



Land Use Committee Report

City of Newton In City Council

Tuesday, October 2, 2018

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

City Staff Present: City Solicitor Ouida Young, Chief Planner Jennifer Caira, Senior Planner Neil Cronin, Senior Planner Michael Gleba, Associate Planner Katie Whewell

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

#464-18 Petition to allow nine-unit multi-family dwelling at 39 Herrick Road

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

Action: **Land Use Approved Withdrawal without Prejudice 6-0 (Crossley not Voting)**

Note: Committee members expressed no concerns relative to the request to withdraw the without prejudice the Special Permit Petition for #464-18 39 Herrick Road. Councilor Laredo motioned to approve the withdrawal without prejudice which carried unanimously.

#479-18 Special Permit to allow three-story structure and oversized dormer at 63 Cherry Street

LINO GONCALVES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raise the roof of the existing 2.5-story house and add oversized front and rear dormers to the attic level and creating a third story where 2.5 is allowed at 63 Cherry Street, Ward 3, West Newton, on land known as Section 34 Block 42 Lot 14, containing approximately 7,000 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3, 7.4, 3.1.3, 1.5.4.G.2.b of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Postponed to October 9, 2018**

Referred to Land Use and Finance Committees

#169-18 Appropriate \$2.5 million in CPA Funds for affordable rental housing for seniors

COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of two million five hundred thousand dollars (\$2,500,000) from the Community Preservation Fund to the control of the Planning & Development Department for a grant to the Newton Housing Authority to create 42 one-bedroom units of permanently affordable rental housing for seniors in a new, 55-unit development on John F. Kennedy Circle, as described in the Authority's December 2017 proposal to the Community Preservation Commission and subject to the conditions in the Community Preservation Committee's February 2018 funding recommendation to the City Council.

Action: Land Use Voted No Action Necessary 7-0

Referred to Land Use and Finance Committees

#454-18 **Appropriate \$3 million in CPA Funds for an affordable rental development**

COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of three million dollars (\$3,000,000) from the Community Preservation Fund to the Planning & Development Department for a grant to the Newton Housing Authority to create Haywood House, a permanently affordable rental development consisting of 55 one-bedroom units for seniors in a new building to be located on John F. Kennedy Circle, as described in the proposals submitted to the Community Preservation Committee in January and June 2018.

Action: Land Use Approved 7-0

Note: Community Preservation Committee Chair Peter Sargent presented the request to appropriate \$3 million dollars in Community Preservation Act (CPA) funds for the Haywood House Development which has been approved by the Zoning Board of Appeals. Mr. Sargent confirmed that the CPA voted to approve the recommended \$3 million dollars on July 10, 2018 in lieu of the previously requested \$2.5 million dollars. Mr. Sargent noted that the \$3 million dollars represents 11% of the total development cost. Mr. Sargent stated that the 55 units for senior housing is a focus and supported. It is a challenging site, which is reflected in the cost. Open space issues have been addressed.

Committee members expressed support for the project and the appropriate use of CPA funds. It was noted that the cost per unit is given, particularly given the difficult site conditions. A Committee member expressed support for the inclusion of units at lower levels of AMI. Committee members expressed no concerns relative to the request for funds. Councilor Greenberg motioned to approve the appropriation for \$3 million dollars and Committee members voted unanimously in favor of approval. Councilor Greenberg moved No Action Necessary on the previous request (#169-18) for \$2.5 million dollars and Committee members unanimously voted to support the motion.

#423-18 **Petition to allow parking in the setback and within 5' of the street at 27 Albion St**

ROBERT AND CRISTINA DeMENTO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow reconfiguration of an existing tandem driveway to allow two side-by-side stalls within 5' of a setback and within 5' of the street on the corner lot at Ward 6, Newton Centre, at 27 Albion Street on land known as Section 62 Block 04 Lot 27, containing approximately 3,377 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec.

7.3.3, 7.4, 3.1.3, 5.1.7.A, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 7-0; Public Hearing Closed 10/02/2018**

Note: Petitioners Robert and Cristina DeMento presented the request for a Special Permit petition to allow parking within 5' of the street at 27 Albion Street. Mr. DeMento stated that the proposed plan is to reconfigure the existing tandem parking to side by side parking. He noted that the existing parking configuration currently locates one parking stall within 5' of the street. The proposed parking stall will be relocated between the house and the existing parking space. The petitioner proposes to replace the paved area with pavers for better drainage. Mr. DeMento stated that because the street is a dead end, snow is often piled in front of the property, creating very narrow access to the driveway.

Mr. Gleba reviewed the requested relief, criteria for consideration and proposed plans as shown on the attached presentation. He confirmed that a former deck has been replaced with a smaller deck and staircase which provides a second egress to the dwelling. Mr. DeMento confirmed that the proposed plans were communicated neighbors and no concerns were raised. A Committee member noted that the proposed parking stall is a 9 x 19 stall, up to the sidewalk edge and provides no buffer beyond the car length. The petitioners stated that the proposed proximity to the street for two cars is the same as the existing condition for one vehicle. Mrs. DeMento noted that allowing the cars to park side by side will reduce the frequency of cars pulling in and out and will create safer conditions. A Committee member questioned whether the petitioners considered pushing the existing space further into the site to allow some buffer from the street. Mr. DeMento noted that it is their intention to landscape the space in front of the existing parking stall. Committee members acknowledged that while the proposed plan is not ideal, the house is located near the end of a dead-end street. Committee members encouraged the petitioner to design the landscaping in front of the stall sensitively to allow the car to be pulled into the site as much as possible.

Seeing no member of the public who wished to speak, Councilor Laredo motioned to close the public hearing which carried unanimously. Councilor Laredo motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation. The Chair asked that the findings should incorporate findings that reflect that the street is a dead-end and include a condition that landscaping shall not impact visibility. With those edits to the findings, Committee members voted unanimously in favor of the motion to approve.

#462-18 **Petition to allow Veterinary Hospital in a BU2 district at 858 Walnut Street**
ISAAC MAXMEN/858 WALNUT STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to locate a veterinary hospital in the existing building in the BUSINESS USE 2 district at 858 Walnut Street, Ward 6, on land known as Section 64 Block 5 Lot 04, containing approximately 23,250 sq. ft. of land. Ref: Sec. 7.3.3, 7.4, 4.4.1 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Held 7-0**

Note: Petitioner Isaac Maxmen presented the request to locate a veterinary clinic at 858 Walnut Street, in the BU2 district. Mr. Maxmen stated that the proposed, privately owned clinic will be open during daytime hours and will have up to four employees and one veterinarian. He stated that site has sufficient access he believes the proposed clinic will be a benefit to the community.

Chief Planner Jennifer Caira noted that the veterinary use requires 18 stalls in addition to 3 stalls required for the computer servers for RCN located in the basement of the building. While the site has a total of 28 parking stalls, it was brought to the attention to the Planning Department that Whole Foods has a private lease agreement to rent some of the parking stalls at the site. The Planning Department is working to determine whether the petitioner has sufficient parking or if he needs a parking waiver. Mr. Maxmen stated that his lease agreement with the property owner has 16 parking stalls and noted that there is an additional drop-off area where parking could be located. He noted that no RCN staff works out of the server room. Ms. Caira noted that the landlord may consider reducing the lease terms with Whole Foods or that the petitioner may seek a parking waiver. She confirmed that the Whole Foods Special Permit was not contingent on leasing additional parking spaces. Committee members emphasized support for the proposed veterinary clinic at this location and agreed that the parking lot is often half empty, noting that this may be an appropriate location for a parking waiver.

With regard to community outreach, Mr. Maxmen stated that he distributed flyers to residents in the neighborhood. He noted that the primary concerns raised were relative to noise generated from overnight boarding emergency vehicles. Mr. Maxmen confirmed that the proposed clinic will operate during daytime hours and will not have overnight boarding services or utilize emergency vehicles. A Committee member requested that the Planning Department work with the petitioner to draft conditions that do not encumber business needs but address the concerns relative to noise.

