



Land Use Committee Report

City of Newton In City Council

Tuesday, July 9th, 2024

Present: Councilors Kelley, Lucas, Block, Downs, Lobovits, Laredo and Farrell

Absent: Councilor Leary

Also Present: Councilors Malakie and Albright

City Staff Present: Senior Planner Cat Kemmett, Chief Planner Katie Whewell, and Senior Planner Joe Iadonisi, Planning Associate Nora Masler and Director of Planning and Development Barney Heath

All Special Permit Plans, Designs, Plan Memoranda and Application Materials, both past and present, can be found at the following link: [NewGov - City of Newton Land Use Committee Special Permit Search](#).

The full video of the June 9, 2024, Land Use Meeting can be found at the following link: [July 9, 2024 Land Use Meeting](#)

#273-24 Request to Rezone 2 parcels to Multi Residence 1
RIVER STREET DEVELOPMENT LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone 2 parcels as follows: 329-331 River Street (Section 44 Block 15 Lot 11) and 335 River Street (Section 44 Block 15 Lot 12) from SINGLE RESIDENCE 3 to MULTI RESIDENCE 1.

Action: Land Use Committee Held 7-0; Public Hearing Continued on 07/09/24

Note: Please see the note for item #274-24.

#274-24 Request to allow six attached single-family dwellings in three buildings and to allow reduced parking stall depth at 329-331 River Street and 335 River Street
RIVER STREET DEVELOPMENT LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing dwellings and combine the two lots for the construction of six attached single-family dwellings in three separate buildings with parking dimensional waivers at 329-331 River Street and 335 River Street, Ward 4, West Newton, on land known as Section 44 Block 15 Lots 11 and 12, containing approximately 28,534 sq. ft. of land in a district zoned SINGLE RESIDENCE 3 (329-331 River Street and 335 River Street, to be rezoned to MULTI RESIDENCE 1). Ref: Sec. 7.3.3, 3.4.1, 5.1.7.B.2, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Committee Held 7-0; Public Hearing Continued on 07/09/24

Note: Cat Kemmet, Senior Planner joined the committee to discuss item #273-24 and #274-24. She noted that the Planning & Development Board is joining the committee to discuss the rezone and then they will have their own meeting to take a vote. Ms. Kemmet gave the attached presentation.

She explained that the analysis given by the Planning Department is if the rezone is approved. The lot is currently approximately 28,000 sq. ft. and has a 5% slope upwards from the front left to the rear right of the parcel. There are mature trees and shrubs currently on the site.

The petitioner is requesting to demolish the existing dwelling on the lot and construct 6 single family homes in three separate buildings. There is no need for relief for lot size, setbacks or greenspace. The units do range in size but will be approximately 3,200 sq. ft. each, which includes garage, basement and attic space. Each unit will also have exclusive outdoor space with a patio.

There will be one driveway to pull into the development and each unit will have 2 parking spaces. There is a need for relief for parking as on street public parking is now allowed on River St. The tandem parking stalls are being proposed at 18 ft when 19 ft is required. The Planning Department did note that they could reduce the parking in the rear from eight spaces to four so that less pavement is required and then they would be able to meet the 19 ft depth for each space. Ms. Kemmet explained that the buildings will have a maximum height of 35.6 feet and 2.5 stories.

The Planning Department has asked the petitioner to provide additional plans to show the grading of the proposed site.

Attorney Terry Morris, representing the petitioner joined to give the attached presentation. Atty Morris noted that they had met with the abutters and that is why they have made changes to the parking. The abutters did request to have more on-site parking instead of relying on street parking. He noted that this request to rezone the property is appropriate because of the mixture of commercial and residential zones in the area. The reasonings for the grade change and the retaining walls is that there is a high-water table, severe topography and volume of street traffic. He further noted that there is a history of retaining walls in the surrounding area. Atty. Morris noted that they have moved the two parking spots that were next to the homes to in front of the homes at a lower grade to shield the cards from the main road.

The public hearing was opened.

MaryLee Bellevue, 136 Warren Street expressed concerns regarding the size of each unit. She noted she wanted to see what the benefit would be to the City.

The resident at 212 River Street expressed his support for the project.

Tim Feinstein, 49 Washburn Avenue expressed his support for the additional units on this property because of the housing shortage and because of the decline in enrollment at the Burr School. He also expressed his support for the additional parking spaces.

Margaret Ward, 957 Washington Street expressed that she wanted to learn more about the project. She raised concerns regarding the increase of impervious surface and the loss of mature trees.

The residents at 6 James Street expressed their concerns about the project. They felt that the project is too close to the other abutters and could cause additional traffic in the neighborhood.

Jimmy Hyland, 26 James Street questioned if an independent traffic study been to detail the impacts of this project. He also expressed his concern regarding the height difference with the abutting properties

and explained that this could cause a water issue with the abutters. Mr. Hyland noted that there isn't enough parking on site. This neighborhood is designed for multiple units.

Adam Codin, 243 Upland Avenue expressed his support for the project. He noted that this neighborhood needs an upgrade as it this as at the border of the City of Waltham and expressed that these units are needed for the housing shortage.

The public hearing will be continued.

The Chair opened the discussion to the Planning & Development Board.

Kevin McCormick, Chair of the Planning & Development Board expressed that he is in support of more housing in Newton and to do this there is a need for the change in zoning.

Ed Dailey, member of the Planning & Development Board questioned what the height of the retaining wall would be, what the flooding issues will be, and he would like to learn more about the size of the units.

Ms. Kemmet did note that the retaining walls will not exceed 4 ft for there is no need for relief.

Lee Breckenridge, member of the Planning & Development Board had questions regarding the water management on the site, the retaining walls and the new plans that were submitted. She also noted that she would like to see what the experience would be like for someone walking through this neighborhood.

A councilor noted the importance of making sure there is a full understanding of what is being proposed and to ensure that this is what is built. There were also concerns raised regarding the grading of the project and what exactly the grade change is. A question was also raised if with the increased grade would the retaining wall be above 4 ft.

Councilors noted that they would like to continue the discussion on how many parking spots are on site and questioned how the front parking spots would be configured.

A councilor questioned how many trees will need to be removed and would like to see massing renderings.

A councilor asked for a grading plan to show the different grades existing and proposed on the site.

The Committee discussed holding the item to give the petitioner time to provide answers to the questions asked tonight.

The Planning & Development Board voted unanimously to hold item #273-24 until their next regularly scheduled meeting.

Councilor Block motioned to hold item #273-24 which passed unanimously.

Councilor Block motioned to hold item #274-24 which passed unanimously.

#275-24 Request to exceed FAR and to allow retaining walls exceeding four feet in height at 8 Everett Street
SAM AND RANDIE GOLDBERGER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing garage and construct a new attached garage and mudroom as well as a 2.5 story rear addition, requiring relief to exceed the maximum FAR and to allow retaining walls exceeding four feet in height in the front yard at 8 Everett Street, Ward 6, Newton Center, on land known as Section 61 Block 25 Lot 07, containing approximately 18,608 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 3.1.3, 3.1.9, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Committee Held 7-0; Public Hearing Continued on 07/09/24

Note: The Chair noted that the petitioner has asked to hold this item until a later meeting.

The public hearing was opened and continued.

Councilor Block motioned to hold which passed unanimously.

#276-24 Request to allow a garage exceeding 700 square feet at 102 Gordon Road
STEPHANIE AND ARTHUR ANDERSEN III petition for SPECIAL PERMIT/SITE PLAN APPROVAL to remove a wall between the two-car garage and workshop to allow for additional garage space exceeding 700 square feet at 102 Gordon Road, Ward 5, Waban, on land known as Section 53 Block 08 Lot 18, containing approximately 16,407 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 3.4.4.E, 3.4.4.H.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Committee Approved 7-0; Public Hearing Closed on 07/09/24

Note: Joe Iadonisi, Senior Planner joined the committee discuss item #276-24. He gave the attached presentation explaining that they have an existing building permit that is currently underway. The petitioner is now requesting to remove the wall between the workshop and garage. This will not include an external change.

