not Voting)

#316-19 Petition to increase FAR & extend nonconforming use at 969/969F Chestnut St

JUDITH CIMETTA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct front and rear additions and a detached shed structure, altering a nonconforming three-family dwelling use and nonconforming lot coverage and creating an FAR of .72 where .45 is required and .59 exists at 969/969F Chestnut Street, Ward 5, Upper Falls, on land known as Section 51 Block 2 Lots 7 and 19, containing approximately 8,780 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 3.2.11, 7.8.2.C.2, 3.4.1 of the City of Newton Revised Zoning Ord, 2017.

Action: **Land Use Approved 5-0 (Auchincloss not Voting); Public Hearing Closed 10/10/2019**

Note: Attorney Laurance Lee, offices of Rosenberg, Freedman and Lee, Walnut Street, represented the petitioner Ms. Judith Cimetta. Atty. Lee presented the request to increase FAR and extend the non-conforming use at 969 Chestnut Street. Details of the request are shown on the attached presentation. Atty. Lee explained that the property on Chestnut Street is composed of three parcels; two parcels that are bisected by a third aqueduct parcel. Three additions are proposed at the site. Because the aqueduct property bisects the lot, only the rear parcel (7,189 sq. ft.) is counted in the Floor Area Ratio calculation. Atty. Lee noted if the aqueduct property did not bisect the lot, the front lot (1,591 sq. ft.) could be included in the FAR calculation.

Planning Associate Katie Whewell presented an overview of the requested relief, criteria for consideration, land use, zoning, photos of the site and proposed elevations as shown on the attached presentation. The public hearing was opened. No member of the public wished to speak, Councilor Lipof motioned to close the public hearing which carried unanimously. It was confirmed that the proposed detached shed structure counts towards FAR and that the setbacks are not changing. Councilor Lipof motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation. The Chair asked that the findings reflect that a portion of what presents as the lot, cannot be reflected in the FAR calculation. Committee members expressed no concerns relative to the request and voted unanimously in favor of approval (Councilor Auchincloss not voting).

#314-19 Petition to increase nonconforming FAR and lot coverage at 262 Otis Street

DONNA ROTH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to enclose an existing 175 sq. ft. porch and construct a single-story porch addition, increasing the non-conforming lot coverage, decreasing the non-conforming open space and creating an FAR of .56 where .53 exists and .33 is allowed at 262 Otis Street, Ward 2, West Newton, on land known as Section 32 Block 50 Lot 13, containing approximately 11,152 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Held 5-0-1 (Auchincloss abstaining); Public Hearing Continued**

Note: Project Architect Sacheen Dampier represented the petitioner, Ms. Donna Roth. Ms. Dampier presented the request for a special permit petition to enclose a portion of the porch and construct a 200 sq. ft. porch extension with permanent screening and insect protection. The proposed addition reduces the side yard setback to 20.9' where 12.5' is required and 29' exists.

Chief Planner Jennifer Caira presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. The Public Hearing was Opened.

Robert Toone, 9 Somerset Road, is an abutter to the property. Mr. Toone noted that the density will be increased more than the surrounding areas. He stated that his house is set back in the abutting lot, which is adjacent to the site of the proposed addition. He noted that his family does not have very much privacy from the home and expressed concerns relative to the proposed addition, which will further reduce the open space and increase the lot coverage. He stated that the house will be shifted closer to his property and urged Committee members to consider the adverse impact on the abutting property.

Archana Szpak, 31 Somerset Road, is not supportive of the proposed extension and noted that existing house is very large on a small lot.

Saul Roth, 262 Otis Street, noted that the porch was previously enclosed with glass windows and stated that the proposed enclosure is replacing what previously existed. Mr. Roth confirmed that he did not have an opportunity to communicate with all residents in the neighborhood.

Committee members noted the proposed extension is within the allowed setback requirements and stated that the proposed addition appears to be modest. Committee members shared concerns that the proposed plans were not communicated to members of the neighborhood. Councilors noted that when plans are communicated, the design often changes to reflect improved projects. Committee members voted 5-0-1 (Councilor Auchincloss abstaining) in favor of holding the item with a motion from Councilor Markiewicz to allow the petitioner an opportunity to communicate plans to abutting property owners.

#313-19 Petition to extend nonconforming front setback at 37 Duffield Road

SANDRA AND DAVID BAIRD petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-car garage addition further extending the nonconforming front setback and to allow a retaining wall higher than four feet within a setback at 37 Duffield Road, Ward 4, Auburndale, on land known as Section 41 Block 22 lot 13, containing approximately 14,907 sq. ft. in a district zoned SINGLE RESIDENCE 3. Ref: 7.3, 7.4, 3.1.3, 7.8.2.C.2, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 6-0; Public Hearing Closed 10/10/2019

Note: Attorney Michael Peirce, office at 60 Walnut Street, Wellesley, represented the petitioners Sandra and David Baird. Atty. Peirce presented the request to construct a two-car garage and extend the non-conforming front setback at 37 Duffield Road. Atty. Peirce noted that the property is located above the floodplain and confirmed that the City's Preservation Planner Katy Holmes and the Conservation Commission have approved the proposed plans, which include a landscaping plan and a drainage system. Atty. Peirce noted that the proposed garage will be 18.6' from the street and the existing

structure is 11.6' from the street. The proposed plans include a retaining wall in the setback, requiring additional relief.

Planning Associate Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. Ms. Whewell stated that the site is heavily landscaped and has a steep downward slope. She noted that locating the proposed garage on the site in a location different than the proposed location would be difficult. Ms. Whewell noted other homes on Duffield Road have similar topography and garages.

The public hearing was opened. No member of the public wished to speak. Councilor Markiewicz motioned to close the public hearing which carried unanimously. Councilor Markiewicz motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown attached. The Chair asked that the findings reflect that the topography does not offer alternate locations. Committee members expressed no concerns relative to the request and voted unanimously in favor of approval.

#175-19(2) Amended Petition 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~~ one building, to allow reduced side setbacks, to allow three-stories, to increase the allowed lot coverage, to decrease the minimum open space, 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 6-0; Public Hearing Continued

Note: Attorney Laurance Lee, offices of Rosenberg, Freedman and Lee, Walnut Street, represented the petitioner, 145 Warren Street, LLC. The proposed single-family attached dwelling units include four units ranging from 2100-3500 sq. ft. (excluding approximately 400 sq. ft. in garage space per unit), connected by a shared, underground garage. Above the garage is a green roof, available for use by residents. Atty. Lee explained that Inspectional Services determined that the green roof connects the buildings, creating one structure. As such, the petition was readvertised. Atty. Lee presented details of the petition as shown on the presentation. He explained that the proposed single-family attached dwelling units allow the petitioner to maintain the existing historic home at the site. Atty. Lee stated that the Newton Historic Commission directed the petitioner to design the single-family attached dwelling units in a way that is consistent with the existing historic home; low in height. The design of the proposed units is low and wide to ensure that the new structures are subordinate to the existing home. Atty. Lee stated that Preservation Planner Katy Holmes has confirmed that the proposed plans meet the directive of the Historic Commission. He noted that the proposed density is comparable with other properties in the neighborhood and stated that the Fire Department has approved the plans.

Planning Associate Katie Whewell reviewed the requested relief, criteria for consideration, zoning, land use, the proposed landscape plan and elevations as shown on the attached presentation. The Public Hearing was Opened.

Aedin Culhane, 47 Glen Avenue, noted that the existing historic home is revered in the neighborhood and historically significant. She stated that the proposed attached dwelling units are very large and inconsistent with other homes in the neighborhood. She noted that Warren Avenue is congested and expressed concern that there is no green space at the site for children to play. Ms. Culhane read statements from Architect Christina Choo who is supportive of preserving the existing historic home.

Clyde Martin, 142 Warren Street, expressed concern relative to the increase in number of cars that will be on Warren Street. He noted that traffic is an issue and stated that the size of the proposed development is too large.

Mary Lee Belville, 136 Warren Street, noted that there are many properties that abut the green line and suggested that approval of this permit will change the context of the neighborhood and encourage construction along the green line.

Laura Tavares, 148 Warren Street, explained that there are many children that live in the neighborhood and expressed concerns relative to safety and the increase in the number of cars at the site. She believes that the proposed development is too large.

Christina Perez, 150 Warren Street, noted there has been no communication relative to the proposed plans with the neighborhood. She expressed concern relative to the size of the proposed development.

Amy Sarmon, 168 Warren Street, noted traffic and parking in the neighborhood is already an issue. She does not believe the proposed development is appropriate for the neighborhood.

Simon French, 47 Glen Avenue, stated the proposed development should be contained to a smaller envelope. He stated that the FAR and lot coverage are too high and noted that the decks will encourage noise that will disturb neighbors.

A Resident at 136 Warren Street, expressed concern relative to the increase in number of cars, residents and safety at the site.

Atty. Lee noted that a community meeting was held over the summer and confirmed that the abutters to the right of the property are supportive of the proposal. He noted that he has not heard any concerns from the direct abutters to the left of the property and stated that he will perform community outreach with other members of the neighborhood. It was noted that each unit has some open space. Committee members were supportive of maintaining the existing historic homes. Councilors noted that the proposed units are large expressed some concern relative to approval of four units, adjacent to the green line in Newton Centre, where there are currently no other four-family dwellings. A Committee member questioned whether the Planning Department is concerned about the significant increase in lot coverage at the site. Chief Planner Jennifer Caira noted that the Historic Commission directed the design to be low

and flat and noted that the proposed dwelling units allow for preservation of the existing historic structure. Some Committee members remained concerned relative to permitting four dwelling-units at the site, which could change the context of the neighborhood and encourage the construction of additional multi-family dwellings in the neighborhood. Atty. Lee noted that preservation of the existing historic structure is expensive. He stated that the difference in traffic between two units and four units is not significant. Committee members agreed to hold the item, pending further review. Councilor Mariewicz motioned to hold the item which carried unanimously.

#332-19 **Petition to amend Board Order #650-86(2) to alter garage at 77 Paul St/1400 Centre St**
MARK F DONATO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #650-86(2) to allow alteration to an existing structure, extending the existing nonconforming use by constructing an addition for an elevator, to reduce the nonconforming lot coverage and to further extend the nonconforming parking in the front setback at 1400 Centre Street/77 Paul Street, Ward 6, Newton Centre, on land known as Section 62 Block 13 Lot 9, containing approximately 30,023 sq. ft. of land in a district zoned MULTI RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.2.2.A.3, 4.2.3 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Held 6-0; Public Hearing Continued**

Note: Attorney Katherine Adams, offices of Schlesinger and Buchbinder, 1200 Walnut Street, represented the petitioner, Mark Donato. Atty. Adams presented the request for a special permit to amend Special Permit Board Orders #650-86(2) to alter a garage at 77 Paul Street/1400 Centre Street. Atty. Adams explained that the petitioner owns a commercial office building with a two-story garage and surface parking. Access to the site is from an existing curb cut on Paul Street. Once on site, visitors may park in a surface stall, within the first floor of the parking garage, or use a ramp to access the second floor of the parking garage. The petitioner proposes to construct two small additions (to allow an elevator and a new stairwell) and a new curb cut to allow access to the second floor of the parking garage without a ramp. Atty. Adams explained the ramp was installed due to the topography of the lot, which slopes significantly. Over the years, the ramp has required heavy salt application to ensure safety. Atty. Adams noted that the petitioner seeks to eliminate the ramp and locate the curb cut approximately 100' east from the intersection of Paul Street and Centre Street to allow access to the second floor of the garage from street level. It was noted that because of the steep grade changes along the Paul Street site, locating the curb cut further away from Centre Street is not possible. Atty. Adams noted that the upper level of the garage is not connected to the lower level. She stated that the petitioner proposes to reserve parking stalls in the upper level for tenants of the building. The lower level of the garage and surface parking will remain open to the public. Atty. Adams stated that no impact is anticipated on site because no new trips are expected. She suggested that making a portion of Paul Street one-way (between the curb cut and Centre Street) might be an option to eliminate cut through traffic on Paul Street. Atty. Adams noted that the petitioner consulted with VHB Traffic Engineers to create a plan with clear sight lines. She stated that the proposed plans include the elimination of five trees. It was noted that the Transportation Division is still reviewing the plans.

Planning Associate Katie Whewell reviewed the requested relief, criteria for consideration and the proposed site plan as shown on the attached presentation. She stated that five additional stalls will be

constructed in the surface parking lot. Chief Planner Jennifer Caira confirmed that the Planning Department is not generally supportive of new curb cuts but noted that the existing ramp has been compromised by salt application and is not structurally sound.

The Public Hearing was opened.

Curt Lamb, 53 Paul Street, spoke on behalf of three trustees of the condo association that abuts the property. He explained that they are not opposed to the proposal except for the new curb cut. He explained that Paul Street is very narrow, and cars must come to a full stop to pass. He stated that cars often drive quickly and discouraged making Paul Street a one-way. He expressed concern relative to congestion on Paul Street and traffic backup onto Centre Street and questioned whether the ramp can be relocated.

Guntram Mueller, 53 Paul Street, has concerns relative to the new curb cut, reiterating the traffic limitations and congestion at the intersection of Paul Street/Centre Street.

Committee members voted unanimously in favor of holding the item, pending review from the City's Transportation Division.

#318-19 Request to Rezone 15-21 Lexington Street to Multi Residence 3

DANTE CAPASSO/PICARIELLO REALTY TRUST/DSP REALTY TRUST petition for a change of zone to Multi-Residence 3 for portions of land located at 15-21 Lexington Street (currently zoned Single-Residence 3), also identified as Section 41, Block 35, Lots 2, 3, 4 and 5.

Action: Land Use Held 6-0; Public Hearing Continued

#319-19 Petition to allow 24-unit multi-family dwelling at 15-21 Lexington Street

DANTE CAPASSO/PICARIELLO REALTY TRUST/DSP REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 24-unit multi-family dwelling with a below grade parking garage and surface stalls, to reduce the parking stall depth, to allow restricted end stalls in the garage parking facility, to waive the perimeter screening requirements for the outdoor parking facility, to waive interior landscaping requirements for the outdoor parking facility and to waive the minimum intensity of outdoor lighting of the parking facility on 51,870 sq. ft. of land at 15-21 Lexington Street, Ward 4, West Newton, on land known as Section 41 Block 35 Lots 2-5 in a district zoned SINGLE RESIDENCE 3 (to be rezoned to MU3). Ref: Sec. 7.3.3, 7.4, 3.4.1, 5.1.8.B.2, 5.1.13, 5.1.8.B.6, 5.1.9.A, 5.1.9.B, 5.1.10.A.1 of the City of Newton Revised Zoning Ord, 2017.

Action: Land Use Held 6-0; Public Hearing Continued

Note: Attorney Michael Peirce, office at 60 Walnut Street, Wellesley, represented the petitioner Dante Capasso and presented the request to allow a 24-unit multi family dwelling at 15-21 Lexington Street. Atty. Peirce noted that the petitioner held a community meeting, which was well attended. He stated that the petitioner owns and operates several multi-family developments throughout the City and in the neighborhood. Atty. Peirce noted that the proposed 24-unit development will be a three-story building and will be served by a below grade parking facility and surface parking (53 total parking stalls).

He stated that there is a significant amount of impervious surface at the site and confirmed that the proposed design includes a drainage system that will solve for a one-hundred-year storm. He noted that the proposed landscape plan is robust and suggested that the petitioner can commit to maintenance of the landscaping on the abutting property (which is under the petitioner's control).

Chief Planner Jennifer Caira presented the requested relief, criteria for consideration, zoning, land use, a comparison of SR3 and MR3 zones, the proposed site plans, proposed elevations and the landscape plan as shown on the attached presentation. Ms. Caira noted that five inclusionary units are included in the proposed development; four units at tier 1 and one unit at tier 2. Ms. Caira noted that the Planning Department is supportive of the request to rezone but is concerned about the number of parking stalls at the site (more than two per unit), particularly due to maneuvering limitations in the garage. She stated that the outstanding items include; the petitioner's response to the Planning Department's sustainability comments, a reduction in parking spaces or submission of a turning template for the garage and an updated landscape plan.

A Committee member questioned why so much parking has been included in the proposed plans. Atty. Peirce noted that there are three guest spaces. He explained that the petitioner manages several properties throughout the City and on Lexington Street and has an understanding of the parking demands. He noted that the traffic analysis shows that the increase in traffic will have no impact on the level of service at Lexington Street and Rumford Avenue. Some Committee members were supportive of a reduction in the proposed number of parking stalls, noting that the proposed number of stalls is more than the City has been recommending in recent developments. Other Committee members noted that there is limited public transportation in the area as well as potential for new activity in the neighborhood. Mr. Capasso noted that it is more cost effective to reduce the number of parking stalls and construct more housing but stated that they want to be sensitive to the neighborhood's concerns and needs. Mr. Capasso noted that the parking is not unbundled at this point and confirmed that he would be open to unbundling the spaces. A Committee member expressed interest in discussing the petitioner's commitments to sustainability at the next public hearing. Atty. Peirce confirmed that a sustainability plan will be submitted prior to the next public hearing.

The Public Hearing was opened

Rob Warren, 34 James Street, has concerns relative to the scope of the proposed development and its impact on future development.

Gennaro Nicolazzo Crystal, 20 Milton Avenue, has concerns about the size of the proposed development. He has concerns that approval of this petition will encourage additional large-scale developments in the neighborhood and the impact on traffic. Mr. Crystal expressed concern relative to the adequacy of the proposed landscaping at the site.

Brenda McGovern, 11 James Street, is supportive of the number of proposed parking stalls for the development. Ms. McGovern noted that there is no easy access to the train, and it is likely that residents will require cars and stated that there are proposals for new businesses in the neighborhood.

With that, Councilor Markiewicz motioned to hold the item which carried unanimously.

The Committee adjourned at 10:45 pm.

Respectfully Submitted,

Greg Schwartz, Chair

67 WALNUT STREET

Land Use Committee
Public Hearing – October 10, 2019

1

CURRENT SITE

- MRI Zoning District
- 14,520 SF of Land
- By-Right Use of 2-Family + Accessory Apartment
- Neighborhood Mix of 1-2-3 Family Uses; FA. Day Middle School; City of Newton Early Education Program;
- Bus Routes: Nos. 59 and 556



2

PROJECT SUMMARY



Three-Unit Single Family Attached Dwellings



Proposed FAR is LESS than By-Right (0.477 proposed - 0.48 allowed)



Rear Unit to have one exterior handicap parking space with option to install wheelchair lift and First Floor bedroom, HP-Bathroom; and Living Space



No Parking Waiver Requested



Demolish existing house at 42.9 feet tall – Replace with new building between 30-33 feet tall (approximately 10 feet lower than existing building)



Rear yard maintained, cleaned, and landscaped

3

PROPOSED FRONT ELEVATION

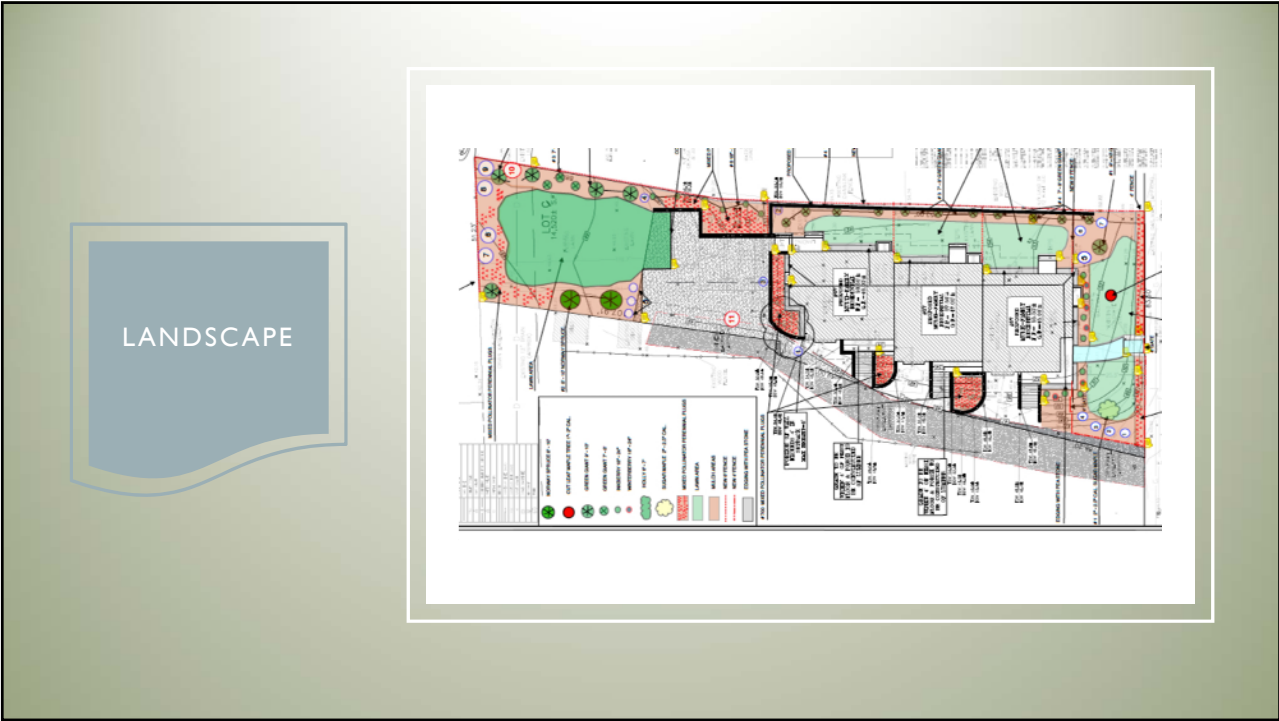


FRONT ELEVATION FOR UNIT 1

4







5




6

SUSTAINABILITY


			
EACH GARAGE EQUIPPED WITH LEVEL 2 EV CHARGING STATIONS	SOLAR-READY ROOF	LOW-FLOW PLUMBING FIXTURES	SMART AND ENERGY STAR APPLIANCES

