



City of Newton, Massachusetts

Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

617-796-1120

Ruthanne Fuller
Mayor

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: November 15, 2024

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
Joseph Iadonisi, Senior Planner

SUBJECT: **Petition #422-24** for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing dwelling and construct four attached single-family dwellings with dimensional and parking waivers at 640 Watertown Street, Ward 2, Newtonville, on land known as Section 21 Block 26 Lot 18, containing approximately 16,020 sq. ft. of land in a district zoned MULTI RESIDENCE 1 Ref: Sec. 7.3.3, 3.4.1, 3.2.4, 6.2.3.B.2, 5.1.4, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.

APPLICATION RECORD: <https://newtonma.viewpointcloud.com/records/826590>

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at a subsequent Working Session.



640 Watertown Street

Preserving the Past  Planning for the Future

I. Project Description

Use –residential (four dwelling units)

Zone – Multi-Residence 1

Lot size – 16,020 square feet

Existing Nonconformities –left and right side setbacks

Proposal- The petitioner is seeking to demolish the existing structure at 640 Watertown Street and construct four single-family attached dwellings. Relief is required for the use as single-family attached, as well as exceeding maximum lot coverage, a reduced left side setback, waiver of one parking stall, and parking within ten feet of a side lot line.

Regrading- Given a larger structure compared to the existing dwelling, the petitioners are proposing to create a generally level area surrounding the larger foundation, further details to be found in the Project Proposal and Site Characteristics section.

Analysis

The proposed project consists of the demolition of an existing single-family home and the subsequent construction of four single-family attached dwelling units. The proposed addition of three housing units will be a minor contribution towards the City's goals in the Newton Comprehensive Plan and Housing Production Plan.

Given the size of the lot, relatively large single- and two-family dwellings can be constructed by right with relatively more generous setback and lot coverage standards compared to the standards for a single-family attached dwelling. However, the Floor Area Ratio (FAR) limits single- and two-family by-right projects to 0.49. While FAR does not apply for single-family attached, the petitioners propose an FAR of 0.79, which demonstrates the relative size of the proposed structure compared to by-right options. Although lot coverage remains below the 30% maximum for a single- or two- family dwellings in MR1 at 27.5%, it exceeds the 25% for single-family attached in MR1 by 2.5%, or 427 square feet. A reduction in the total building area could render the FAR more comparable to by-right options, bring the dwelling into compliance with maximum lot coverage, and closer to compliance with the minimum left/east side setback. There are a significant number of nonconforming structures in the surrounding area that appear to have greater FAR and massing than the other structures in the surrounding area built within by-right standards.

While a moderately reduced building area could reduce the need for relief for lot coverage and the degree of relief needed for the side setback, the narrowness of the lot and required setbacks does make the construction of four units difficult without relief. Given a 80 foot wide lot, 25 foot required side setbacks, and a minimum driveway width of twelve feet, only eighteen feet of by-right buildable width is available for the single-family attached use on the lot. The narrowness of the lot and standards for single-family attached create a small buildable area that likely necessitates some degree of relief for reduced side setback(s) and/or parking within the side setback for almost any design. Planning does not consider granting relief to allow parking within ten feet of a side lot line to be significant, as it is common in the area and the petitioners propose screening. Additionally, the relief is technical for parking within ten feet

of a lot line is necessary because the driveway is within ten feet of the side lot line. However, the proposed parking stalls are not within ten feet of the side lot line. Further, the waiver of one parking stall is not particularly significant given the property is within a half-mile of the Newtonville Commuter Rail station, bus routes, Newtonville Village Center, schools, and other amenities.

While the petitioners could reduce the total building area to decrease the degree of relief needed for the proposal, a variety of building types and nonconforming structures are present in the neighborhood. Two-family dwellings on undersized lots are particularly common in this area between Newtonville and Nonantum and have similar or greater massing than what is proposed. Within the immediate vicinity are structures with massing similar or greater than what is proposed, including the two-family dwelling at 648 Watertown Street and multi-family developments at 611-621 Watertown Street and 674-690 Watertown Street.

Overall, Planning believes that the relief to create four single-family attached units is consistent with the City’s goals expressed in the Newton Comprehensive Plan and Housing Production Plan. Some reduction in the overall proposed size of the building could eliminate the need for relief for lot coverage and reduce the overall building mass.