Attorney Franklin Schwarzer, representing the petitioner explained that this request is being made to store the petitioner's car collection. They have decided this is a better use for the space than a workshop.

The public hearing was opened.

Rod and Laurel Rohda, 97 Gordon Road expressed their support for the project.

Rafael Tahada, 11 Gordon Road expressed his support for the project.

The public hearing was closed.

The committee discussed the draft council order, and Councilor Downs motioned to approve, which passed unanimously.

#277-24 Request to increase the nonconforming FAR, to further extend the nonconforming height of a detached accessory building, to allow a dormer exceeding 50% and to allow a dormer with an uninterrupted wall plane at 62 Lenox Street
HEATHER EGAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to establish an as of right accessory apartment within the carriage house and construct oversized dormers further extending the nonconforming FAR at 62 Lenox Street, Ward 2, West Newton, on land known as Section 32 Block 49 Lot 09, containing approximately 28,131 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 3.4.3.A.3, 7.8.2.C.2, 1.5.4.G.2.a, 1.5.4.G.2.b, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Committee Approved 6-0 (Councilor Downs not voting); Public Hearing Closed on 07/09/24

Note: Joe Iadonisi, Senior Planner joined the committee to discuss item #277-24. He gave the attached presentation. There will be three additions for the carriage house. The first addition will be at the front of the carriage house, where they are bumping it out 4 ft to create a larger entrance way. The petitioner is also requesting to add a second-floor addition and a second-floor dormer. Mr. Iadonisi showed the design in the presentation.

Attorney Peter Sachs, representing the petitioner noted that the reason for the oversized dormer is because it needs to be an egress window. This is required by code, this could be used by the Fire Department to remove people from the home during emergencies.

The public hearing was opened.

The public hearing was closed.

The committee discussed the draft council order, and Councilor Lucas motioned to approve, which passed 6-0 with Councilor Downs.

The committee adjourned at 9:23 PM.

Respectfully Submitted,

Andrea Kelley, Chair

City of Newton Planning and Development

Petition #273-24 and #274-24

Special Permit/Site Plan Approval

to rezone two parcels from SR3 to MR1 and to allow six attached single-family dwellings in three buildings and to allow reduced parking stall depth



329-331 and 335 River Street

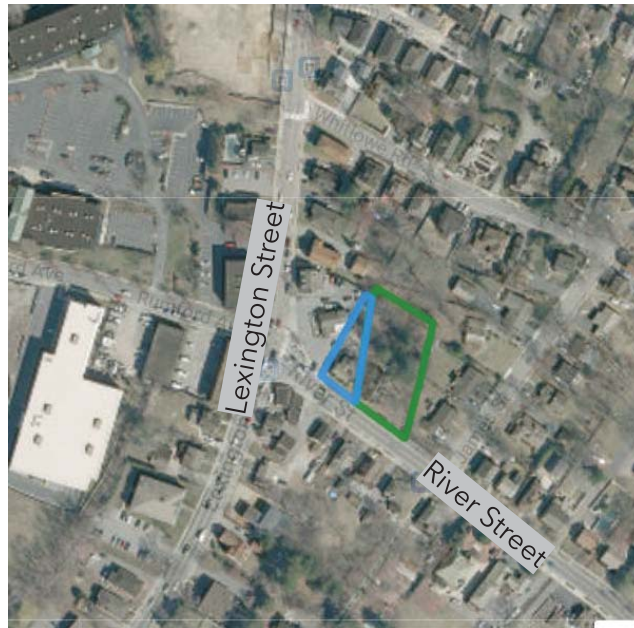
July 9, 2024

Zoning Relief

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
	Request to rezone from Single Residence 3 to Multi-Residence 1	
§3.4.1	Request to allow attached single-family dwellings	S.P. per §7.3.3
§5.1.7.B.2 §5.1.13	Request to reduce parking stall depth	S.P. per §7.3.3

Aerial Map

273-24/274-24



3

Existing Site Plan

273-24/274-24



4

Criteria to Consider

273-24/274-24

When reviewing this request, the Council should consider:

- The site is an appropriate location for the proposed attached single-family dwellings as designed (§7.3.3.C.1)
- The proposed attached single-family dwellings as designed will not adversely affect the neighborhood (7.3.3.C.2)
- The proposed attached single-family dwellings will not 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 parking requirements is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§5.1.13)

5

Proposed Site Plan

273-24/274-24

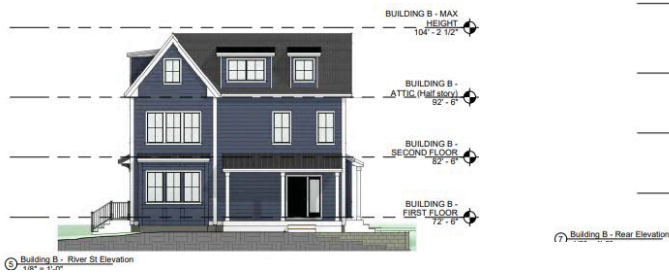


6

Building A



Building B



Building C



Building C - River St Elevation
1/8" = 1'-0"



Building C - Rear Elevation
1/8" = 1'-0"



Building C - Left Elevation
1/8" = 1'-0"



Building C - Right Elevation
1/8" = 1'-0"

Landscaping



335-331-329 River Street

Land Use Presentation
July 9th, 2024



PROPOSED TRANSITIONAL RE-ZONING

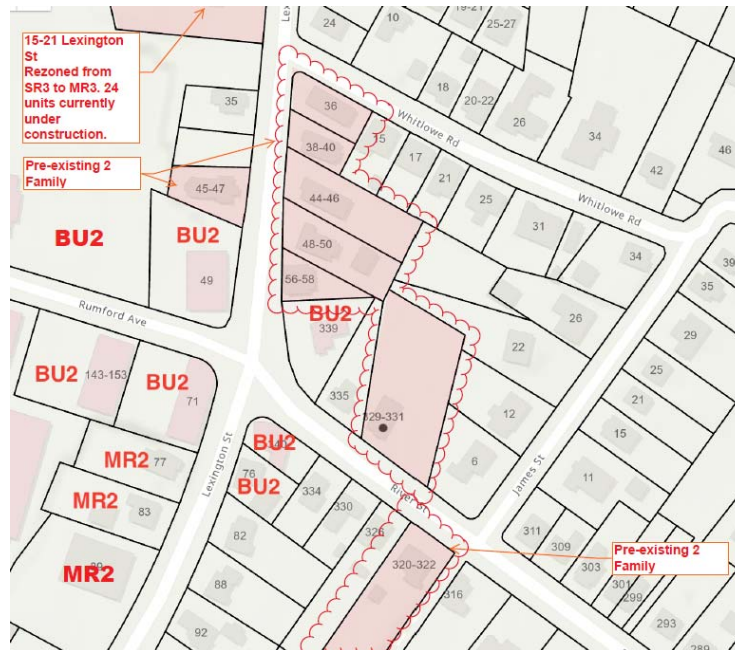
Planning Rationale -

- On a broader scale the lots in this area are in a transitional zone between the residential neighborhood on River Street and the adjacent commercial area at the intersection with Rumford Avenue.
- Show Map

Appropriate Use

- In an area with a mix of commercial and residential uses, six single-family attached dwellings are compatible with the adjacent single-family detached dwellings.
- A residential project of this scale is contextually appropriate.

River Street Area Zoning Map



RAISING GRADE AND RETAINING WALLS

Historically there are 3 conditions under which it has become necessary to raise the grade on a building site to construct residential homes.

