



Land Use Committee Report

City of Newton In City Council

Tuesday, April 10, 2018

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

City Staff Present: Associate City Solicitor Bob Waddick, Chief Planner Jennifer Caira, Senior Planner Neil Cronin, Senior Planner Michael Gleba, Planning Associate Valerie Birmingham

All Special Permit Plans, Memos 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.

#90-18 **Petition to amend Special Permit #45-10 at 70-80 and 93 Union Street**
80 UNION STREET, LLC/DOUBLE J HOSPITALITY, LLC/AMERICAN COMPANIES, INC/UNION REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend prior Board Order #45-10 relating to 70-80 Union Street, Ward 6, Section 61 Block 36 Lot 11A, Newton Centre, containing approximately 2,842 sq. ft. of land in a district zoned BUSINESS 1, to eliminate the requirement for four off-site parking stalls at 93 Union Street, Ward 6, Section 61 Block 36 Lot 09, Newton Centre, containing approximately 31,455 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 7.4 of the City of Newton Rev Zoning Ord, 2015.

Action: **Land Use Approved Withdrawal without Prejudice 7-0 (Laredo Recused)**

Note: After a review of the request to withdraw the petition without prejudice, Councilor Crossley moved approval of the withdrawal. Committee members voted unanimously in support of withdrawing the petition.

#178-18 **Petition to amend Board Order #257-13(4) at 145 Wells Ave**
ANDRIAN SHAPIRO/WELLS AVENUE BUSINESS CENTER, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the hours of operation and increase the number of customers at one time, requiring an amendment to Special Permit Board Order #257-13(4) at 145 Wells Avenue, Ward 8, Newton Centre, on land known as Section 84 Block 34 Lot 2G, containing approximately 86,256 sq. ft. of land in a district zoned LIMITED MANUFACTURING. Ref: 7.3.3, 7.4 of the City of Newton Rev Zoning Ord, 2015.

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

Note: It was noted that the petitioner has requested to postpone the item until May 8, 2018. Councilor Lipof motioned to postpone the item, which carried unanimously.

#176-18 **Petition to exceed FAR at 133 Park Street**

ALLEN LEMOS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to enclose existing first and second floor porches and construct a two-story side addition, exceeding the maximum allowable FAR of .37 where .48 is proposed and .34 exists at 133 Park Street, Ward 1, Newton, on land known as Section 72 Block 50 Lot 23, containing approximately 10,615 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9 of the City of Newton Rev Zoning Ord, 2015.

Action: Land Use Approved 8-0; Public Hearing Closed 04/10/2018

Note: Architect Allen Lemos presented the request to exceed the FAR at 133 Park Street. The petitioner proposes to enclose existing porches on the first and second levels of the dwelling. Mr. Lemos noted that the mansard style of the roof contributes to additional space calculated towards floor area. He stated that the Historic Commission has approved the proposed plans.

Planning Associate Valerie Birmingham reviewed the requested relief and criteria for Council consideration as follows:

Special Permit per §3.1.9 of the NZO to:

- Exceed FAR (§3.1.9 and §7.3).
-

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

- The increase in FAR from .34 to .48, where .37 is the maximum is allowed is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood

Ms. Birmingham reviewed neighborhood context, zoning, land use and photos of the site as shown on the attached presentation. Ms. Birmingham noted that homes in the neighborhood are similar in size and style and confirmed that the details of the project mimic the character and design of the existing dwelling. Ms. Birmingham reiterated that the Historic Commission is supportive of the plans and has waived demolition delay. She demonstrated the proposed plans and elevations and noted that the grade will be lowered to allow for a walk out basement.

The Public Hearing was Opened.

Michael Lasell, 119 Park Street, noted that he has a full view of the rear of the house and questioned why exceptions should be allowed to the FAR rules. He noted that the neighborhood has been becoming increasingly more dense. Committee members explained that FAR is can be used to moderate massing but noted that the standard of review consideration is whether the proposal is substantially more detrimental to the neighborhood than the existing conditions.

Jodi Narahara, 67 Church Street, noted that her house is located at the bottom of the hill that abuts the subject property. She questioned whether the regrading of the lot and the additional square footage will impact runoff at the site. Ms. Birmingham confirmed that the Special Permit is subject to a condition that the proposed structure will comply with the standards set by the Engineering Department. It was noted that the Engineering Department requires all runoff to be captured on site.

Carlo Obligato, 107 Park Street, questioned whether the house will remain a single-family dwelling. It was confirmed without a Special Permit to allow a multi-family dwelling, the dwelling must remain a single family.

With no other member of the public wishing to speak, Councilor Greenberg motioned to close the public hearing. Committee members voted unanimously in support of closing the public hearing. Councilor Greenberg motioned to approve the item. A Committee member questioned how the petitioner intends to address drainage concerns. Mr. Lemos stated that dry wells will be installed to draw water discharge from the gutters and confirmed that a civil engineer has been hired to prepare a plan that ensures water will be collected on site. A Committee member urged the petitioner to collect contact information for abutters to communicate the proposed plans. Committee requested that a condition be drafted relative to the petitioner preparing and abiding by a storm water management plan to be approved by the Engineering Department that will be an improvement over the existing site. It was noted that the patio space below the porches are pavers that will drain and that the added impervious space is the addition to the side.

Committee members reviewed the draft findings and conditions as follows:

The proposed increase in FAR from .34 to .48, where .37 is the maximum allowed by right is consistent with and not in derogation of the size, scale or design of other structures in the neighborhood because the addition is appropriately designed to match the existing historic structure and is located in the rear of the dwelling (§3.1.9 and §7.3.3).

Conditions:

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

Committee members voted unanimously in favor of the motion to approve.

#177-18 **Petition to extend non-conforming use at 36 Cummings Road**
ANNAMARIA MARIANI/BILL FRABIZIO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story addition to the rear and side of the house, extending the existing non-conforming structure at 36 Cummings Road, Ward 2, Newton Centre, on land known as Section 64 Block 03 Lot 47, containing approximately 18,866 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

Action: **Land Use Approved 8-0; Public Hearing Closed 04/10/2018**

Note: Joe Porter, VTP Associates represented petitioners Annamaria Mariani and Bill Frabizio to construct a two-story addition to the existing single-family dwelling at 36 Cummings Road. Because the site, in a single residence zone contains two single-family dwellings, it is legally non-conforming. Mr. Porter noted that the proposed addition is dimensionally compliant would be as a matter of right if the lot were not non-conforming. Mr. Porter noted that the plans include a single car garage in the driveway

where there is currently no vehicle shelter. He stated that some regrading will occur to manage added storm water. Mr. Frabizio stated that communicated plans to members of the neighborhood. Senior Planner Michael Gleba reviewed the requested relief and criteria for consideration as follows:

Special permit per §7.3.3 to:

- allow for the extension of an existing nonconforming use (§7.8.2.C.2)

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

- the proposed extension of the existing nonconforming use of a Single Residence 2 (SR2) zoned parcel for two single family dwellings with the construction of an addition to one of said two dwellings would not be substantially more detrimental than the existing nonconforming use to the neighborhood. (§7.8.2.C.2)

Mr. Gleba demonstrated land use, zoning, photos of the site, location of the proposed addition and proposed elevations as shown on the attached presentation. Mr. Gleba demonstrated the location of the property, at the end of a driveway, shielded from street view. Mr. Porter confirmed that subdivision of the lot is not possible because there would not be sufficient frontage. Mr. Porter noted that the single-family dwellings are condominiums. The public hearing was opened. With no member of the public wishing to speak, Councilor Auchincloss motioned to close the public hearing which carried unanimously. Councilor Auchincloss motioned to approve the item. Committee members reviewed the draft findings and conditions as follows:

1. The proposed extension of the existing nonconforming use by expanding one of the two single-family dwellings on the subject parcel, 36 Cummings Road, will not be substantially more detrimental than the existing nonconforming two single-family dwellings use is to the neighborhood as said expanded single-family dwelling will be in conformance with relevant dimensional requirements, including floor area ratio (FAR), height, setbacks, open space and lot coverage regulations; further, the proposed addition will have limited visibility from adjoining public ways (§7.8.2.C.2).

Conditions

1. Plan Referencing Condition
2. Standard Building Permit Condition.
3. Prior to the issuance of any Building Permit, the petitioner shall provide documentation authorizing and facilitating the proposed use of land to increase the size of the condominium unit identified as 36 Cummings Road for the purposes permitted by this order for review and approval by the Department of Planning and Development and the Law Department.
4. Operations and Maintenance (O&M) Plan Condition.
- ~~5. Landscape Plan for review and approval by Planning Department.~~
6. Standard Final Inspection/Certificate of Occupancy Condition.

