



Land Use Committee Agenda

City of Newton In City Council

Tuesday, February 6, 2018

7:00 PM
Chamber

**The Committee will hear a Consistency Ruling relative to #261-17 (14 Pond Avenue).
Requesting a reconfiguration of the plans approved in 2017.**

- #18-18 Special Permit Petition to allow oversized dormer at 165 Harvard Street**
DIEGO TEBALDI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow dormer greater than 50% of the exterior wall below it at 165 Harvard Street, Ward 2, Newtonville, on land known as Section 22, Block 23, Lot 2, containing approximately 9,273 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 1.5.4.G.2, 1.5.4.G.2.b of the City of Newton Rev Zoning Ord, 2015.
Public Hearing Opened 01/09/2018
- #26-18 Special Permit Petition to allow attached dwellings at 20 Dale St/19 Simpson Terr**
SCOTT ROSS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an addition, creating two attached dwelling units, allowing waivers to the lot area requirements and lot area per unit requirements, to reduce the side setback requirement, to reduce the lot coverage requirement, to allow a driveway within 10' of a side lot line and to allow parking within 20' of a side lot line at 20 Dale Street/19 Simpson Terrace, Ward 2, Newtonville, on land known as Section 22, Block 14, Lot 03, containing approximately 5,968 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.2.4, 6.2.3.B.2 of the City of Newton Rev Zoning Ord, 2015.
Public Hearing
- #66-18 Petition to further extend non-conforming FAR at 48 Nathan Road**
DAVID METCALF petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 270 sq. ft. rear addition, further increasing the non-conforming FAR from .44 to .47 where .43 is allowed at 48 Nathan Road, Ward 2, Newton Centre, on land known as Section 13, Block 32, Lot 19, containing approximately 7,983 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

**7:30 PM
Or Later**

#64-18 Special Permit Petition to allow detached accessory apartment at 361 Wolcott St
PETER GREEN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a detached structure for use as an accessory apartment at 361 Wolcott Street, Ward 4, Auburndale, on land known as Section 44, Block 29, Lot 26, containing approximately 18,200 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 6.7.1.E.1 of the City of Newton Rev Zoning Ord, 2015.

#20-18 Special Permit Petition to extend non-conforming commercial use at 203 Elliot St
BRICE BEN HOBBS AND REBECCA BELLA WANGH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the non-conforming commercial use, extend the non-conforming front setback, extend the non-conforming side setback and exceeding the maximum FAR by extending the commercial use from retail to an art studio and constructing a second floor residence at 203 Elliot Street, Ward 5, Newton Upper Falls, on land known as Section 51, Block 18, Lot 4, containing approximately 4,164 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.1.4, 7.8.2.C.2, 3.2.3, 3.2.11 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed 01/09/2018

#67-18 Petition to allow single-family dwelling in MR-1 at 336 Newtonville Avenue
336 NEWTONVILLE AVE LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to relocate an existing dwelling, add a unit to the rear of the dwelling and construct two additional single-family attached dwellings in an MR-1 district, requiring a special permit at 336 Newtonville Avenue, Ward 2, Newtonville, on land known as Section 22, Block 07, Lot 19, containing approximately 29,896 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1 of the City of Newton Rev Zoning Ord, 2015.

#65-18 Petition to amend Board Order #152-14 at 1186 Chestnut Street/Indiana Court
SEYED A ZEKAVAT petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #152-14 to allow for the construction of a second driveway at the rear of the property to be accessed from Indiana Court, Ward 5, Newton Upper Falls, on land known as Section 51, Block 40, Lot 23, containing approximately 5,383 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4 of the City of Newton Rev Zoning Ord, 2015.