- High Water Table
- Severe Topography
- Volume of Street Traffic

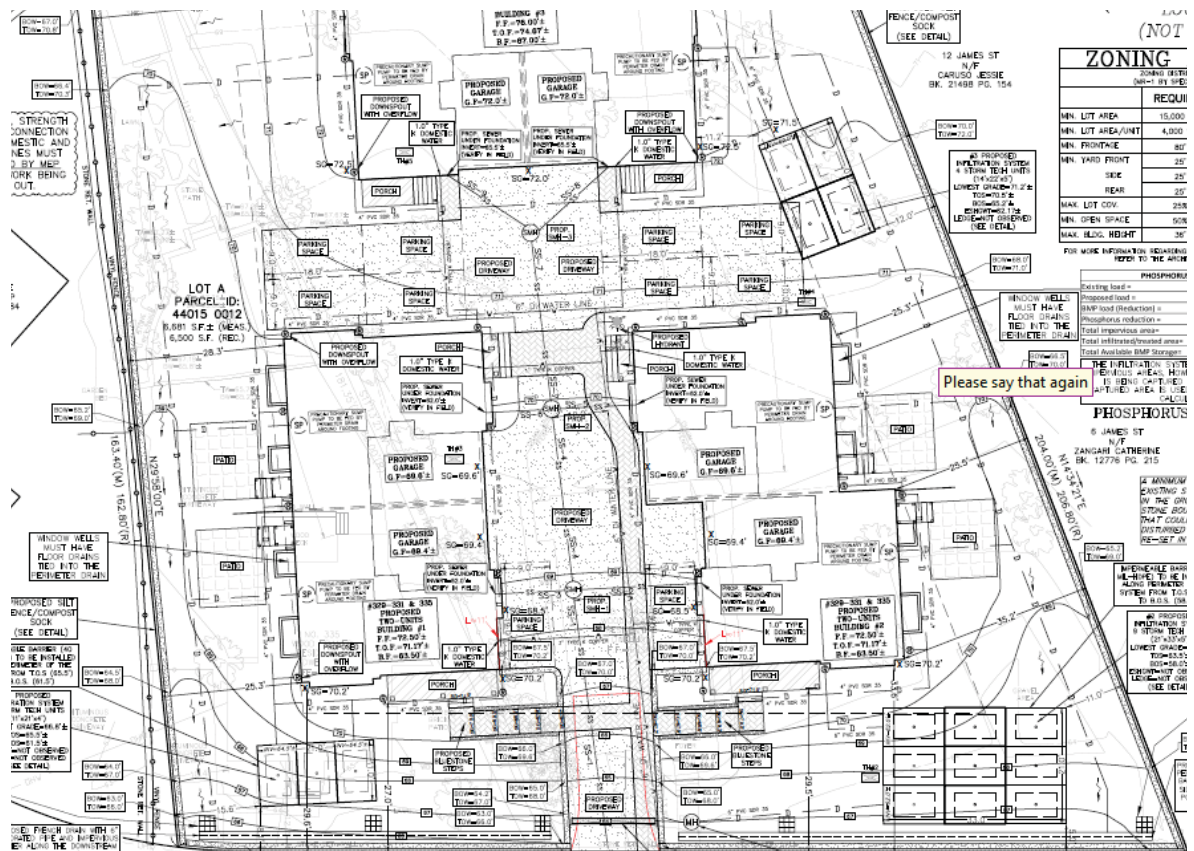
All Three conditions are present in this project

High Water Table Impact on Grade Change

- The City Stormwater Ordinance requires a one (1-ft) separation between the underside of the basement slab and the seasonal high groundwater elevation.
- Additionally, a two (2-ft) separation is required between the bottom of the proposed infiltration system and the ground water.
- For optimum utility, infiltration systems have been installed just back of sidewalk where the original grade was at its lowest point and
- The water table was at its highest necessitating the grade change.

[Show Slide]

Proposed Drainage Plan





XXX

Volume of Street Traffic

Even where one or the other of the First 2 conditions may not exist retaining walls have been installed to create more of a sense of separation and privacy from the busyness of street traffic on high-volume secondary roads such as Bridge Street, Lowell Avenue, Parker Street, Dedham Street and River Street in addition to such storied public ways as Commonwealth Avenue.

Neighborhood Retaining Walls

The map, titled "Neighborhood Retaining Walls", shows a residential street grid including Whitlow Rd, River St, James St, and Kington St. A blue rectangle highlights a specific area on River St. Colored dashed lines (yellow, red, green, purple) connect specific map locations to photographs of retaining walls. The photos are labeled as follows:

- 34 and 26 James
- 29 James
- 25 James
- 12 James
- 335 River





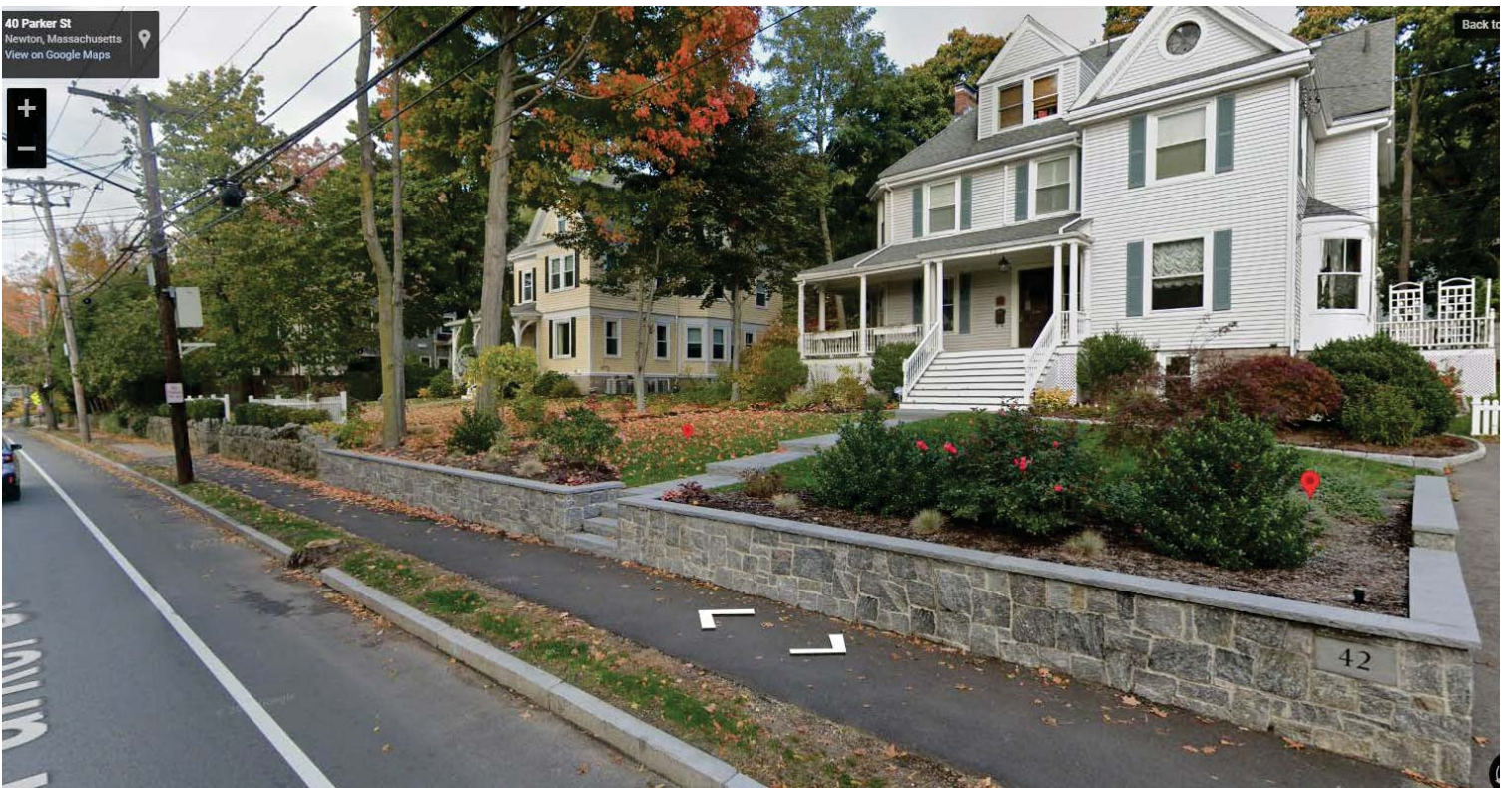
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410 Lowell Avenue