It was noted that because the dwelling is a condominium and contains land under common ownership, the petitioner must provide evidence of rights to build in the common land. Mr. Porter stated that the addition is over exclusive use land and it is the petitioner's right to develop in that portion of the

site. Mr. Frabizio noted that the second condo owner has signed consent after review of the plans. He confirmed that the condo documents have been updated. City Solicitor Ouida Young reiterated that the petitioner must submit evidence and noted that submission of evidence would be a condition of issuance of a building permit. Committee members did not feel that a condition relative to landscaping was necessary. Committee members voted unanimously in favor of Councilor Auchincloss' motion to approve.

#179-18 **Petition to exceed FAR and extend nonconforming side setback at 110 Parker Ave**
SETH DeAVILA AND TALYA SALANT petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second story addition and attic space, further increasing the nonconforming setback and creating an FAR of .50 where .48 is allowed and .38 exists at 110 Parker Avenue, Ward 6, Newton Highlands, on land known as Section 81 Block 26 Lot 03, containing approximately 6,160 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.3, 7.8.2.C.2, 3.1.9 of the City of Newton Rev Zoning Ord, 2015.

Action: **Land Use Approved 7-0 (Schwartz Recused); Public Hearing Closed 04/10/2018**

Note: Charles Navratil, Architect for the project represented petitioners Seth DeAvila and Talya Salant. Mr. Navratil provided an overview of the proposed second story addition and attic space over a one story enclosed porch. Mr. Navratil noted that the proposed addition will balance the structure and create a master bedroom and walk up stair way for additional living space. Because the existing setback is nonconforming, the vertical construction extends the nonconformity.

Senior Planner Neil Cronin reviewed the requested relief and criteria for consideration as follows:

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

- Further extend a nonconforming side setback (§3.1.3); and
- Exceed the floor area ratio (§3.1.9).

When reviewing this request, the Council should consider whether:

- The proposed extension of the nonconforming side setback will be substantially more detrimental than the existing nonconforming side setback is to the neighborhood (§3.1.3 and §7.8.2.C.2).
- The proposed increase in FAR from .38 to .50, where .48 is the maximum allowed is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.9 and §7.3.3).

Mr. Cronin provided context of the neighborhood, demonstrating an aerial photo as well as existing and proposed elevations as shown on the attached presentation. Mr. Cronin noted that a proposed dormer will create additional attic space, counting towards FAR.

The Public Hearing was Opened. The petitioner submitted the attached letter in support of the petition. With no member of the public wishing to speak, Councilor Kelley motioned to close the public hearing, which carried unanimously. Councilor Kelley motioned to approve the item. Committee members reviewed the draft findings and conditions as follows:

1. The proposed extension of the nonconforming side setback is not substantially more detrimental than the existing setback is to the neighborhood because the addition will not encroach any farther into the setback than the existing structure and is sensitively designed (§3.1.3 and §7.8.2.C.2).
 2. The proposed increase in floor area ratio from .38 to .50, where .48 is the maximum allowed by right is consistent with and not in derogation of the size, scale, or design of other structures in the neighborhood because the addition will balance out the front façade improving the structure's appearance from the street (§3.1.9 and §7.3.3).
1. Plan Referencing Condition.
 2. Standard Building Permit Condition.
 3. Standard Final Inspection/Certificate of Occupancy Condition.

Committee members raised no concerns relative to the proposed construction. A Committee member asked that subjective language be modified in the Council Order. Committee members voted unanimously to approve the petition (Councilor Schwartz Recused).

#181-18 Petition to further increase nonconforming FAR at 64 Green Park

PHILIP KRAPCHEV AND KIMBERLY CLARK petition for SPECIAL PERMIT/SITE PLAN APPROVAL to replace a two-story enclosed porch with a two-story addition, further increasing the nonconforming FAR to .53 where .51 exists and .36 is allowed at 64 Green Park, Ward 7, Newton, on land known as Section 73 Block 08 Lot 17, containing approximately 12,100 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.

Action: Land Use Approved 8-0; Public Hearing Closed 04/10/2018

Note: Architect Peter Sachs represented petitioners Philip Krapchev and Kimberly Clark. Mr. Sachs submitted two (attached) letters of support for the petition from abutters. Mr. Sachs stated that due to the grading of the lot, the basement space at the rear of the structure is exposed, creating a third-story and contributing to FAR. Mr. Sachs reviewed the proposed changes including reconstruction of an existing side porch with an increase in height and footprint. He noted that the added square footage is approximately 249 sq. ft.

Senior Planner Neil Cronin reviewed the requested relief and criteria for consideration as follows:

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

- Further increase the nonconforming FAR (§3.1.9)

When reviewing this request, the Council should consider whether:

- The proposed increase in FAR will be substantially more detrimental than the existing FAR is to the neighborhood (§3.1.9 and §7.8.2.C.2).
- The proposed structure with an FAR of .53, where .36 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 and §7.3.3).

Mr. Cronin demonstrated the existing and proposed elevations as shown on the attached presentation. He noted that the petitioner has proposed renovations to the front door of the dwelling to make a more prominent appearance. Mr. Cronin confirmed that due to the topography of the lot, the home is classified as a three-story structure. The Public hearing was opened. With no member of the public wishing to speak, Councilor Laredo motioned to close the public hearing. Councilor Laredo motioned to approve the item. Committee members reviewed the draft findings and conditions as follows:

- 1) The proposed increase in the nonconforming floor area ratio is not substantially more detrimental than the existing floor area ratio is to the neighborhood and the structure will be consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood because the addition will replace an existing enclosed porch and be compatible with the architecture of the dwelling (§3.1.9 and §7.8.2.C.2).

Conditions

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

It was noted that the numbers relative to the FAR relief should be included in the finding as standard for Special Permit Petitions for FAR relief. Mr. Cronin confirmed that because the structure is nonconforming; the finding must be made that the FAR is not substantially more detrimental as well as the finding that the structure is consistent and not in size, scale and derogation of other structures in the neighborhood. Committee members voted unanimously in favor of Councilor Laredo's motion to approve.

#71-18 Petition to amend Special Permit #515-61 at JFK Circle

NEWTON HOUSING AUTHORITY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #515-61 to remove 26,366 sq. ft. of land from the existing lots at 83-127 and 106-128 JFK Circle to develop 55 affordable elderly housing units, requiring a Comprehensive Permit, to extend non-conforming front setbacks and for waivers relative to parking at 83-127 John F Kennedy Circle and 106-128 John F Kennedy Circle, Ward 1, Newton, on land known as Section 12, Block 01, Lot 29 and Section 12, Block 01, Lot 32, containing approximately 124,061 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 7.4, 7.8.2.C.2, 5.1 of the City of Newton Rev Zoning Ord, 2015.

Action: **Land Use Approved Subject to Second Call 7-0-1 (Laredo abstaining); Public Hearing Closed 04/10/2018**

Note: Attorney Alan Schlesinger presented updates to the petition to amend Board Order #515-61 at JFK Circle. The Special Permit Petition before the Council includes the removal of 26,366 sq. ft. of land from the site of Jackson Gardens which was subject to a Special Permit in 1961. Removal of the land requires an amendment to the site plan. If approved, the Housing Authority will submit a proposal to the Zoning Board of Appeals for a Comprehensive Permit allowing development of a 55 unit mixed income development for senior housing (Haywood House). At the public hearing on February 13, 2018, members

of the public and Councilors raised concerns relative to the proposed site plan. Residents and Committee members attended a site visit on March 5, 2018 and remained concerned. Atty. Schlesinger noted that the Housing Authority has worked to revise the plan and provided comparisons of the February site plan with the modified, proposed site plan. For details, please see the attached presentation.

Housing Authority Commissioner Vince O'Donnell noted that the proposed development of Haywood House grew from 34 units to 55 units based on several factors including; DHCD's limit on maximum cost per unit in order to be eligible for funding, high site development costs, enhanced programming for residents. Mr. O'Donnell noted that while the project went through multiple reviews by the CPA and the Planning Department, the increase in units did not increase the footprint of the structure. He noted that the decision to increase the number of units was an economic decision made by the Housing Authority.

Baker Wohl Architect Ahmed Idris presented changes to the site plan. Atty. Schlesinger stated that of the total 47 spaces for the site(s), 14 spaces will be added to Jackson Gardens, where 25 exist. The parking stalls will be located as follows; 5 on Green Street, 6 in the existing, expanded parking lot and 5 where the JFK memorial currently is. The total of 47 parking stalls is reduced by 8 as presented at the meeting on February 13, 2018. The reduction of parking stalls allows for the remaining stalls to be more dimensionally complaint. Atty. Schlesinger stated that .40 stalls per unit have functioned at the Jackson Gardens site where .25 stalls/unit is permissible with senior housing. He stated that three accessible parking stalls will be included. Landscape Architect Kathy Schrebiek reviewed site improvements to include a relocation of the JFK memorial, outdoor seating for residents and enhanced landscaping with additional trees, a mini park and a flagpole. It was noted that an accessible curb cut will be added as well as three bike racks.