**Department of
Planning and Development**



**PETITION #317-19
67 WALNUT STREET**


SPECIAL PERMIT/SITE PLAN APPROVAL TO ALLOW SINGLE-FAMILY ATTACHED DWELLINGS WITH WAIVERS TO THE DIMENSIONAL STANDARDS AND A RETAINING WALL EXCEEDING FOUR FEET WITHIN THE SETBACK



OCTOBER 10, 2019

1

Requested Relief



Special permits per §7.3.3 of the Newton Zoning Ordinance to:

- Allow three Single-Family Attached Dwellings in a Multi-Residence 1 zoning district (§3.2.4 and §7.3.3).
- To reduce the lot area requirement (§3.2.4 and §7.3.3).
- To reduce the side setback requirement (§3.2.4 and §7.3.3).
- To allow a driveway along a side lot line (§3.2.4 and §7.3.3).
- To allow a retaining wall of four feet in height within the setback (§5.4.2.B and §7.3.3)

2

Criteria to Consider

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

- The specific site is an appropriate location for the proposed Single-Family Attached Dwellings. (§7.3.3.C.1)
- The Single-Family Attached Dwellings as developed and operated will adversely affect the neighborhood. (§7.3.3.C.2)
- The Single-Family Attached Dwellings 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)

3

Criteria to Consider Continued

- Literal compliance with the dimensional standards of Single-Family Attached Dwellings, specifically lot area, side setback, and a driveway within ten feet of a 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 and §6.2.3.B.2)
- The specific site is an appropriate location for retaining walls of four feet in height within the front and the side setbacks. (§5.4.2.B)

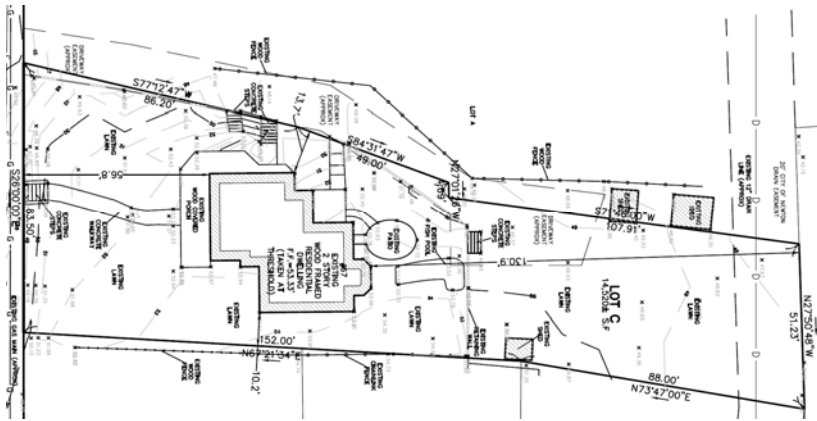
4

AERIAL/GIS MAP



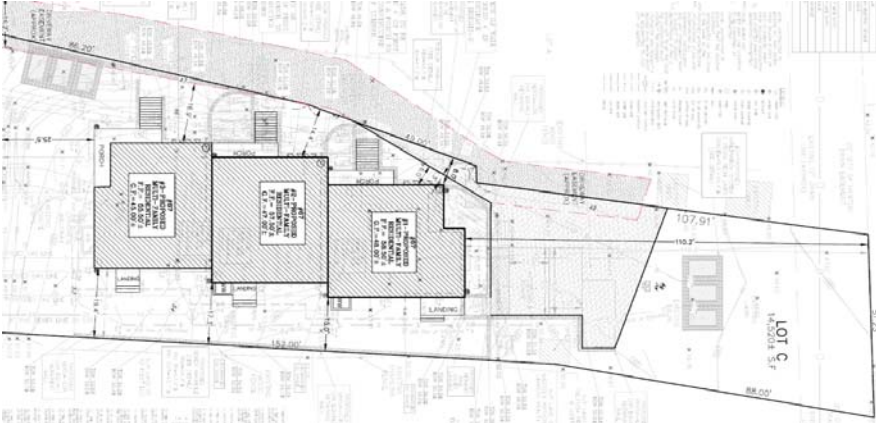
5

Existing Site Plan



6

Proposed Site Plan



7

Proposed Front and Rear Elevations



8

Proposed Side Elevations



9

Analysis

- The Planning Department is unconcerned with three units on site.
- Staff suggests the petitioner work to improve the Walnut Street façade by reducing the number of peaks visible or by stepping down the height of the middle and the rear units.
- Staff also suggests the petitioner provide a caliper inch analysis and provide a revised turning template.

10

969/969F CHESTNUT STREET

Land Use Committee Public Hearing
October 10, 2019

1

PROJECT SUMMARY

Small One-Story Front Addition (approx. 36 SF)

Small Two-Story Rear Addition (approx. 303 SF)

New 192 SF detached rear shed;

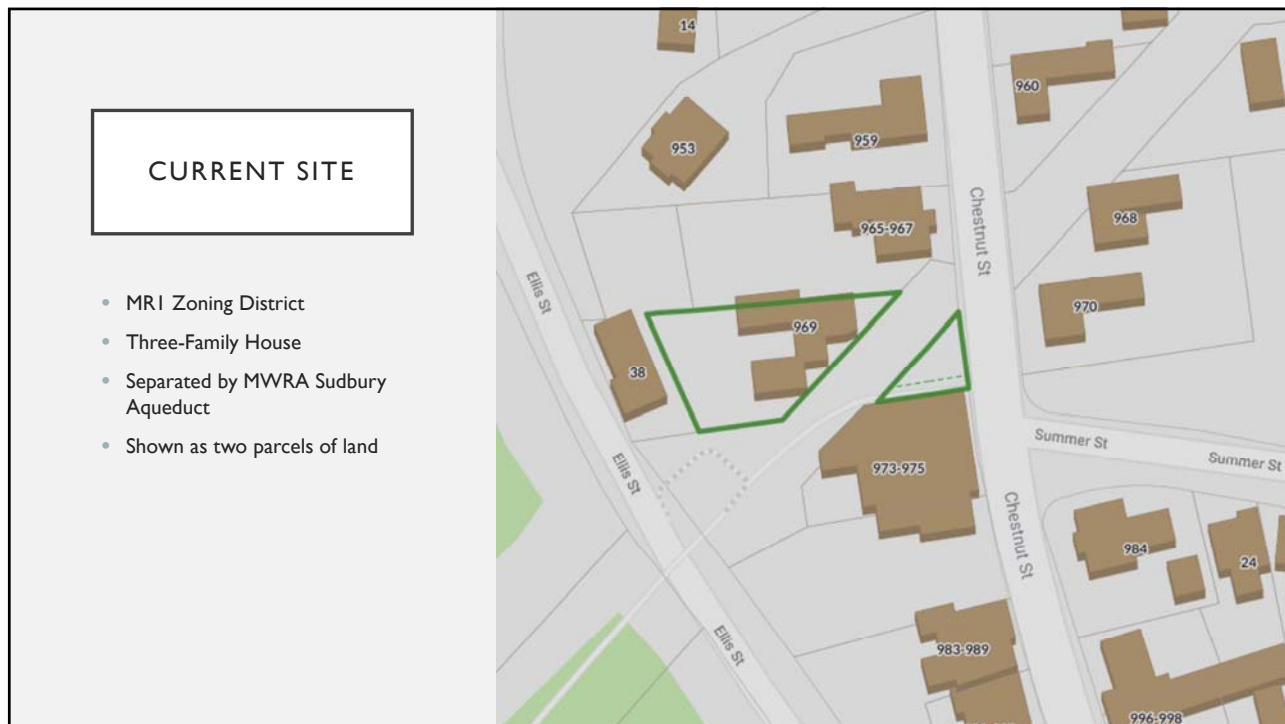
Increase Existing FAR of 0.59 to 0.72 (allowed 0.43)

Increase Lot Coverage from 31.2% to 36.1%

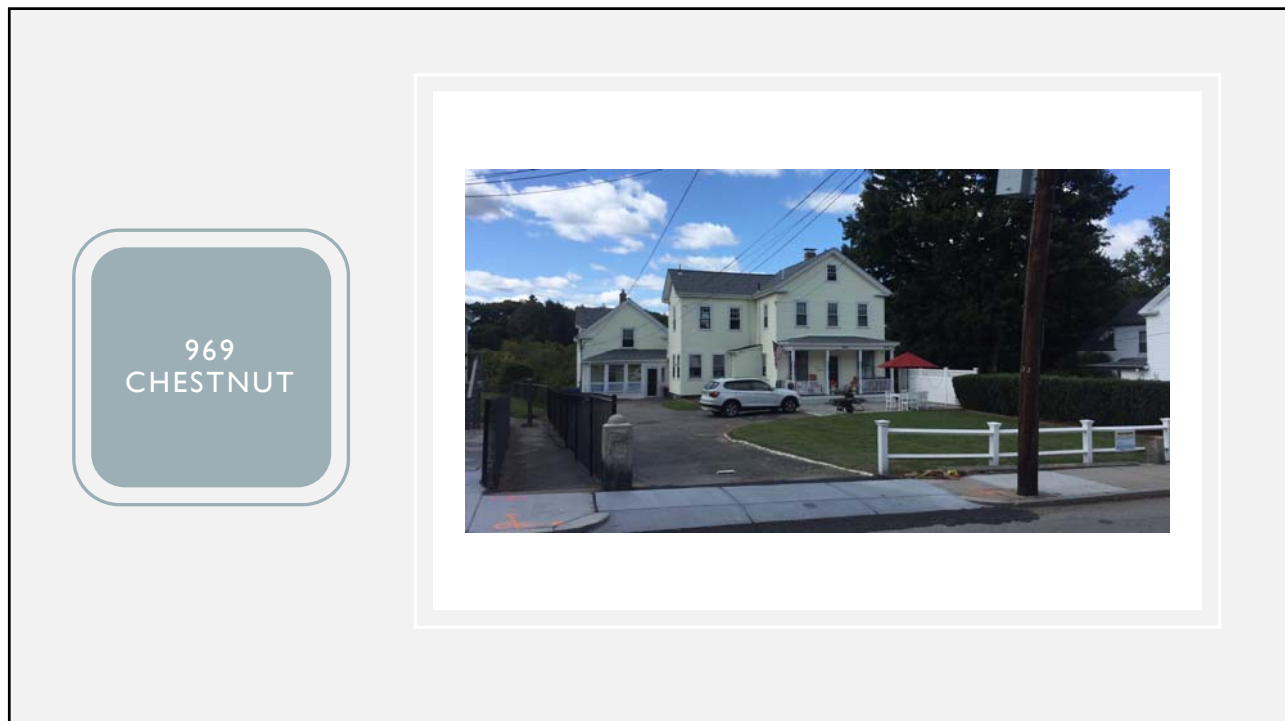
MWRA 8M Permit Obtained

Upper Falls Historic District Commission Approved Plans –
Certificate of Appropriateness Issued.

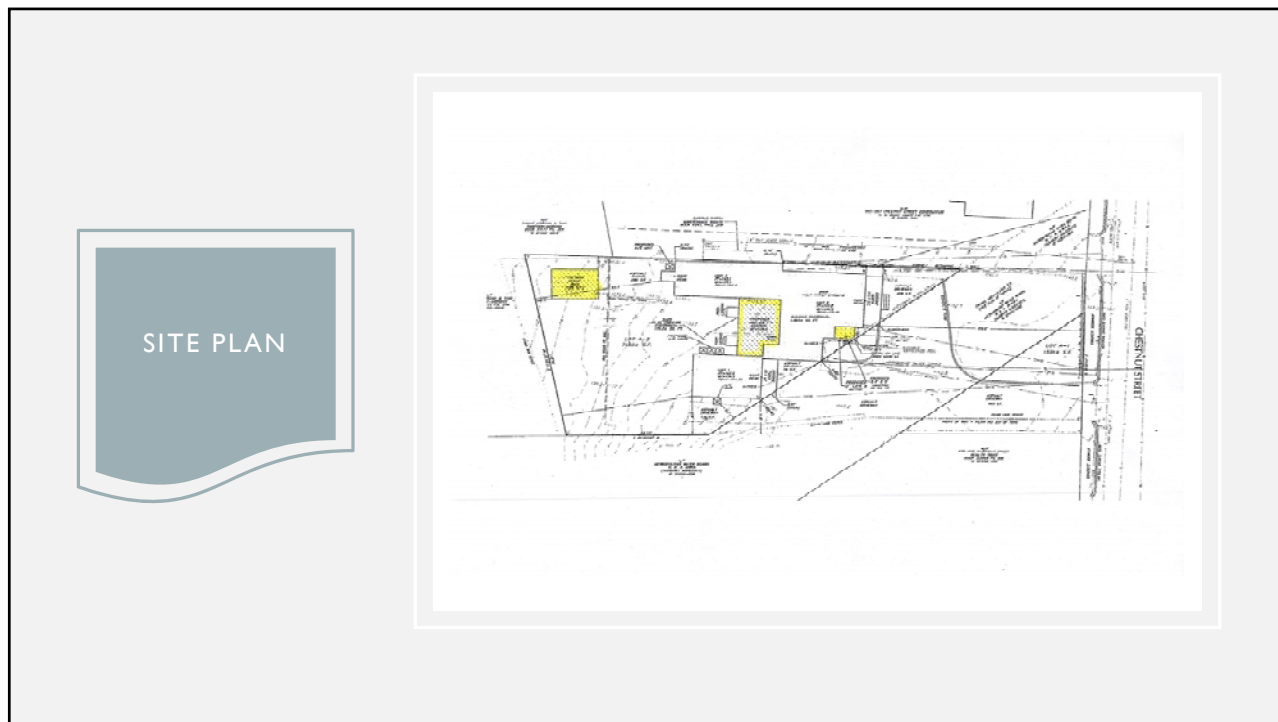
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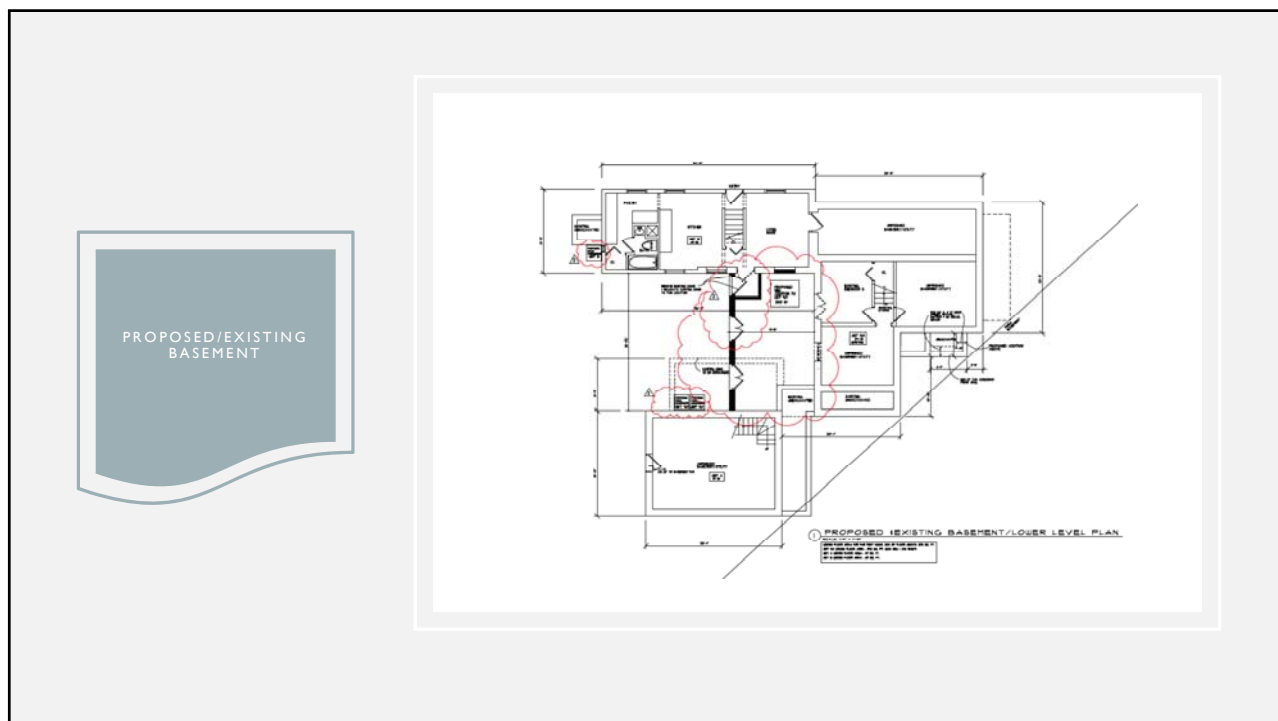
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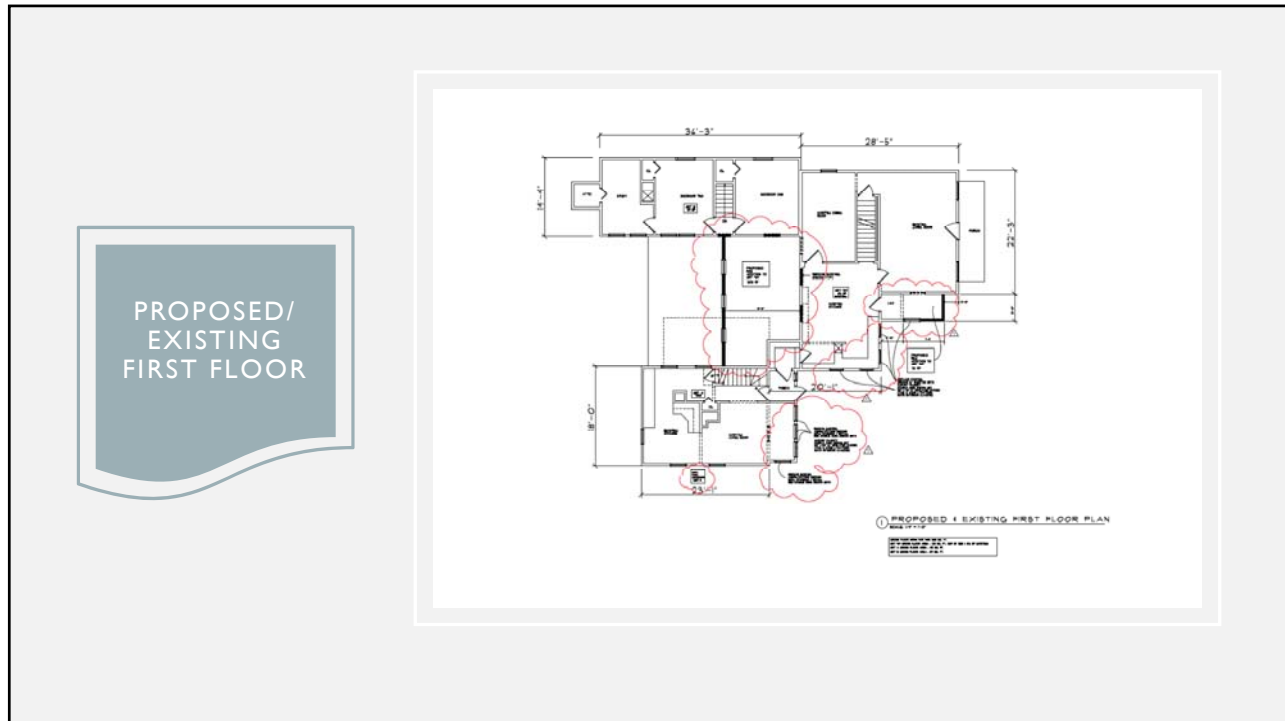
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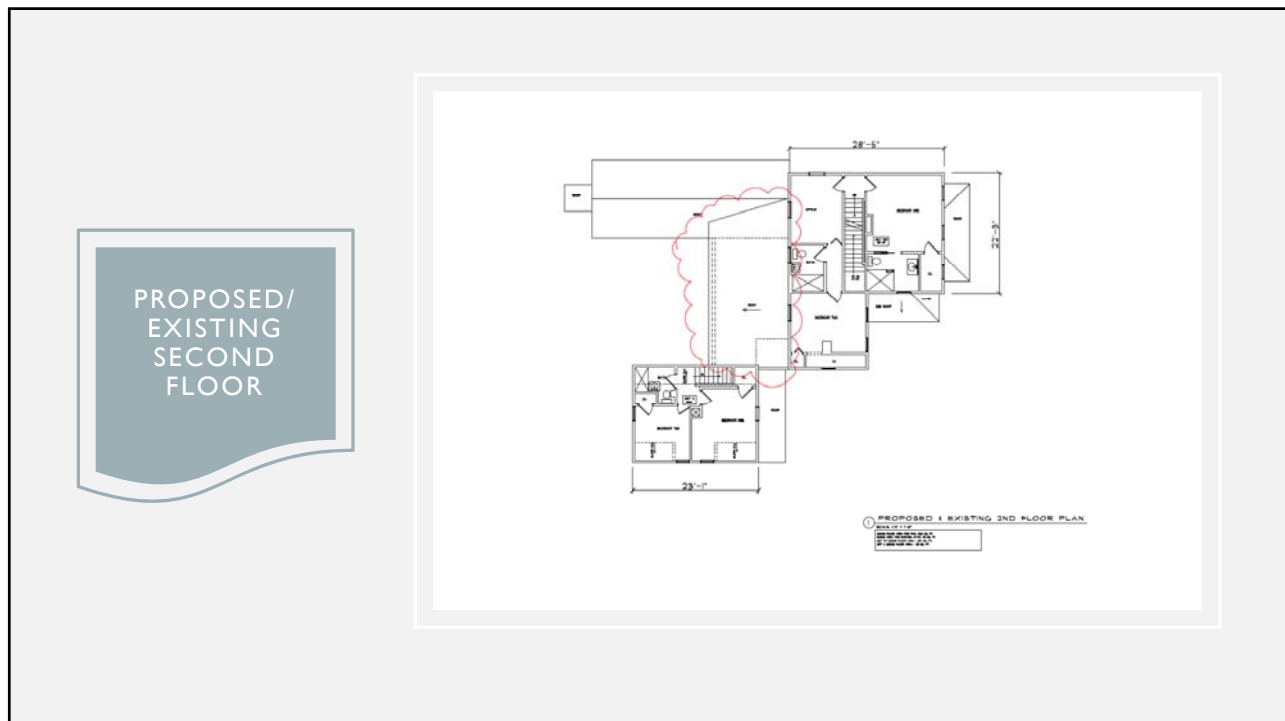
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Department of Planning and Development



