

DEPARTMENT OF PLANNING AND DEVELOPMENT

CITY OF NEWTON
Massachusetts

DATE: May 31, 2024

TO: City Council

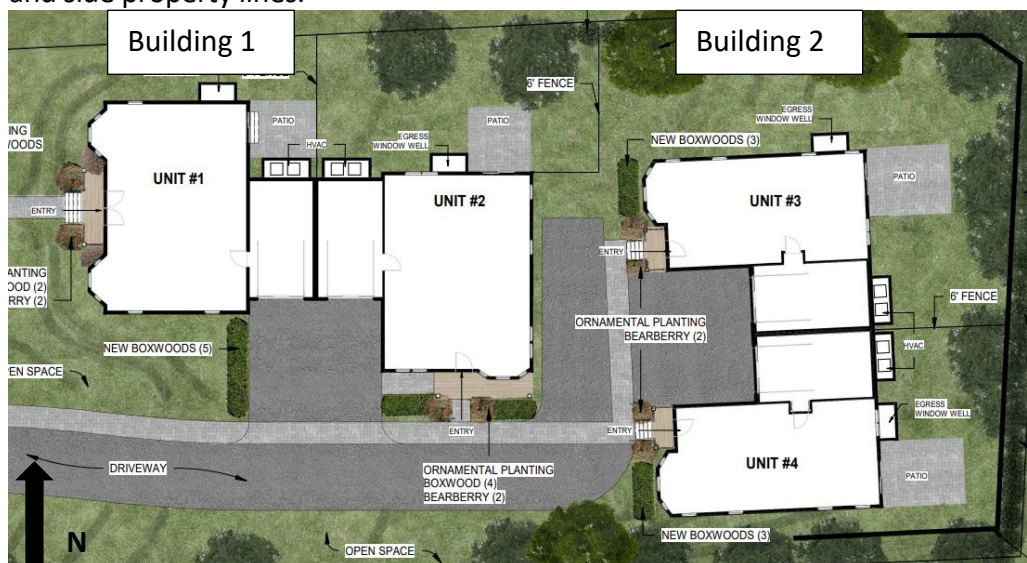
FROM: Joe Iadonisi, Senior Planner
Katie Whewell, Chief Planner for Current Planning

SUBJECT: Consistency Request
Special Permit #59-21, 1092-1098 Chestnut Street



The petitioner obtained Special Permit #59-21 to construct four single-family attached dwelling units in two buildings relief for the existing 9.5-foot side setback where 25 feet is required for the single-family attached building type. The scope of work included the conversion of the existing two-family dwelling into a single-family attached dwelling and construction of a single-family attached dwelling to the rear connected by two single car garages, one for each unit in Building 1. The resulting building is labeled on the plans as Building 1. Building 2, located to the rear of the lot, was constructed as a new single-family attached building with two units.

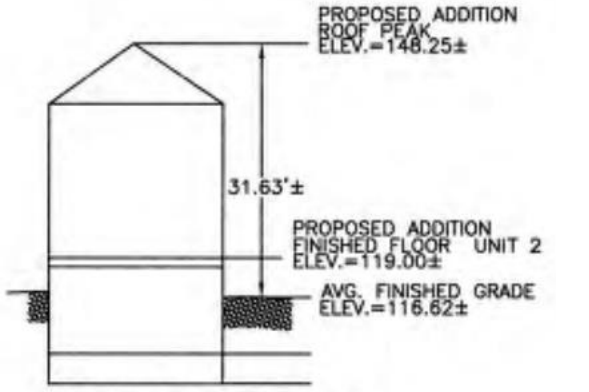
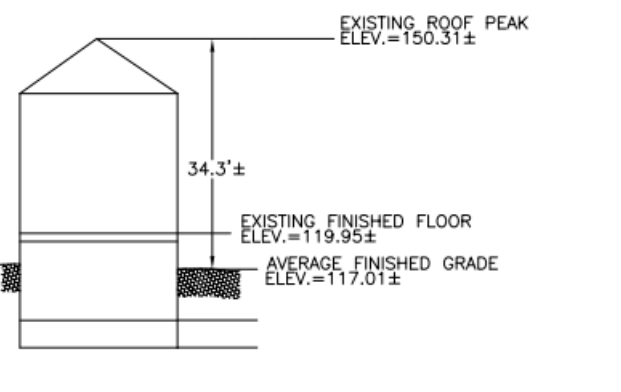
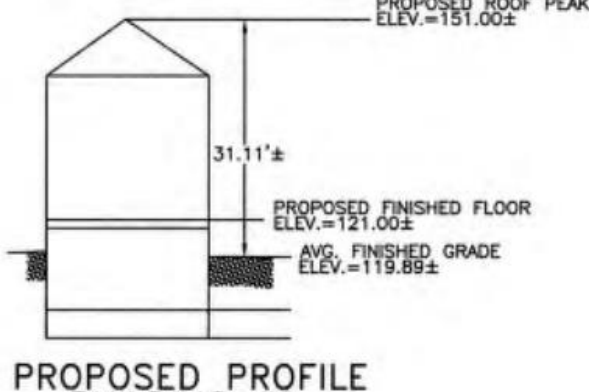
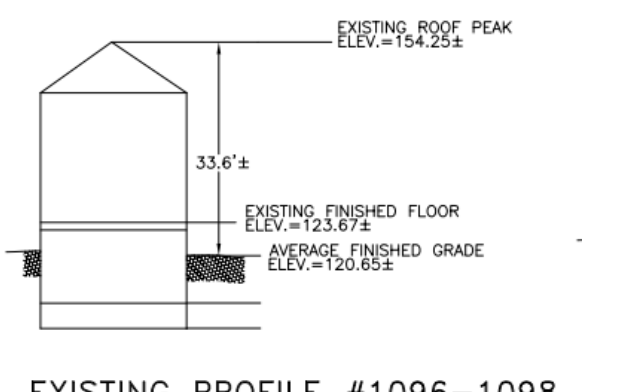
After the completion of construction, the petitioner requested a Certificate of Occupancy for the units on site. Upon review of the As-Built Site Plans and Site Visits, Planning staff noted some discrepancies between the Building Permit Plans and the final As-Built plan. The site differs from the approved plans in three ways: the height, the construction of a ramp for Unit 2, and the retaining walls along the rear and side property lines.