No member of the public wished to speak, but Committee members agreed that the public hearing should remain open until after an outcome is determined for the parking at the site. City Solicitor Ouida Young confirmed that the Council Order does not have to specify type of animals that can be treated. With that, Councilor Laredo motioned to hold the item until October 23, 2018 which carried unanimously.

#463-18 **Petition to exceed FAR and extend non-conforming structure at 58 Rochester Road**
PHILIP CHASE AND SUSAN VAUGHN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct side and rear additions to create an attached garage, accessory apartment and additional living space, exceeding FAR and extending the non-conforming 3.5 story structure at 58 Rochester Road, Ward 2, on land known as Section 13 Block 20 Lot 44, containing approximately 16,518 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 1.5.4.B, 1.5.4.C, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved Subject to Second Call 6-0-1 (Schwartz abstaining); Public Hearing Closed 10/02/2018**

Note: Architect Peter Sachs represented the petitioners, Philip Chase and Susan Vaughn. Mr. Sachs presented the petition to extend the non-conforming structure at 58 Rochester Road. He stated

that when looking at the front of the structure, it presents as a 2.5 story house. Due to steep sloping at the rear, the structure is 3.5 stories. Because much of the basement is exposed, 100% of the basement space counts towards FAR, contributing to the total FAR. The petitioner proposes to construct a rear addition with basement living space intended to accommodate the petitioners' mothers. Mr. Sachs noted that the rear of the house is buffered by a dense wooded area, making the addition not visible to rear abutters.

Senior Planner Neil Cronin reviewed the requested relief, criteria for consideration, proposed plans and elevations as shown on the attached presentation. Mr. Cronin noted that the residence currently has two frontages, with driveways from Rochester Road and Westchester Road (rear). Mr. Cronin confirmed that the wooded area will provide a buffer to the residents on Westchester Road. Mr. Cronin reviewed details of the proposed three-story addition, with basement, second and third story space. The plans include space for one garage basement parking stall and one surface stall under the deck. Mr. Cronin noted that the garage will be repurposed to locate living space for the petitioners' mothers. He stated that the Planning Department is supportive of the proposal, as the massing is contained to the first and second floor, in the rear of the structure.

The Public Hearing was Opened.

A Committee member questioned whether the large wooded area behind the site be maintained as a wooded area noting that it acts as a shield for the rear abutters as well as a stormwater management measure. The Petitioner, Phil Chase confirmed that they appreciate the privacy of the wooded area and have no plans to remove the wooded area. He confirmed that they are open to maintaining the buffer. Mr. Cronin stated that the additions will trigger the threshold for the Engineering Department's standards for storm water management. He noted that the draft order includes a condition that requires the petitioner to submit an Operations and Maintenance plan for storm water management to the City Engineer for approval and recording at the Registry of Deeds prior to the issuance of any certificates of occupancy. Mr. Sachs stated that he does not believe that the proposed addition will trigger additional stormwater management but confirmed that if it is required by the City Engineer, the petitioner will install a system.

A Committee member noted that the proposed addition is intense and questioned whether there has been any engagement with the direct abutters. Mr. Sachs noted that there is a letter of support from some neighbors, but no direct abutters. A Committee member questioned whether the petitioner would be willing to communicate the plans to direct abutters. Mr. Chase noted that he has communicated the plans and no abutters expressed concerns. He confirmed that he will communicate the plans again.

As the proposed basement living space will not be considered an accessory apartment, Mr. Cronin confirmed that the petitioner must sign an affidavit confirming that the space cannot be rented or used as a separate dwelling unit. Additionally, a condition of the Council Order prohibits the installation of doors between the living spaces. Mr. Cronin noted that the affidavit should effectively catch building code issues and the condition of the Special Permit should be flagged by any future owners. Atty. Young confirmed that a future owner will not have to sign the affidavit.

Seeing member of the public who wished to speak, Councilor Crossley motioned to close the public hearing which carried unanimously. Committee members reviewed the draft findings and conditions as shown on the attached presentation. A Committee member suggested that Finding 1 indicate that the proposed addition is subordinate to the existing structure. The Committee agreed that the condition relative to installation of the storm water management system should only apply if it is determined necessary by the Engineering Department based on the change in impervious surface area at the site. A Committee member questioned whether a condition to maintain the existing wooded area can be included in the Council Order. Atty. Young expressed concerns relative to whether the delineation of the wooded area on the site plan is sufficient. It was emphasized that the plans depict the wooded area and noted that the maintenance of the wooded area is essential for shielding the Westchester Road abutters as well as for storm water management. After a review of the plans, Atty. Young confirmed that she will work with the Planning Department to draft language relative to the maintenance of the wooded area, noting that a buffer will be necessary to ensure that construction equipment is not driven over tree roots. Councilor Crossley motioned to approve the petition, subject to second call, pending a review of the draft Council Order language. Committee members voted 6-0-1 in favor of the motion (Schwartz abstaining).

#480-18 **Special Permit to exceed FAR and extend non-conforming height at 44 Ballard Street**
MELISSA FANG AND ANDREW HARGENS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to relocate an existing carriage house and attach it with a breezeway to a new multi-level principal structure addition, extending the nonconforming height and exceeding the FAR where .28 exists, .35 is allowed, and .36 is proposed at 44 Ballard Street, Ward 7, on land known as Section 73 Block 31 Lot 11 containing approximately 16,633 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.3, 7.8.2.C.2, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 7-0; Public Hearing Closed 10/02/2018**

Note: Architect Peter Sachs represented petitioners Melissa Fang and Andrew Hargens. Mr. Sachs presented the petition to extend the non-conforming height at 44 Ballard Street. Mr. Sachs reviewed the intent of the project to relocate and preserve an existing historic carriage house and attaching it to an existing dwelling. Mr. Sachs noted that while the project is currently underway with a building permit, the special permit plan is an improvement. The proposed plans differ from the permitted plans because of grading at the site. The petitioner proposes to lower the grade around the site, exposing additional basement space, triggering the need for FAR relief. Landscape Architect Carrie Lewis compared images of the permitted plans as well as the Special Permit plans as shown on the attached presentation. Ms. Lewis noted that the special permit plans allow the grading around the structure to be softened, allowing for additional landscaping. Ms. Lewis emphasized that the height of the structure will remain the same, but the lower grading creates the appearance of a taller structure. Mr. Sachs confirmed that the request to extend the non-conforming height is in the form of a special permit and not a variance because the height is an existing non-conforming condition.

Mr. Sachs noted that the petitioners performed a significant amount of neighborhood outreach. Additionally, he stated that the petitioners have voluntarily committed to the installation of a perforated pipe and drywell system, located downhill from the carriage house, which will capture water before it reaches the retaining wall along the edge of the property. Mr. Sachs noted that the soil at the property is sandy, acting as an additional storm water management measure. He stated that the carriage house was located 8' from the property line and is now located 15' from the property line.

The public hearing was opened.

Barnet Kessel and Nava Cretu Kessel, 17 Glendale Road, are abutters to the east of the property. They are downhill from the relocated carriage house. They have concerns about stormwater runoff from the site. Mr. Kessel noted that the existing conditions have created flooding on the side adjacent to the property and they want to ensure that the Engineering Department will review the proposed drainage system.

A Committee member noted that the proposed drainage provides an improved plan compared with the existing conditions. It was suggested that the terracing, installation of the perforated pipe and drywell should help minimize runoff well before reaching the abutting property. A Committee member questioned how the structures at the site are connected. Mr. Sachs noted that the structures are connected by a roof structure ("breezeway") and are not connected internally. Seeing no other member of the public who wished to speak, Councilor Laredo motioned to close the public hearing which carried unanimously. Councilor Laredo motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation. Committee members asked that the findings reflect that the highest point of the house is not changing. Additionally, Committee members asked that the findings reflect that the garage is moving away from the abutter and upgrade of the natural topography. With those edits, Committee members voted unanimously to approve the petition.