A Committee member expressed concern that no member of the public was present for the public hearing. Atty. Schlesinger noted that of the eight people who spoke in opposition of the proposal, no concerns were relative to the site plan changes. Councilor Greenberg confirmed that she communicated that the public hearing would be continued and did not hear back from residents. Councilor Lipof motioned to close the public hearing which carried 6-2 (Laredo, Markiewicz opposed). The Chair reiterated that the development for Haywood House must be addressed under the request for a Comprehensive Permit while the Special Permit Petition is for the removal of land, parking and changes to the community center. Councilor Greenberg motioned to approve the item. Committee members reviewed the draft findings and conditions as follows:

1. The site is an appropriate location for the proposed changes pursuant to the requested amendments and modifications to Special Permit #515-61 and the associated site plan. (§7.3.3.C.1)
2. The proposed changes pursuant to the requested amendments and modifications to Special Permit #515-61 and the associated site plan will not adversely affect the neighborhood (§7.3.3.C.2)
3. The proposed changes pursuant to the requested amendments and modifications to Special Permit #515-61 and the associated site plan will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)

4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)
5. Literal compliance with the provisions of §5.1 regulating the design of parking facilities is impracticable due to the nature of the use, the location, size, shape, and grade of the lots, and that such exceptions are in the public interest (§5.1.13)

Conditions

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

City Solicitor Ouida Young noted that the proposed changes of the Special Permit should be contingent upon obtaining a Comprehensive Permit for Haywood House. She stated that she would work with Atty. Schlesinger to draft language relative to the timing of the Special Permit as the original community building must be taken down prior to construction of the new community building. Atty. Young noted that the permit should allow a three-year period to exercise to allow the project sufficient time to be reviewed by the Zoning Board of Appeals without returning to the Council for an extension of time. Committee members were in agreement that the findings should incorporate reference to the improved site orientation and landscaping improvements proposed by the petitioner. Committee members voted 7-0-1 with an abstention from Councilor Laredo.

#180-18 Petition to amend Board Orders 43-10 and 307-12(2) at 199 Boylston Street

TIM FOX/SIMON MALLS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow non-accessory parking to lease 496 parking stalls to off-site, third party users, requiring amendments to Special Permit Board Orders #43-10 and #307-12, a waiver for 496 parking stalls and approval to allow non-accessory parking at 199 Boylston Street, Ward 7, Chestnut Hill, on land known as Section 65 Block 08 Lot 100, containing approximately 324,691 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: 7.3.3, 7.4, 4.4.1, 5.1.4, 5.1.1 of the City of Newton Rev Zoning Ord, 2015.

Action: **Land Use Held 8-0; Public Hearing Continued**

Note: The Chair noted that the petitioner has requested a postponement. The Public Hearing was Opened. With no member of the public wishing to speak, Councilor Lipof motioned to continue the item until May 8, 2018, which carried unanimously.

The Committee adjourned at 9:30 pm.

Respectfully Submitted,

Greg Schwartz, Chair

April 4th, 2018

From: Erica and Constantin Nicolae

Neighbor | 106 Parker Ave | Newton | MA | 02461

To: The Land Use Committee of the Newton City Council

Newton | MA

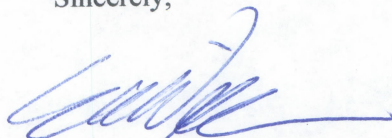
Dear Land Use Committee Members,

We are writing you to express our support for the petition put forward by Seth DeAvila and Talya Salant, of 110 Parker Ave in Newton.

We live next door to them, and own the property at 106 Parker Ave directly adjacent to the proposed portion of their property where the second story addition would be constructed. They have our endorsement for their proposed plan.

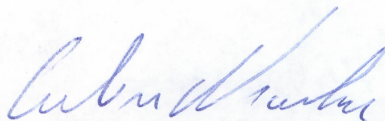
We would be happy to provide further information on this topic at your request. Thank you for your consideration.

Sincerely,



Erica Nicolae

646-620-7474



Constantin Calin Nicolae

510-846-3785

Department of Planning and Development



PETITION #176-18

133 PARK STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO CONSTRUCT
ADDITIONS EXCEEDING THE
MAXIMUM ALLOWABLE FAR OF
.37 WHERE .48 IS PROPOSED
AND .34 EXISTS

APRIL 10, 2018



Requested Relief



Special Permit per §3.1.9 of the NZO to:

- Exceed FAR (§3.1.9 and §7.3).

Criteria to Consider



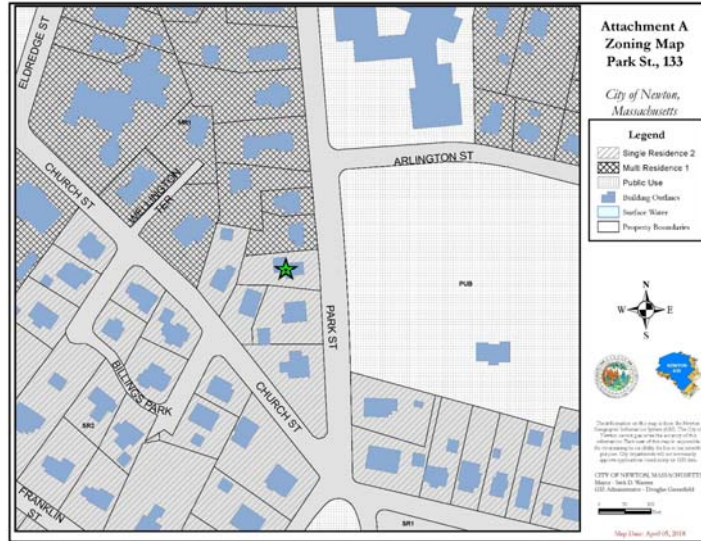
When reviewing the requested special permit the Council should consider whether:

- The increase in FAR from .34 to .48, where .37 is the maximum is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood

AERIAL/GIS MAP



Zoning



Land Use



Photographs – 133 Park St



Photographs – 133 Park St



Photographs – 133 Park St



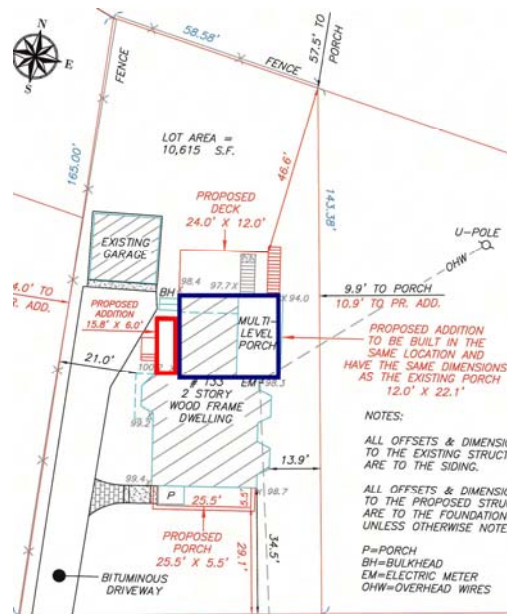
Photographs – Immediate neighbors



Photographs – Neighborhood



Site Plan



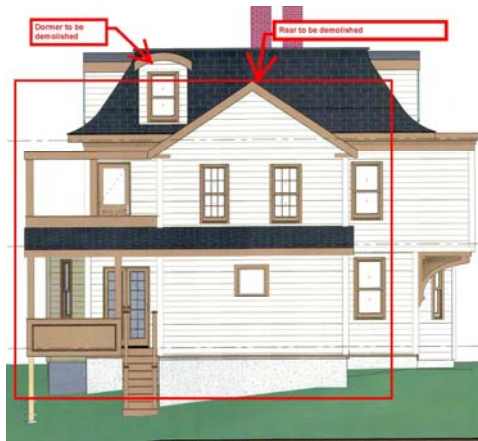
Elevations – Right Side (Existing)



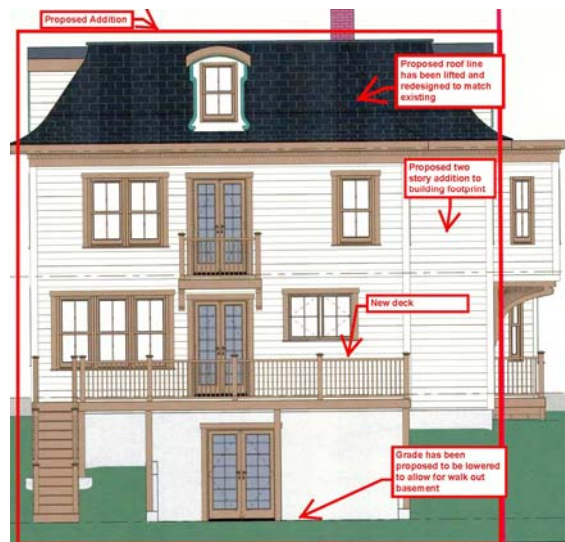
Elevations – Right Side (Proposed)



Elevations - Rear (Existing)



Elevations – Rear (Proposed)



Proposed Findings

1. The proposed increase in FAR from .34 to .48, where .37 is the maximum allowed by right is consistent with and not in derogation of the size, scale or design of other structures in the neighborhood because the addition is appropriately designed to match the existing historic structure and is located in the rear of the dwelling (§3.1.9 and §7.3.3).