II. Zoning Relief Requested:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.1	To allow attached single-family dwellings	S.P. per §7.3.3
§3.2.4	To reduce required side setback	S.P. per §7.3.3
§3.2.4	To exceed maximum lot coverage	S.P. per §7.3.3
§6.2.3.B.2	To allow parking within 10 feet of a side lot line	S.P. per §7.3.3
§5.1.4 §5.1.13	To waive one required parking stall	S.P. per §7.3.3

For more details around the zoning analysis please refer to **Attachment A**.

III. Criteria for Consideration per §7.3.3:

- The specific site is an appropriate location for allowing the proposed use as four single-family attached dwellings with a reduced side setback, excessive lot coverage, parking within 10 feet of a side lot line, and waiver of one parking stall. (§7.3.3.C.1)
- The proposed use as four single-family attached dwellings with a reduced side setback, excessive lot coverage, parking within 10 feet of a side lot line, and waiver of one parking stall will not adversely affect the neighborhood. (§7.3.3.C.2)

- There will be no nuisance or serious hazard to vehicles or pedestrians created by the proposed use as four single-family attached dwellings with a reduced side setback, excessive lot coverage, parking within 10 feet of a side lot line, and waiver of one parking stall. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved in the proposed use as four single-family attached dwellings with a reduced side setback, excessive lot coverage, parking within 10 feet of a side lot line, and waiver of one parking stall. (§7.3.3.C.4)

IV. Project Proposal and Site Characteristics

Site Description

The lot is 16,020 square feet improved with a single-family dwelling constructed in 1935. It is located approximately a half mile southwest of the Nonantum Village Center on Watertown Street and a half mile to the northwest of the Newtonville Commuter Rail Station. The property and surrounding area are in the Multi-Residence 1 zone and features smaller lots, single- and two-family homes, and a variety of nonconforming uses, lots, and structures. The front half of the lot is slightly raised, sloping upward about three feet from the street then downward about five with the back half being generally flat and lower than the front half.

Proposed Structure

The proposed structure will consist of four single-family attached units, with Unit 1 towards the front of the lot and Units 2-4 in series behind Unit 1 towards the rear of the lot. The structure in total is 134 feet long from front to rear and 39 feet wide from the furthest points from the left to right. The structure is proposed to be compliant with the required 25-foot setback on all sides except the left, where the setback will be 15.5 feet.

The design has variations in the wall plane with Units 2 and 4 extending further towards the left/east lot line and Units 1 and 3 being less wide but slightly longer. The design features gables for each unit on each side and one each on the front and rear. On the exterior, there are bell-shaped curves at the bottom of the first floor. Other architectural features include cantilevers on the left side for Units 1 and 3.

Parking and Site Access

Each unit will have an internal garage with Unit 1 having a single-car garage and Units 2-4 having two-car garages. There will be no designated parking stalls within the driveway, therefore the total number of parking stalls will be seven, requiring relief for one parking stall. Between each of the garages, there is a proposed area for landscaping and walkways. The proposal reduces the length of the existing curb cut to twelve feet, consistent with the width of the driveway. The driveway continues the length of the majority of the right lot line. The

driveway is screened by landscaping per the submitted landscape plan including trees such as arborvitae, river birch, shrubs such as hydrangeas and azaleas, and various groundcover and grasses. Although there is proposed to be screening, the driveway is within ten feet of the right lot line, requiring relief.