XXX



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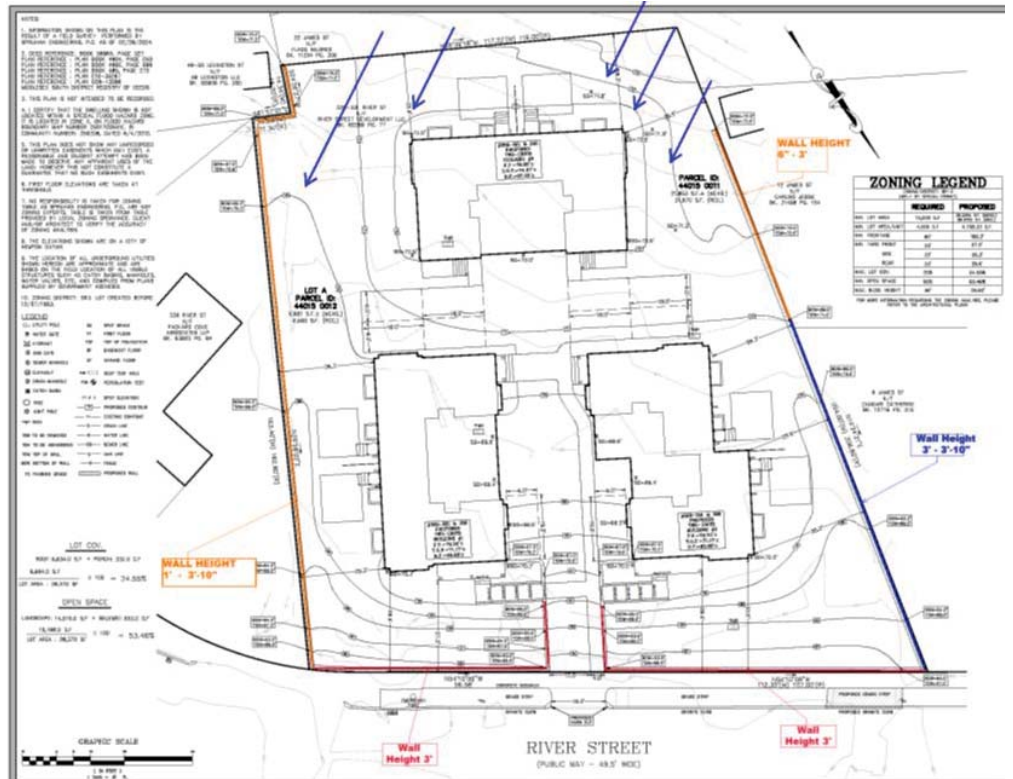
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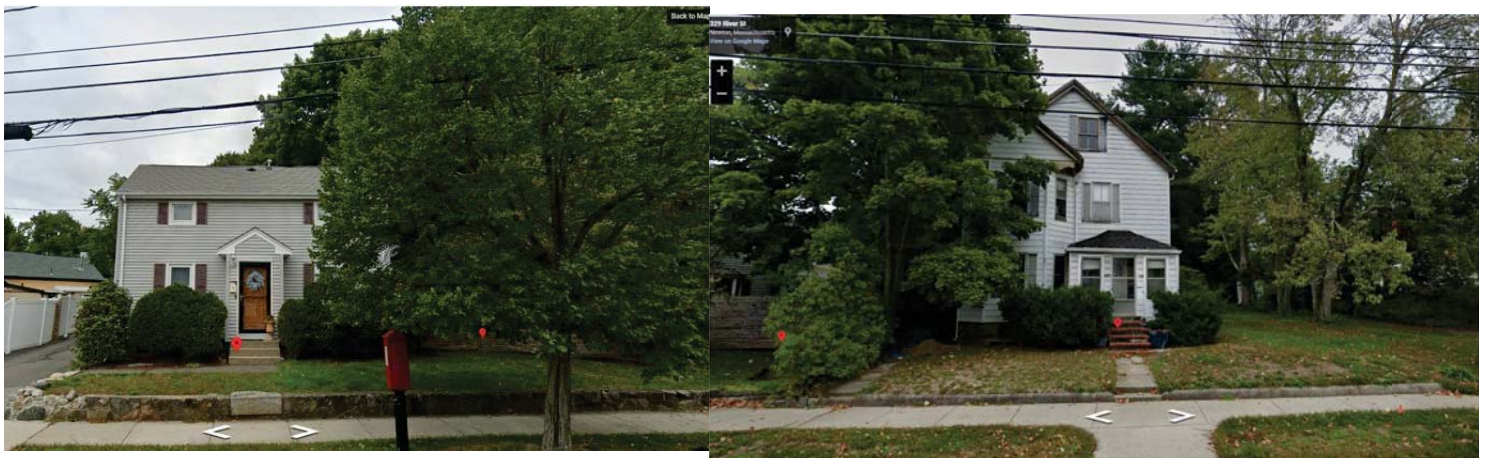
Impact on Abutting Properties

Groundwater Flow
And
Retaining Walls





6 James Street – River Street Frontage



335-331-329 River Street - Streetscape



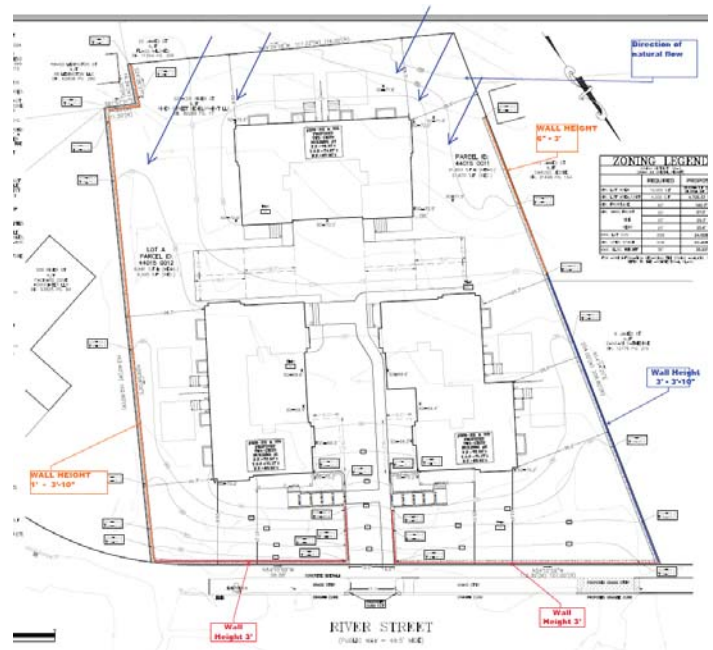
335-331-329 River Street - Streetscape

Landscape Plan



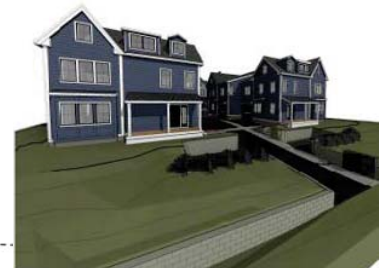
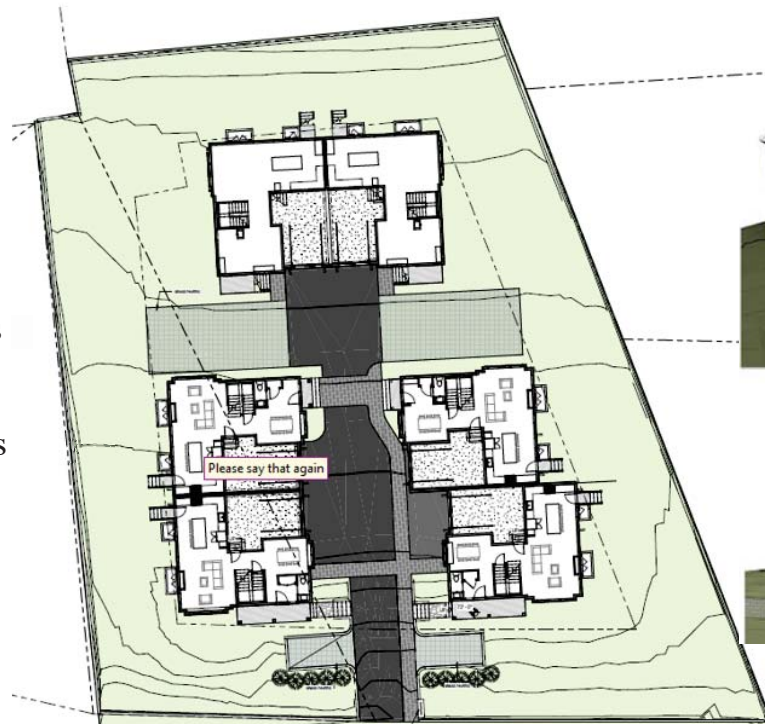
Site Plans Responses - Retaining Wall