Respectfully submitted,

Greg Schwartz, Chair

Consistency Ruling #261-17 - 14 Pond Avenue


Fahey
14 Pond Avenue
Newton MA 02458
617.216.9297

RECEIVED
INSPECTIONAL SERVICES
NEWTON, MA

18 JAN 22 PM 3:36

January 22, 2018

John Lojek, Commissioner
Department of Inspectional Services
1000 Commonwealth Avenue
Newton, MA 02459

back to Land Use


Re: 14 Pond Avenue: SP #261-17
Request for Consistency Ruling

Dear Commissioner Lojek:

On November 8, 2017, the Newton City Council granted the above-referenced special permit/site plan review to increase the floor area ratio from .44 to .67 at 14 Pond Avenue, where .58 is allowed by right. In doing so, the Council determined that the increase is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood as the addition is to the rear of the structure and is in keeping with the architecture of the historic dwelling. Sketches of the elevations are enclosed.

I am writing because I would like to reduce the size of the dormers and apply some of the floor area space to the proposed mudroom, which will increase from 6'x7.5' to 9'x7.5'. The new design, with smaller, shed dormers with roof skirting at the bottom, would result in a reduction of 26+ square feet. I am asking for permission to apply some of that 26+ feet to the proposed mudroom, making it deeper (toward the back of the property) by three feet, which would use a total of 22.5 square feet. This change would not create any new zoning relief.

Sketches of the approved plan and the requested change are attached.

Sincerely,



Kevin Fahey
617.216.9297

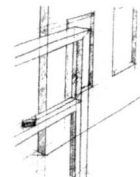
Enclosures: Sketches
CC: Alison Leary, Councilor Ward 1
Maria Scibelli Greenberg, Councilor Ward 1



(approved)

EXIST. * NEW

PRELIMINARY WEST ELEVATION
1/8" = 1'-0"



DAVID J. CANN
ARCHITECT
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Principal
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617.365.9277
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PRELIMINARY ELEVATIONS

E-15-17

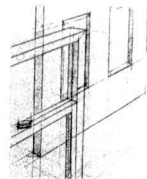
FAHEY RESIDENCE
14 FOND AVE
NEWTON, MA.

A5

(approved)



PRELIMINARY EAST ELEVATION
1/8" = 1'-0"



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PRELIMINARY ELEVATIONS

FAHEY RESIDENCE
14 POHO AVE
NEWTON, MA

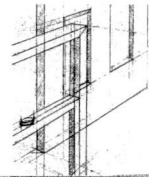
10.15.17
8.15.17

A4



EXIST. * NEW

PRELIMINARY WEST ELEVATION
1/4" = 1'-0"



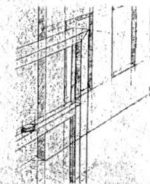
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PRELIMINARY ELEVATION	12.8.17
FAHEY RESIDENCE 14 POND AVE NEWTON, MA.	SK-1

(requested)



PRELIMINARY EAST ELEVATION
1/4" = 1'-0"



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EAST ELEVATION

FANEY RESIDENCE
14 FOND AVE
NEWTON, MA.

1.13.18

A4a

Terrence P. Morris, Esq.
Law Offices of Terrence P. Morris LLC
57 Elm Road
Newton, MA 02460
617 202-9132

November 29, 2017

By electronic transmission: dolson@newtonma.gov

David A. Olson, Clerk of the Board
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Re: Board Order #261-17: 14 Pond Avenue
Special Permit Conditions 3(a) and 3(b)

Dear Mr. Olson:

Enclosed please find a certified copy of the recorded Board Order in accordance with Condition 3(a) of the above-referenced special permit, which states that no building permit shall be issued "until the petitioner., has 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."

This filing, with copies to ISD and Planning, will also satisfy Condition 3(b), which states that no building permit shall be issued until the petitioner "has filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services and the Department of Planning and Development."

Thank you for your attention to this matter.