**PETITION #316-19
969 CHESTNUT STREET**

SPECIAL PERMIT/SITE PLAN APPROVAL
TO ALTER A NONCONFORMING THREE
FAMILY USE BY FURTHER INCREASING
NONCONFORMING FLOOR AREA RATIO
FROM .59 TO .73 WHERE .45 IS
ALLOWED, AND TO FURTHER
INCREASING NONCONFORMING LOT
COVERAGE



OCTOBER 10, 2019

1

Requested Relief



Special Permit per §7.8.2.C.2 and §7.3.3 of the NZO to:

- Further extend a nonconforming three-family dwelling use (§3.4.1)
- Further increase nonconforming floor area ratio and nonconforming lot coverage (§3.1.9, §3.2.3)

2

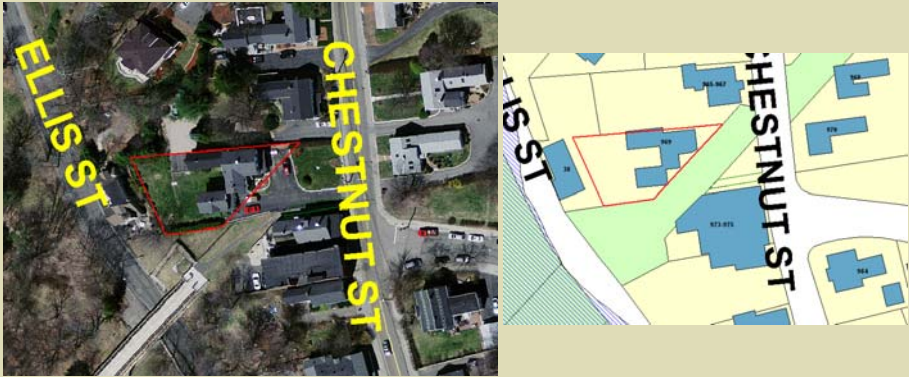
Criteria to Consider

When reviewing this request, the Council should consider whether:

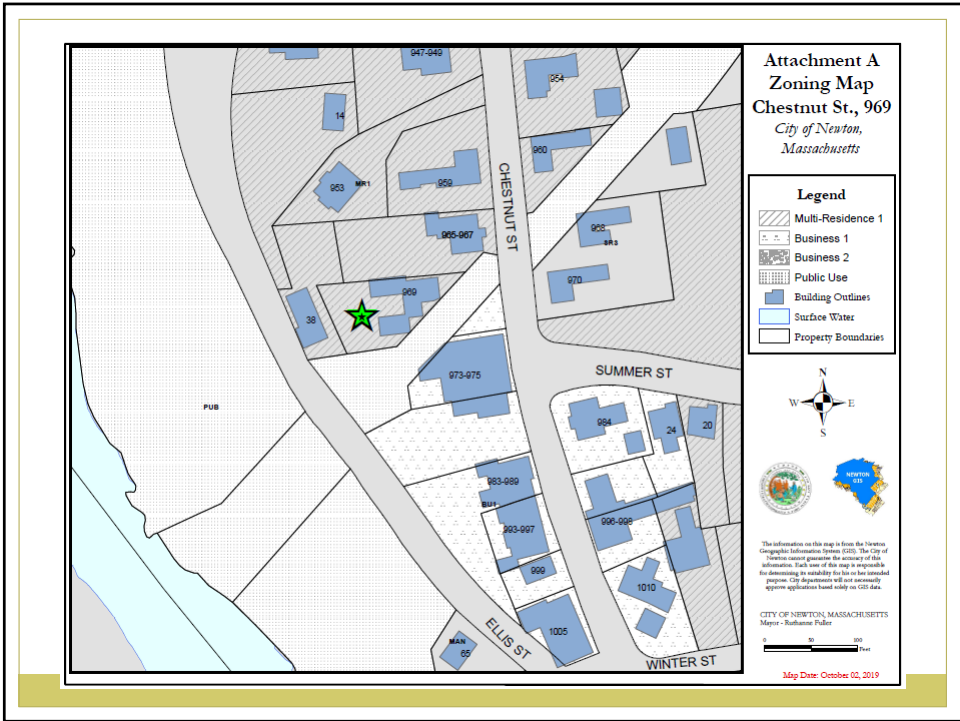
- The proposed increase in the nonconforming FAR from .59 to .72, where .45 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.2.3, §3.2.11, and §7.8.2.C.2)
- The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.2.3, §3.2.11, and §7.8.2.C.2)
- The proposed increase in nonconforming lot coverage is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.2.3 and §7.8.2.C.2)
- The proposed extension of the nonconforming three family use is not substantially more detrimental than the existing nonconforming three family use is to the neighborhood. (§3.4.1 and §7.8.2.C.2)

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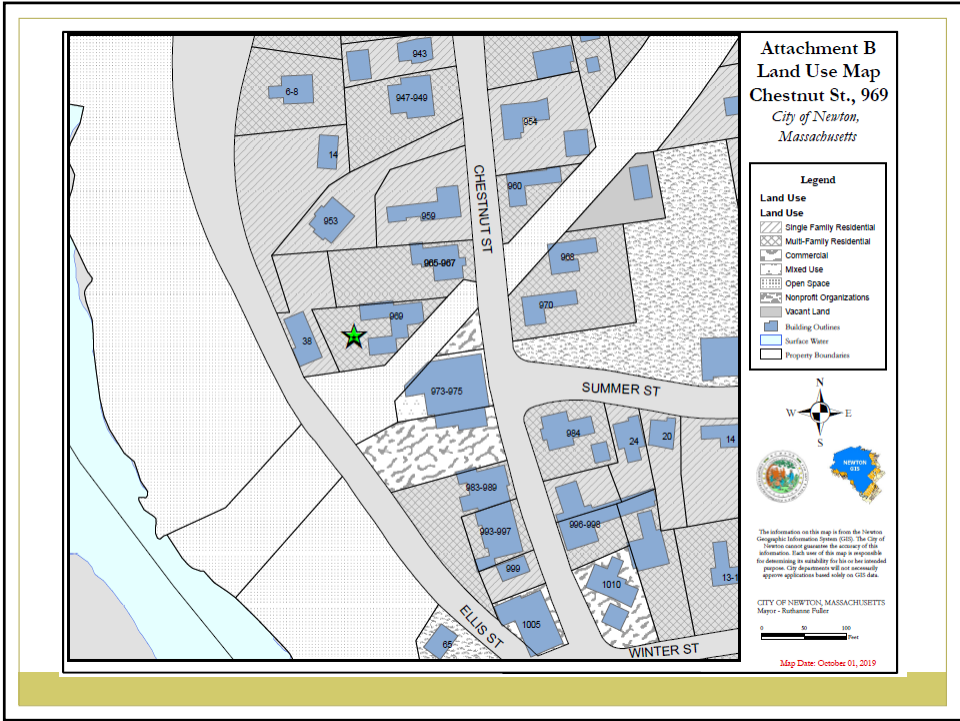
Aerial/GIS Map



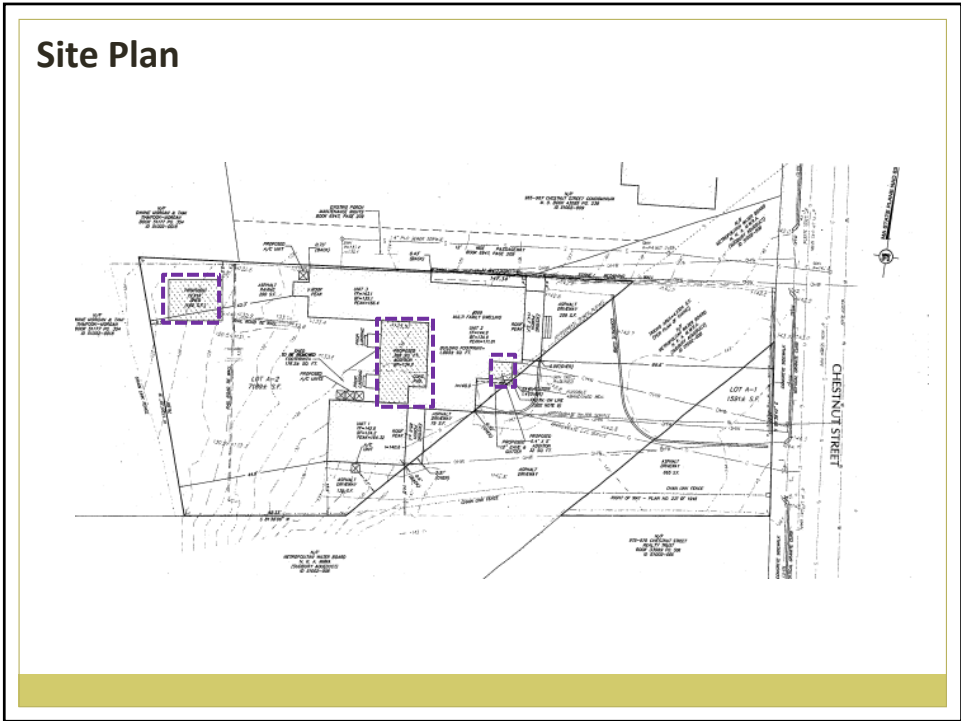
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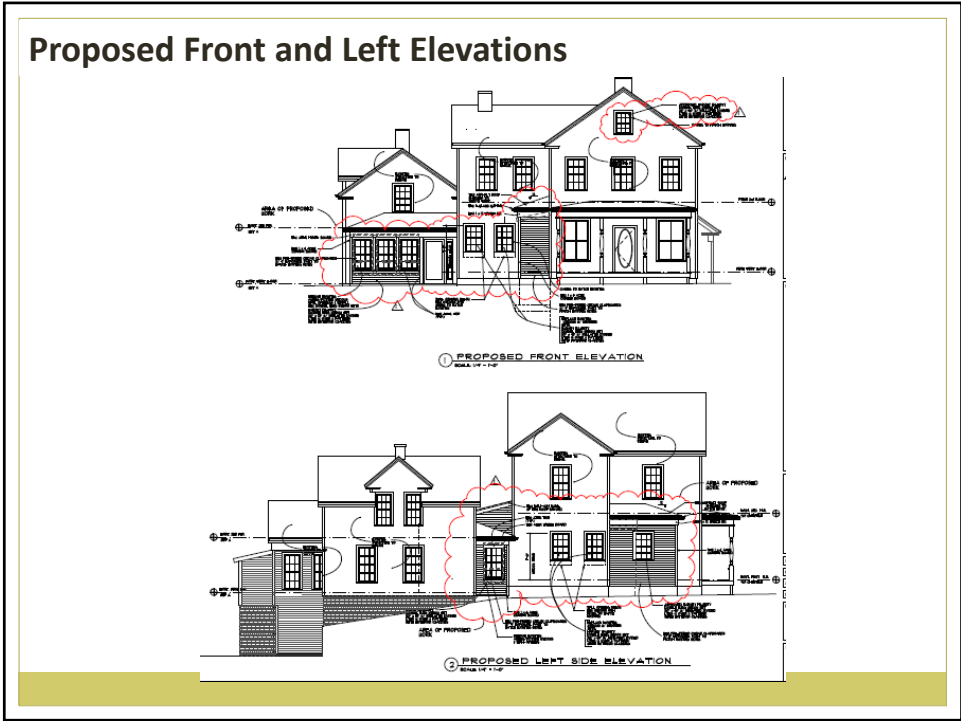
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Proposed Rear Elevation



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Proposed Findings

- The proposed increase in the nonconforming FAR from .59 to .72, where .45 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 as there are other multi family structures with similar style and bulk on similarly sized lots. (§3.2.3, §3.2.11, and §7.8.2.C.2)
- The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood as there are other multi-family structures with similar style and bulk on similarly sized lots. (§3.2.3, §3.2.11, and §7.8.2.C.2)
- The proposed increase in nonconforming lot coverage is not substantially more detrimental than the existing nonconforming structure is to the neighborhood due to the unique characteristics of the property due to a taking by the MWRA and Sudbury Aqueduct bifurcating the property. (§3.2.3 and §7.8.2.C.2)
- The proposed extension of the nonconforming three family use is not substantially more detrimental than the existing nonconforming three family use is to the neighborhood as that area of Chestnut Street is comprised of multifamily uses . (§3.4.1 and §7.8.2.C.2)

12

Proposed Conditions



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

CITY OF NEWTON
IN CITY COUNCIL

ORDERED:

That the City 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 the following SPECIAL PERMIT/SITE PLAN APPROVAL to further increase the nonconforming Floor Area Ratio (FAR) from .59 to .72, where .45 is the maximum allowed by-right, and to further increase the nonconforming lot coverage, and to extend the nonconforming three family dwelling use as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

- The proposed increase in the nonconforming FAR from .59 to .72, where .45 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 because there are other multi-family structures with similar style and bulk on similarly situated lots in the neighborhood and because of the unique nature of the subject property, which is bisected into two separate lots by the Sudbury Aqueduct that appears to be part of the property but does not constitute area that can be used for the FAR calculation. (§3.2.3, §3.2.11, and §7.8.2.C.2)
- The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because there are other multi-family structures with similar style and bulk on similarly situated lots in the neighborhood and because of the unique nature of the subject parcel, which is bisected into two separate lots by the Sudbury Aqueduct that appears to be part of the property but that does not constitute area that can be used for the FAR calculation. (§3.2.3, §3.2.11, and §7.8.2.C.2)
- The proposed increase in nonconforming lot coverage is not substantially more detrimental than the existing nonconforming structure is to the neighborhood due to the unique characteristics of the property due to a taking by the MWRA and Sudbury Aqueduct bifurcating the property. (§3.2.3 and §7.8.2.C.2)
- The proposed extension of the nonconforming three family dwelling use is not substantially more detrimental than the existing nonconforming three family dwelling use is to the neighborhood as that area of Chestnut Street is comprised of multifamily uses. (§3.4.1 and §7.8.2.C.2)

PETITIONER: Judith Cimetta

LOCATION: 969 Chestnut Street, on land known as Section 51, Block 2, Lots 7 and 19, containing approximately 7,987 square feet of land

OWNER: Judith Cimetta

ADDRESS OF OWNER: 969 Chestnut Street
Newton, MA 02464

TO BE USED FOR: Multi-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.8.2.C.2 to further increase the nonconforming FAR, §3.4.1 and §7.8.2.C.2 to further extend the nonconforming three family use, §3.2.3 and §7.8.2.C.2 to increase nonconforming lot coverage

ZONING: Multi Residence 1 district

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:
 - a. "Proposed Conditions, Plan of Land, 969 Chestnut St., Newton, MA ", signed and stamped by James Burke, Professional Engineer, and Claudio Salam, Professional Land Surveyor, dated January 24, 2017, revised June 17, 2019.
 - b. Architectural Elevations and Floor Plans titled "Cimetta Residence", prepared by David Sharff Architects, consisting of:
 1. Proposed and Existing Basement/Lower Level Plan, A1, dated August 9, 2019
 2. Proposed and Existing First Floor Plan, A2, dated August 9, 2019
 3. Proposed and Existing Second Floor Plan, A3, dated August 9, 2019
 4. Proposed Front and Left Elevations, A4, dated June 28, 2016
 5. Proposed Rear Elevations and Shed, A5, dated June 28, 2016
2. Prior to the issuance of any Building Permit, the petitioners shall provide a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.

3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
5. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a registered architect and professional land surveyor certifying compliance with Condition #1, including the as built FAR of the structure.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - c. Provided a recorded copy of the O&M Plan in accordance with Condition #3 above.
 - d. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.

Department of Planning and Development



PETITION #314-19
262 OTIS STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO ENCLOSE AN EXISTING
175 SQ. FT. PORCH AND CONSTRUCT
A SINGLE-STORY PORCH ADDITION,
INCREASING THE NONCONFORMING
LOT COVERAGE, DECREASING THE
NONCONFORMING OPEN SPACE AND
CREATING AN FAR OF .56 WHERE .53
EXISTS AND .33 IS ALLOWED



OCTOBER 10, 2019

Requested Relief



Special permit per §7.3.3 to:

- further increase nonconforming floor area ratio (FAR) (§3.1.3, §3.1.9, §7.8.2.C.2)
- further increase nonconforming lot coverage (§3.1.3, §7.8.2.C.2)
- further decrease nonconforming open space (§3.1.3, §7.8.2.C.2)

Criteria to Consider



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

- The proposed increase in floor area ratio (FAR) from 0.53 to 0.56 where 0.33 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)
- That the proposed extension and alterations, with the resulting increase in the dwelling's nonconforming floor area ratio (FAR) from 0.53 to 0.56 where 0.33 is the maximum allowed; increase of its nonconforming lot coverage of 26.5 percent to 28.3 percent where 20 percent is the maximum allowed; and the further decrease of the lot's nonconforming open space from 60.8 percent to 59 percent where 65 percent is the minimum allowed, shall not be substantially more detrimental than the existing nonconforming use to the neighborhood (§7.8.2.C.2)

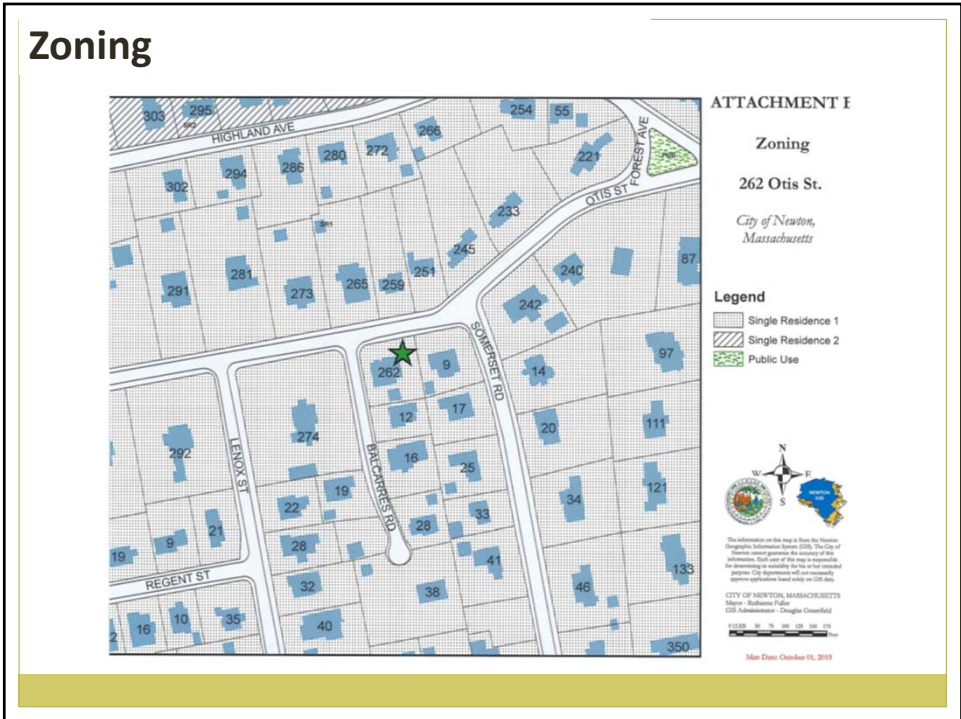
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AERIAL/GIS MAP



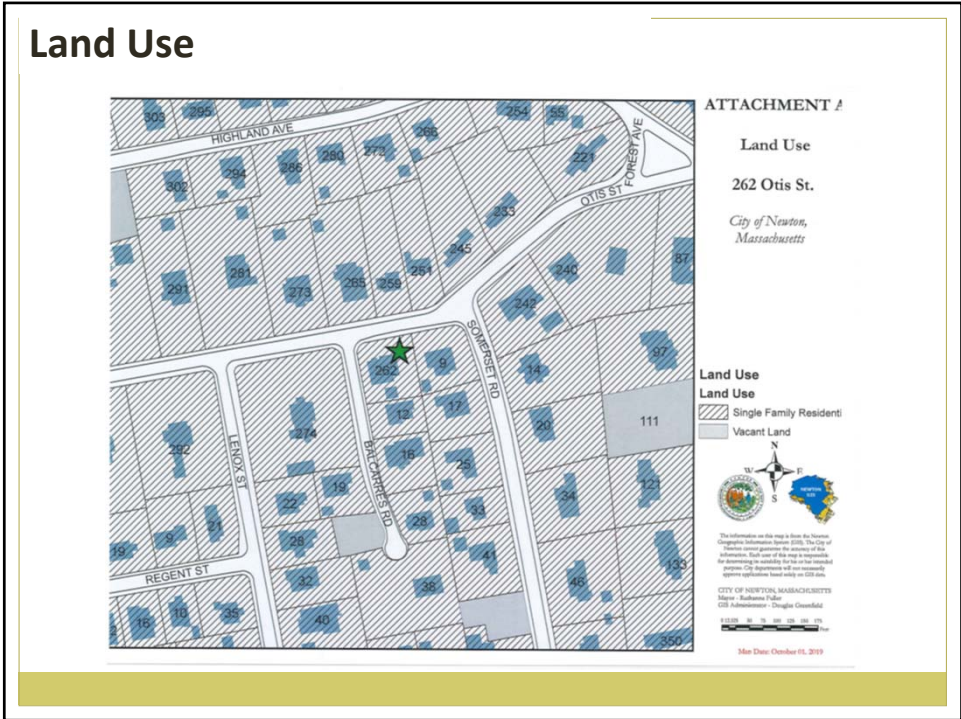
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Zoning