The Committee adjourned at 9:15 pm.

Respectfully Submitted,

Greg Schwartz, Chair

Department of Planning and Development



PETITION #423-18

27 ALBION STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO ALLOW
RECONFIGURATION OF AN
EXISTING TANDEM DRIVEWAY
TO ALLOW TWO SIDE-BY-SIDE
STALLS WITHIN 5' OF A
SETBACK AND WITHIN 5' OF
THE STREET

OCTOBER 2, 2018



Requested Relief



Special permit per §7.3.3:

- to allow parking in the front setback, and to park within five feet of a street (§3.1.3, §5.1.7.A, §5.1.13)

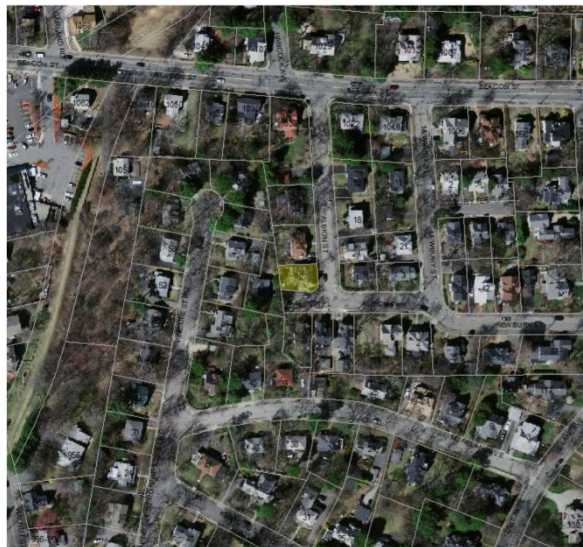
Criteria to Consider



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

- Whether literal compliance with the requirement that no parking stalls be located within five feet of a street (§5.1.7.A) 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)
- Whether literal compliance with the requirement that no parking stalls be located within a front setback (§5.1.7.A) 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



Zoning



ATTACHMENT B

Zoning
27 Albion St.
City of Newton,
Massachusetts

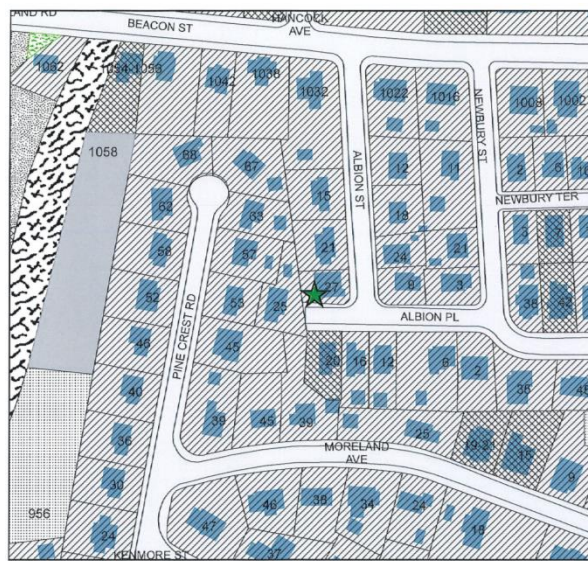
- Legend**
- Single Residence 2
 - Multi-Residence 1
 - Multi-Residence 2
 - Business 1
 - Public Use

The information on this map is derived from the Planning Department's Geographic Information System (GIS). The City of Newton is not responsible for any errors or omissions. Each user of this map is responsible for determining the suitability, accuracy, and completeness of the information. City departments will not accept any liability for any errors or omissions on this map.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Sarah D. Warren
City Administrator - Douglas Greenfield

Map Date: September 25, 2018

Land Use



ATTACHMENT A

Land Use
27 Albion St.
City of Newton,
Massachusetts

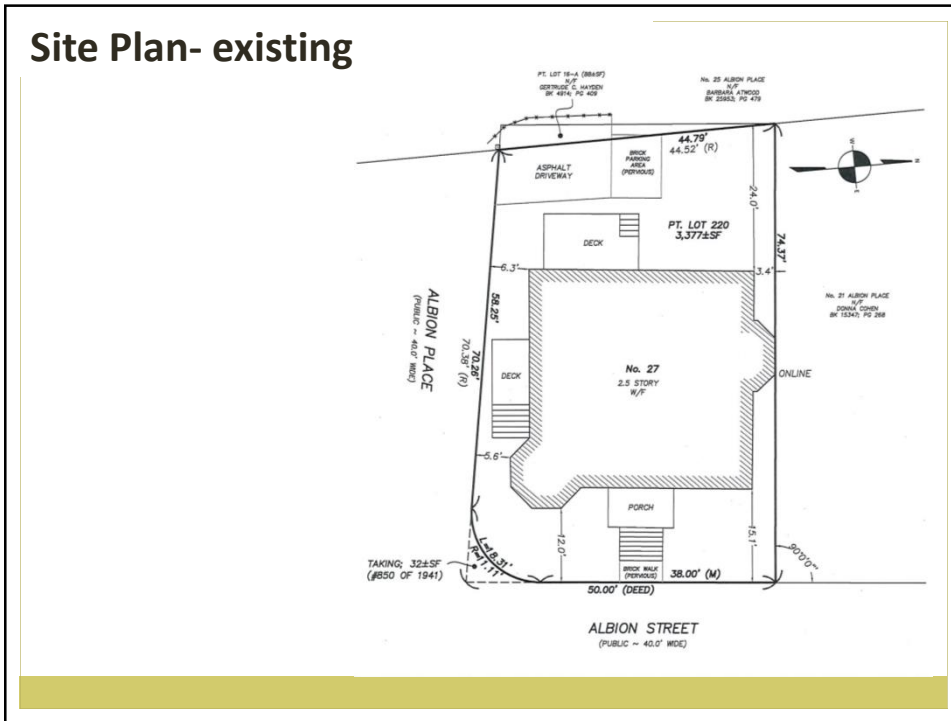
- Land Use**
- Single Family Resident
 - Multi-Family Resident
 - Commercial
 - Mixed Use
 - Open Space
 - Nonprofit Organizations
 - Vacant Land

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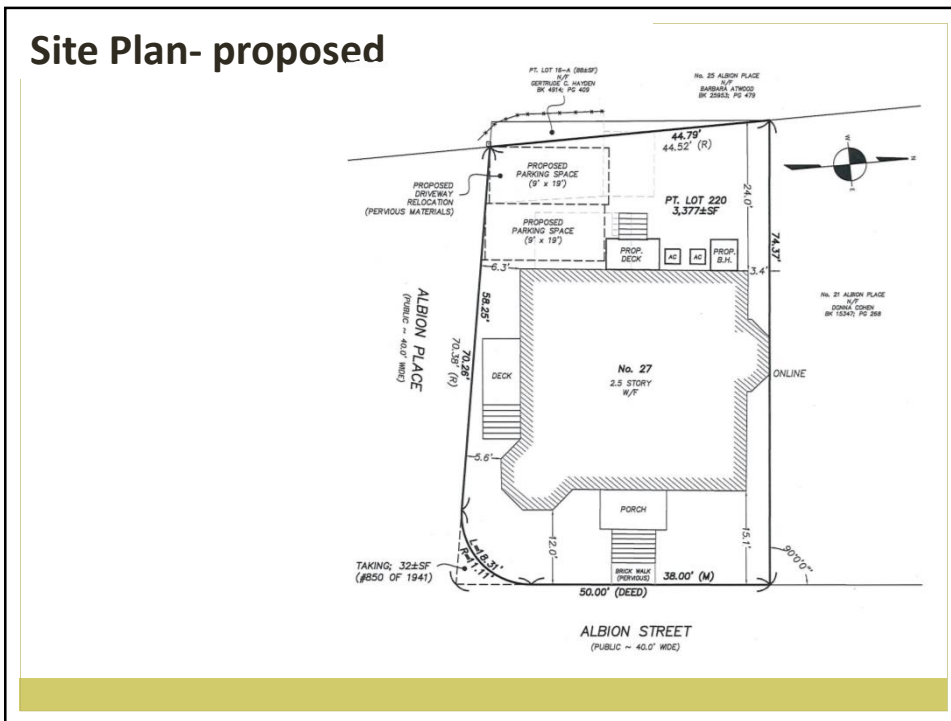
CITY OF NEWTON, MASSACHUSETTS
Mayor - Sarah D. Warren
City Administrator - Douglas Greenfield