Sincerely,

Terrence P. Morris

Terrence P. Morris

Enclosure

Cc: Barney Heath, Director ***via email***
Planning and Development
John Lojek, Commissioner ***via email***
Inspectional Services
Neil Cronin, Senior Planner ***via email***
Planning and Development

Middlesex South Registry of Deeds
Electronically Recorded Document

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Recording Information

Document Number	: 193716
Document Type	: ORD
Recorded Date	: November 29, 2017
Recorded Time	: 03:38:31 PM
Recorded Book and Page	: 70307 / 371
Number of Pages(including cover sheet)	: 4
Receipt Number	: 2155501
Recording Fee	: \$75.00

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.middlesexsouthregistry.com

#261-17
14 Pond Avenue

CITY OF NEWTON
IN CITY COUNCIL

November 6, 2017

RECEIVED
NEWTON CITY CLERK
2017 NOV -8 PM 4:50
DAVID A. O'NEILL
CITY CLERK
NEWTON, MA 02459

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 increase the Floor Area Ratio (FAR) from .44 to .67, where .58 is the maximum allowed by-right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

The proposed increase of FAR from .44 to .67, where .58 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 the addition is to the rear of the structure and is in keeping with the architecture of the historic dwelling. (§3.2.11 and §7.3.3)

Property Address: 14 Pond Avenue, Newton

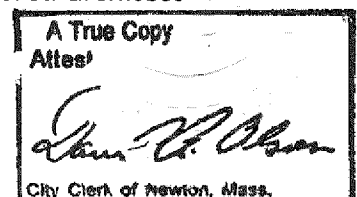
- PETITION NUMBER: #261-17
- PETITIONER: Kevin Fahey
- LOCATION: 14 Pond Avenue, on land known as Section 11, Block 20, Lot 14, containing approximately 4,530 square feet of land
- OWNER: Kevin Fahey
- ADDRESS OF OWNER: 14 Pond Avenue
Newton, MA 02458
- TO BE USED FOR: Single Family Dwelling
- CONSTRUCTION: Wood frame
- EXPLANATORY NOTES: §3.2.11 and §7.3.3, to construct a single family dwelling with an FAR exceeding the maximum allowed by-right
- ZONING: Multi Residence 2 district

Approved subject to the following conditions:

TITLE REF. Book 48868 Page 513

A True Copy
Attest
David A. O'Neill
City Clerk of Newton, Mass.

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 Site Plan, signed and stamped by Frank Iebba, Professional Engineer, dated 9/20/17 revised 8/11/15, 7/12/17, 8/2/17, 10/16/17, and 10/19/17, which shall be revised to show the removal of the existing asphalt driveway and replace it with a reduced parking area consisting of pavers and compliant with the dimensional and setback standards contained in the zoning ordinance.
 - b. Architectural Plans and Elevations, signed and stamped by David J. Cann, Registered Architect, consisting of nine (9) sheets:
 - i. A1 Preliminary First Floor Plan, dated 2/20/17 revised 5/27/17
 - ii. A2 Preliminary Second Floor Plan, dated 2/20/17 revised 5/27/17
 - iii. A3 Preliminary Basement Plan, dated 2/20/17 revised 5/21/17 and 10/15/17
 - iv. A4 Preliminary East Elevation, dated 8/15/17
 - v. A5 Preliminary West Elevation, dated 8/15/17
 - vi. A6 Preliminary North and South Elevations, dated 8/15/17 revised 10/15/17
 - c. The plans referenced above in Condition #1.b.vi shall be consistent with the plans approved by the Newton Historic Commission requiring the petitioner to install a carriage style, wood garage door with windows and construct the below-grade retaining walls out of fieldstone. The exposed foundation shall also be treated with a fieldstone veneer to frame the garage door.
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 order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - d. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
4. No Final Inspection/Occupancy Permit for the use covered by this Special Permit/Site Plan Approval shall be issued until the petitioners have:
 - e. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a registered architect



and professional engineer certifying compliance with Condition #1, including the as built FAR of the structure.

- f. 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.
- g. 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.

Under Suspension of Rules

Readings Waived and Approved

22 yeas 0 nays 2 absent (Councilors Leary and Lennon)

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on November 8, 2017. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.


ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the City Council

I, David A. Olson, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty Days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on 11/5 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the Council