Grading and Height

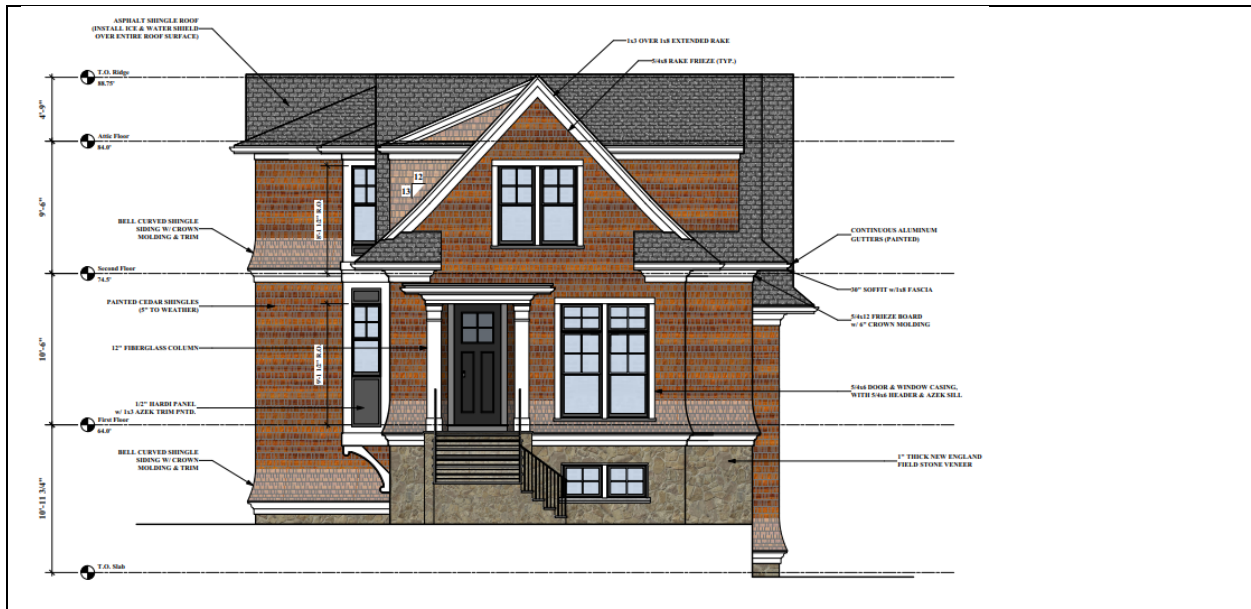
Grading changes to accommodate the relatively larger foundation will generally be minor at the front of the structure, not changing the elevation by more than a foot in most locations. The rear and left areas surrounding of the structure will be raised by as much as five feet in some locations to create level area for the foundation and level patio areas.

As the site currently is, there is a small mound at front half of the lot, where the existing dwelling is located rises approximately three feet from the street to the front entrance of the dwelling, sloping downwards three feet to the sides, and down five feet to the rear of the dwelling. The remaining rear half of the lot is generally flat.

As proposed, the grade would still slope upward about three feet from the street to the front of the house, but instead of sloping downward towards the rear of the lot, the grade will be level around the front, left, and rear sides of the building. The grade as proposed will slope downward approximately four feet from the rear façade to the rear lot line over the 25.5-foot setback. On the left side of the lot, the grade will also slope downward about four feet from the façade of the building to the left lot line. As the left side has a reduced setback of 15.5 feet as proposed, the downward slope is interrupted by a retaining wall that creates level area for patios behind units 2-4. The maximum height of this retaining wall is approximately two feet and extends approximately 75 feet from along the left lot line at about that height.

The proposed height is 34.6 feet and 3 stories, with the basement accounting for one of those stories. Given the proposed grading plan and proposed elevations, the height will remain generally consistent from the front façade to the rear. The regrading will maintain the grade at the front façade within a foot, but the overall height will be close to the maximum allowed and will appear higher than the abutting dwellings from the street. The regrading to the rear and will raise the lot by approximately four feet, raising the average grade of the dwelling and concealing much of the area below first story. The right façade will remain exposed to provide access to the garage, creating the appearance of 36.8' in height from the grade on the right side to the roof peak. The proposed grading and height will result in a dwelling that will appear to have larger massing than existing and conforming structures in the area, particularly where additional fill is being added to the rear and left and where the façade is exposed to the right.