Site Diagram per Landscaping Plan

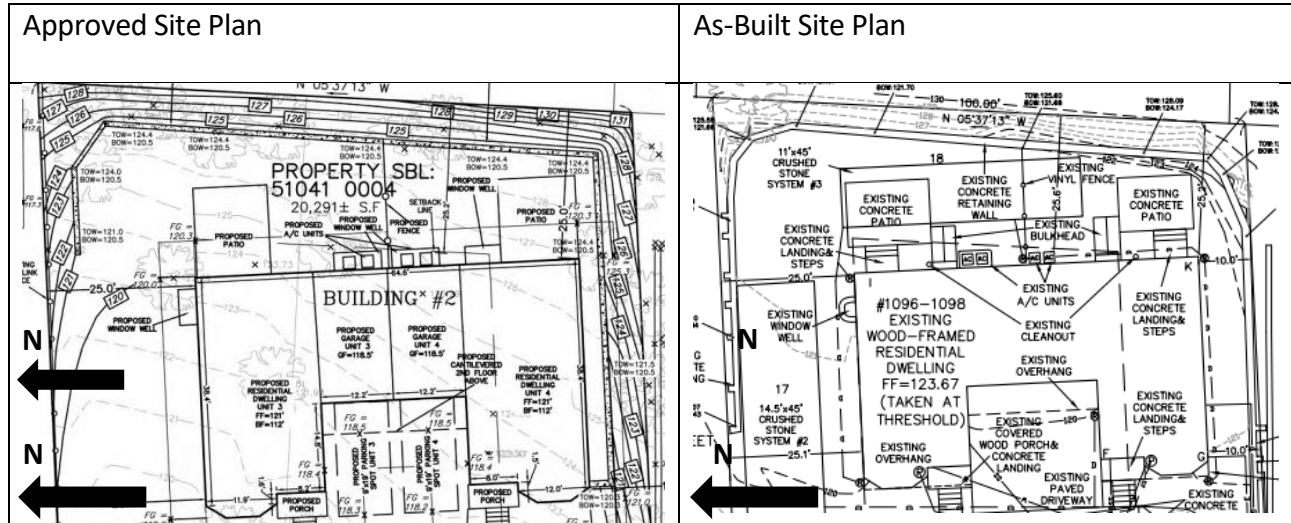
Height

The approved heights are as follows: 31.63' for Building 1 and 31.11' for Building 2 whereas the constructed heights on the As Built plans were 33.3' for Building 1 and 33.6' for Building 2. This represents an increase of 1.67 feet for Building 1 and an increase of 2.5 feet for Building 2. There seems to be a discrepancy for the calculation for Building 2's as built height, the plans show a height of 34.3 feet, however when subtracting the average grade from the peak of the roof, the height comes out to 33.6 feet. The applicant should address this discrepancy at the Land Use Committee meeting. Planning notes that the height was incorrectly shown on the plans at permitting because the height was only measured from the average grade to the peak of the addition. The applicant claims this was in error due to the existing building being taller than the addition and where the height should have been measured to. The Planning Department also notes on the below graphics that the average finished grade is approximately less than a foot higher (approximately 5 inches for Building 1 and approximately 9 inches for Building 2), which is included in this consistency request as shown on the site plans.