Proposed Conditions

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

Department of Planning and Development



PETITION #177-18
36 CUMMINGS ROAD

SPECIAL PERMIT/SITE PLAN
APPROVAL TO CONSTRUCT A
TWO-STORY ADDITION TO THE
REAR AND SIDE OF THE
HOUSE, EXTENDING THE
EXISTING NON-CONFORMING
STRUCTURE



APRIL 10, 2018

Requested Relief



Special permit per §7.3.3 to:

- allow for the extension of an existing nonconforming use (§7.8.2.C.2)

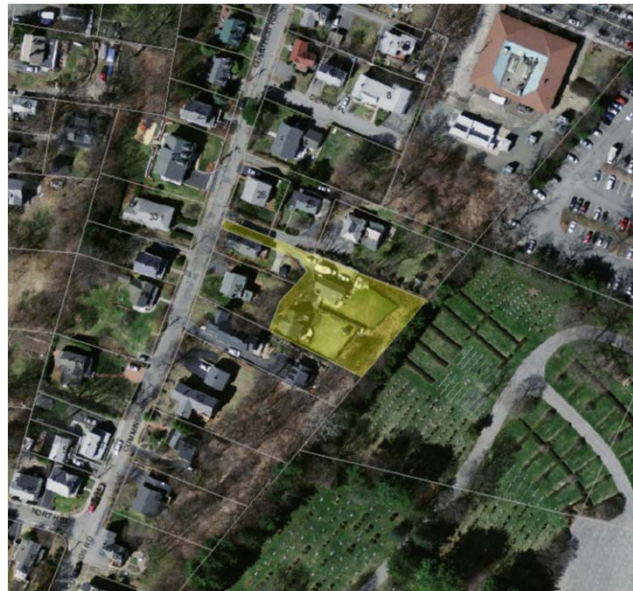
Criteria to Consider



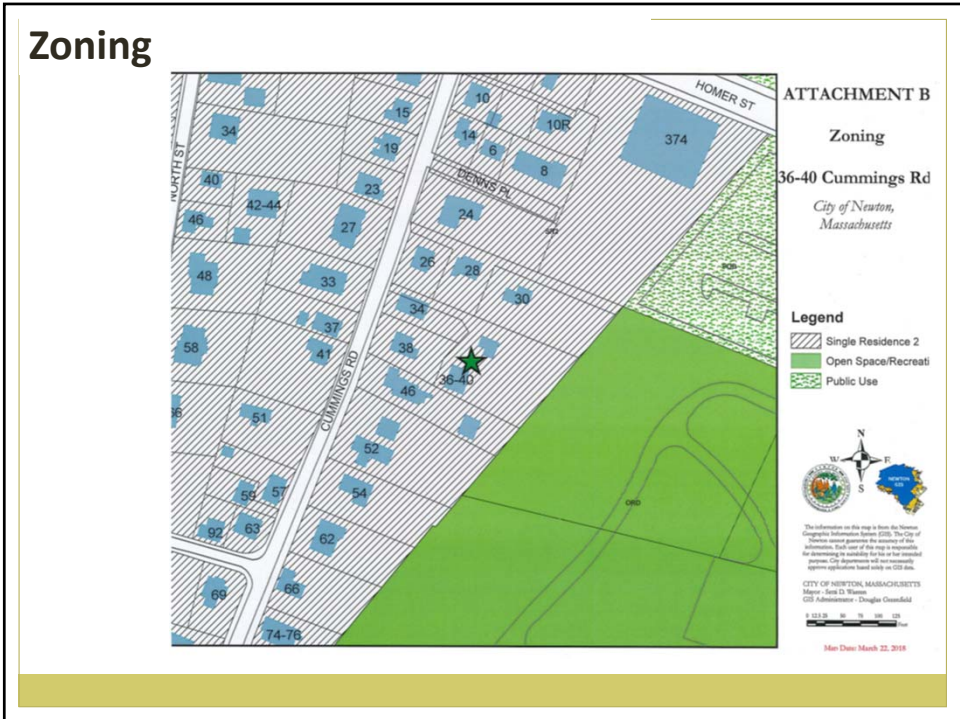
When reviewing the requested special permits the Council should consider whether:

- the proposed extension of the existing nonconforming use of a Single Residence 2 (SR2) zoned parcel for two single family dwellings with the construction of an addition to one of said two dwellings would not be substantially more detrimental than the existing nonconforming use to the neighborhood. (§7.8.2.C.2)

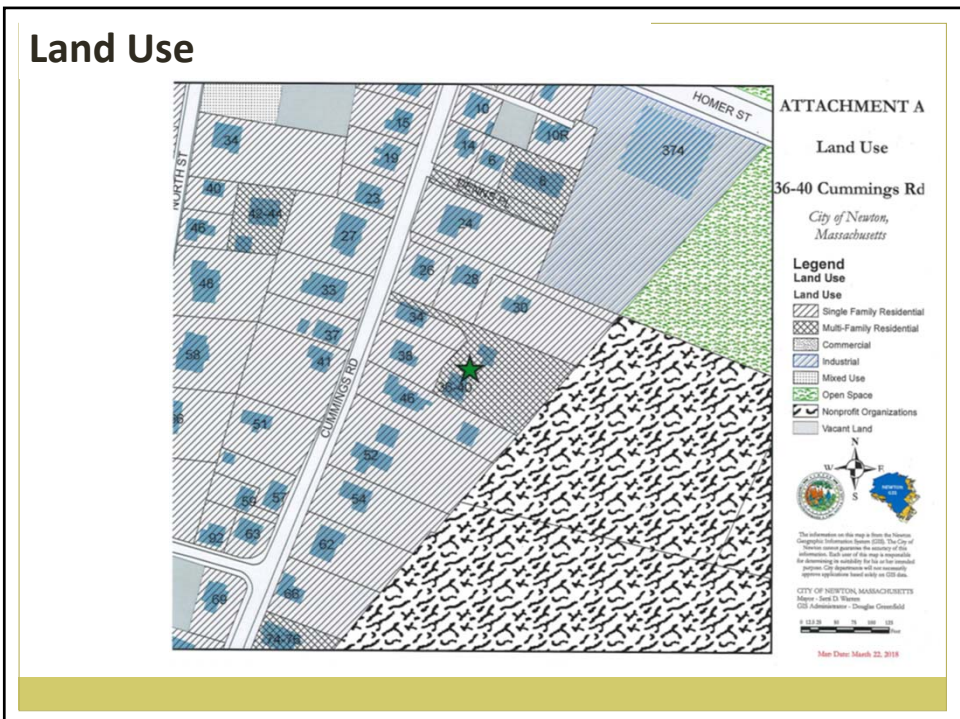
AERIAL/GIS MAP



Zoning



Land Use



Elevations- Front & Rear



FRONT VIEW - EXISTING

SCALE: 3/8" = 1'-0"



FRONT VIEW - PROPOSED



REAR VIEW - EXISTING

SCALE: 3/8" = 1'-0"



REAR VIEW - PROPOSED

Elevations- Left & Right



SIDE VIEW LEFT - EXISTING

SCALE: 3/8" = 1'-0"



SIDE VIEW LEFT - PROPOSED



SIDE VIEW RIGHT - EXISTING



SIDE VIEW RIGHT - PROPOSED

Photos



Photos



Photos



Photos



Photos



Proposed Findings

1. The proposed extension of the existing nonconforming use by expanding one of the two single-family dwellings on the subject parcel, 36 Cummings Road, will not be substantially more detrimental than the existing nonconforming two single-family dwellings use is to the neighborhood as said expanded single-family dwelling will be in conformance with relevant dimensional requirements, including floor area ratio (FAR), height, setbacks, open space and lot coverage regulations; further, the proposed addition will have limited visibility from adjoining public ways (§7.8.2.C.2).

Proposed Conditions



1. Plan Referencing Condition
2. Standard Building Permit Condition.
3. Prior to the issuance of any Building Permit, the petitioner shall provide documentation authorizing and facilitating the proposed use of land to increase the size of the condominium unit identified as 36 Cummings Road for the purposes permitted by this order for review and approval by the Department of Planning and Development and the Law Department.
4. Operations and Maintenance (O&M) Plan Condition.
5. *Landscape Plan for review and approval by Planning Department.*
6. Standard Final Inspection/Certificate of Occupancy Condition.

Department of Planning and Development



**PETITION #179-18
110 PARKER AVENUE**

SPECIAL PERMIT/SITE PLAN
APPROVAL TO EXTEND A
NONCONFORMING SIDE SETBACK
AND TO EXCEED THE FLOOR AREA
RATIO



APRIL 10, 2018

Requested Relief



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

- Further extend a nonconforming side setback (§3.1.3); and
- Exceed the floor area ratio (§3.1.9).