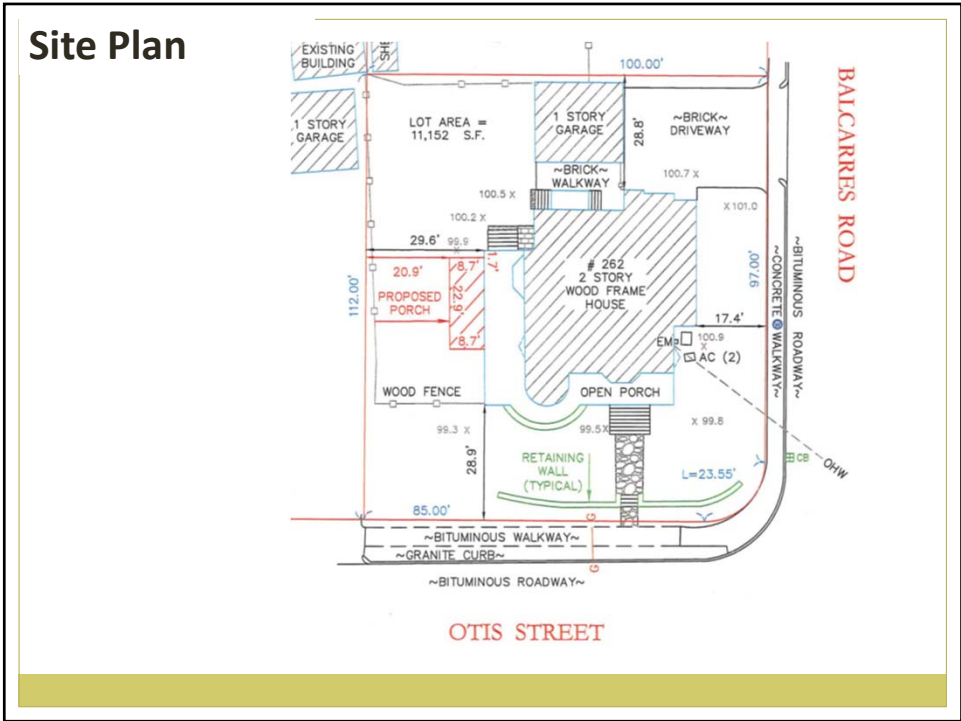


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Land Use



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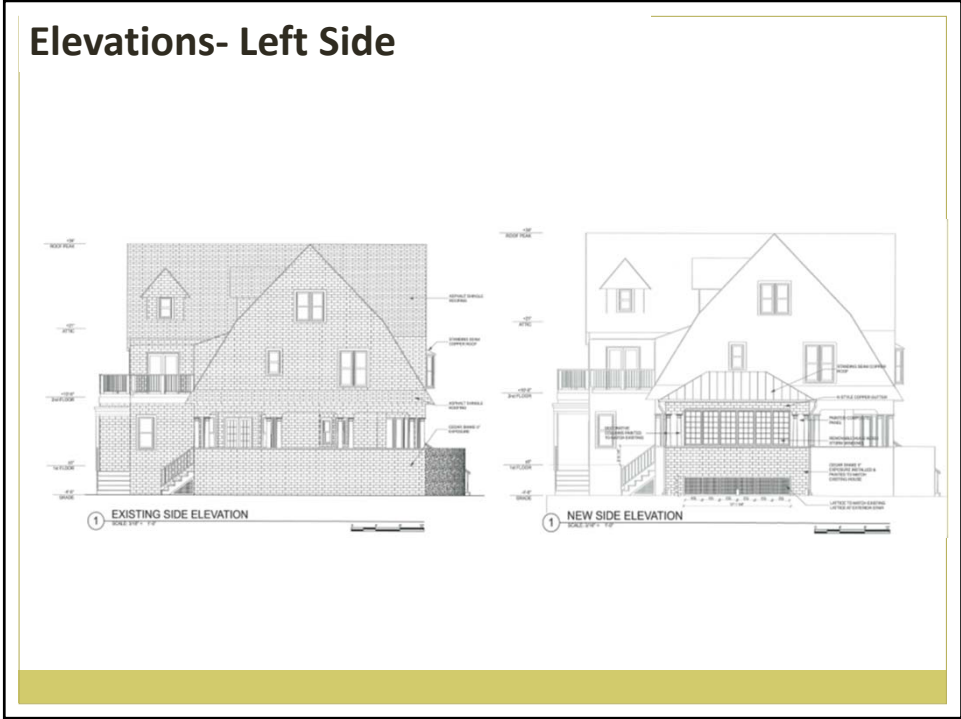
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Perspectives- Existing & Proposed



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Newton Historical Commission



- On October 14, NHC Staff approved the project based upon submitted materials, requiring approval of final plan

12

Photos




13

Photos




14

**Department of
Planning and Development**



**PETITION #313-19
37 DUFFIELD RD**


SPECIAL PERMIT/SITE PLAN APPROVAL TO VERTICALLY EXTEND THE NONCONFORMING FRONT SETBACK BY CONSTRUCTING AN ATTACHED TWO CAR GARAGE AND TO ALLOW A RETAINING WALL GREATER THAN 4 FEET WITHIN A SETBACK



OCTOBER 10, 2019

1

Requested Relief



Special Permit per §7.8.2.C.2 of the NZO to:

- Further extend a nonconforming front setback (§3.1.3)
- To allow a retaining wall higher than four feet within the setback (§5.4.2.B)

2

Criteria to Consider

When reviewing this request, the Council should consider whether:

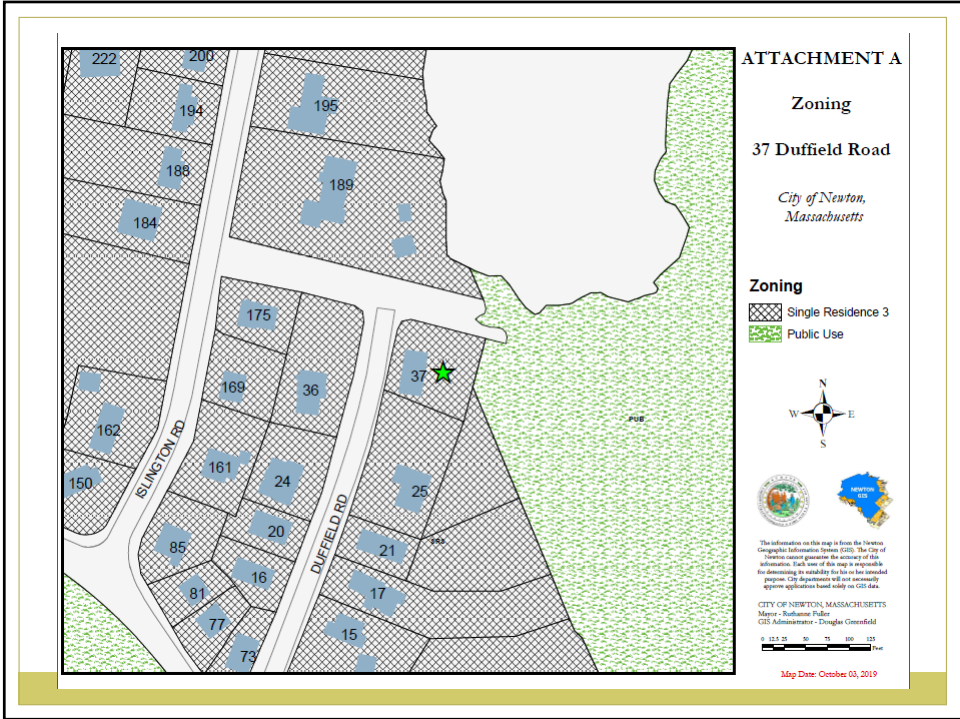
- The proposed attached garage that would further extend a nonconforming front setback not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.3 and §7.8.2.C.2)
- The specific site is an appropriate location for the proposed attached garage and retaining wall greater than four feet within a setback. (§5.4.2.B and §7.3.3.C.1)
- The proposed attached garage and retaining wall greater than four feet within a setback will adversely affect the neighborhood. (§5.4.2.B and §7.3.3.C.2)
- The proposed attached garage and retaining wall greater than four feet within a setback will create a nuisance or serious hazard to vehicles or pedestrians. (§5.4.2.B and §7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§5.4.2.B and §7.3.3.C.4)

3

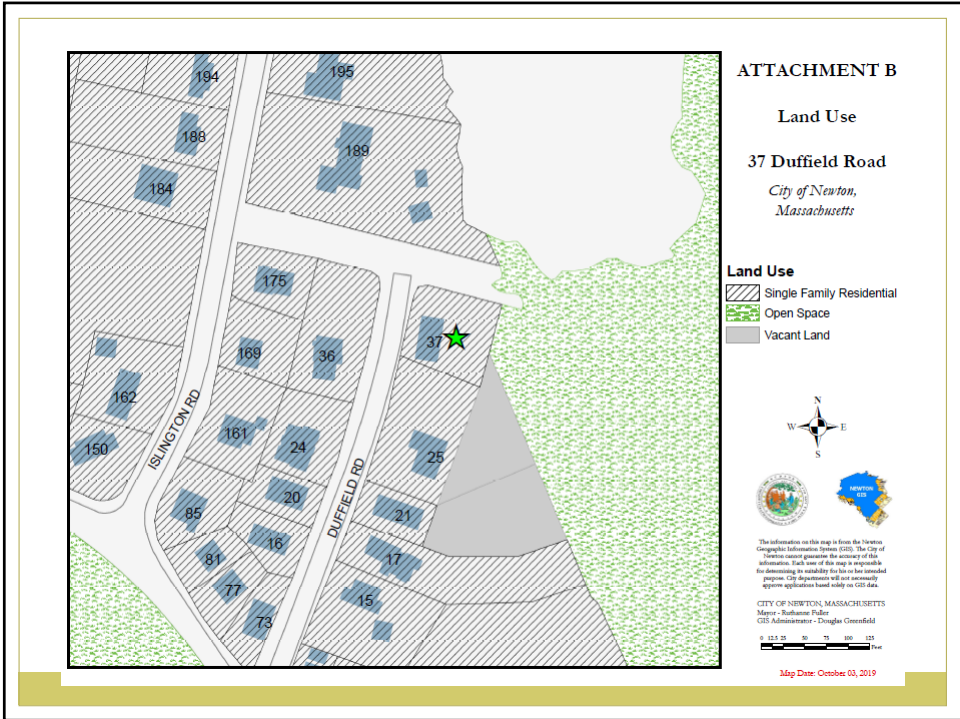
Aerial/GIS Map



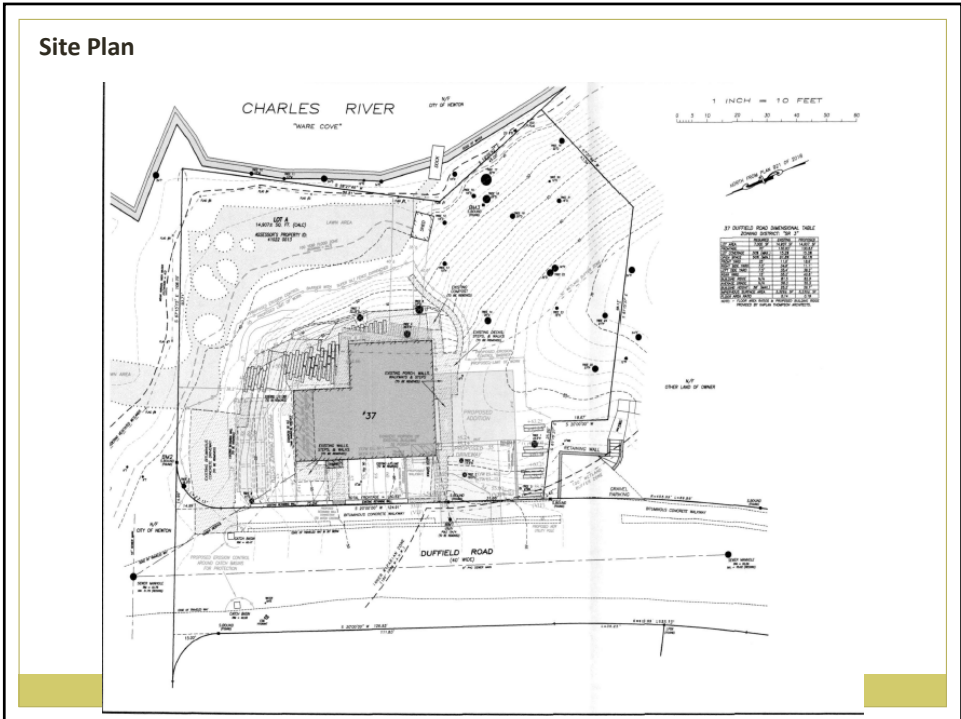
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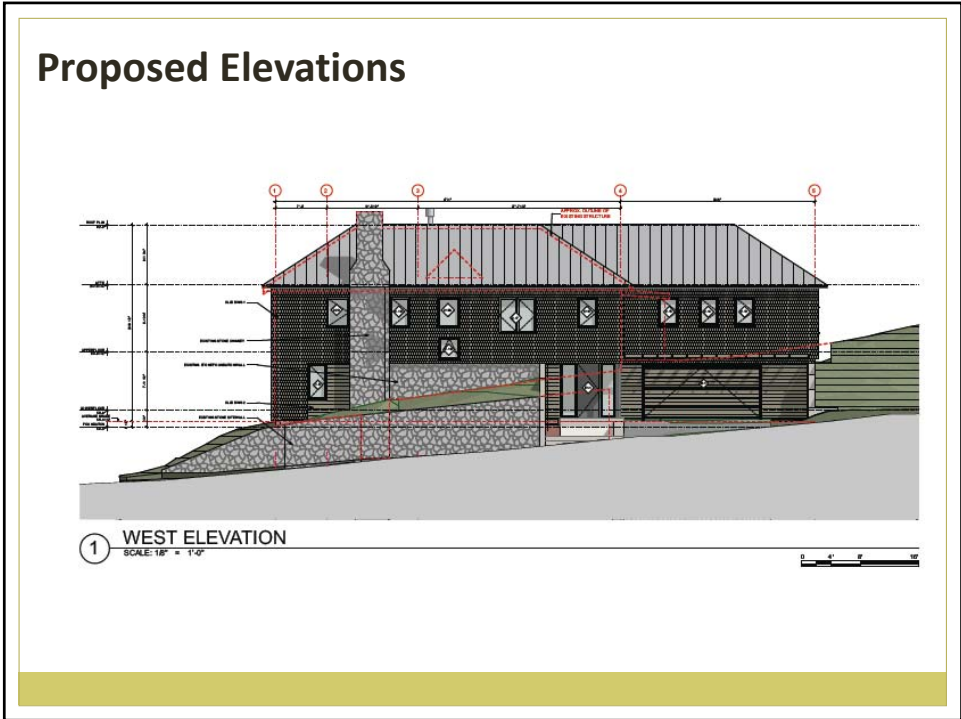
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Proposed Findings

- The proposed attached garage that would further extend a nonconforming front setback is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the proposed garage does not increase the existing nonconforming front setback (§3.1.3 and §7.8.2.C.2)
- The specific site is an appropriate location for the proposed attached garage and retaining wall greater than four feet within a setback because there are similar attached garages and retaining walls due to the topography of the land near the Charles River. (§5.4.2.B and §7.3.3.C.1)
- The proposed attached garage and retaining wall greater than four feet within a setback will not adversely affect the neighborhood because there are similar structures in the neighborhood. (§5.4.2.B and §7.3.3.C.2)
- The proposed attached garage and retaining wall greater than four feet within a setback will not create a nuisance or serious hazard to vehicles or pedestrians due to its location on a dead end street. (§5.4.2.B and §7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§5.4.2.B and §7.3.3.C.4)

9

Proposed Conditions

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

10

CITY OF NEWTON
IN CITY COUNCIL

ORDERED:

That the City 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 the following SPECIAL PERMIT/SITE PLAN APPROVAL to further extend the non-conforming front setback and construct a retaining wall higher than four feet within a setback as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The proposed attached garage that would further extend a nonconforming front setback is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the proposed garage does not increase the existing nonconforming front setback. (§3.1.3 and §7.8.2.C.2)
2. The specific site is an appropriate location for the proposed attached garage and retaining wall greater than four feet within a setback because topography of the site and conservation restrictions do not offer alternative locations for the proposed garage and retaining wall. (§5.4.2.B and §7.3.3.C.1)
3. The proposed attached garage and retaining wall higher than four feet within a setback will not adversely affect the neighborhood because there are similar structures in the neighborhood. (§5.4.2.B and §7.3.3.C.2)
4. The proposed attached garage and retaining wall higher than four feet within a setback will not create a nuisance or serious hazard to vehicles or pedestrians due to its location on a dead end street. (§5.4.2.B and §7.3.3.C.3)
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§5.4.2.B and §7.3.3.C.4)

PETITION NUMBER: #313-19

PETITIONER: Sandra and David Baird

LOCATION: 37 Duffield Road, on land known as Section 41 Block 022, Lot 13, containing approximately 14,907 square feet of land

OWNER: Sandra and David Baird

ADDRESS OF OWNER: 37 Duffield Rd.
Newton, MA 02466

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3, §5.4.2.B and §7.8.2.C.2 to further extend the nonconforming front setback by constructing an attached garage and to construct a retaining wall greater than four feet within a setback.

ZONING: Single Residence 3 district

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:
 - a. "Site Plan, 37 Duffield Rd.," signed and stamped by John R Hamel, Professional Land Surveyor, dated August 30, 2019
 - b. "Baird House," Architectural Plans and Elevations, Prepared by Kaplan Thompson Architects, signed and stamped by James Thompson, dated August 26, 2019 consisting of eight (8) sheets
 - i. Cover Sheet
 - ii. Lower Floor, A-1.1, dated 8/26/2019
 - iii. Upper Floor, A-1.2, dated 8/26/2019
 - iv. Roof Plan, A-1.3, dated 8/26/2019
 - v. West Elevation, A2.1, dated 8/26/2019
 - vi. North Elevation, A2.2, dated 8/26/2019
 - vii. East Elevation, A2.3, dated 8/26/2019
 - viii. South Elevation, A2.4, dated 8/26/2019
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, and Fire Department.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this board order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.

- b. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
4. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an architect certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed architect.