- Eliminated retaining wall in the rear
- Minimized retaining wall to a where possible
- Height never reaches 3 feet in most places (never 4)

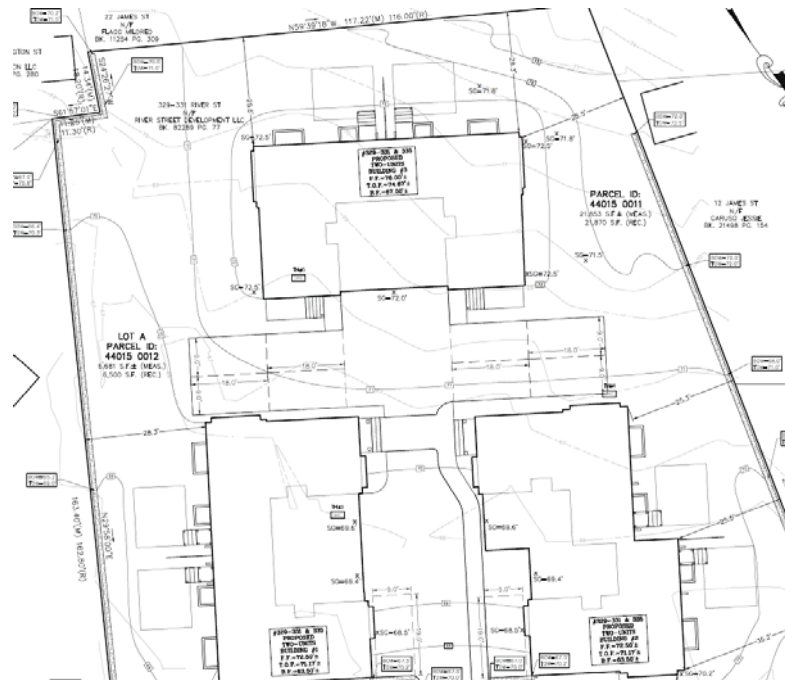


Parking Spaces - Front of House Option

- All non-parking pavers permeable
- Parking Pavers = Grass



Parking Spaces - Between Front and Back Buildings



Dormer Updated + Different Color Option in Back

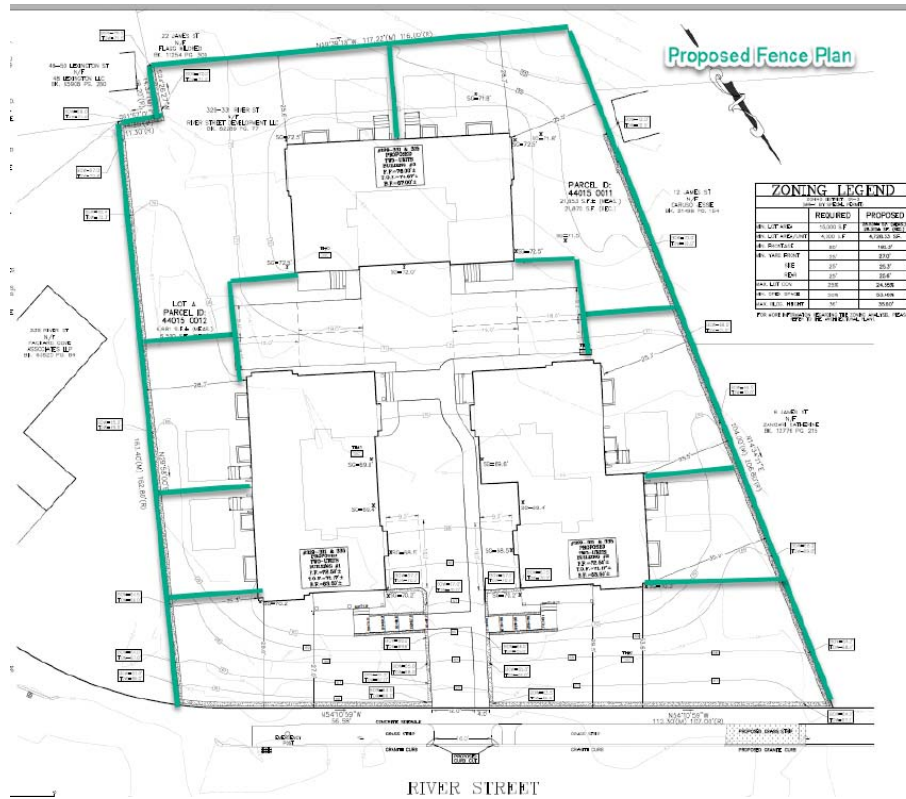


Existing Conditions Topo Plan



APPENDIX

Fence Plan



Floor Size Area Sample

FLOOR AREA - BUILDING C	
LEVEL	AREA (SF)
BUILDING C - UNIT 1	
00 - Basement	705 SF
01 - First Floor	761 SF
02 - Second Floor	1042 SF
03 - Attic (Half story)	656 SF
TOTAL - UNIT 1	3164 SF
BUILDING C - UNIT 2	
00 - Basement	715 SF
01 - First Floor	759 SF
02 - Second Floor	1042 SF
03 - Attic (Half story)	655 SF
TOTAL - UNIT 2	3172 SF

- to six attached single-family dwellings in two separate buildings.
-
- The dwelling units range in size from 3,164 square feet to 3,260 square feet including attached garage space, basement, and attic half story. Though FAR restrictions do not apply to single-family attached dwellings, as a point of comparison, this project would have a FAR of approximately .46, where .36 is the maximum allowed for a single family home on the combined parcel in the SR3 zoning district
-
- Two parallel parking stalls are proposed along the driveway near the two front buildings with 19-foot depths, where parallel stalls require 21' in depth. Staff note that if the amount of parking at the rear was reduced from the 8 tandem stalls to just four stalls, the amount of paving required
- could be reduced and those four stalls could have compliant depths and thus no
- longer need relief, while meeting the City's required number of stalls for the site.
-
- The landscape plan indicates that the driveway will be paved in nonpermeable material, while grass pavers will be utilized for the walkways leading to each unit. Staff recommend pervious paving be used to minimize impermeable surface on the site
-
- The Commission commended the design and configuration of units in
- separate buildings.
- • Commission members recommended clarifying the location of trash
- pickup and trash can storage.
- • They observed that the two secondary parking spaces for the front two
- units are not placed well, with parking located very close to living space.
- • The Commission recommended canopy trees along street frontage and
- interior of the site to shade paved areas
-
-
-

City of Newton Planning and Development

Petition: #276-24

Special Permit/Site Plan Approval

Request to allow a garage greater than 700 square feet and accommodating more than three vehicles