Criteria to Consider

When reviewing this request, the Council should consider whether:

- The proposed extension of the nonconforming side setback will be substantially more detrimental than the existing nonconforming side setback is to the neighborhood (§3.1.3 and §7.8.2.C.2).
- The proposed increase in FAR from .38 to .50, where .48 is the maximum allowed is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.9 and §7.3.3).

Aerial/GIS Map



Site Plan



Existing Front Elevation



Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation



Proposed Findings

1. The proposed extension of the nonconforming side setback is not substantially more detrimental than the existing setback is to the neighborhood because the addition will not encroach any farther into the setback than the existing structure and is sensitively designed (§3.1.3 and §7.8.2.C.2).
2. The proposed increase in floor area ratio from .38 to .50, where .48 is the maximum allowed by right is consistent with and not in derogation of the size, scale, or design of other structures in the neighborhood because the addition will balance out the front façade improving the structure's appearance from the street (§3.1.9 and §7.3.3).

Proposed Conditions



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

181-18

April 7, 2018

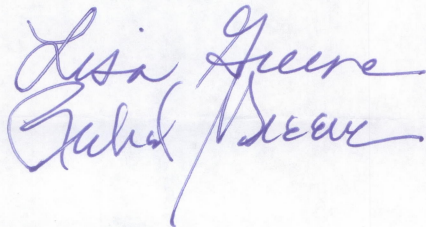
City of Newton
Land Use Committee
1000 Commonwealth Ave.
Newton, Ma 02459

Regarding Special Permit for Addition
Krapchev & Clark Residence
64 Green Park
Newton, MA 02458

Dear Members of the Land Use Committee:

We are neighbors of Kim and Phil. We have seen the drawings for the proposed addition dated 1/8/18, plans A-1 thru A-10. We are writing this letter in support of an approval of the Architectural character of the design as well as the Special Permit application to allow the approval of an increase beyond the allowable FAR. Additionally, it is our belief that the resulting project is designed to be in scale with the surrounding homes and is appropriate for the neighborhood.

Sincerely,



RICHARD & LISA GREENE
58 GREEN PARK
NEWTON MA 02458

181-18

April 7, 2018

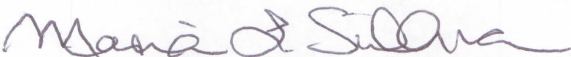

City of Newton
Land Use Committee
1000 Commonwealth Ave.
Newton, Ma 02459

Regarding Special Permit for Addition
Krapchev & Clark Residence
64 Green Park
Newton, MA 02458

Dear Members of the Land Use Committee:

We are neighbors of Kim Clark and Phil Krapchev. We are writing this letter in support of an approval of the Architectural character of the design as well as the Special Permit application to allow the approval of an increase beyond the allowable FAR. We have seen the drawings for the proposed addition, plans A-1 thru A-10.. We do not feel that the project will be disruptive in any way. Additionally, it is our belief that the resulting project is designed to be in scale with the surrounding homes and is appropriate for the neighborhood.

Sincerely,

Maria Sullivan and Paul Donovan
47 Green Park
Newton, MA 02458

Department of Planning and Development



PETITION #181-18

64 GREEN PARK

SPECIAL PERMIT/SITE PLAN
APPROVAL TO FURTHER
EXTEND THE
NONCONFORMING FAR



MARCH 28, 2017

Requested Relief



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

- Further increase the nonconforming FAR (§3.1.9)

Criteria to Consider



When reviewing this request, the Council should consider whether:

- The proposed increase in FAR will be substantially more detrimental than the existing FAR is to the neighborhood (§3.1.9 and §7.8.2.C.2).
- The proposed structure with an FAR of .53, where .36 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 and §7.3.3).

AERIAL/GIS MAP



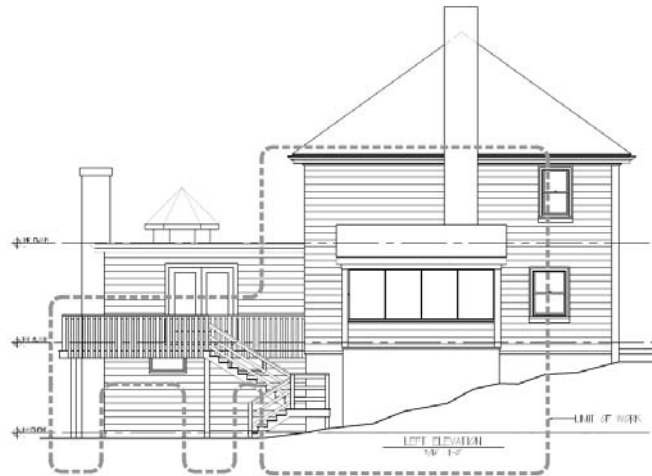
Proposed Front Elevation



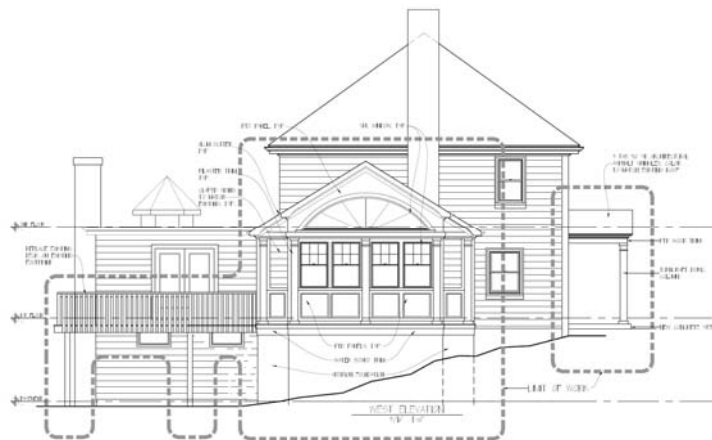
Existing Sunroom



Existing Left Elevation



Proposed Left Elevation



Existing Rear Elevation



Proposed Rear Elevation



Proposed Findings

- 1) The proposed increase in the nonconforming floor area ratio is not substantially more detrimental than the existing floor area ratio is to the neighborhood and the structure will be consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood because the addition will replace an existing enclosed porch and be compatible with the architecture of the dwelling (§3.1.9 and §7.8.2.C.2).

Proposed Conditions

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

Jackson Gardens Newton Housing Authority

Newton City Council – Land Use Committee
April 10, 2018

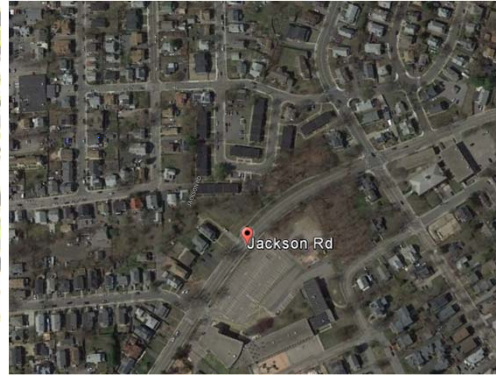


Haywood House Main Entry facing John F. Kennedy Circle - Sidewalk Level



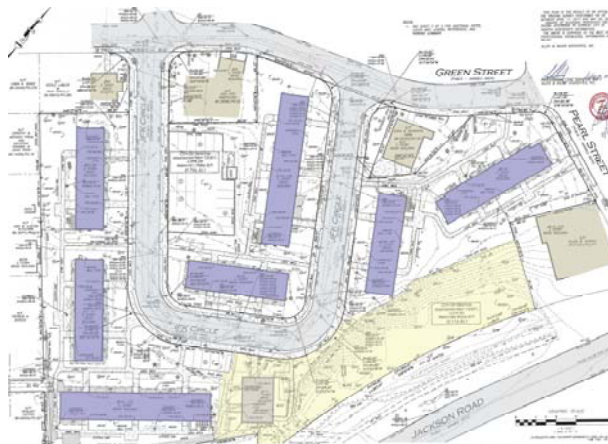
Jackson Gardens Locus Plan

- Located on John F. Kennedy Circle, a Public Way off of Green St



Jackson Gardens Existing Site Plan

- Located on John F. Kennedy Circle, a Public Way
- Two Existing Parcels at John F. Kennedy Circle :
- one inside 31,000 ± s.f. -
- one outside 89,000 ± s.f.
- 7 Existing Residential Buildings, 64 Units, and a Community Center
- 25 existing parking spaces
- Proposed parcel is 26,336 ± s.f.