145 WARREN STREET NEWTON, MASSACHUSETTS

Land Use Committee
Public Hearing
October 10, 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

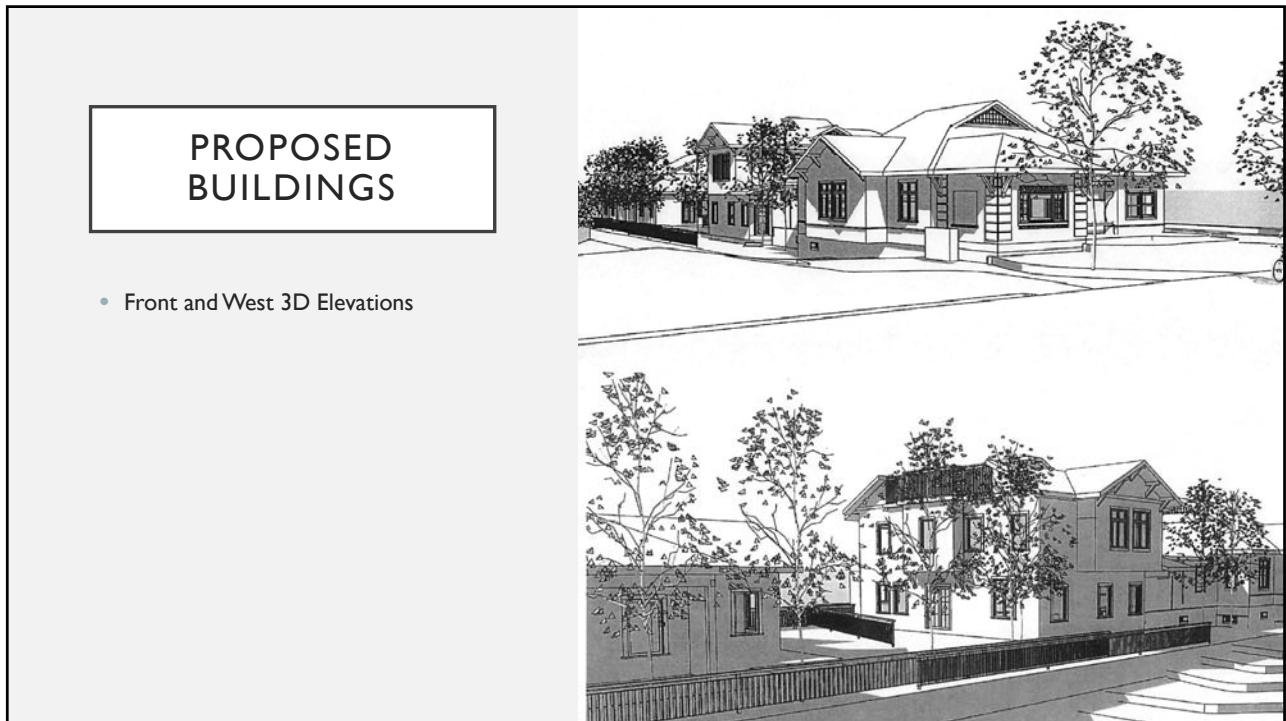
DENSITY

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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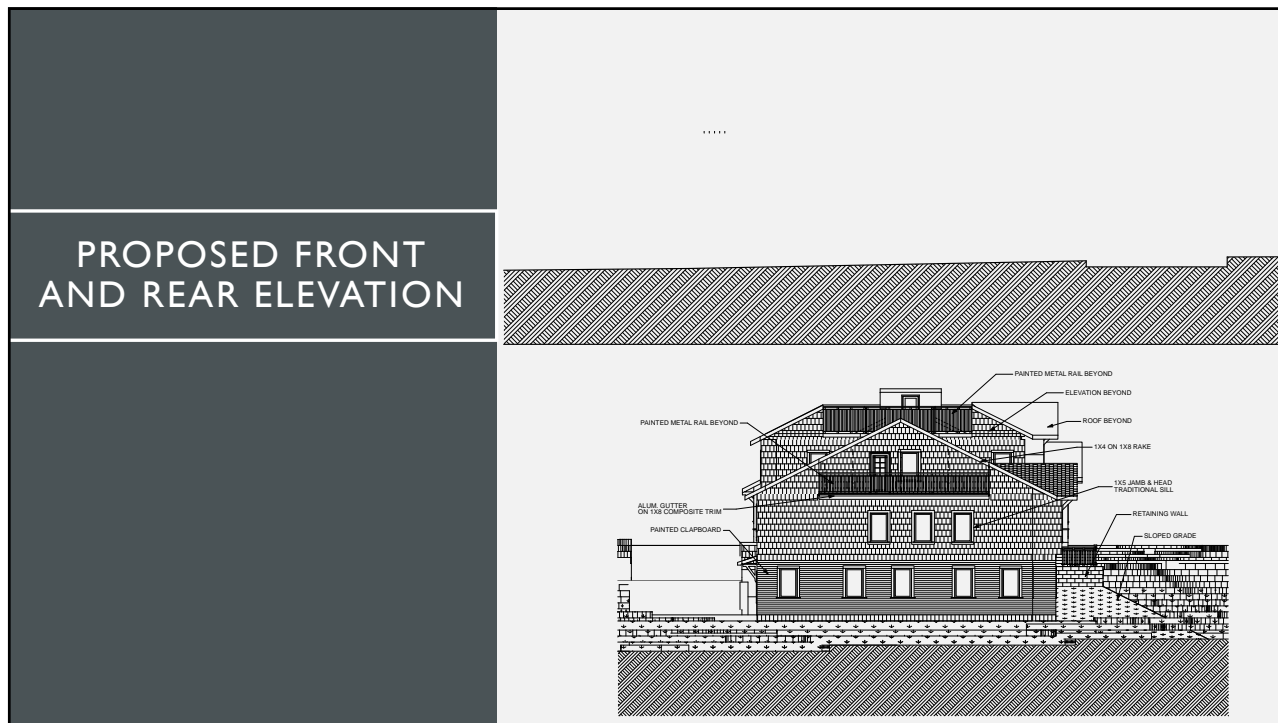
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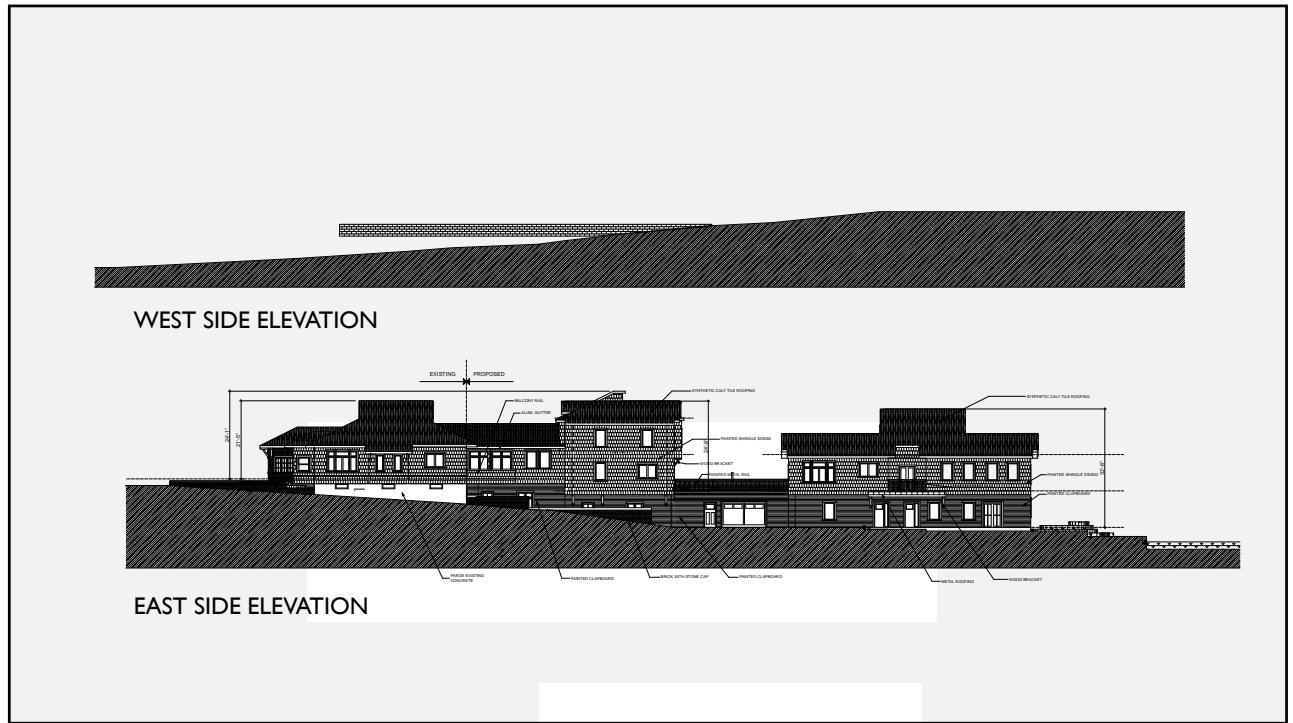
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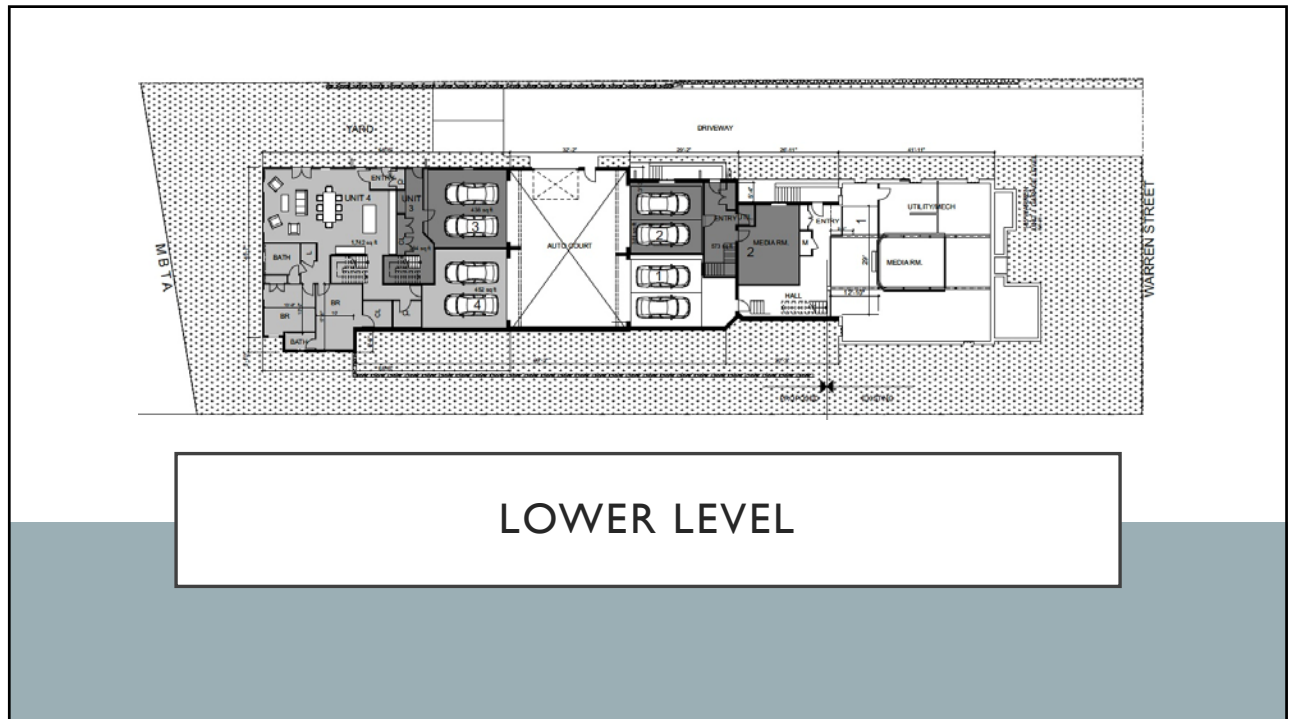
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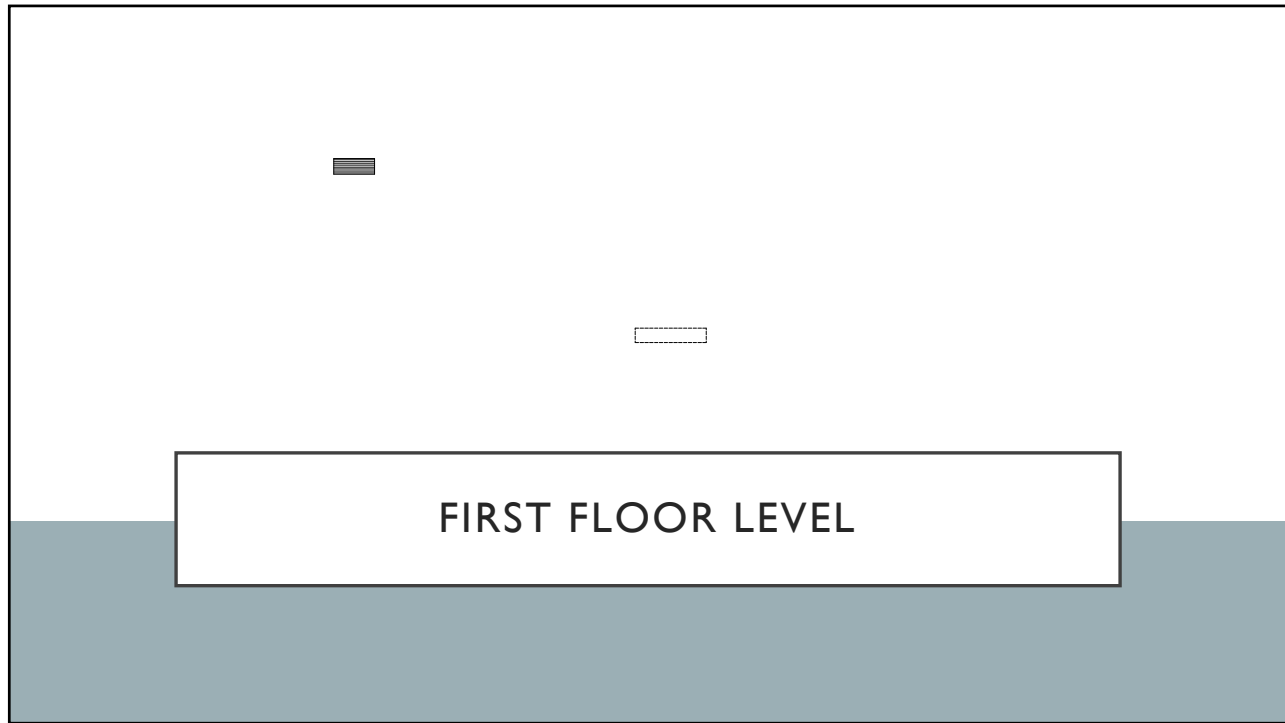
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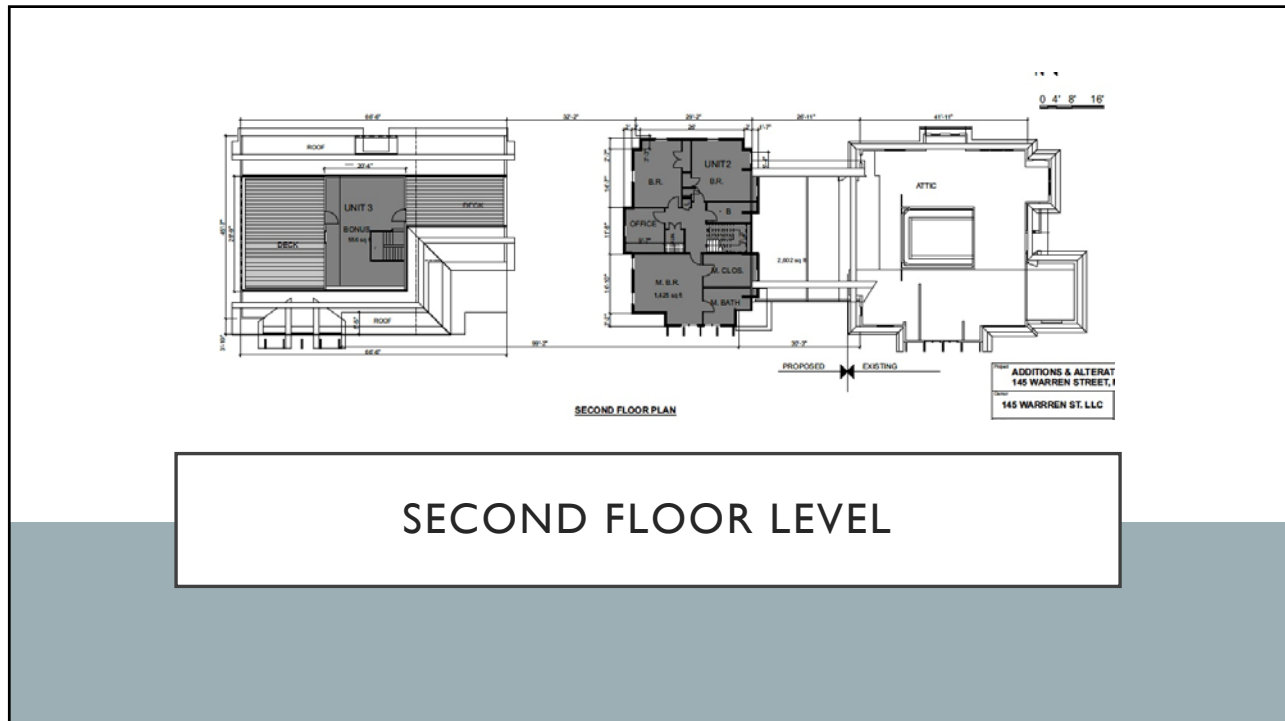
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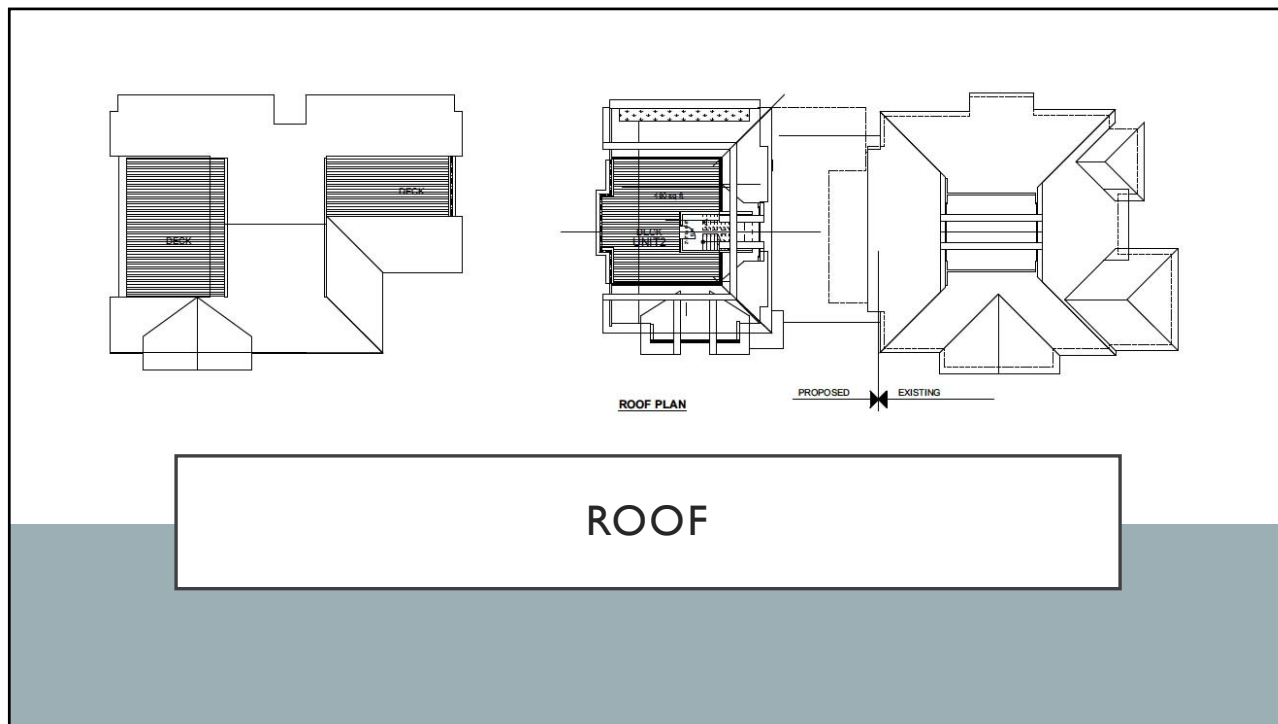
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11



12



Department of Planning and Development



PETITION #175-19 (2) 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, TO ALLOW A THREE-STORY STRUCTURE AND TO ALLOW RETAINING WALLS GREATER THAN 4' WITHIN A SETBACK



OCTOBER 10, 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)
- Allow a three story structure (§3.2.4)

2

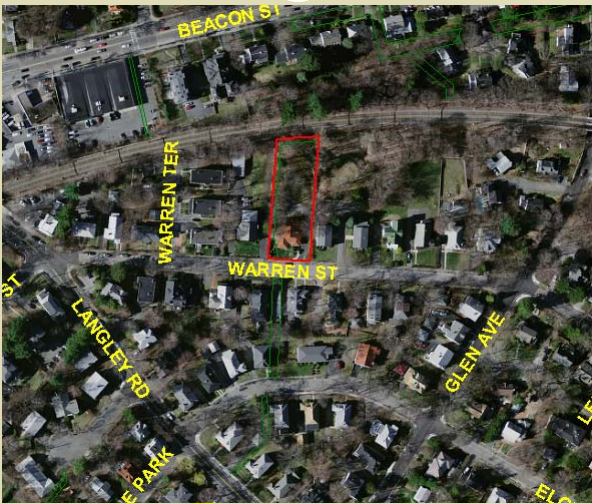
Special Permit Criteria

When reviewing this request, the Council should consider whether:

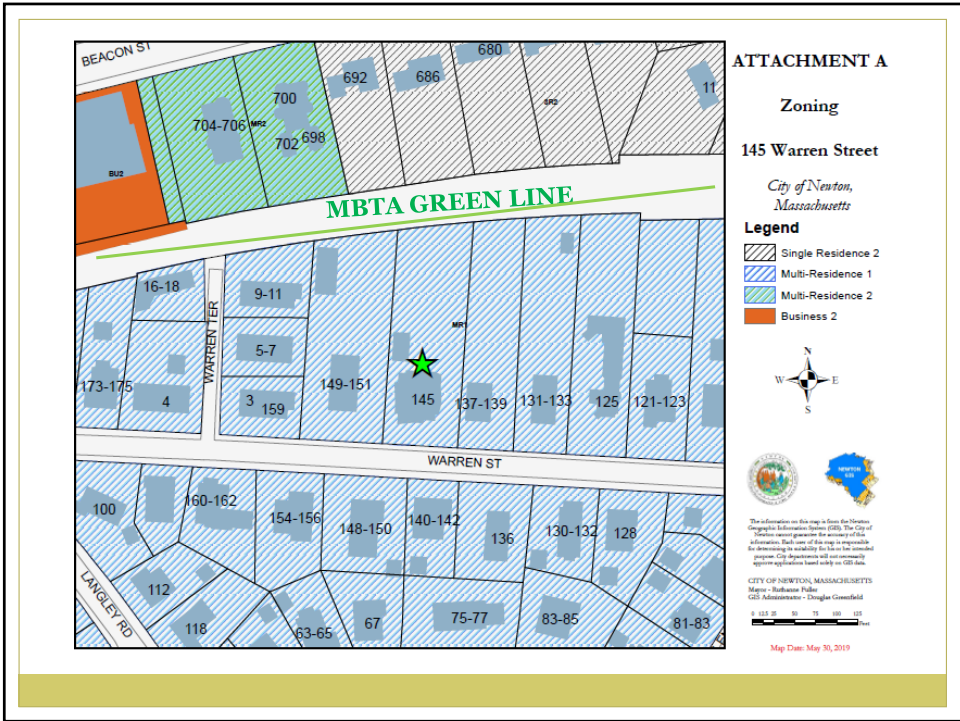
- The specific site is an appropriate location for the proposed four single-family attached dwellings. (§7.3.3.C.1)
- The proposed four single-family attached dwellings will adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed single-family attached dwelling will create a nuisance or serious 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)