<p>Approved Site Plan- Building 1 Height</p>  <p>PROPOSED ADDITION ROOF PEAK ELEV.=148.25±</p> <p>31.63'±</p> <p>PROPOSED ADDITION FINISHED FLOOR UNIT 2 ELEV.=119.00±</p> <p>AVG. FINISHED GRADE ELEV.=116.62±</p> <p>PROPOSED PROFILE BUILDING #1 NOT TO SCALE</p>	<p>As-Built Site Plan- Building 1 Height</p>  <p>EXISTING ROOF PEAK ELEV.=150.31±</p> <p>34.3'±</p> <p>EXISTING FINISHED FLOOR ELEV.=119.95±</p> <p>AVERAGE FINISHED GRADE ELEV.=117.01±</p> <p>EXISTING PROFILE #1092-1094 NOT TO SCALE</p>
<p>Approved Site Plan- Building 2 Height</p>  <p>PROPOSED ROOF PEAK ELEV.=151.00±</p> <p>31.11'±</p> <p>PROPOSED FINISHED FLOOR ELEV.=121.00±</p> <p>AVG. FINISHED GRADE ELEV.=119.89±</p> <p>PROPOSED PROFILE BUILDING #2 NOT TO SCALE</p>	<p>As-Built Site Plan- Building 2 Height</p>  <p>EXISTING ROOF PEAK ELEV.=154.25±</p> <p>33.6'±</p> <p>EXISTING FINISHED FLOOR ELEV.=123.67±</p> <p>AVERAGE FINISHED GRADE ELEV.=120.65±</p> <p>EXISTING PROFILE #1096-1098 NOT TO SCALE</p>

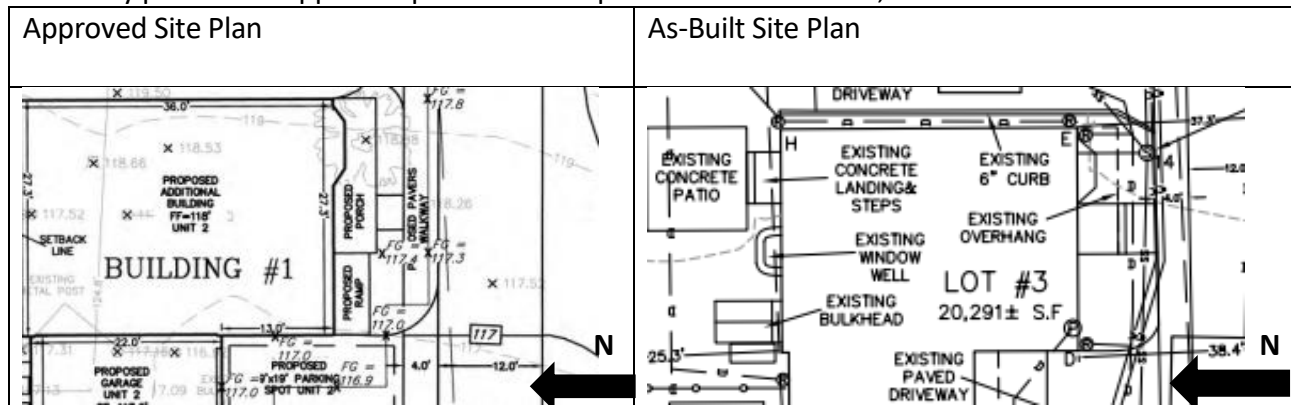
Retaining Walls

The approved plans show the retaining wall ends along the northern (left) lot line even with the plane of the rear façade of the house, however it extends about 25' longer to the west to the front of Building 2 and is constructed about 5' closer to the lot lines to the north and south, resulting in the walls constructed right on the side property lines, where they were previously set away from. The overall heights of the walls have not changed and are consistent with the approved plans.



Ramp

During the public hearing process, the plans were modified to include a ramp outside Unit 2 and were ultimately part of the approved plans. The ramp was not constructed, thus deemed inconsistent.



After noting the differences between the Approved Plans and the As-Built Site Plans, Planning staff directed the petitioner to apply for a Consistency Ruling from the Commissioner of Inspectional Services. The Commissioner reviewed the request and is seeking input from the Land Use Committee to ensure that the changes are consistent with the approved Special Permit. With the Land Use Committee's input, often taken in the form of a straw vote, the Commissioner will make a determination. If the changes are consistent with the Special Permit, the project may be granted a Certificate of Occupancy. If the Commissioner determines that the changes are inconsistent, the Commissioner may require the petitioner to seek an amendment to the Special Permit through a Public Hearing.

The resulting project remains compliant with building height, retaining wall height, accessibility requirements, and the remainder of Zoning Ordinance requirements for single-family attached dwellings in Multi Residence 1. The project received relief to allow a reduced side (left) setback that is the setback of the original two-family dwelling.