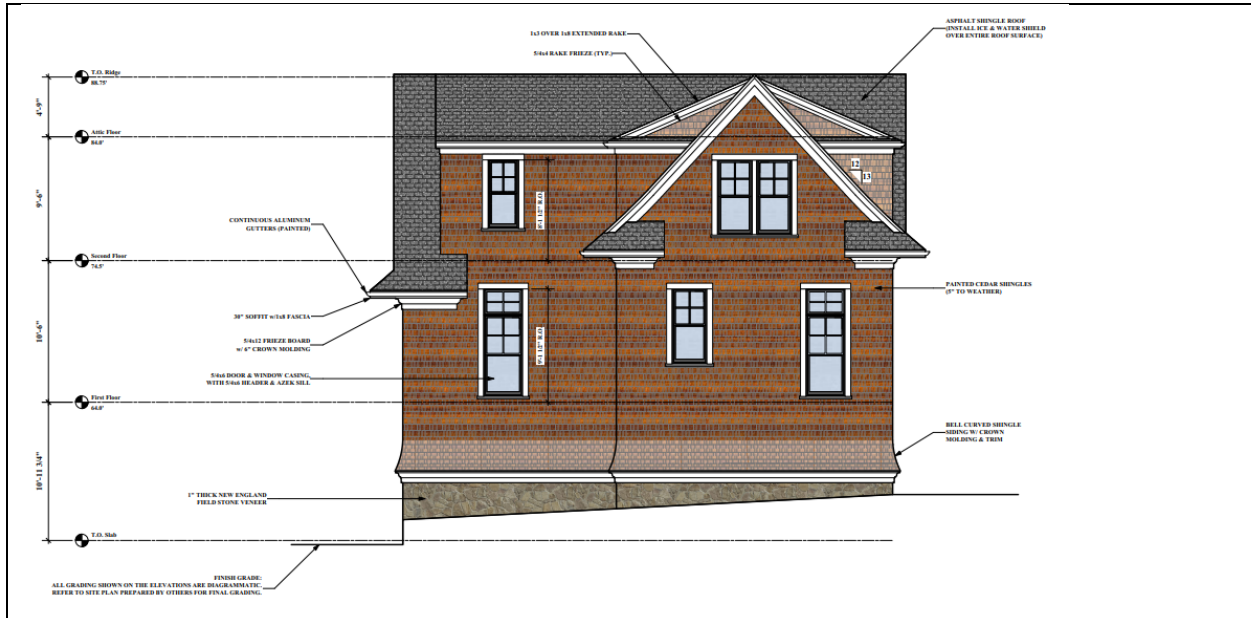
<i>Proposed Elevations</i>
Front Elevation



Left/Right Elevation



Rear Elevation



Right/West Elevation



1 Right Side Elevation
 A-22 3/16" = 1'-0"

V. Interdepartmental Review

- A. Historic: on April 1, 2024, the Newton Historical Commission elected not to impose demolition delay on the existing structure on 640 Watertown Street. No further review is required.
- B. DPW Engineering: Given more than 400 square feet of impervious surface is proposed, Engineering Review has been requested for this Special Permit application and compliance with the City of Newton Stormwater Ordinance will be ensured prior to the issuance of a building permit. Engineering Review has been requested as a part of the Special Permit application and the memorandum will be attached to this

- memorandum if complete.
- C. City Forester: prior to the issuance of a building permit, the petitioners must submit a more detailed landscaping plan for review with the City Forester that demonstrates compliance with the Tree Ordinance.

VI. Petitioner's Responsibilities

The petition is complete.

ATTACHMENTS:

- ATTACHMENT A:** Zoning Review Memorandum
ATTACHMENT B: Newton Historical Commission Decision- 640 Watertown Street
ATTACHMENT C: DRAFT Council Order



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: November 7, 2024

To: Anthony Ciccariello, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Katie Whewell, Chief Planner for Current Planning

Cc: Laurance Lee, Attorney
Brendon-Silva LLC, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to allow four attached single-family dwellings

Applicant: Brendon-Silva LLC	
Site: 640 Watertown Street	SBL: 21026 0018
Zoning: MR1	Lot Area: 16,020 square feet
Current use: Single-family dwelling	Proposed use: Four attached single-family dwellings

BACKGROUND:

The subject site is located in the Multi Residence 1 zoning district improved with a single-family dwelling constructed in 1935. The petitioner seeks to raze the existing dwelling and construct four attached single-family dwellings, requiring a special permit.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Laurance Lee, attorney, submitted 5/30/2024
- Zoning Review Plan, signed and stamped by Bradley J. Simonelli, surveyor, dated 5/30/2024
- Floor Plans and Elevations, signed and stamped by Michael McKay, architect, dated 2/19/2024, revised 2/28/2024