Map Date: September 25, 2018

Site Plan- existing



Site Plan- proposed



Photos



Photos



Proposed Findings

1. Literal compliance with the requirement that not more than one parking stall be located within a front setback (§5.1.7.A) is impracticable due to the size, width, depth, and shape of the lot, and an exception to the requirement would be in the public interest as it would allow for the provision of off-street parking for the residents of the property. (§5.1.13)
2. Literal compliance with the requirement that no parking stalls be located within five feet of a street (§5.1.7.A) is impracticable due to the size, width, depth, and shape of the lot, and an exception to the requirement would be in the public interest as it would allow for the provision of off-street parking for the residents of the property. (§5.1.13)

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 #462-18
858 WALNUT STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO ALLOW
VETERINARY HOSPITAL IN A
BU-2 DISTRICT

OCTOBER 2, 2018



Requested Relief



- Allow a veterinary hospital in the Business 2 (BU-2) zoning district (§4.4.1 and §7.3.3)

Criteria to Consider

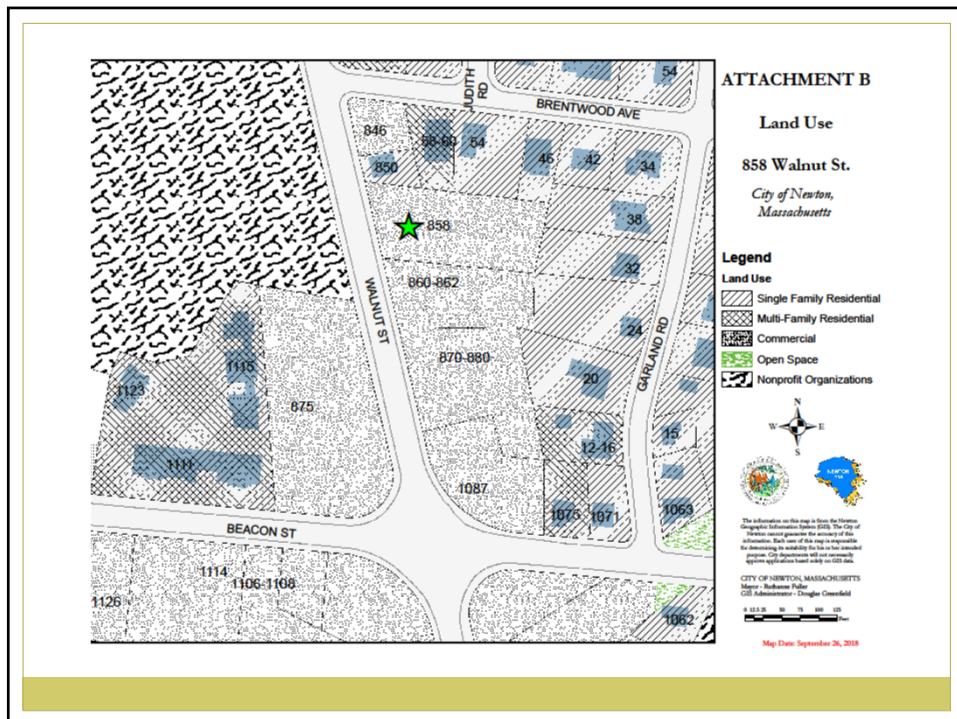
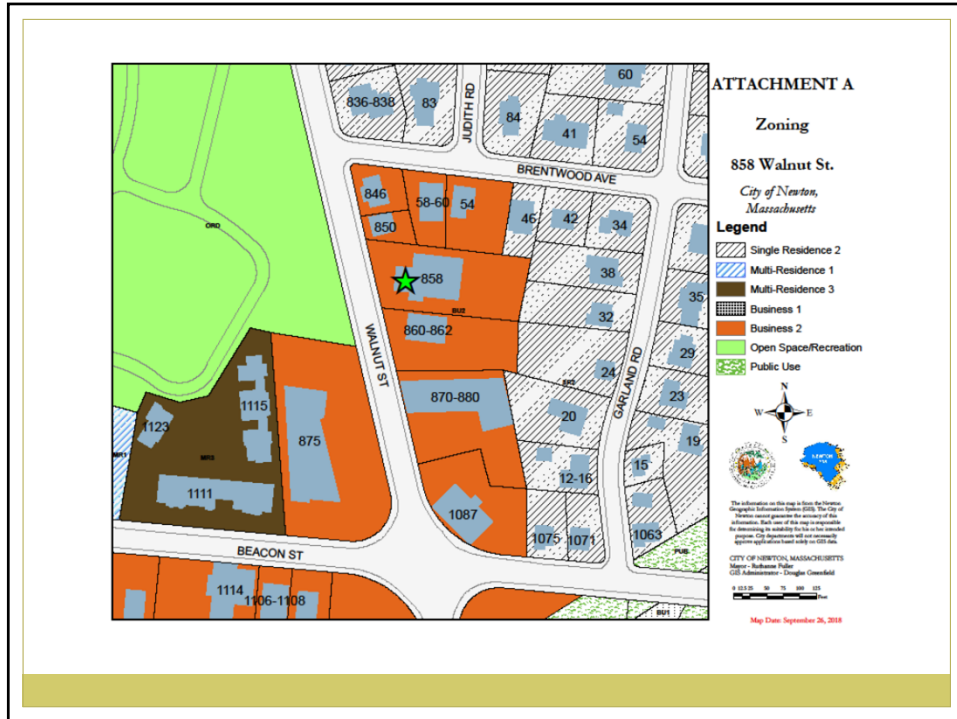


When reviewing this request, the Council should consider whether:

- The site in an is an appropriate location for veterinary hospital (§7.3.3.C.1);
- The proposed veterinary hospital will adversely affect the neighborhood (§7.3.3.C.2);
- The proposed veterinary hospital 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).