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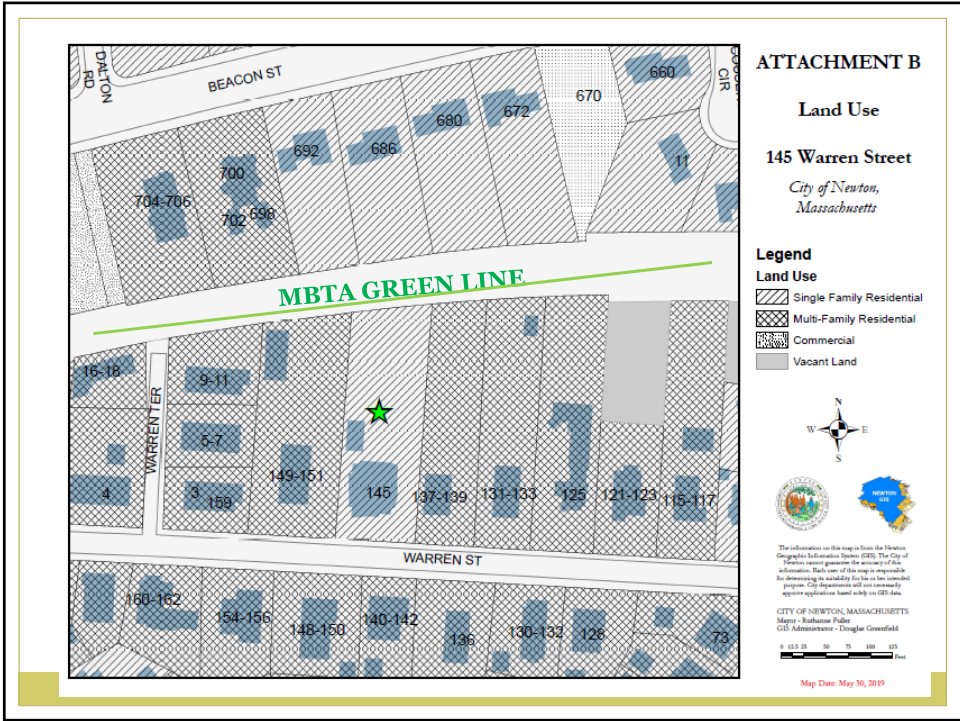
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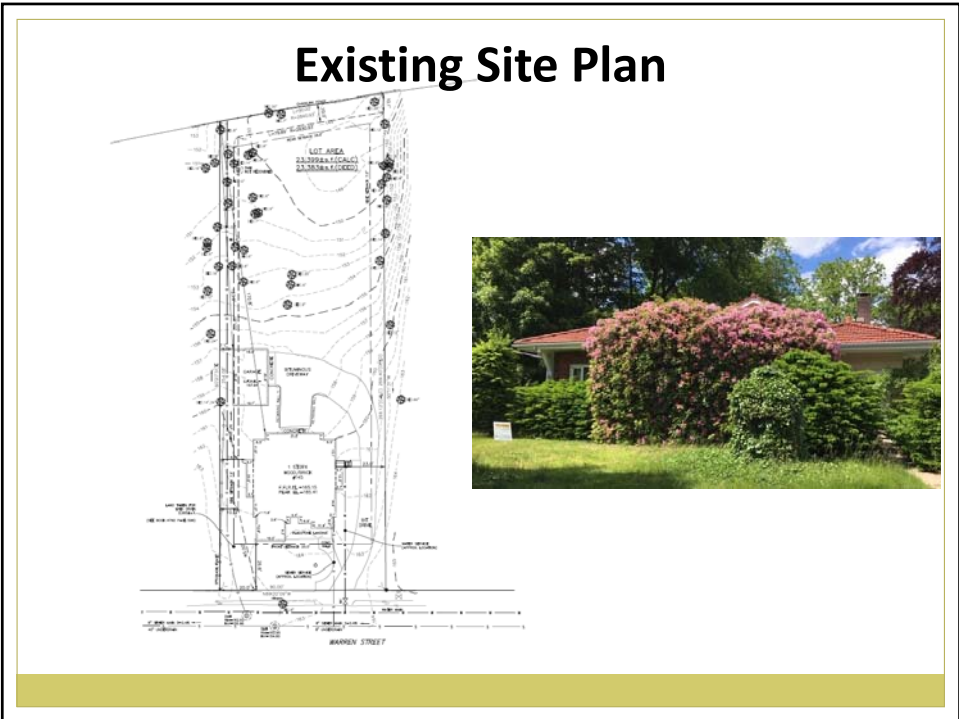
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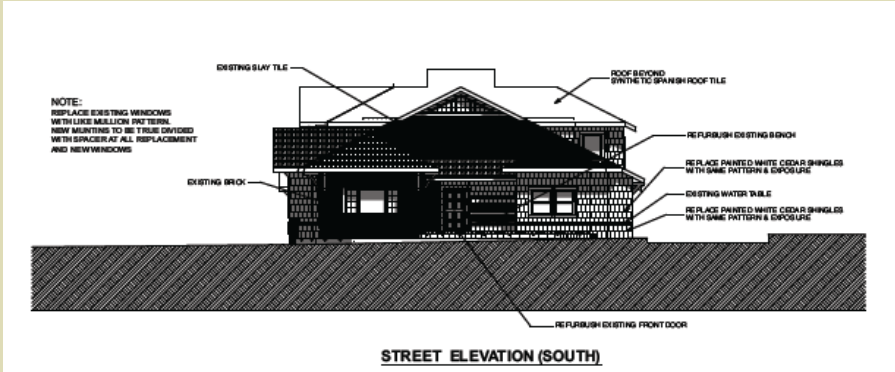
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Unit Sizes

	Unit 1	Unit 2	Unit 3	Unit 4
Living Space				
Lower Level	737	220	284	1687
Street Level	3025	1217	2241	427
Second Floor		1334	539	
Total Living Space	3,762	2,771	3,064	2,114
Garage	486	378	464	452
Total with Garage Space	4,248	3,149	3,528	2,566

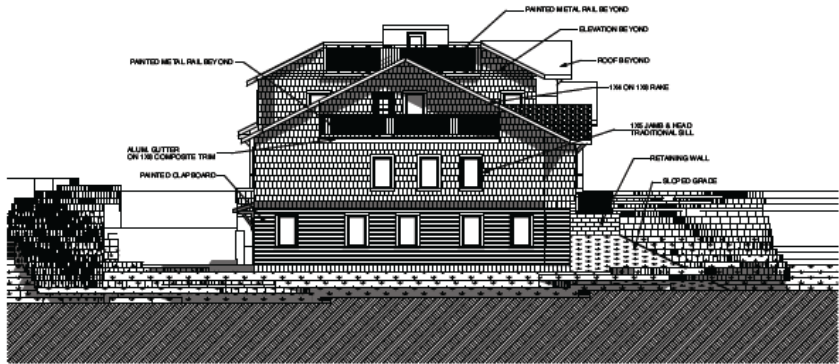
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Front Elevation



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Rear Elevation



NORTH ELEVATION

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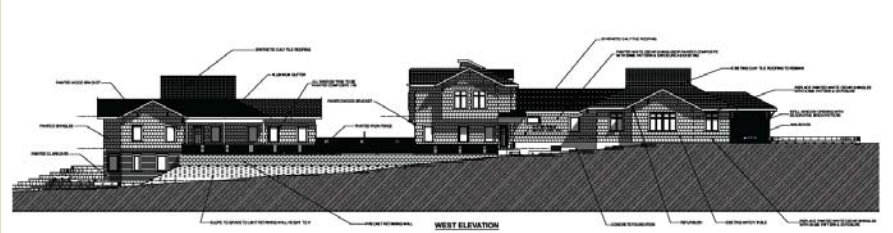
East Elevation



EAST ELEVATION

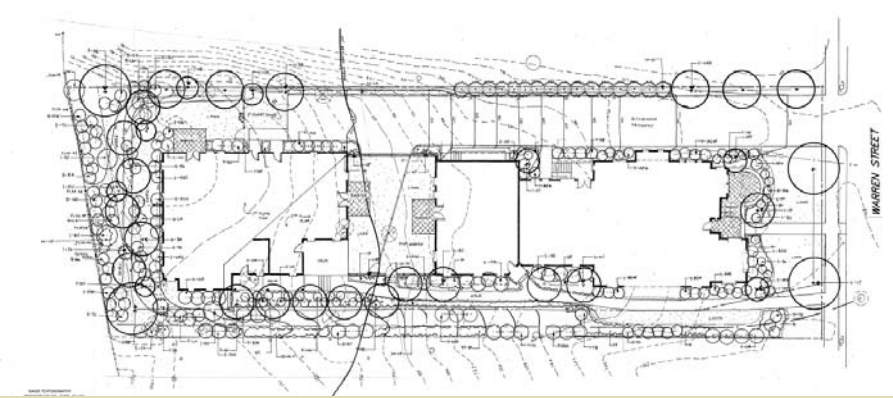
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West Elevation



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Landscape Plan



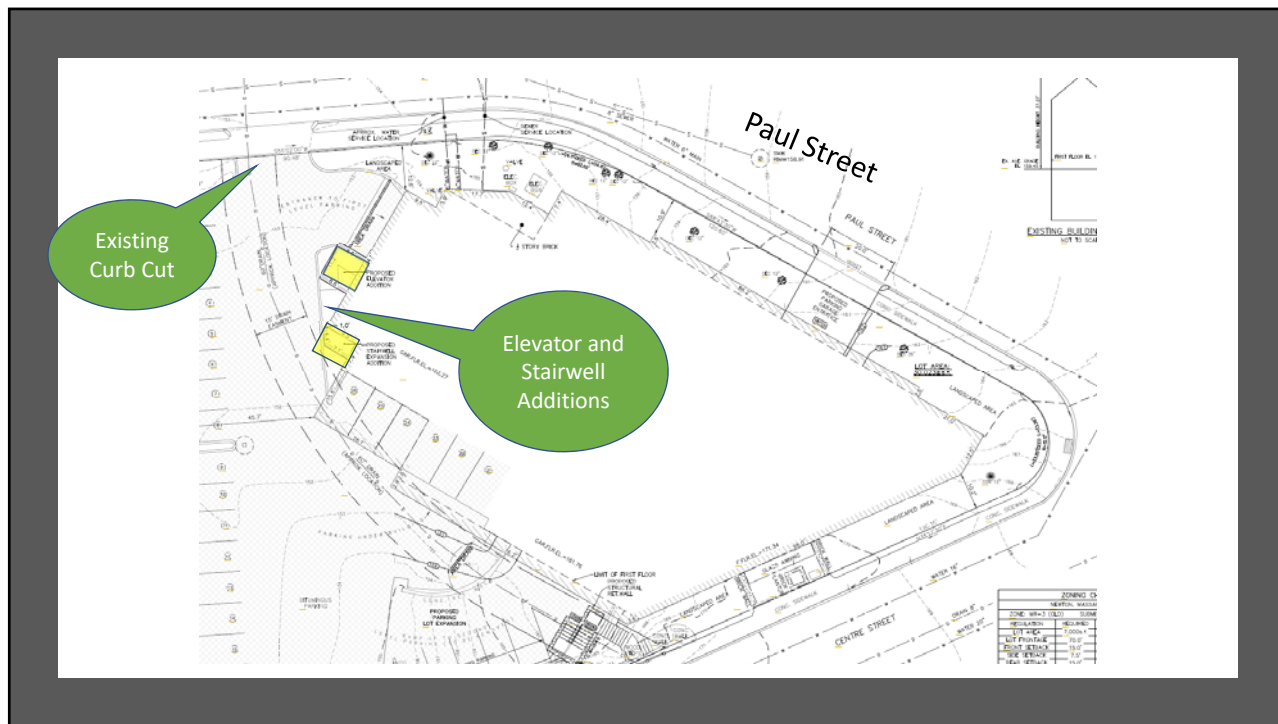
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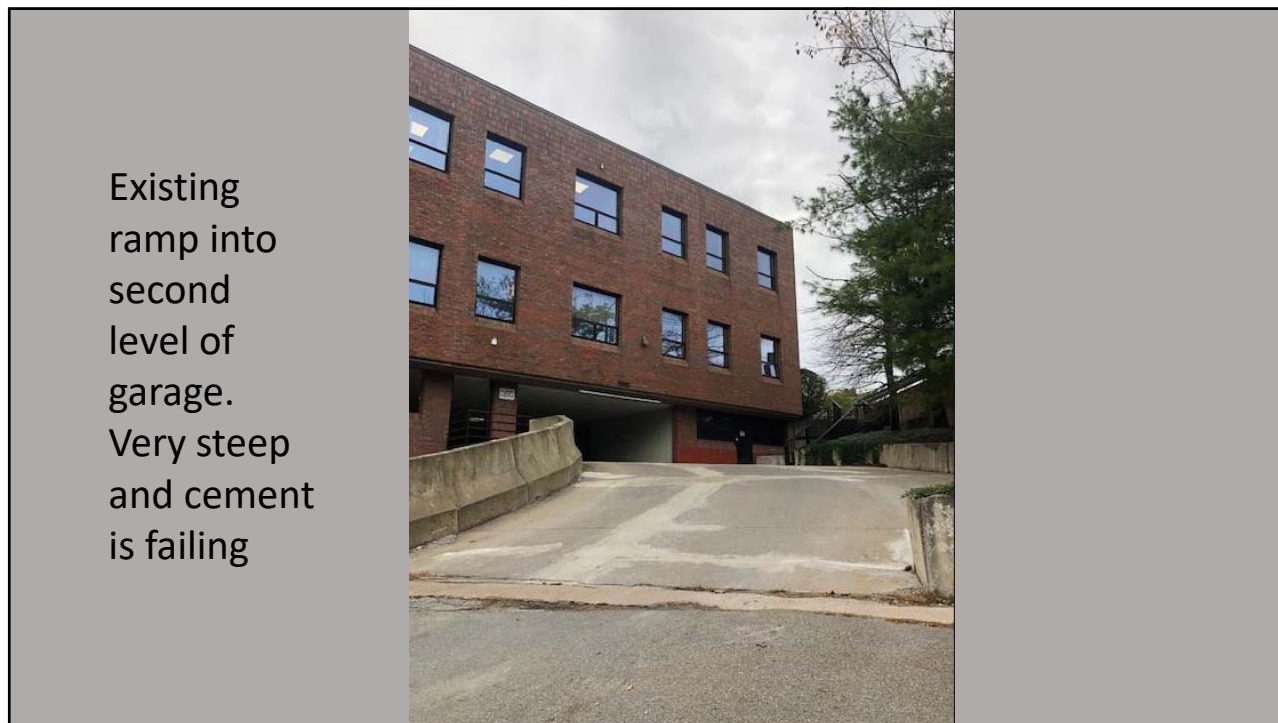
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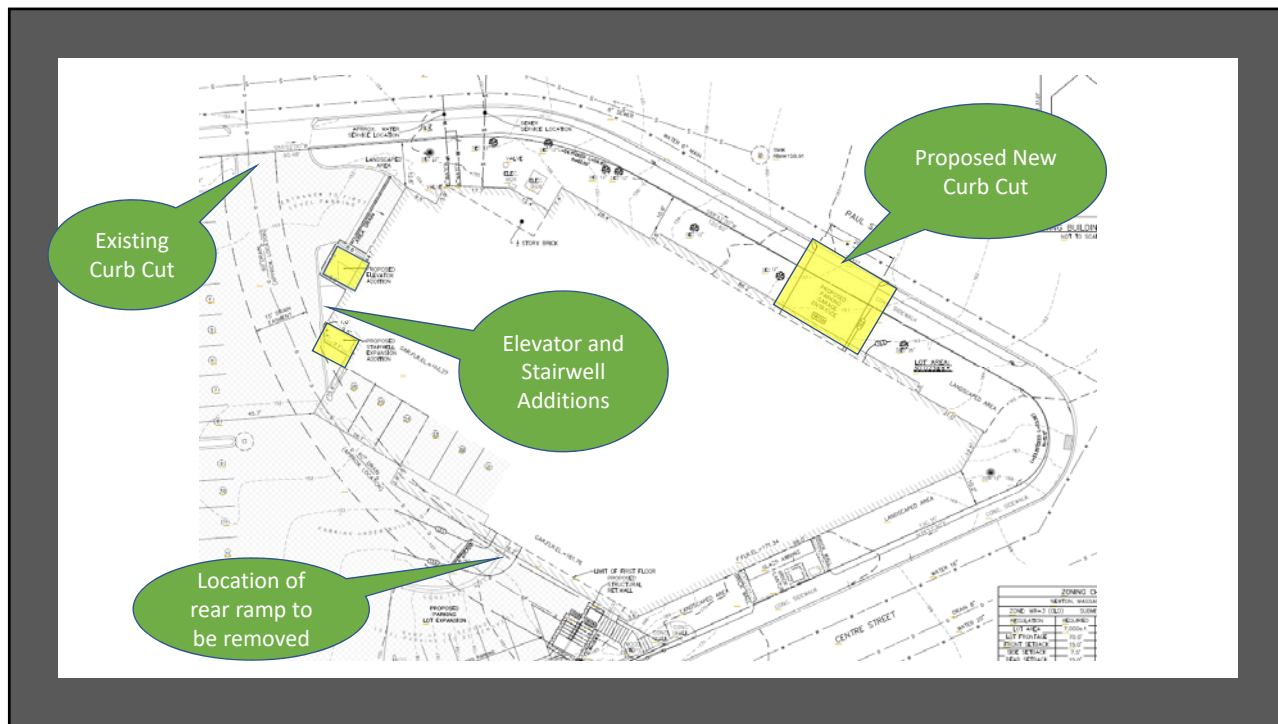
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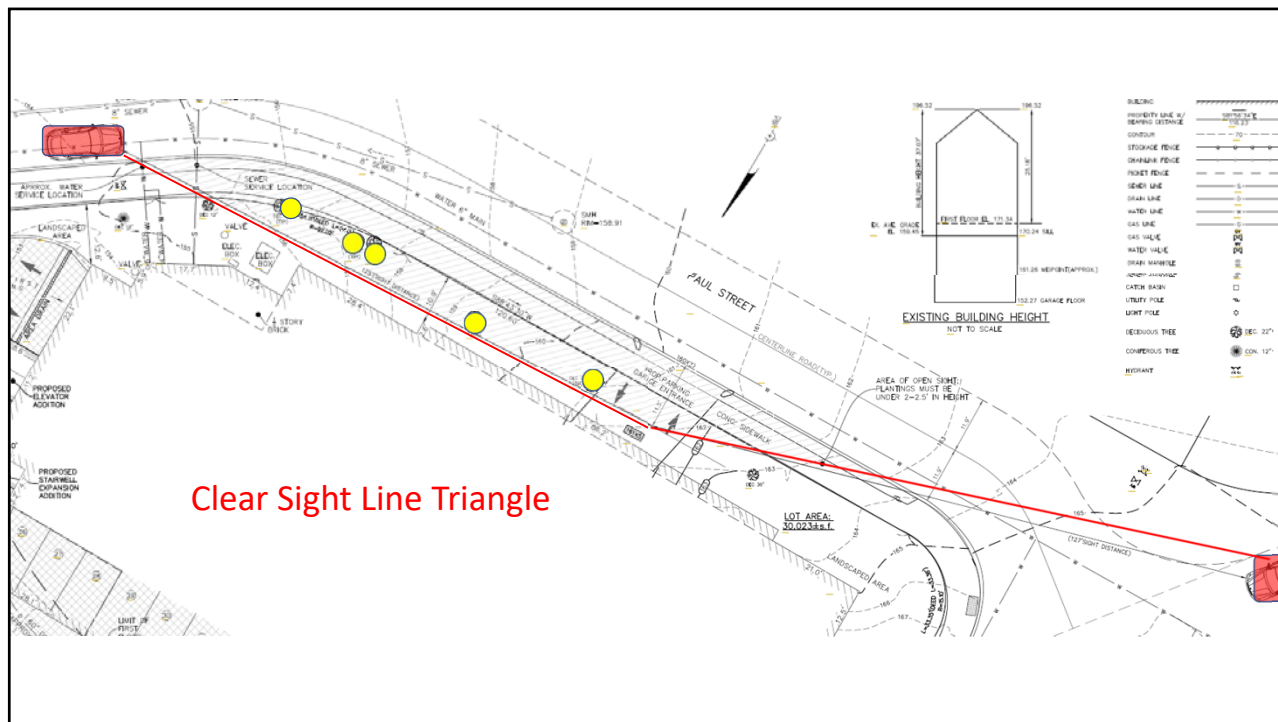
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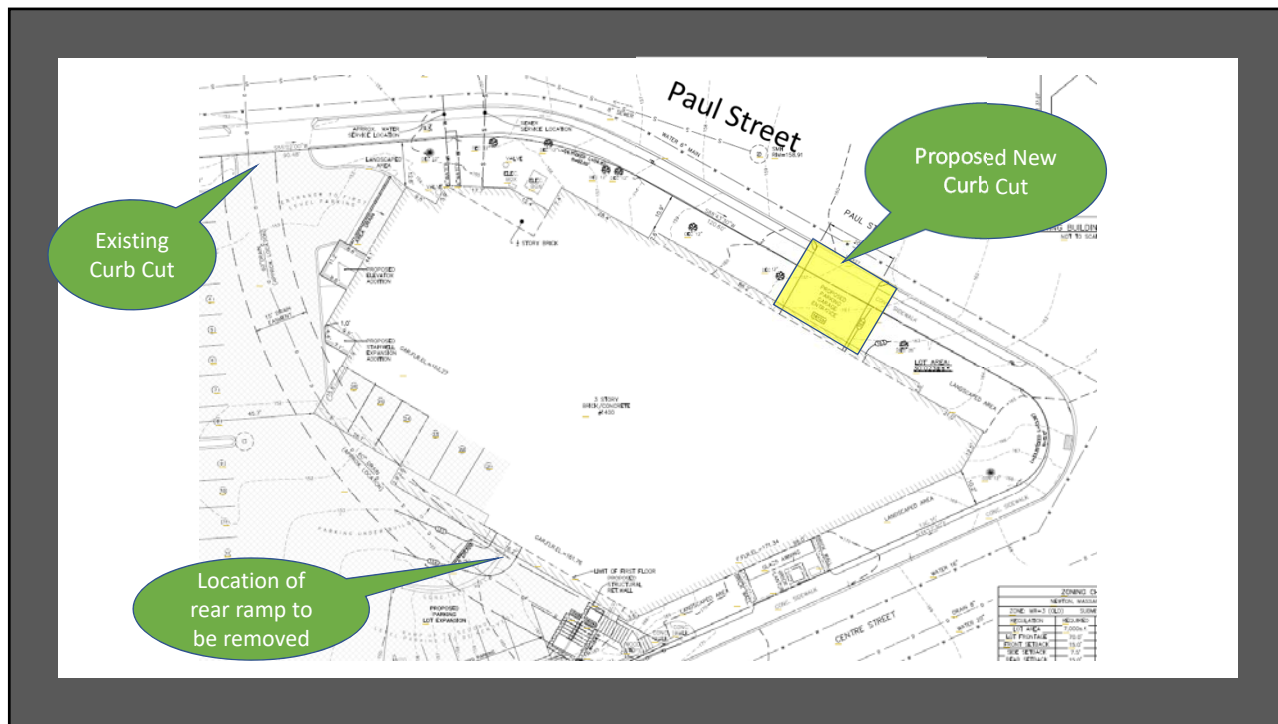
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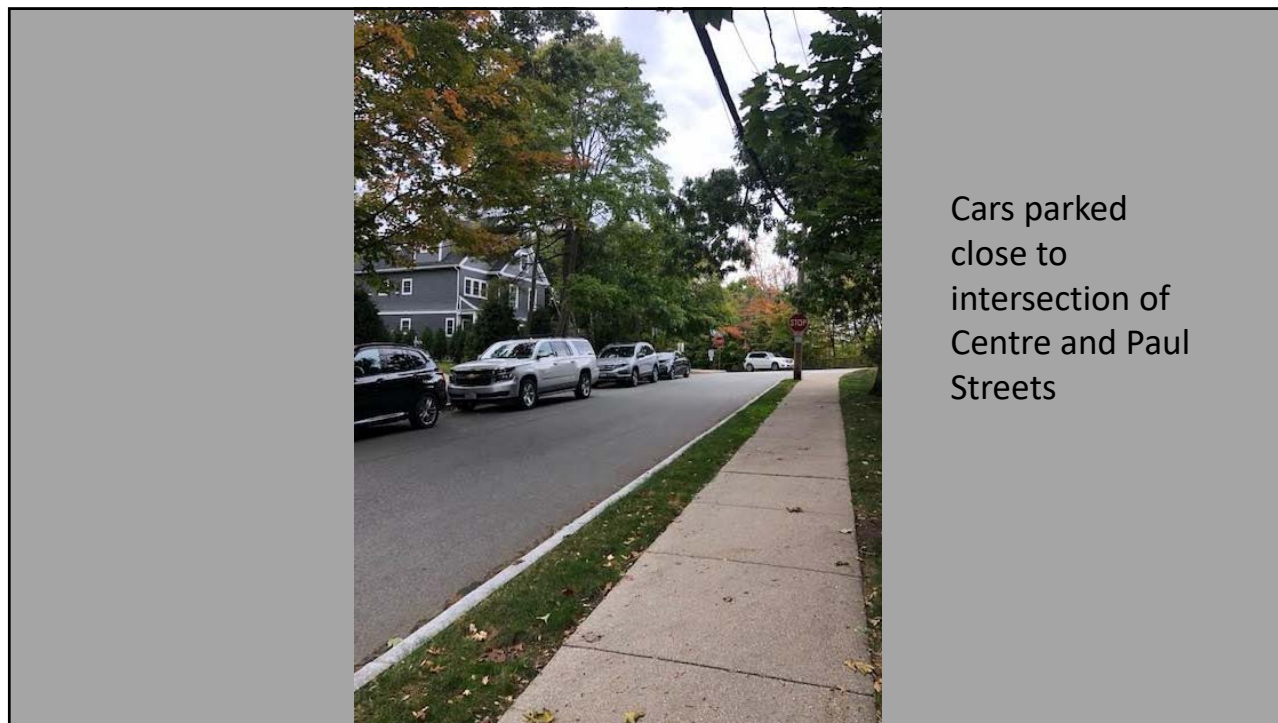
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Department of Planning and Development