Jackson Gardens Revised Site Plan

- Existing 25 parking spaces are maintained for Jackson Gardens
- **22** additional parking spaces proposed
- Jackson Gardens front yards enhanced with new trees. New seating areas provided
- Leaves existing utilities in place for Jackson Gardens
- Mitigation of stormwater systems and improvement of circulation on JFK Circle
- Improved existing landscaping throughout including at JFK Monument
- Path to Jackson Road will be retained

NEWTON HOUSING AUTHORITY

Jackson Gardens Revised Site Plan Changes

- Replaced parking and dumpster at ends of building 106 with new seating areas (A)
- Reduced curved parking from 6 to 5 and made all spaces standard size (B)
- Reworked sidewalks to relocate monument providing new seating and replacement trees (C)
- Added curb ramps and crosswalk to connect new seating area and monument (D)
- Added 3 bike racks at front of Haywood House (E)

NEWTON HOUSING AUTHORITY

Jackson Gardens Revised Site Plan Changes

Feb 27 Version

Apr 10 Version

- Reduced number of spaces by 1 and changed space size to a consistent 8.5' x 19' (A)
- Created a planting island and provided light bollards around the parking area (B)
- Relocated the existing shed to parking lot area and enlarged dumpster area (C)
- Moved accessible aisle adjacent to sidewalk (D)
- Provided space for snow storage (D)
- Added fence at lot line to neighbor at 26 Green Street (E)

Jackson Gardens Revised Site Plan Changes

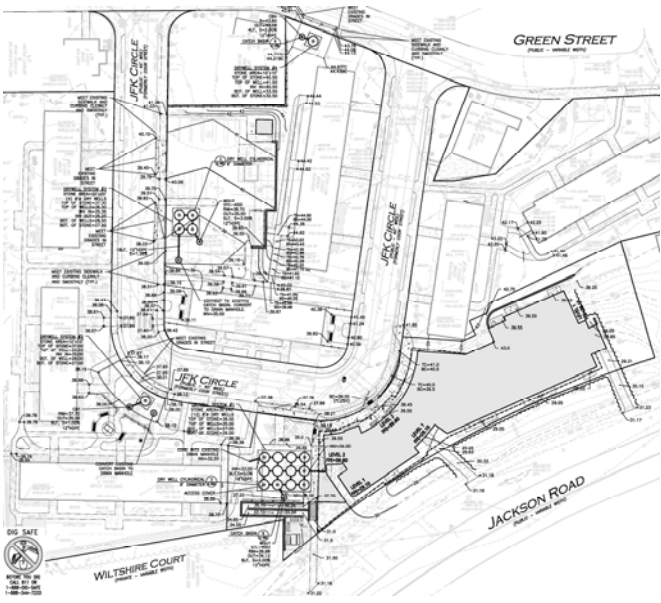
Feb 27 Version

Apr 10 Version


- Existing 2 spaces adjacent to Green Street and Pearl to remain undisturbed (A)
- Reduced spaces from 4 to 3 at Green Street at end of building 124-128 and shifted it away from building and neighbor (B)
- Provided a pad for a 2yard rolling dumpster to replace existing dumpster on JFK Circle (C)

Haywood House Jackson Road – Drainage

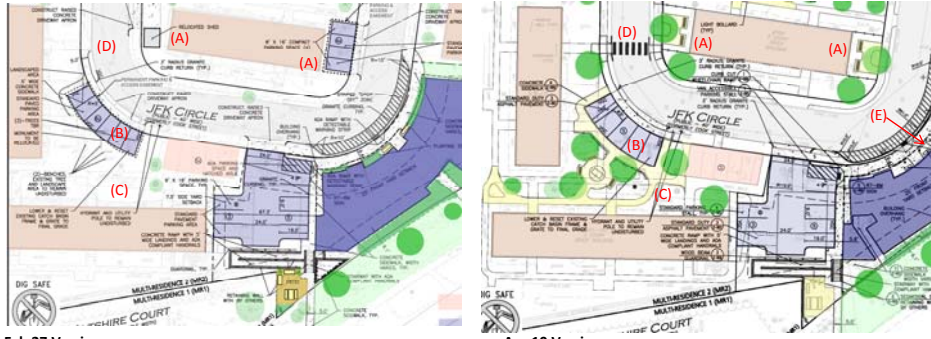
- The system consists of deep sump catch basins, drain manholes, and subsurface drywells
- System employs best management practices
- Water is captured into system, treated and then slowly released into existing City drainage system at JFK Circle
- Peak flow runoff rates will be better than existing



The diagram is a detailed site plan for Haywood House. It shows the layout of the building, parking areas, and surrounding streets: Green Street to the north, Jackson Road to the east, and Wilshire Court to the south. A complex network of drainage lines is overlaid on the plan, including deep sump catch basins, drain manholes, and subsurface drywells. A 'DIG SAFE' symbol is present in the lower-left corner of the plan.




Jackson Gardens Revised Site Plan Changes



The image shows two versions of a site plan for Jackson Gardens, comparing changes between February 27 and April 10. The plans are centered around JFK Circle and Wilshire Court. Red callouts (A, B, C, D, E) highlight specific changes in the Apr 10 version compared to the Feb 27 version.

- Replaced parking and dumpster at ends of building 106 with new seating areas (A)
- Reduced curved parking from 6 to 5 and made all spaces standard size (B)
- Reworked sidewalks to relocate monument providing new seating and replacement trees (C)
- Added curb ramps and crosswalk to connect new seating area and monument (D)
- Added 3 bike racks at front of Haywood House (E)



Jackson Gardens Revised Site Plan Changes

Feb 27 Version

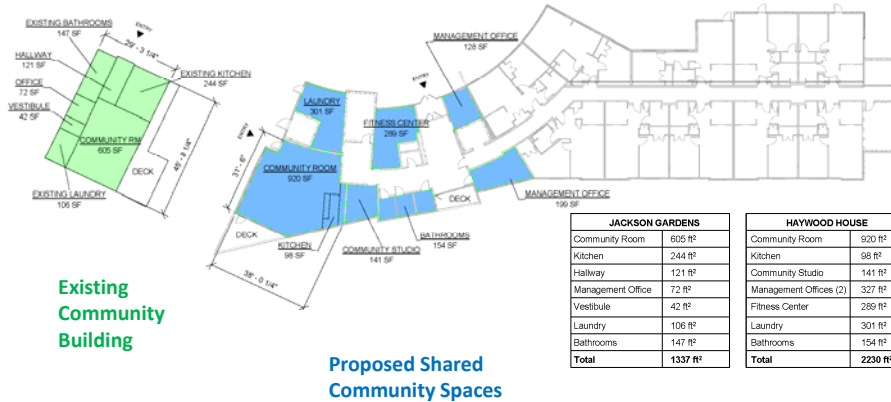
- Reduced number of spaces by 1 and changed space size to a consistent 8.5' x 19' (A)
- Created a planting island and provided light bollards around the parking area (B)
- Relocated the existing shed to parking lot area and enlarged dumpster area (C)
- Moved accessible aisle adjacent to sidewalk (D)
- Provided space for snow storage (D)
- Added fence at lot line to neighbor at 26 Green Street (E)

Jackson Gardens Newton Housing Authority

Newton City Council – Land Use Committee
April 10, 2018

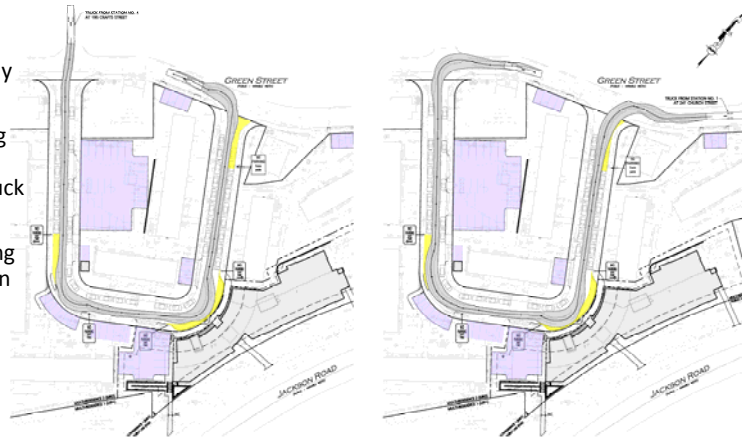
Jackson Gardens & Haywood House Community Spaces

- Haywood House contains a new Community Center which will be shared by both Developments, and will be available for other neighborhood activities.
- Existing Community Building = 1,337 s.f.
- Proposed Shared with Jackson Gardens = 2,230 s.f.