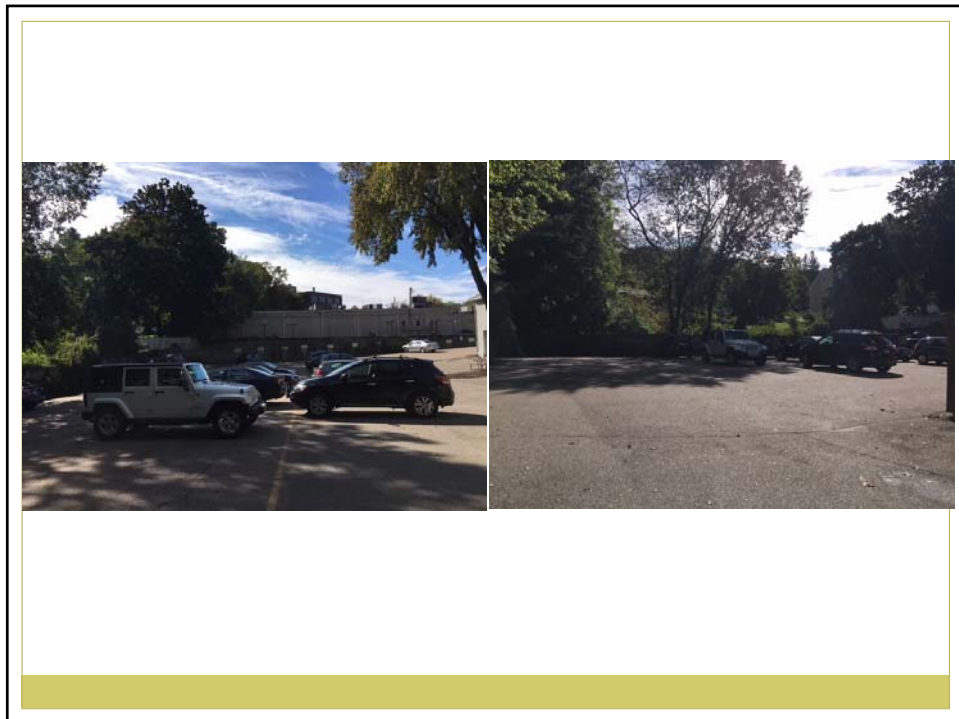
AERIAL/GIS MAP

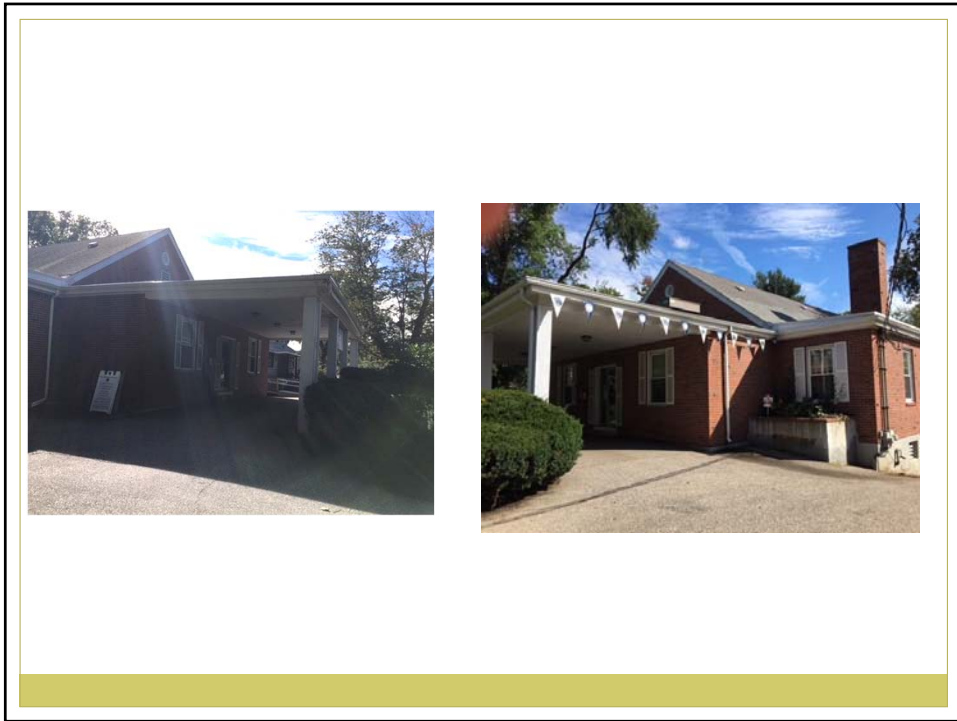




Photos







Photos



Department of Planning and Development



PETITION #463-18
58 ROCHESTER ROAD

SPECIAL PERMIT/SITE PLAN
APPROVAL TO FURTHER EXTEND THE
NONCONFORMING THREE-STORY
STRUCTURE AND TO EXCEED THE
FLOOR AREA RATIO



OCTOBER 2, 2018

Requested Relief



Special Permits per §7.3.3 of the NZO to:

- To further increase the nonconforming three-story structure (§1.5.4.B, §1.5.4.C, §3.1.3, and §7.8.2.C.2).
- To exceed the floor area ratio from .32 to .42, where .38 is the maximum allowed as of right (§3.1.3 and §3.1.9).

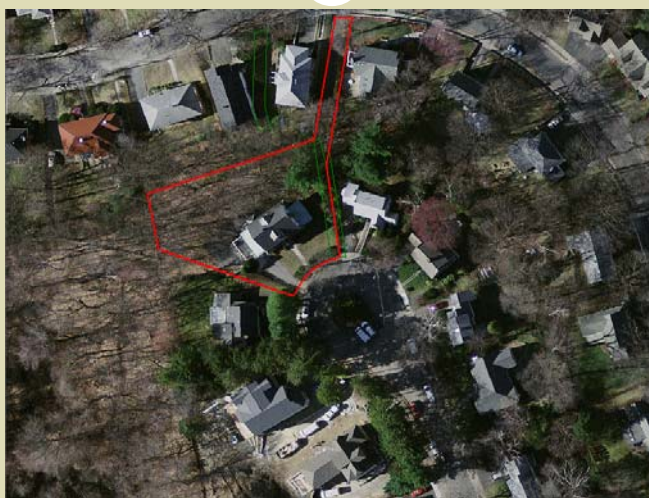
Criteria to Consider



When reviewing this request, the Council should consider whether:

- The proposed additions which further increase the nonconformity of a structure with three stories 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 increase in floor area ratio from .32 to .42, where .38 is the maximum allowed as of right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood (§3.2.3 and §7.8.2.C.2).

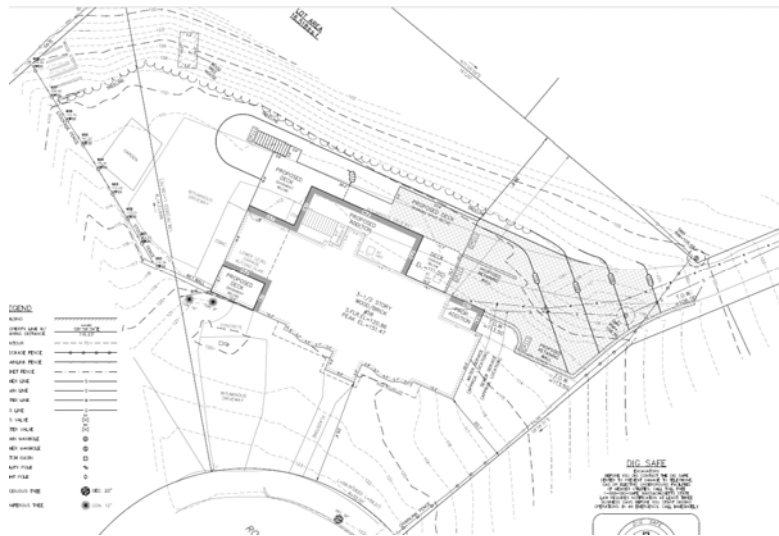
AERIAL/GIS MAP



Existing Site Plan



Proposed Site Plan



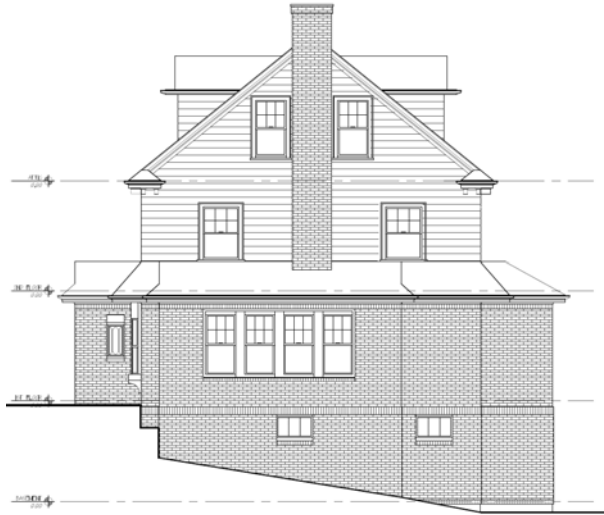
Existing Front Elevation



Proposed Front Elevation



Existing Right Elevation



Proposed Right Elevation



Existing Rear Elevation



Proposed Rear Elevation



Existing Left Elevation



Proposed Left Elevation



Proposed Findings

1. The proposed addition which increases the nonconformity of the structure with 3.5-stories is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the mass and bulk of the additions are contained to the basement and first floor. (1.5.4.B, §1.5.4.C, §3.1.3, and §7.8.2.C.2)
2. The proposed increase in FAR from .32 to .42, where .38 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 the additions are to the rear of the structure, minimally visible from the street. (§3.1.3, §3.1.9 and §7.3.3)