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to raze the existing dwelling and construct four attached single-family dwellings. Per section 3.4.1, a special permit is required to allow attached single-family dwellings in the MR1 district.
2. Per the footnote to section 3.2.4, the City Council may grant exceptions to the dimensional standards of section 3.2.4 for attached single-family dwellings if it is determined that literal compliance is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or graded of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or the protection of environmental features.
3. Per section 3.2.4, attached single-family dwellings require 25-foot setbacks from each lot line. The proposed building has a 15.5 foot side setback on the western lot line, requiring a special permit.
4. Per section 3.2.4, a special permit is required to allow three-story attached single-family dwellings. The proposed attached single-family dwelling structure is three stories, requiring a special permit.
5. Per section 6.2.3.B.2, no driveway may be located within 10 feet of a lot line. The petitioner proposes to construct a driveway along the eastern property line to service the units' garage parking, requiring a special permit.
6. The petitioner proposes to construct a single-car garage in Unit 1 and two-car garages for Units 2, 3 and 4, for a total of seven stalls. Per section 5.1.4, two parking stalls per each residential unit are required. With four proposed units, eight stalls are required. The petitioner requires a special permit per section 5.1.13 to waive one parking stall.

MR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	16,020 square feet	No change
Frontage	80 feet	80 feet	No change
Setbacks			
• Front	25 feet	37.9 feet	40 feet
• Side	25 feet	13.6 feet	15.5 feet*
• Side	25 feet	8.1 feet	25.5 feet
• Rear	25 feet	101.7 feet	25.5 feet
Height	36 feet	30.4 feet	34.6 feet
Stories	2.5	2.5	3*
Lot Area Per Unit	4,000 square feet	16,020 square feet	4,005 square feet
Max Lot Coverage	25%	12.8%	27.5%*
Min. Open Space	50%	80%	52.2%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.1	To allow attached single-family dwellings	S.P. per §7.3.3
§3.2.4	To reduce the required side setback	S.P. per §7.3.3
§3.2.4	To exceed maximum lot coverage	S.P. per §7.3.3
§3.2.4	To allow three stories	S.P. per §7.3.3
§6.2.3.B.2	To allow parking within 10 feet of a side lot line	S.P. per §7.3.3
§5.1.4 §5.1.13	To waive one required parking stall	S.P. per §7.3.3



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Mayor

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Department of Planning and Development
1000 Commonwealth Avenue Newton, MA 02459

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Newton Historical Commission Demolition Review Decision

Date: April 1, 2024 **Application #** HRA-24-46

Address of structure: 640 WATERTOWN ST

Type of building: House
If partial demolition, feature to be demolished is

The building or structure is:

- in a National Register historic district or in a historic district eligible for listing
- individually listed on the National Register or individually eligible for listing.
- importantly associated with historic person(s), events, or architectural or social history
- historically or architecturally important for period, style, architect, builder, or context.
- in a local historic district not visible from a public way

is **NOT HISTORICALLY SIGNIFICANT** as defined by the Newton Demolition Delay Ordinance
Demolition is not delayed and no further review is required.

is **HISTORICALLY SIGNIFICANT** as defined by the Newton Demolition Delay Ordinance (See

The Newton Historical Commission staff:

APPROVES the proposed project based upon materials submitted see below for conditions (i
Demolition is not delayed, further staff review may be required.

DOES NOT APPROVE and the project requires Newton
Historical Commission review on this date March 28, 2024 (See
below).

Conditions:

The Newton Historical Commission finds the building or structure:

is **NOT PREFERABLY PRESERVED**
Demolition is not delayed and no further review is required.

Owner of Record:
640 Watertown Street Trust

is **PREFERABLY PRESERVED – (SEE BELOW).**

Delay of Demolition:
 is in effect until
 has been waived - see conditions

Please Note: if demolition does occur within two years of the expiration of the demolition delay, the Historical Commission for and may result in another delay.

Determination made by:

David Lewis, Chief Preservation Planner

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Ruthanne Fuller
Mayor

City of Newton, Massachusetts

Department of Planning and Development
1000 Commonwealth Avenue Newton, MA 02459

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RECORD OF ACTION

DATE: April 1, 2024

SUBJECT: 640 WATERTOWN ST

At a scheduled meeting and public hearing on March 28, 2024, the Newton Historical Commission, by

RESOLVED to: find the property preferably preserved.