John F. Kennedy Circle Circulation Improvements

- Turning Movement Study
- Adding a few short No Parking zones would improve Fire Truck maneuvering
- On-street parking is not included in parking counts



Haywood House Project Summary

- 55 one-bedroom units for elders over the age of 62.
- 32 units designated for households with income below 60% AMI, including 11 limited to households with income below 30% AMI.
- 23 units set aside for households with income up to 99% AMI
- 3 units fully accessible for individuals with mobility impairments (under Community Based Housing -- CBH)
- 3 units designated for individuals currently or at risk of being homeless (under state Facilities Consolidation Fund -- FCF)
- 70% preference for Newton residents (subject to fair housing laws).
- All units adaptable and visitable





Haywood House Development Team

- | | |
|---|---|
| <ul style="list-style-type: none"> • <u>Newton Housing Authority</u> <ul style="list-style-type: none"> • Board of Commissioners (unpaid) <ul style="list-style-type: none"> Rick Kronish, Chairman Howard Haywood, Vice Chairman Mary Panaggio, Treasurer Tom Turner, Commissioner Vincent O'Donnell, Commissioner • Amy Zarechian, Executive Director | <ul style="list-style-type: none"> • <u>Development Consultant:</u> Housing Partners, Inc. • <u>Owner's Project Manager:</u> Pinck & Co. • <u>Designer:</u> Baker Wohl Architects • <u>Construction Manager at Risk:</u> Colantonio Corp. • <u>Zoning & Permitting Counsel:</u> Schlesinger and Buchbinder, LLP • <u>Tax Credit Counsel:</u> Klein Hornig LLP • <u>Property Manager:</u> TBD |
|---|---|



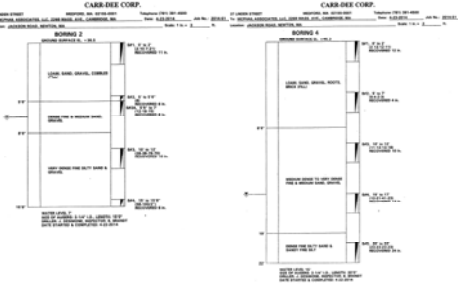
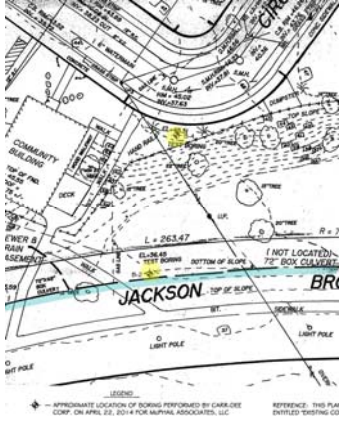

Newton Housing Authority Jackson Gardens

- **Newton Housing Authority (NHA)**
 - Established in 1959
 - Largest provider of affordable housing in Newton
 - Over 1300 residents
 - 500 public housing units
 - 441 Rental Assistance Vouchers
 - 57 management units
- **Mission of the NHA**
 - Provide a high standard of housing
 - Create a sense of community for residents
 - Increase affordable housing opportunities
 - Expand social services
- **Jackson Gardens:**
 - One of the four original public housing developments in Newton
 - Built in 1963, Federally-assisted
 - 64 one-bedroom units for elders and persons with disability

Jackson Gardens Site Conditions

- Soil Borings have shown suitable underlying conditions for supporting building foundations.
- Fill layer at the top 4.5 to 8.5 feet, above the suitable underlying soils, will be remediated.
- Existing Box Culvert below the City land green strip along Jackson Road carries water flow – will remain as is.

Haywood House
Jackson Road – Sidewalk Level



Haywood House
Jackson Road – Birds Eye View



Haywood House Jackson Road – Elevation



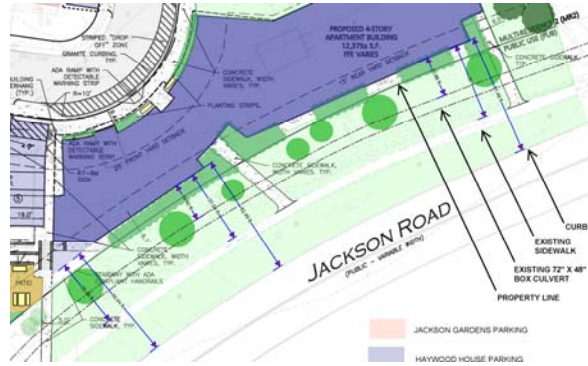
Jackson Road Existing Site View

- Proposed building 61± feet from curb along Jackson Road
- Proposed building 36± to 39± feet from existing Jackson Road walk
- Existing box culvert on City land between sidewalk and proposed building



Jackson Road Site Plan

- Proposed building 61± feet from curb along Jackson Road
- Proposed building 36± to 39± feet from existing Jackson Road walk
- Existing box culvert on City land along Jackson Road remains; 20± feet from building
- New patio with outdoor seating along pathway from JFK Circle to Jackson Road



Department of Planning and Development



**PETITION #71-18
83-127 AND 106-128 JFK CIRCLE**

SPECIAL PERMIT/SITE PLAN APPROVAL TO AMEND BOARD ORDER #515-61 TO REMOVE 26,366 SQ. FT. OF LAND FROM THE EXISTING LOTS AT 83-127 AND 106-128 JFK CIRCLE TO DEVELOP 55 AFFORDABLE ELDERLY HOUSING UNITS, REQUIRING A COMPREHENSIVE PERMIT, TO EXTEND NON-CONFORMING FRONT SETBACKS AND FOR WAIVERS RELATIVE TO PARKING



APRIL 10, 2018

Requested Relief



Special permit per §7.3.3 to

- to amend Special Permit #515-61 (*to allow the removal of 26,336 square feet of land along Jackson Road from the existing 83-127 John F. Kennedy Circle property*), and
- allow parking within any required front or side setbacks and within five feet of the street (§5.1.8.A.1, §5.1.13)
- allow parking within five feet of a residential structure (§5.1.8.A.2, §5.1.13)
- allow reduced stall dimensions (§5.1.8.B.1, §5.1.8.B.2, §5.1.13)
- allow an entrance/exit drive exceeding 25 feet in width (§5.1.8.D.2, §5.1.13)
- waive perimeter screening requirements (§5.1.9.A, §5.1.13)
- waive interior landscaping requirements (§5.1.9.B, §5.1.13)
- waive lighting requirements (§5.1.10.A, §5.1.13)
- waive bicycle parking requirements (§5.1.11, §5.1.13)

Criteria to Consider



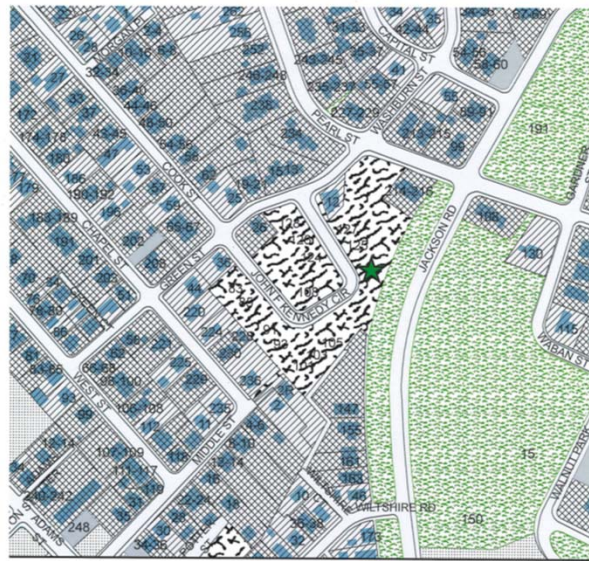
When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the proposed changes pursuant to the requested amendments and modifications to Special Permit #515-61 and the associated site plan. (§7.3.3.C.1)
- The proposed changes pursuant to the requested amendments and modifications to Special Permit #515-61 and the associated site plan will adversely affect the neighborhood (§7.3.3.C.2)
- The proposed changes pursuant to the requested amendments and modifications to Special Permit #515-61 and the associated site plan 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 provisions of §5.1 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)

AERIAL/GIS MAP



Land Use



ATTACHMENT B

Land Use

83-127 & 106-128
JFK Circle

*City of Newton,
Massachusetts*

Land Use

Legend

- Single Family Residential
- Multi-Family Residential
- Mixed Use
- Open Space
- Private Educational
- Nonprofit Organizations
- Vacant Land

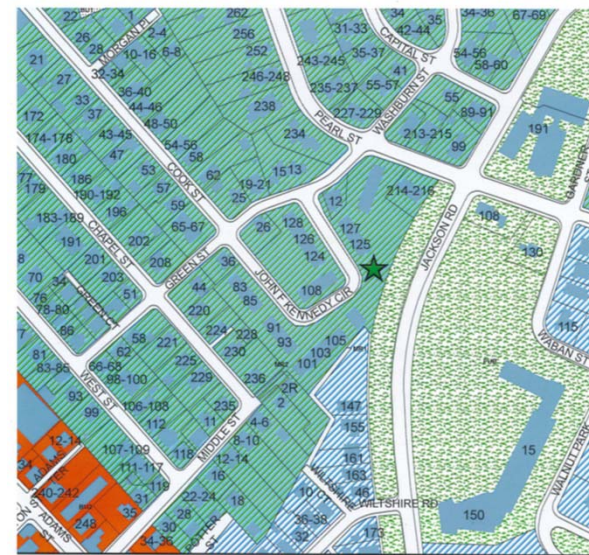
The information on this map is from the Newton Geographic Information System (GIS). The City of Newton does not guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City Departments will not routinely reproduce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

CITY OF NEWTON, MASSACHUSETTS
Mayor: Pauline Fisher
GIS Administrator: Douglas Goodfield