Proposed Conditions

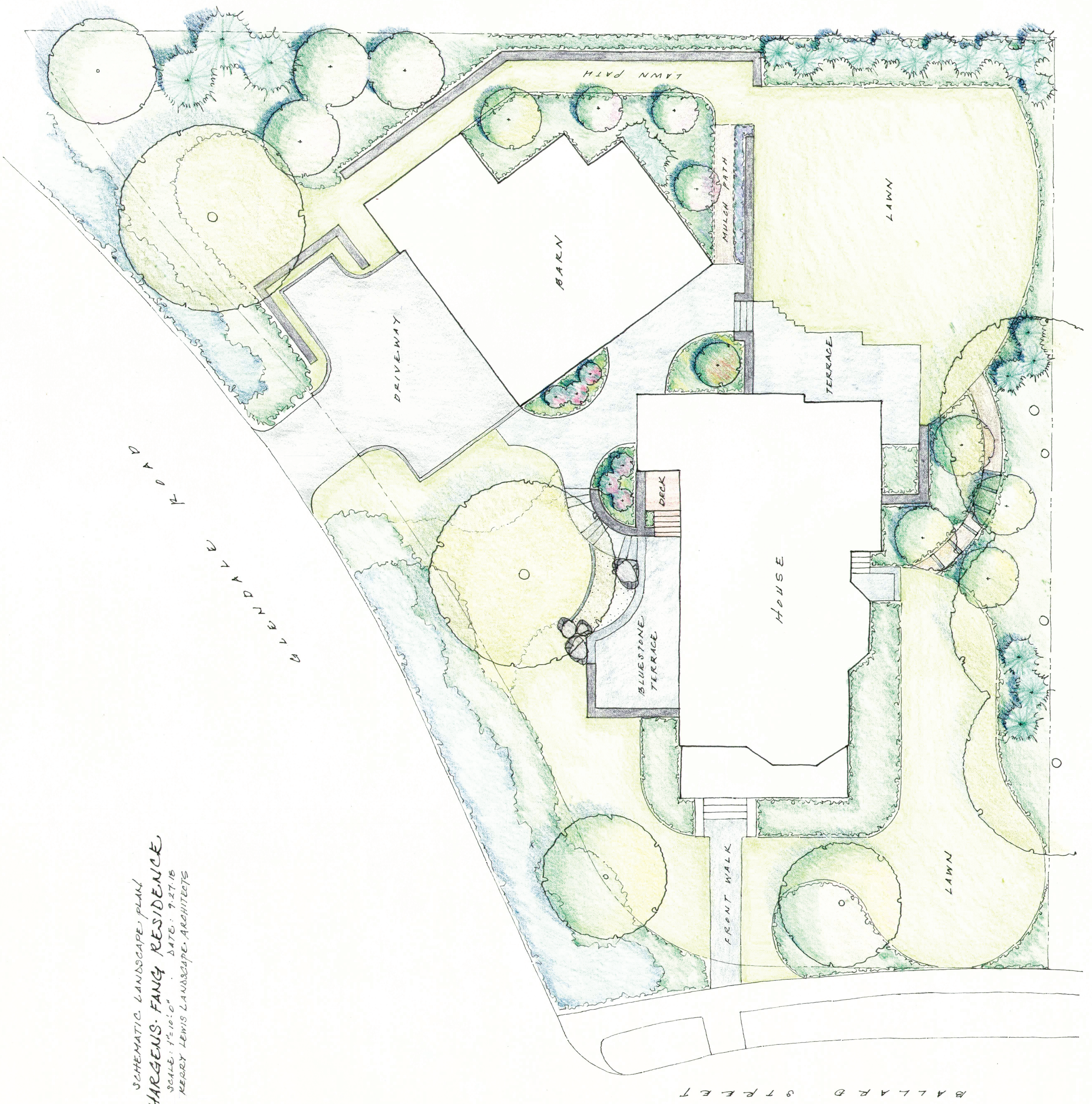
1. Plan Referencing Condition.
2. Prior to the issuance of a building permit, the petitioner shall submit a notarized affidavit to the Commissioner of Inspectional Services and the Director of Planning and Development, in a form approved by Inspectional Services, stating that the living area in the basement of the dwelling will not be used or rented out as a separate dwelling unit.
3. The petitioner shall not install door(s) separating the living area in the basement from the remainder of the dwelling. Should the petitioner seek to convert the living area in the basement into an accessory apartment, the petitioner shall require an amendment to this Special Permit/Site Plan Approval.

Proposed Conditions



4. Prior to the issuance of a temporary certificate of occupancy, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be recorded by the petitioner at the Middlesex South District Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.

SCHEMATIC LANDSCAPE PLAN
HARGENS-FANG RESIDENCE
SCALE: 1"=10'-0" DATE: 9.27.16
KERRY LEWIS LANDSCAPE ARCHITECTS



BALLARD STREET



PERMIT PLAN



SPECIAL PERMIT REVISION

FANG/HARGENS RESIDENCE
44 POLLARD ST. NEWTON, MA
Peter Sachs Architect N.C.A.R.B. - A.I.A.
20 Hunter St.
Newton, MA 02465

SPECIAL PERMIT IMAGE
SCALE:
Date & Revision
09/14/10B

Tel.: 617-527-5777 or Cell 617-312-5045
E-Mail: petersachs@gmail.com
www.petersachsarchitect.com

3D-1



PERMIT PLAN



SPECIAL PERMIT REVISION

FANG/HARGENS RESIDENCE
 44 POLLARD ST. NEWTON, MA
Peter Sachs Architect N.C.A.R.B. - A.I.A.
 20 Hunter St.
 Newton, MA 02465

SPECIAL PERMIT IMAGE
 SCALE:

Date & Revision

09/14/10B

Tel.: 617-527-5777 or Cell 617-312-5045
 E-Mail: petersachs@gmail.com
www.petersachsarchitect.com

3D-1



PERMIT PLAN



SPECIAL PERMIT REVISION

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3D-3



PERMIT PLAN



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3D-A



PERMIT PLAN



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 20 Hunter St.
 Newton, MA 02465

SPECIAL PERMIT IMAGE
 SCALE:

Date & Revision

09/24/2018

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3D-5

Department of Planning and Development



PETITION #480-18
44 BALLARD STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO RELOCATE AN
EXISTING CARRIAGE HOUSE AND
ATTACH IT WITH A BREEZEWAY TO
A NEW MULTI-LEVEL PRINCIPAL
STRUCTURE ADDITION, EXTENDING
THE NONCONFORMING HEIGHT
AND EXCEEDING THE FAR WHERE
.28 EXISTS, .35 IS ALLOWED, AND
.36 IS PROPOSED

OCTOBER 2, 2018



Requested Relief



Special permit per §7.3.3 to:

- further extend a nonconforming height (§3.1.3, §7.8.2.C.2);
- exceed floor area ratio (FAR) (§3.1.3, §3.1.9)