**PETITION #650-86 (3)
77 PAUL STREET/
1400 CENTRE STREET**

SPECIAL PERMIT/SITE PLAN
APPROVAL TO AMEND SPECIAL
PERMITS #650-86 (2) TO EXTEND THE
NONCONFORMING USE, INCREASE
NONCONFORMING LOT COVERAGE
AND TO FURTHER EXTEND
NONCONFORMING PARKING IN THE
FRONT SETBACK

OCTOBER 10, 2019



1

Requested Relief



Special Permit per §7.8.2.C.2 of the NZO to:

- To amend Special Permit #650-86 (2)
- To extend/alter the nonconforming office use (§3.4.1, §7.8.2.C.2)
- To further increase nonconforming lot coverage (§3.2.2.A.3, §7.8.2.C.2)
- To further extend nonconforming parking in the front setback (§4.2.3, §7.8.2.C.2)

2

Criteria to Consider



When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the amendment to Special Permit #650-86 that creates an additional curb cut and other site changes. (§7.3.3.)
- The proposed amendment to Special Permit #650-86 that creates an additional curb cut and other site changes will not adversely affect the neighborhood. (§7.3.3.)
- There will be no nuisance or serious hazard to vehicles or pedestrians by the proposed amendment to Special Permit #650-86 that creates an additional curb cut and other site changes. (§7.3.3.)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.)

3

Criteria to Consider (continued)

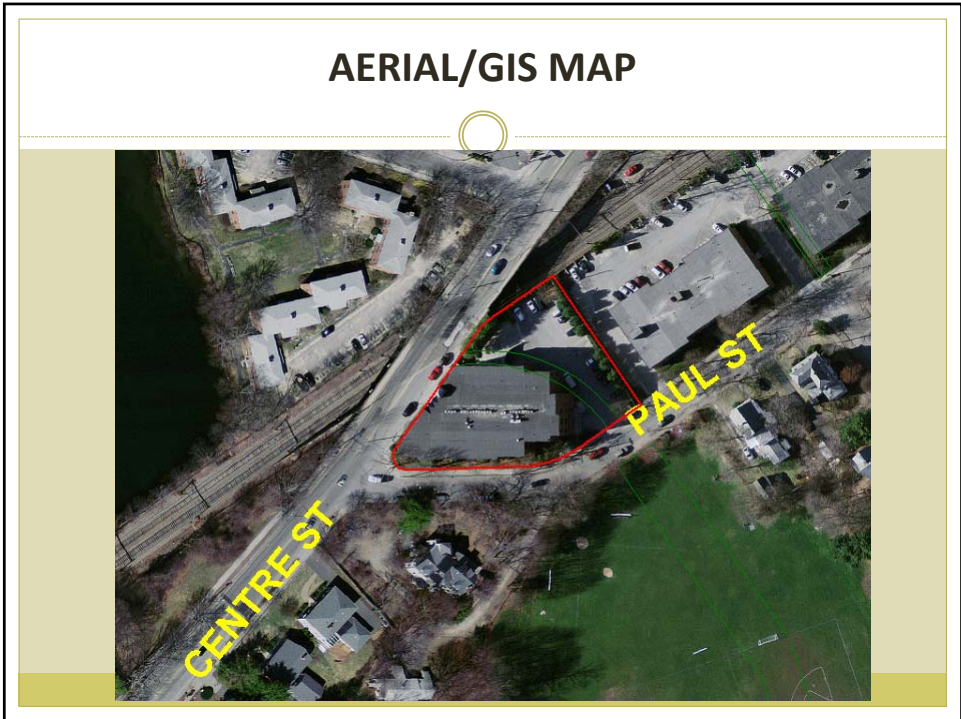


When reviewing this request, the Council should consider whether:

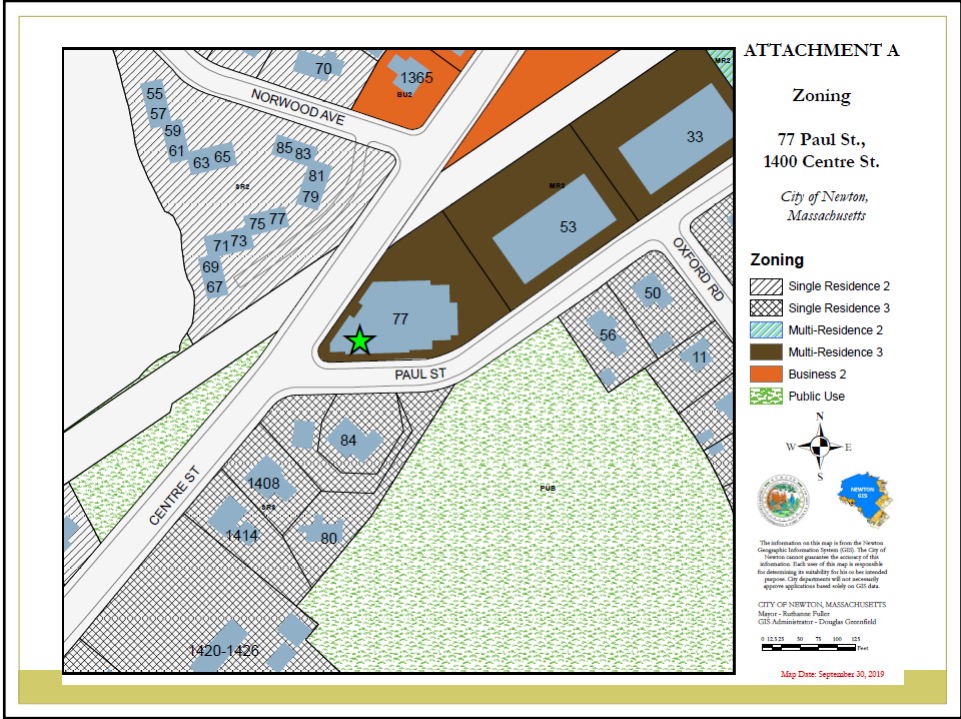
- The proposed alterations of the nonconforming structure and use are not substantially more detrimental than the existing nonconforming structure and use. (§3.4.1, §7.8.2.C.2)
- The extension of the nonconforming parking in the front setback is not substantially more detrimental than the existing nonconforming parking facility. (§4.2.3, §7.8.2.C.2)
- The increase in the nonconforming lot coverage is not substantially more detrimental than the existing nonconforming parking facility. (§3.2.2.A.3, §7.8.2.C.2)

4

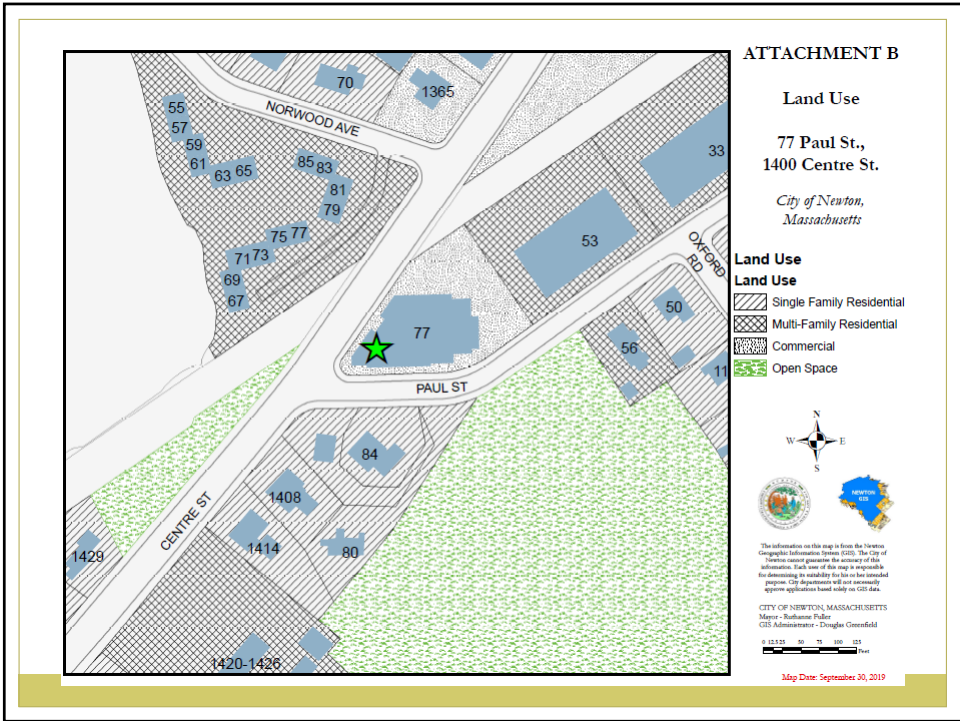
AERIAL/GIS MAP



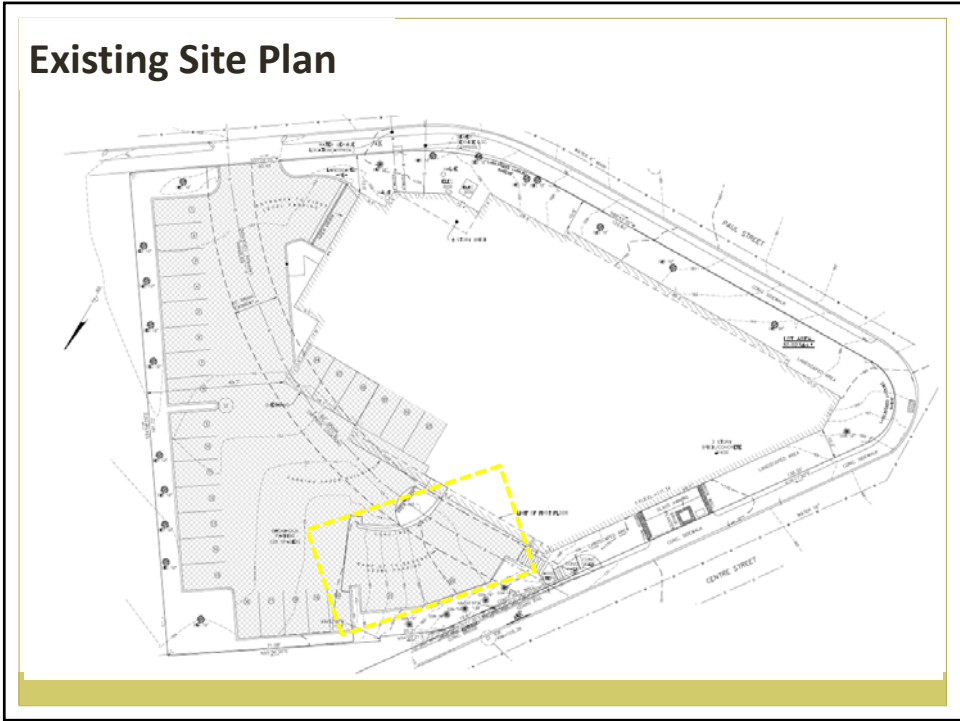
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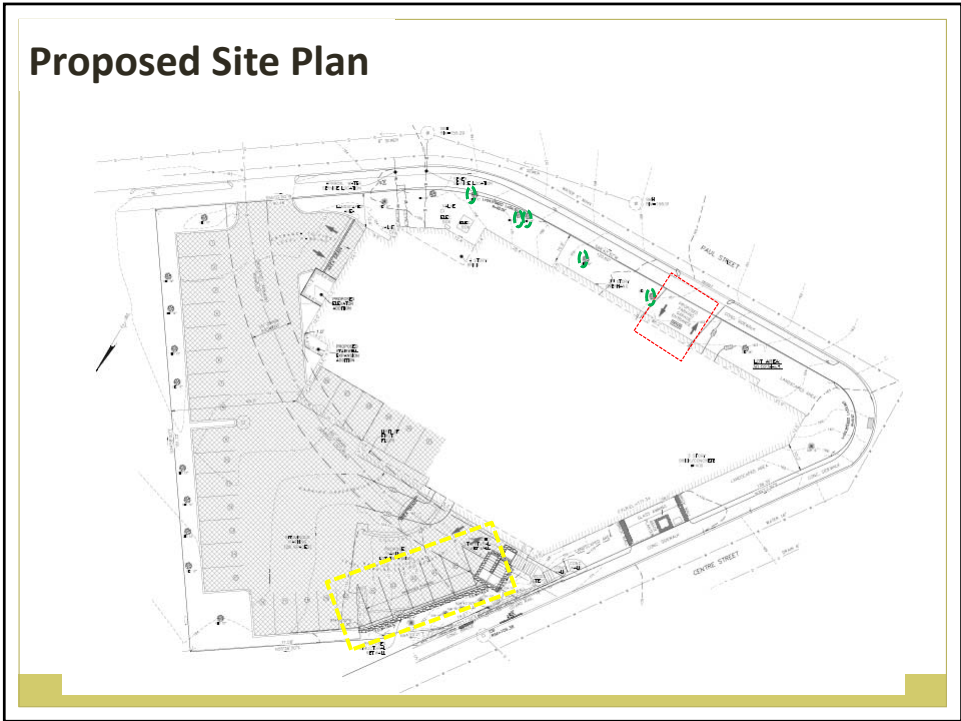
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Outstanding Items



The Petitioner has provided an updated site plan with sight lines. Planning would like to review this further and consult with the Transportation Division.

15-21 Lexington St.

#318-19

#319-19

Land Use Committee
October 10, 2019



1

Petitions

#318-19

for a change of zone to Multi-Residence 3 for portions of land located at **15-21 Lexington Street** (currently zoned Single-Residence 3)

#319-19

SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 24-unit multifamily dwelling with a below grade parking garage and surface stalls, to reduce the parking stall depth, to allow restricted end stalls in the garage parking facility, to waive the perimeter screening requirements for the outdoor parking facility, to waive interior landscaping requirements for the outdoor parking facility and to waive the minimum intensity of outdoor lighting of the parking facility on 51,870 sq. ft. of land

2

Relief Requested

- Rezone subject parcels from SR3 to MR3
- Special Permit per §7.3.3:
 - to allow a multi-family dwelling (§3.4.1)
 - to reduce parking stall depth (§5.1.8.B.2, §5.1.13)
 - to allow restricted end stalls in the garage parking facility (§5.1.8.B., §5.1.13)
 - to waive the perimeter screening requirements for the outdoor parking facility (§5.1.9., §5.1.13)
 - to waive the interior landscaping requirements for the outdoor parking facility (§5.1.9.B, §5.1.13)
 - to waive the minimum intensity of outdoor lighting of the parking facility (§5.1.10.A.1, §5.1.13)

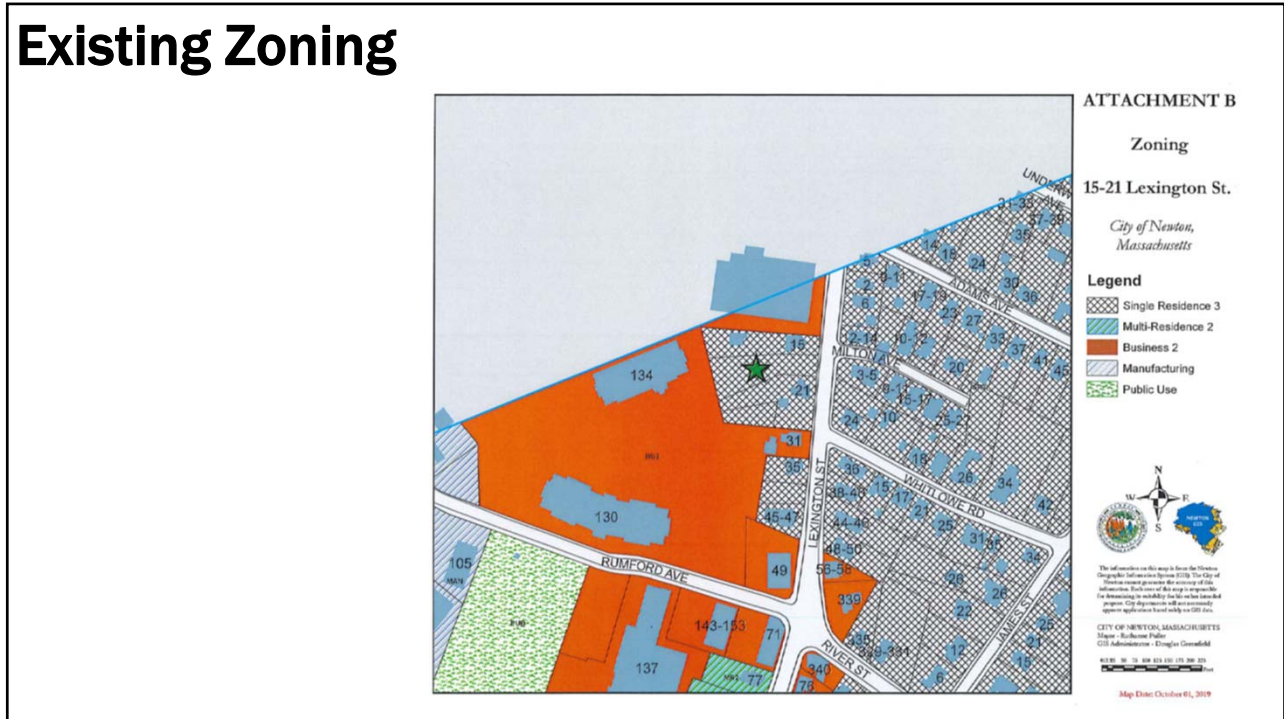
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AERIAL/GIS MAP