July 9, 2024



102 Gordon Road

Zoning Relief

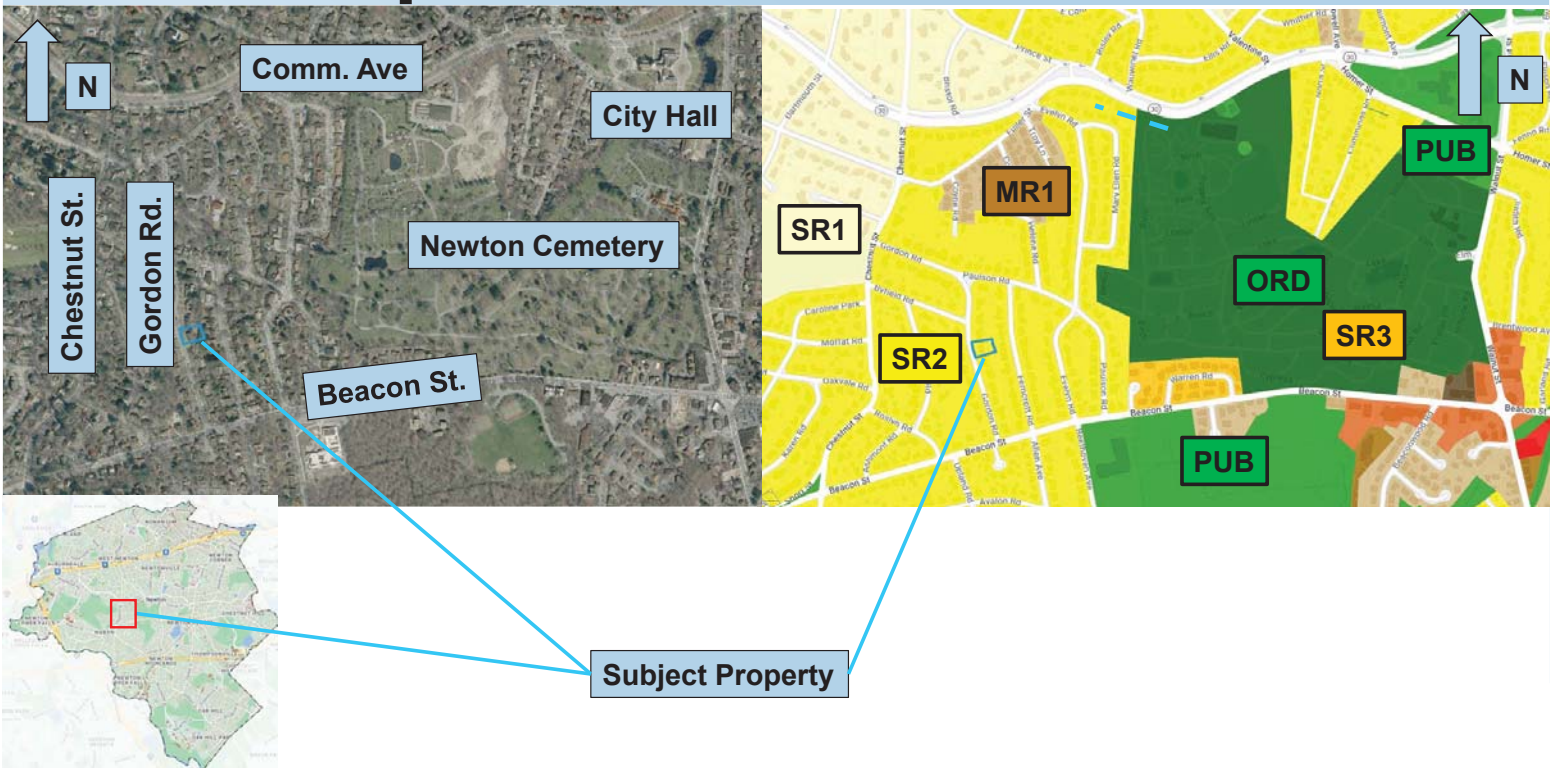
Zoning Relief Required		
Ordinance		Action Required
§3.4.4.E §3.4.4.H.1	Request to allow a garage exceeding 700 square feet and accommodating more than three vehicles	S.P. per §7.3.3

Criteria to Consider

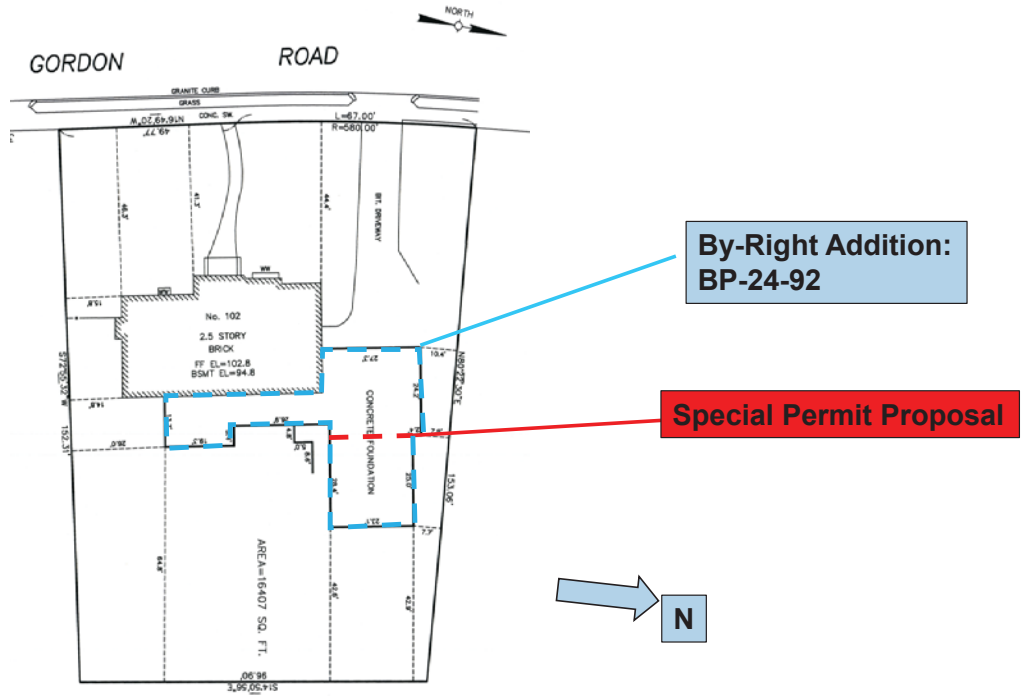
When reviewing this request, the Council should consider:

1. The specific site is an appropriate location for such use, structure (§7.3.3.C.1, §3.1.3, §3.1.9).
2. The use as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2, §3.1.3, §3.1.9).
3. There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3, §3.1.3, §3.1.9).
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4, §3.1.3, §3.1.9).

Aerial Map



Site Plan- Existing



Site Plan- Schematic Existing and Proposed



102 GORDON ROAD RESIDENCE



Elevations- Existing/Proposed Front and Left



Existing Front/Left Elevation



Existing Front/Left Elevation

7

Findings

1. The specific site is an appropriate location for a garage exceeding 700 square feet and accommodating four vehicles as there are no proposed changes to the use or external structure (§7.3.3.C.1, §3.1.3, §3.1.9).
2. A garage exceeding 700 square feet and accommodating four vehicles as developed will not adversely affect the neighborhood as there will be no additional building area created by this proposal and converts an existing workshop to additional garage area (§7.3.3.C.2, §3.1.3, §3.1.9).
3. There will be no nuisance or serious hazard to vehicles or pedestrians because the site layout and circulation is not changing (§7.3.3.C.3, §3.1.3, §3.1.9).
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved as the garage exceeding 700 square feet of garage space and accommodating four vehicles will create additional area to access the site (§7.3.3.C.4, §3.1.3, §3.1.9).