Scale: 0' 10' 20' 30' 40' 50' 60' 70' 80' 90'

Map Date: February 07, 2018

Zoning



ATTACHMENT C

Zoning

83-127 & 106-128
JFK Circle

*City of Newton,
Massachusetts*

Legend

- Multi-Residence 1
- Multi-Residence 2
- Business 1
- Business 2
- Public Use

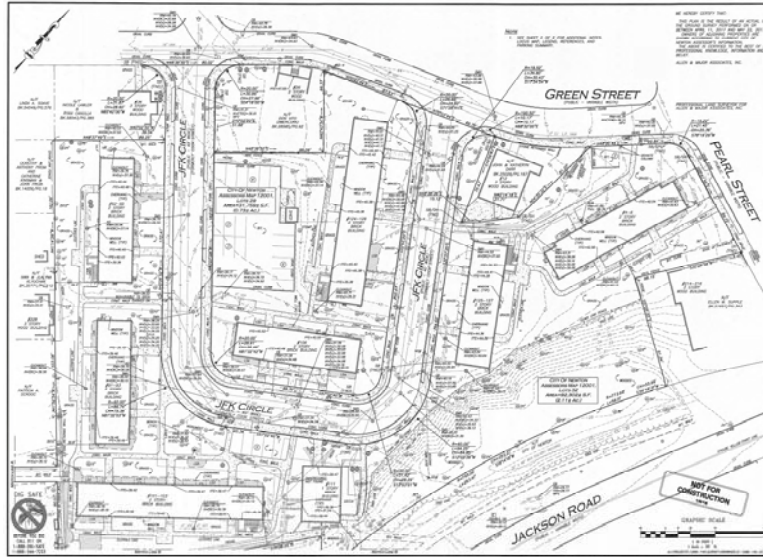
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CITY OF NEWTON, MASSACHUSETTS
Mayor: Pauline Fisher
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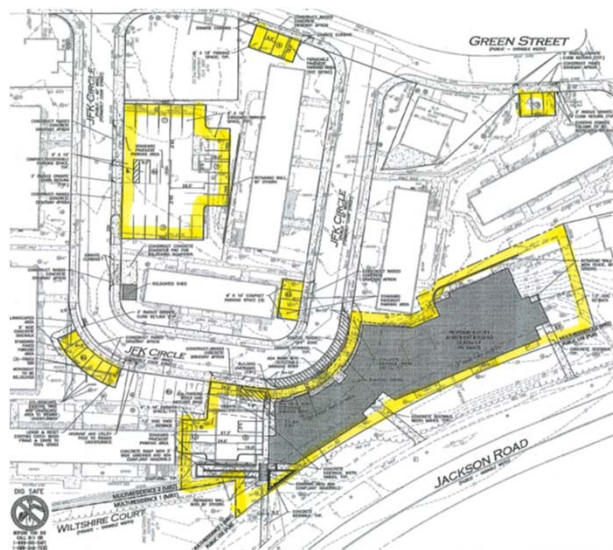
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Map Date: February 07, 2018

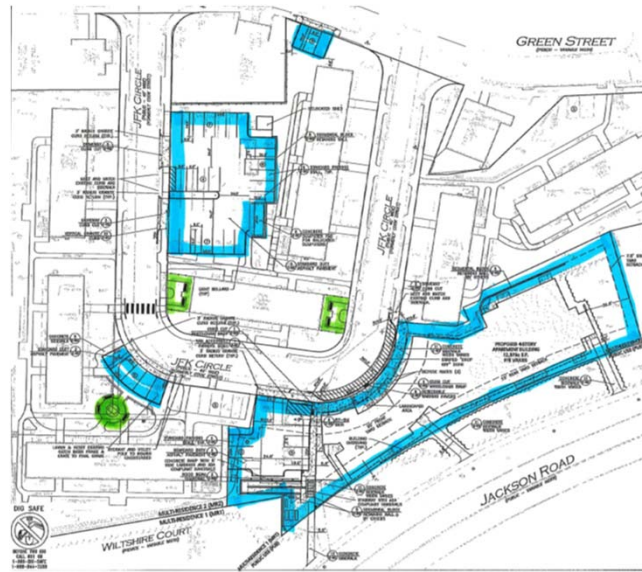
Site Plan- existing



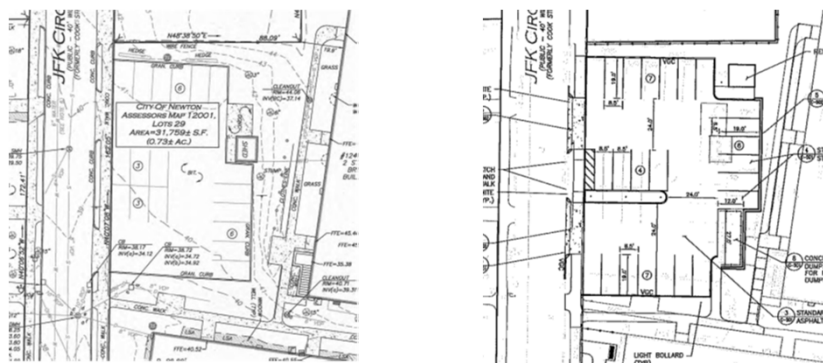
Site Plan- initial proposal



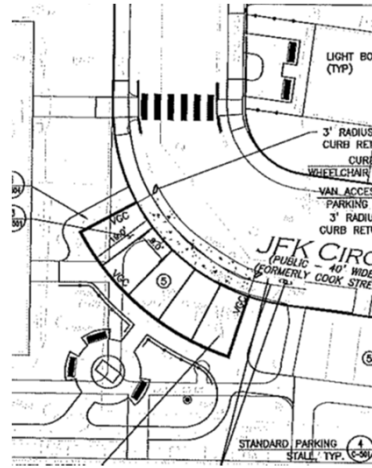
Site Plan- proposed II



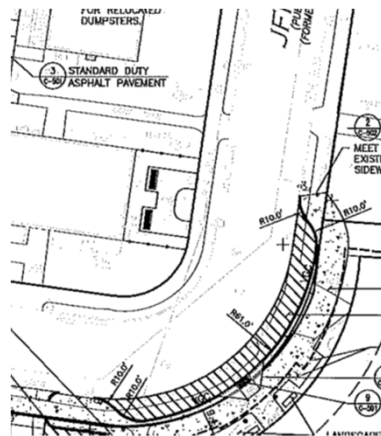
Site Plan Detail: Expanded parking area- JFK Circle Existing (18) & Proposed II (24) (prev. 25)



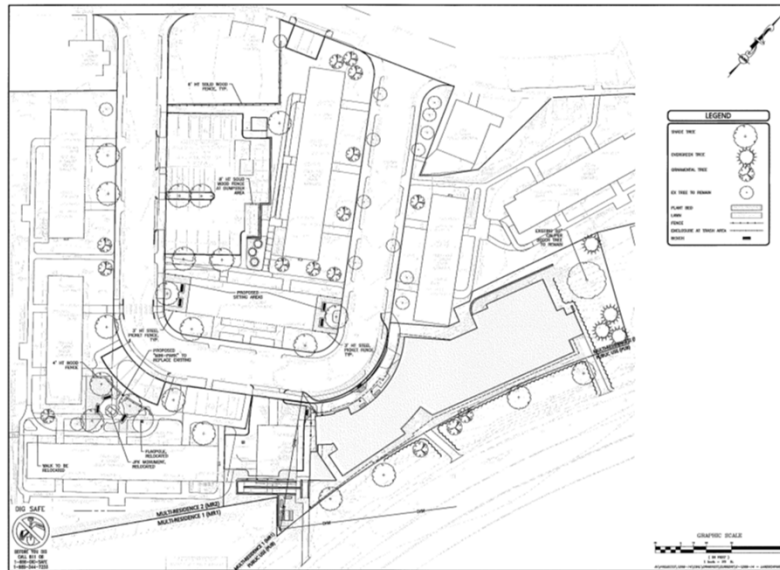
Site Plan Detail: new parking stalls- JFK Circle Existing (0) & Proposed II (5) (prev. 6)



Site Plan Detail: new parking stalls- JFK Circle Existing- 0 & Proposed II (0) (prev. 4)



Landscape plan



Proposed Findings

1. The site is an appropriate location for the proposed changes pursuant to the requested amendments and modifications to Special Permit #515-61 and the associated site plan. (§7.3.3.C.1)
2. The proposed changes pursuant to the requested amendments and modifications to Special Permit #515-61 and the associated site plan will not adversely affect the neighborhood (§7.3.3.C.2)
3. The proposed changes pursuant to the requested amendments and modifications to Special Permit #515-61 and the associated site plan will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)
5. Literal compliance with the provisions of §5.1 regulating the design of parking facilities is impracticable due to the nature of the use, the location, size, shape, and grade of the lots, and that such exceptions are in the public interest (§5.1.13)

Proposed Conditions



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