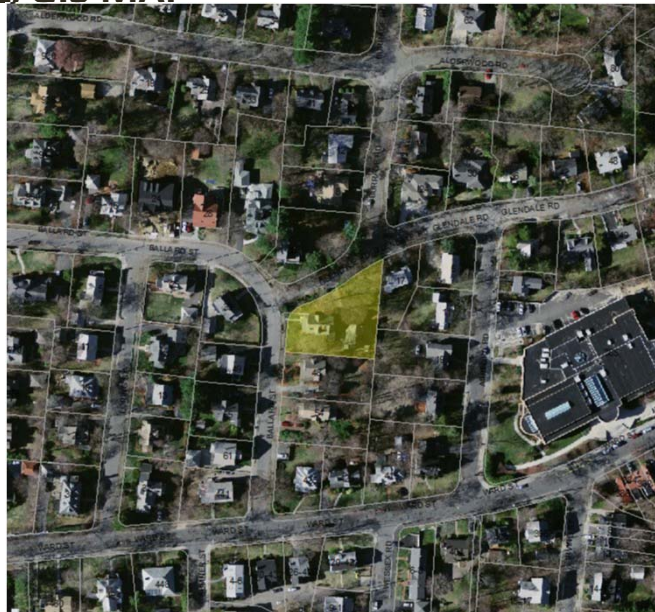
Criteria to Consider



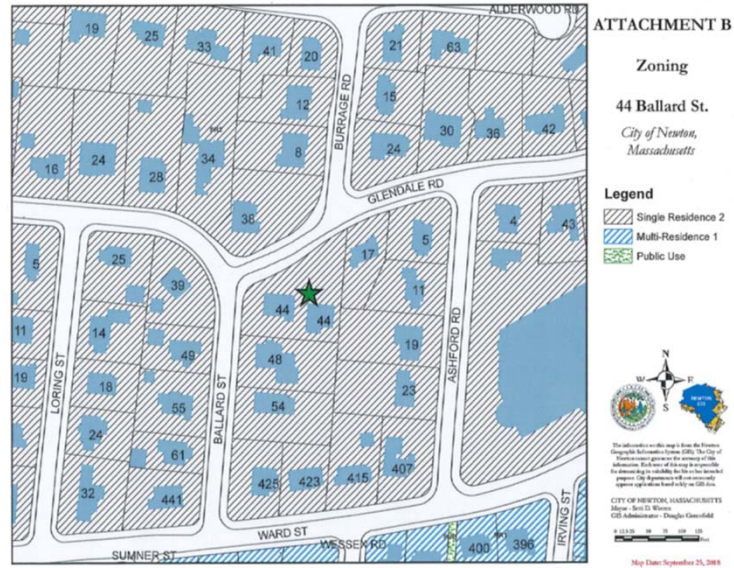
When reviewing the requested special permits the Council should consider whether:

- The project as designed, which will increase the floor area ratio (FAR) from 0.29 to 0.36 where 0.35 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)
- The project as designed, which will increase the dwelling's nonconforming height from 39.5 feet to 41.3 feet where 36 feet is the maximum allowed by right, will not be substantially more detrimental than the existing nonconforming use to the neighborhood (§7.8.2.C.2)

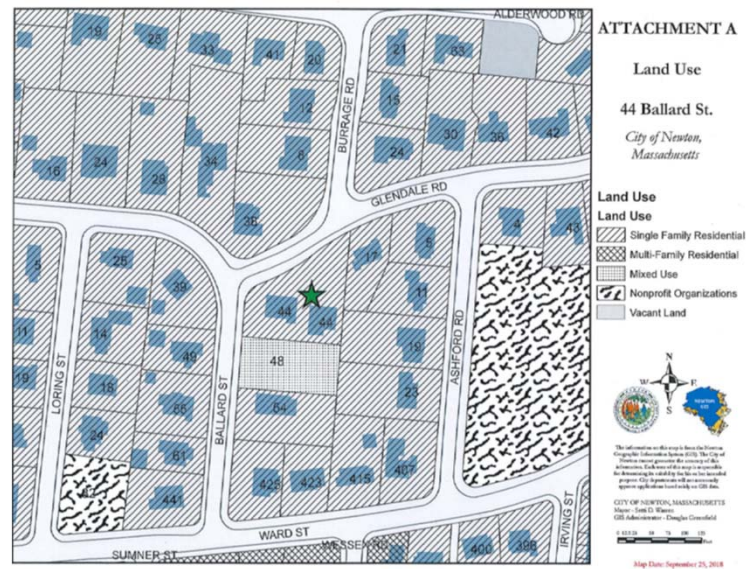
AERIAL/GIS MAP



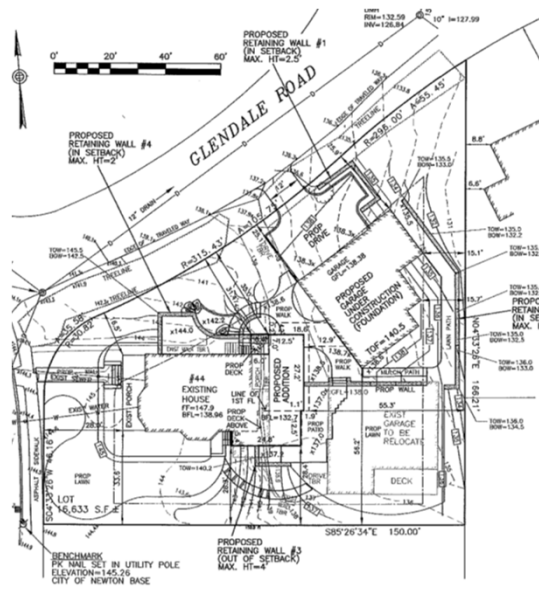
Zoning



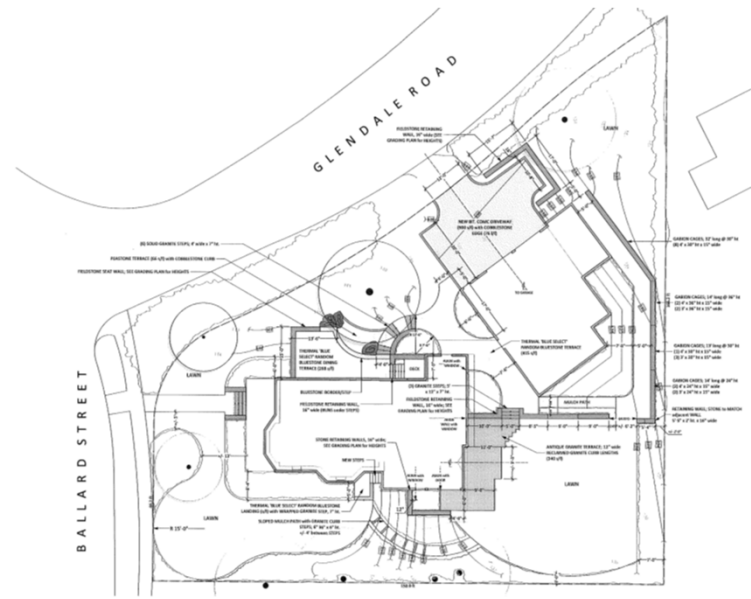
Land Use



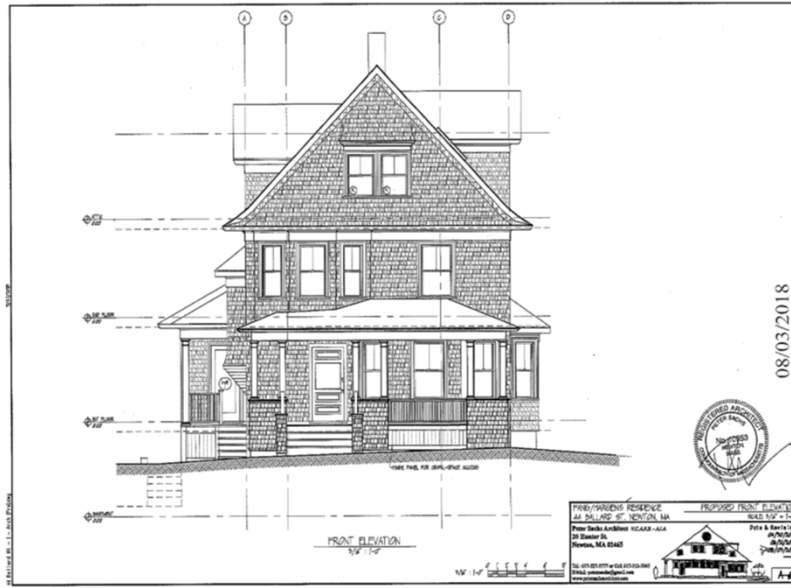
Site Plan



"Layout Plan"