8

Conditions

1. Plan referencing
2. Standard building permit conditions
3. Standard occupancy conditions

City of Newton Planning and Development

Petition: #277-24

Special Permit/Site Plan Approval

Additions to a detached accessory apartment exceeding Floor Area Ratio (FAR), height, dormer, and nonconforming second story standards

July 9, 2024



62 Lenox Street

Zoning Relief

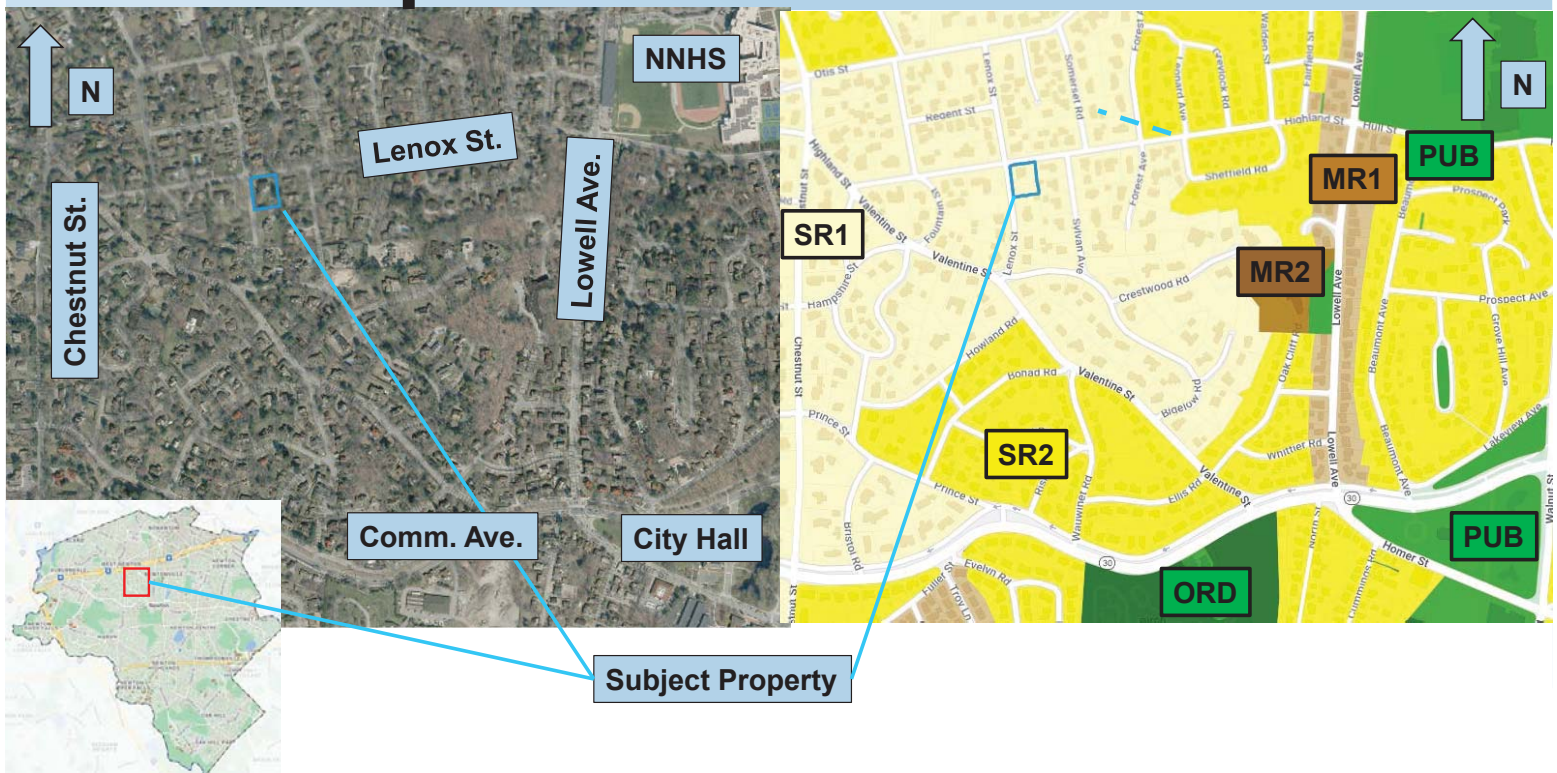
Zoning Relief Required		
Ordinance		Action Required
§3.4.3.A.3 §7.8.2.C.2	To further increase the nonconforming height of a detached accessory building	S.P. per §7.3.3
§3.4.3.A.3 §7.8.2.C.2	To further increase the nonconforming second story of a detached accessory building	S.P. per §7.3.3
§1.5.4.G.2.a §7.8.2.C.2	To allow a dormer creating an uninterrupted wall plane	S.P. per §7.3.3
§1.5.4.G.2.b	To allow a dormer exceeding 50% of the length of the wall below	S.P. per §7.3.3
§3.1.3 §3.1.9	To further extend nonconforming FAR	S.P. per §7.3.3

Criteria to Consider

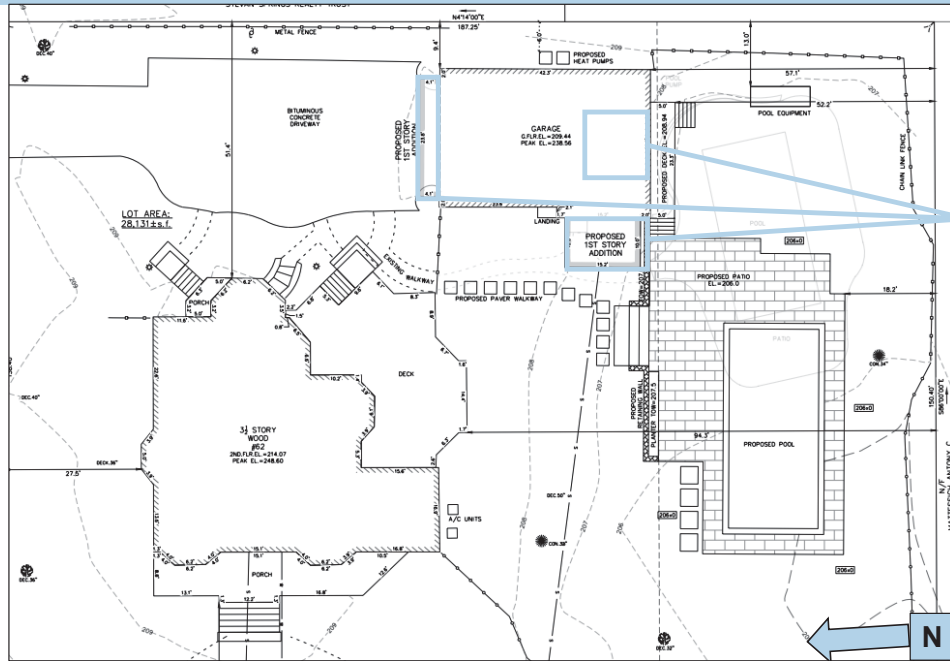
When reviewing this request, the Council should consider:

1. The specific site is an appropriate location for such use, structure (§7.3.3.C.1, §3.1.3, §3.1.9).
2. The use as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2, §3.1.3, §3.1.9).
3. There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3, §3.1.3, §3.1.9).
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4, §3.1.3, §3.1.9).
5. The proposed increase in nonconforming height and FAR is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.3, §3.1.9).

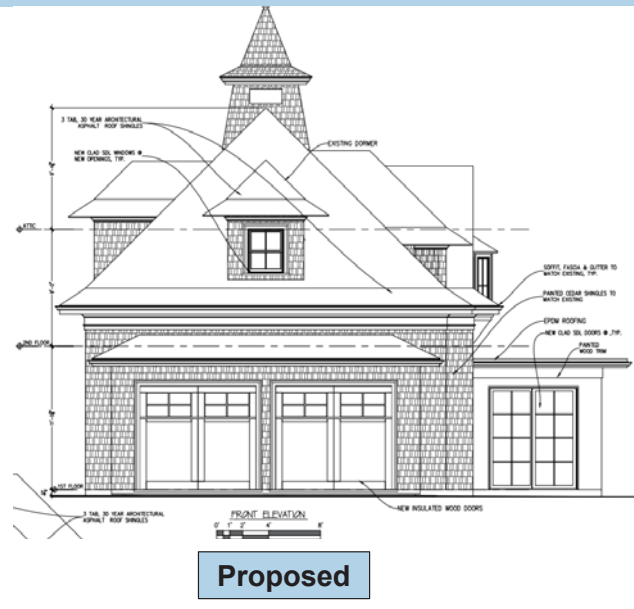
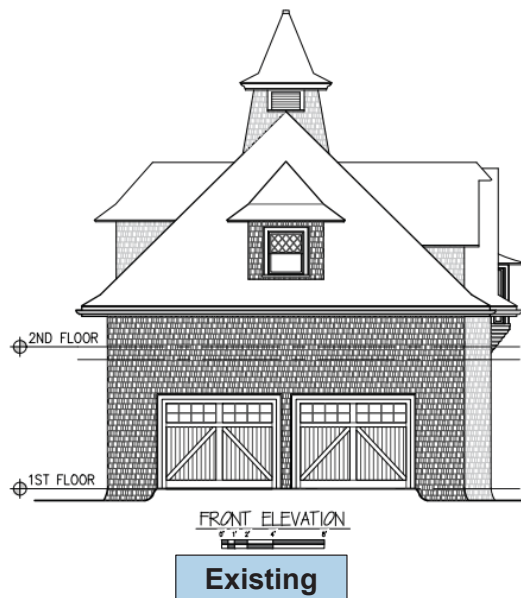
Aerial Map