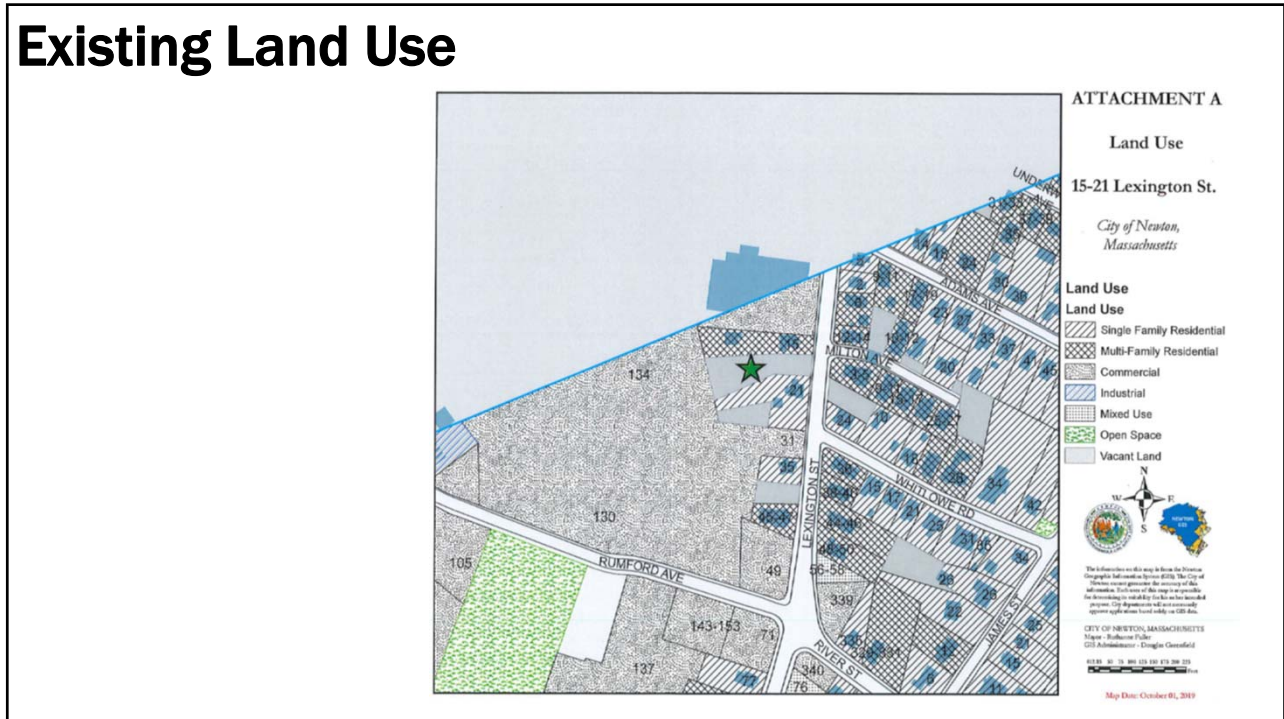
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Existing Zoning




5

Existing Land Use



6



**SR3 vs. MR3-
Use**

	SR3	MR3
Single-family, detached	P	P
Two-family, detached	-	P
Single-family, attached	SP	SP
Multi-family dwelling	-	SP
Association of persons in a common dwelling	SP	SP
Lodging house	-	SP
Congregate living facility	SP	SP
Dormitory (5-20 persons)	SP	SP
Dormitory (20+ persons)	L	L
Cluster development for open space preservation	SP	SP
Residential care facility	-	SP
Cemetery, private	SP	SP
Club, clubhouse	SP	SP
Family child care home, large family child care, home, day care center	L	L
Hospital	SP	SP
Library, museum or similar institution	SP	SP
Nonprofit institution	-	SP
Public use	L	L
Religious institution	L	L
Sanitarium, convalescent or rest home, other like institution	SP	SP
School or other educational purposes, nonprofit	L	L
School or other educational purposes, for-profit	SP	SP
Scientific research and development activities, accessory	SP	SP
Funeral home	-	SP
Radio or television transmission station or structure	SP	SP

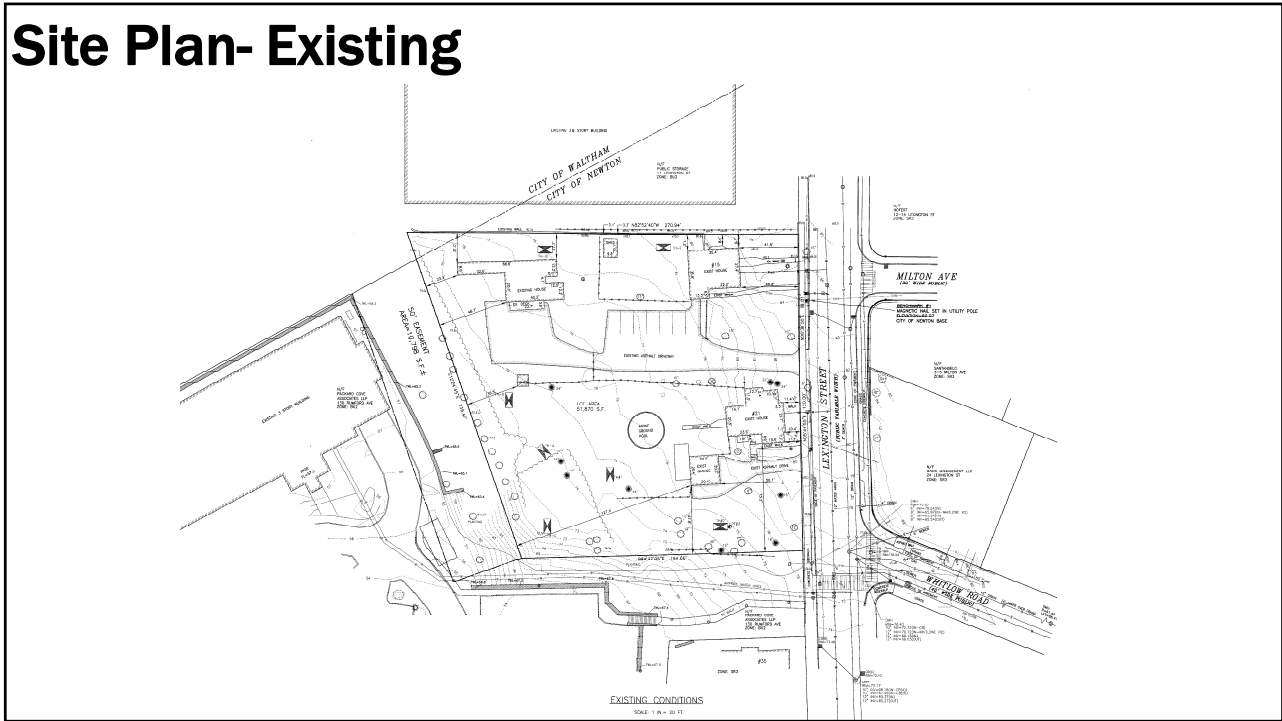
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SR3 vs. MR3 - Dimensions

	SR3	MR3
Lot size	10,000 sf min	10,000 sf min
Density	10,000 sf of lot area per residential unit	1,200 sf of lot area per residential unit
Height	3 stories/ 36 feet max	3 stories/ 42 feet max
Open Space	50%	30%
Front Setback	30 ft	Multi-family: 15 ft., or averaging
Side Setback	10 ft -30 ft	Multi-family: 1/3 bldg height
Rear Setback	15 ft -30 ft	Multi-family: ½ bldg. height

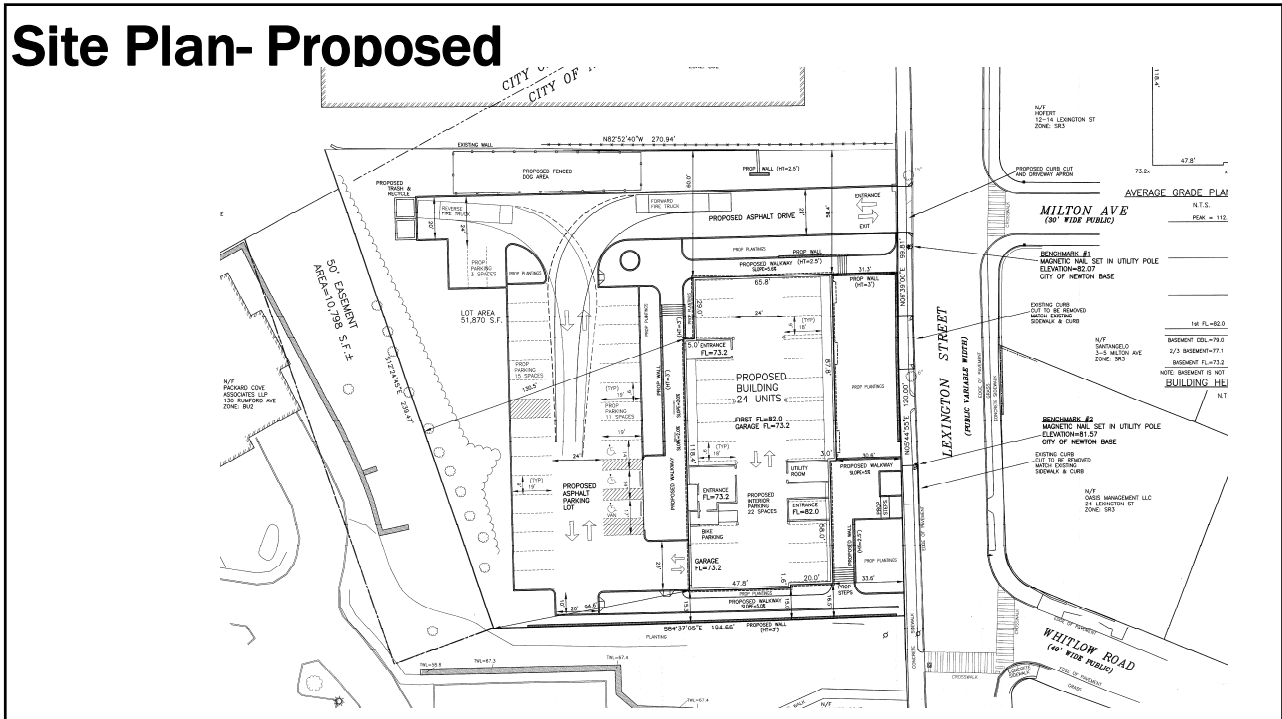
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Site Plan- Existing



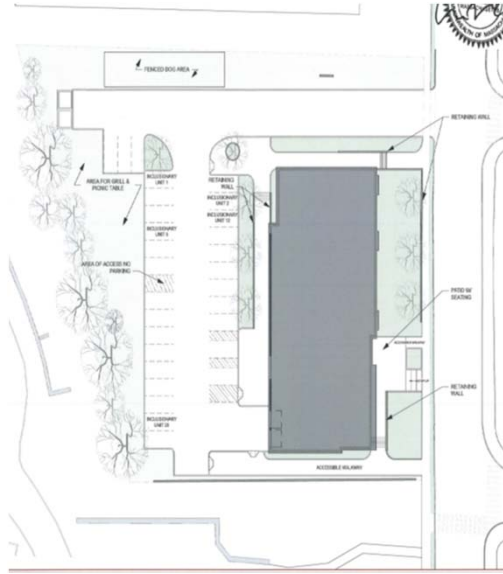
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Site Plan- Proposed



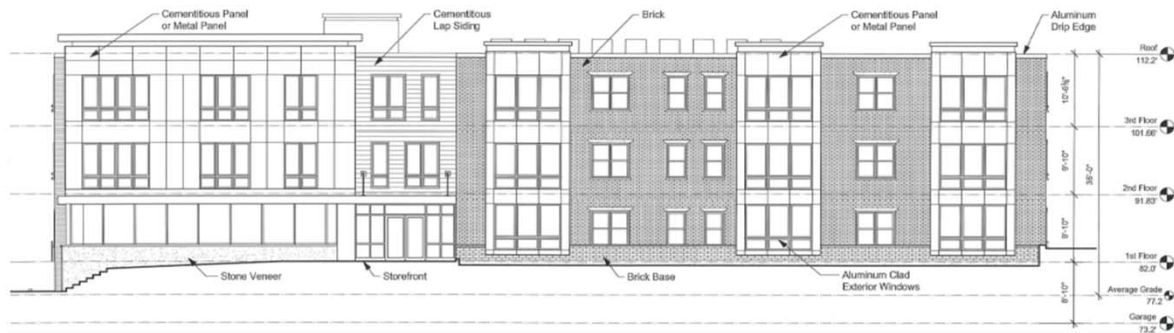
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Site & Parking Plan- Proposed



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Elevations- Front



12

Elevations- Left



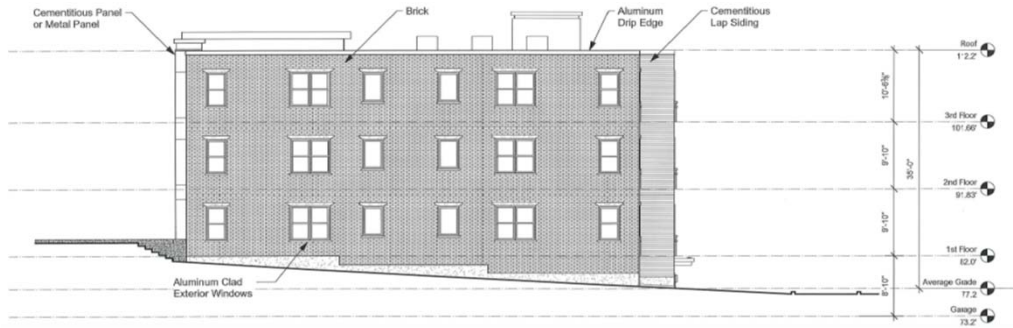
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Elevations- Rear



14

Elevations- Right



15

Photos



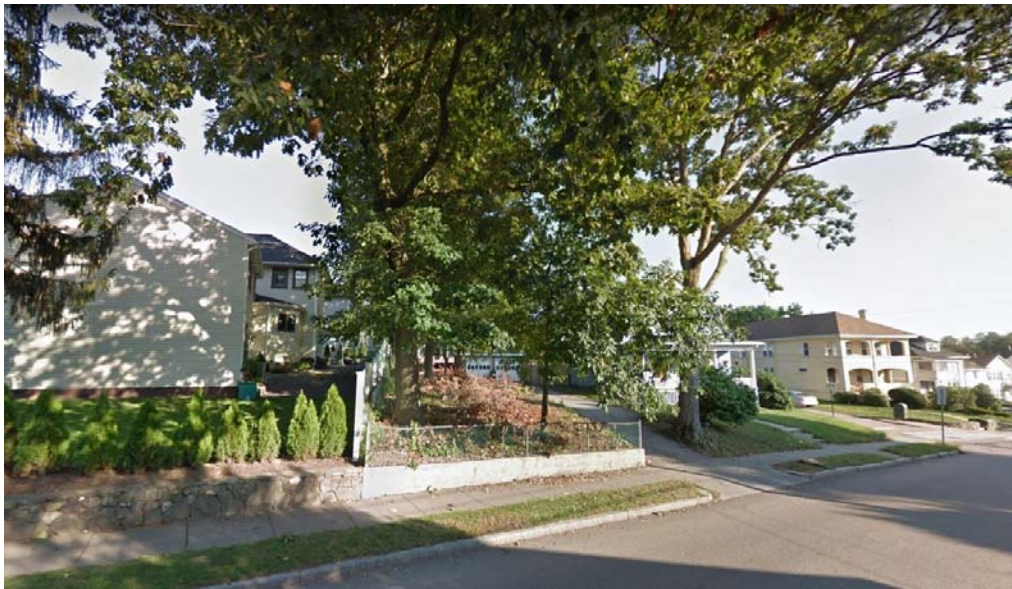
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Photos



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Photos



18

Photos



19

Inclusionary Zoning

- Under the new IZ ordinance, a 24-unit rental project would be required to provide five IZ units on-site:
 - Four (15%, 3.6) units meeting Tier 1 Requirement (50%-80% AMI, averaging to 65% AMI).
 - One (2.5%, 0.6) unit meeting Tier 2 Requirement (110% AMI)
- IZ ordinance:
 - "Inclusionary Units, and their associated parking spaces, shall be proportionally distributed throughout the Project and be sited in no less desirable locations than the market-rate units."
 - "Floor plans indicating the location of the Inclusionary Units and the fully accessible units shall be reviewed and approved by the Director of Planning and Development prior to the issuance of a building permit for the Project."
 - "The bedroom mix of the Inclusionary Units shall be equal to the bedroom mix of the market-rate units in the Project and shall be reviewed and approved by the Director of Planning and Development prior to the issuance of a building permit for the Project."

20

Supportive of rezoning and 24-unit building
Recommend petitioner reduce parking and eliminate waivers for maneuverability

Planning Analysis

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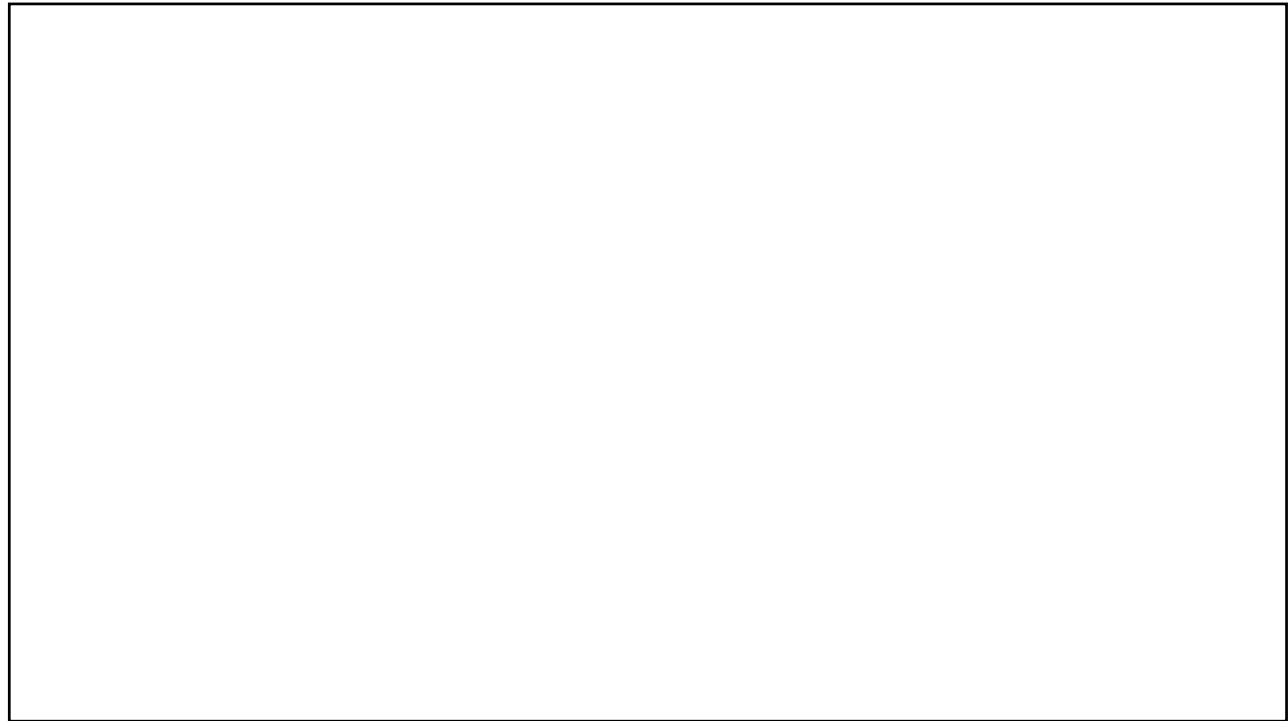
21

Petitioner's response to sustainability comments
Reduction of parking spaces and elimination of maneuverability waivers or submission of turning template
Updated landscape plan

Outstanding Items

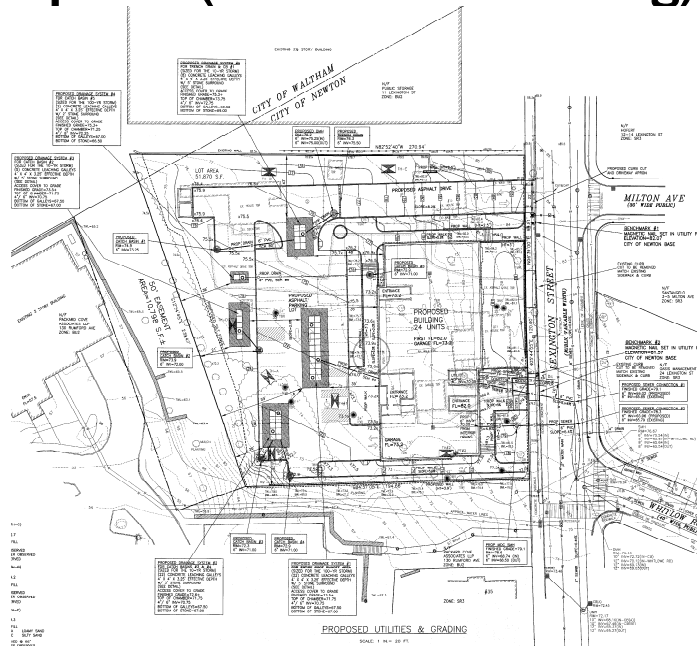
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Site Plan- Proposed (Utilities and Grading)



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Recommendation	Rezone site from SR3 to MR3
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Findings (DRAFT)	<ol style="list-style-type: none">1. <i>The specific site is an appropriate location for the proposed twenty-four-unit dwelling as it is located on street with a mix of uses and adjacent to commercial uses (§7.3.3.C.1)</i>2. <i>The proposed twenty-four unit dwelling as developed and operated will not adversely affect the neighborhood as it is located on street with a mix of uses and adjacent to commercial uses (§7.3.3.C.2)</i>3. <i>There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)</i>4. <i>Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)</i>5. <i>The site planning building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy as it will have features including "Energy Star"-rated windows and two electric vehicle (EV) charging stations, and a buffer of mature trees will be maintained on the site (§7.3.3.C.5)</i>6. <i>Literal compliance with the parking requirements of the Newton Zoning Ordinance (NZO) 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)</i>
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