Elevations

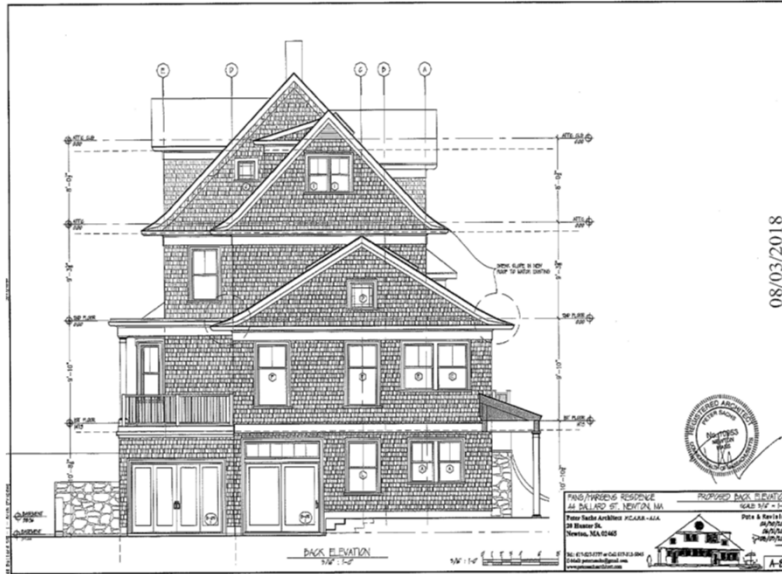


08/03/2018

Elevations



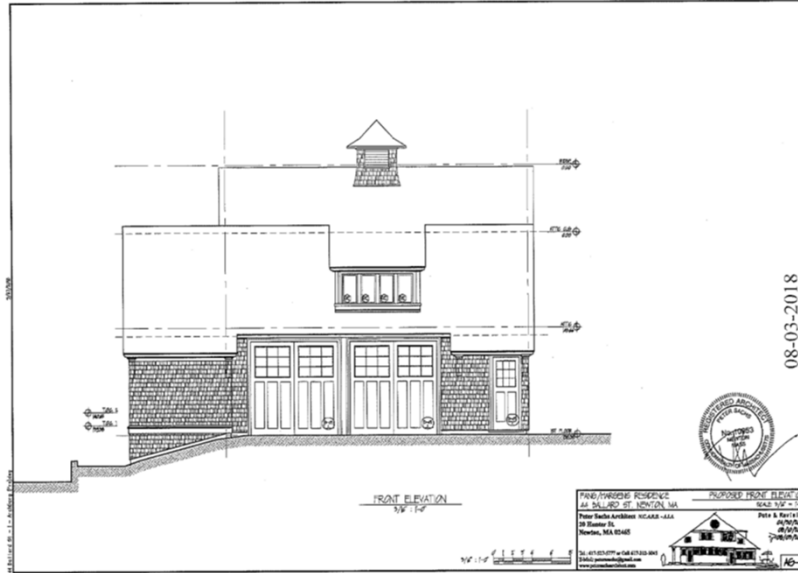
Elevations



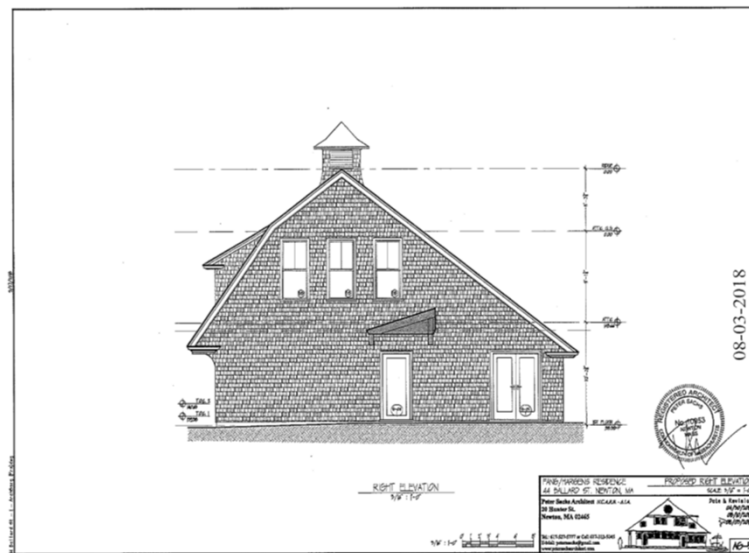
Elevations



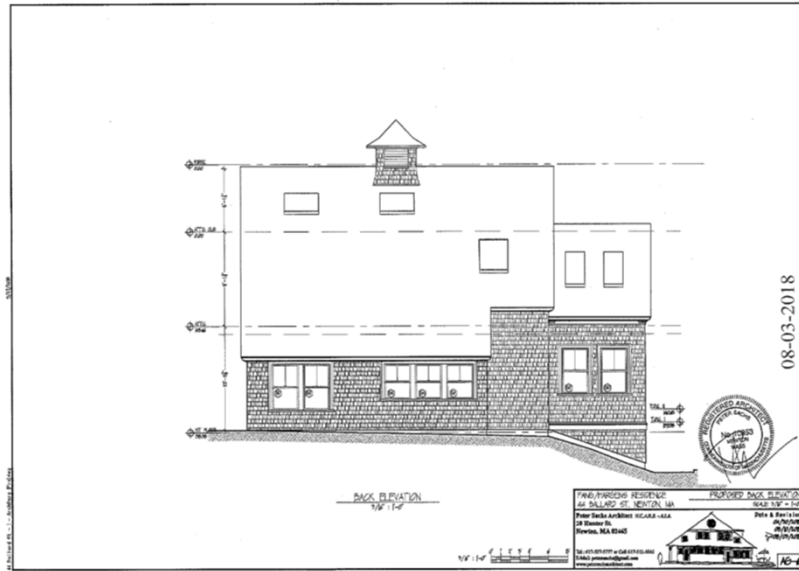
Elevations- Garage (Front)



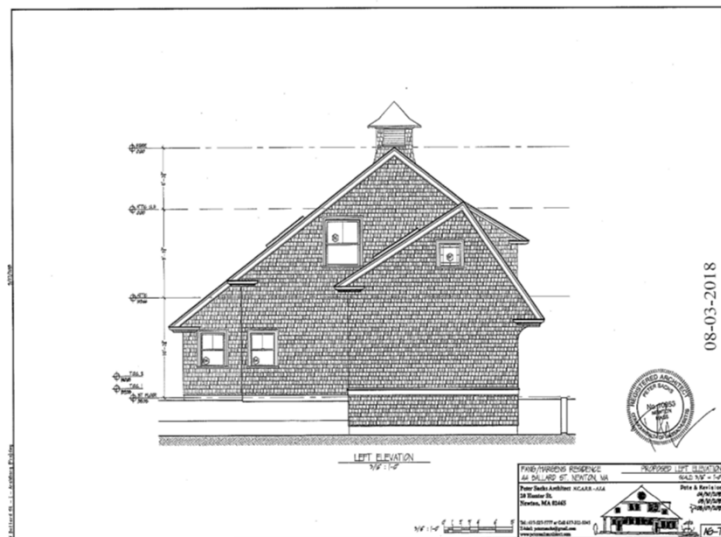
Elevations- Garage (Right)



Elevations- Garage (Back)



Elevations- Garage (Left)



Photos



Photos



Photos



Photos



Photos



Photos



Proposed Findings

1. The structure that will result from the proposed expansions of and modifications to the existing dwelling and garage, which will increase the floor area ratio (FAR) from 0.29 to 0.36 where 0.35 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)
2. The project as designed, which will increase the dwelling's nonconforming height from 39.5 feet to 41.3 feet where 36 feet is the maximum allowed by right, will not be substantially more detrimental than the existing nonconforming use to the neighborhood as the increase is the result of the connection of the dwelling to the existing detached garage and the resulting average grade of the combined structures (§7.8.2.C.2)

Proposed Conditions

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