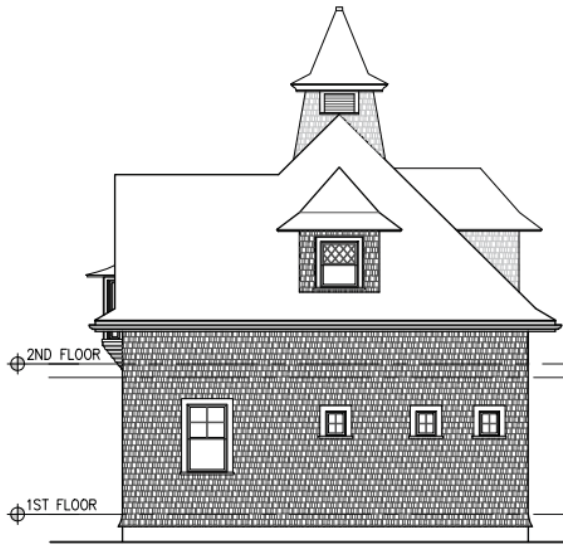
Site Plan- Proposed and Existing



Elevations- Front

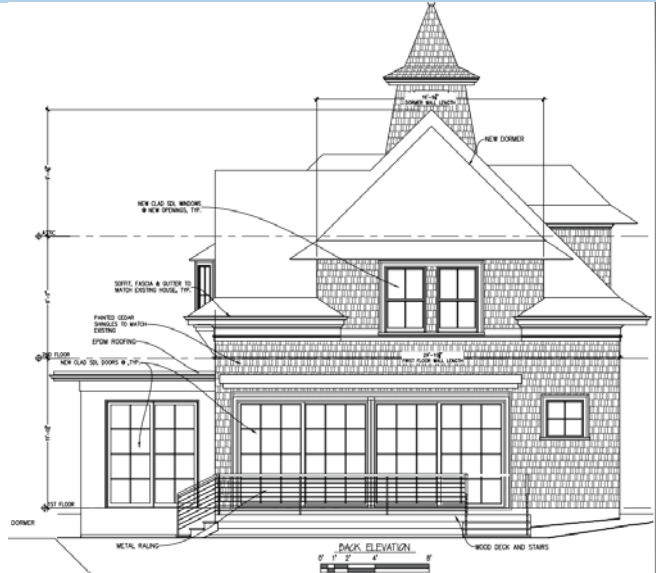


Elevations- Rear



BACK ELEVATION

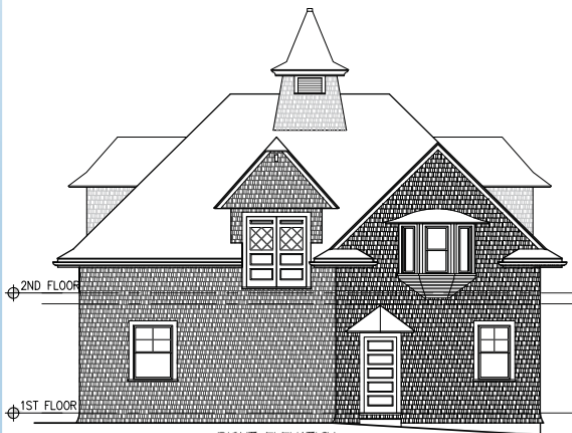
Existing



BACK ELEVATION

Proposed

Elevations- Right/West



RIGHT ELEVATION

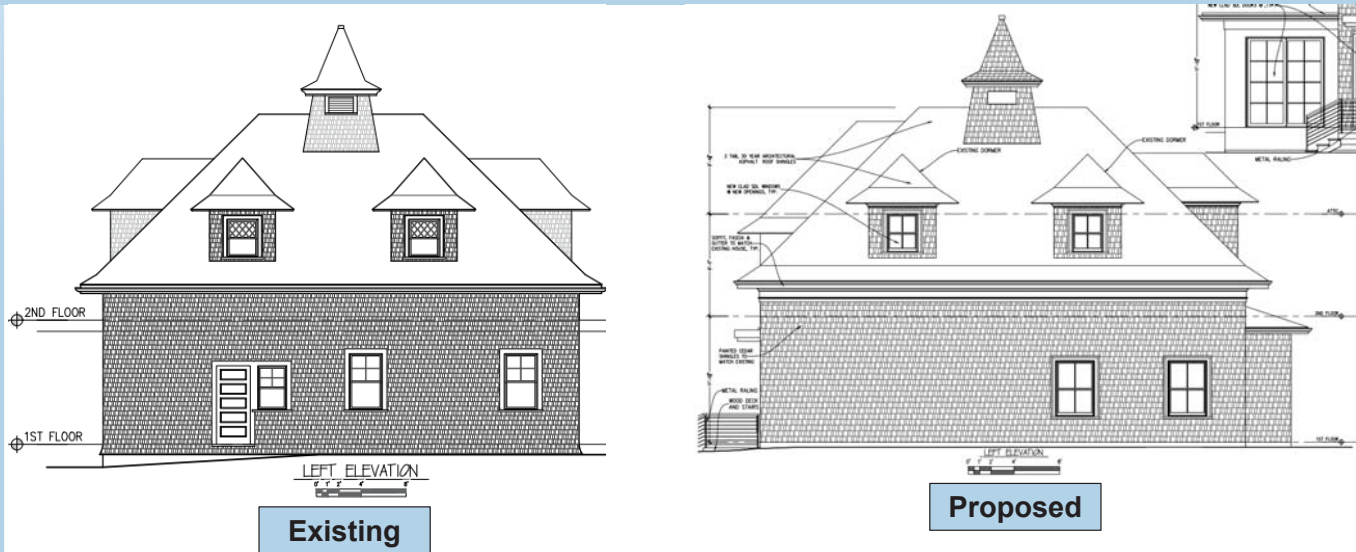
Existing



RIGHT ELEVATION

Proposed

Elevations- Left/East



9

Findings

1. The specific site is an appropriate location for the addition that will increase the nonconforming height and second story of a detached accessory building and increase Floor Area Ratio as the building was constructed prior to the Zoning Ordinance and now exceeds zoning standards are common in the neighborhood. The site is appropriate for the addition of a dormer exceeding 50% of the length of the wall below and an uninterrupted wall plane as this addition will occur towards the interior of the lot and be minimally visible to the public (§7.3.3.C.1, §3.4.3.A.3).
2. The use as developed and operated will not adversely affect the neighborhood as the proposed addition of a nonconforming dormer will be to the rear of the accessory structure and minimally visible from the street while the addition to the accessory structure will be a single-story and built towards the principal dwelling rather than towards the setback (§7.3.3.C.2, §3.4.3.A.3).
3. There will be no nuisance or serious hazard to vehicles or pedestrians created by increase in the nonconforming height and second story of a detached accessory building, increase in Floor Area Ratio, and addition of a dormer exceeding 50% of the length of the wall below and an uninterrupted wall plane as the proposed addition exceeds all required setbacks for buildings and parking and will provide parking in the accessory structure (§7.3.3.C.3, §3.4.3.A.3).
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved in the increase the nonconforming height and second story of a detached accessory building, increase Floor Area Ratio, and add a dormer exceeding 50% of the length of the wall below and an uninterrupted wall plane as there will remain adequate parking and parking setbacks (§7.3.3.C.4, §3.4.3.A.3).
5. The proposed increase in nonconforming height and FAR is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood as the proposed additions are minor in scale and the surrounding neighborhood features many historic homes that predate and do not conform with the Zoning Ordinance (§3.1.3, §3.1.9).

Conditions

1. Plan referencing
2. Standard building permit conditions
3. Standard occupancy conditions