Voting in the Affirmative:

Doug Cornelius, Chair
Katie Kubie

Voting in the Negative:

John Rice
Anne Marie Stein
Harvey Schorr
Scott Friedman, Alternate

Abstained:

Recused:

Title Reference:

Owner of Property: 640 Watertown Street Trust
Deed recorded at: Middlesex County Registry of Deeds
Book/Page
Date

David Lewis, Chief Preservation Planner

Newton Historical Commission
1000 Commonwealth Avenue, Newton, Massachusetts 02459
Email: dlewis@newtonma.gov
www.newtonma.gov

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow construction of four residential dwelling units with a reduced side setback, exceeding maximum lot coverage, parking within 10 feet of a side lot line, and waiver of one required parking stall for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

FINDINGS:

1. The specific site is an appropriate location for allowing the proposed use as four single-family attached dwellings with a reduced side setback, excessive lot coverage, parking within 10 feet of a side lot line, and waiver of one parking stall as the lot is over 16,000 square feet and the resulting structure will be comparable to other nearby structures, which have equal or greater massing on similarly sized lots while the lot is located nearby transit and amenities that lessen vehicle dependence. (§7.3.3.C.1)
2. The proposed use of four single-family attached dwellings with a reduced side setback, excessive lot coverage, parking within 10 feet of a side lot line, and waiver of one parking stall will not adversely affect the neighborhood as the surrounding area features a wide variety of building types and uses with various apparent nonconformities. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians created by the proposed use as four single-family attached dwellings with a reduced side setback, excessive lot coverage, parking within 10 feet of a side lot line, and waiver of one parking stall. There will be a single curb cut, the driveway entrance will be reduced to twelve feet and one-way traffic, and the property is not located near intersections where entering and exiting Watertown Street may be relatively difficult. With the reduction of the curb cut, there is a minor improvement in pedestrian safety with an increase in curbed sidewalk area. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved in the proposed use as four single-family attached dwellings with a reduced side setback, excessive lot coverage, parking within 10 feet of a side lot line, and waiver

of one parking stall given the parking stalls are removed from the driveway and easing the ability of residents and guests to enter and exit the driveway. (§7.3.3.C.4)

5. Literal compliance 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. Given the lot is located nearby public transportation, schools, and commerce, the waiver of a parking stall is appropriate and in the public interest as it should reduce the car dependency of the residents and lessen any impacts on traffic to the surrounding area. (§5.1.13)

PETITION NUMBER: #422-24

PETITIONER: Brendon-Silva LLC

LOCATION: 640 Watertown Street

OWNER: Brendon-Silva LLC

ADDRESS OF OWNER: 259 Turnpike Road Suite 110
Southborough, MA 01772

TO BE USED FOR: Four residential dwelling units with associated relief

RELIEF GRANTED: Special Permit per §7.3.3 to allow single-family attached (§3.4.1) with a reduced side setback and excessive lot coverage (§3.2.4), parking within 10 feet of a side lot line (§5.1.4), and waiver of one parking stall (§5.1.13, §6.2.3.B.2)

ZONING: Multi-Residence 1

CONDITIONS:

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. Plot Plan signed and stamped by J.M. Genier, Professional Engineer, dated September 5, 2024.
 - b. Architectural plans signed and stamped by Michael McKay dated September 11, 2024 consisting of the following sheets:
 - i. Proposed elevations (showing front/north), A-2.1
 - ii. Proposed elevations (showing left/east), A-2.2
 - iii. Proposed elevations (showing rear/south), A-2.3
 - iv. Proposed elevations (showing right/west), A-2.4
 - c. Landscaping plans prepared by Paradigm Landscape, dated August 5, 2024, submitted September 12, 2024.
2. The Petitioner shall do the following to remediate pest and rodent activity:

- a. Prior to issuance of any demolition or building permit, the Petitioner, at its sole cost and expense, shall hire a licensed Pest Control Operator to assess the property for pest and rodent activity and develop and implement a pest remediation action plan to eliminate the activity and prevent off-site migration. The plan shall include the target pest, the methods for eliminating activity, and plan for preventing pest migration off-site during demolition and construction.
 - b. A copy of the Pest Control inspection report and the remediation action plan shall be submitted to the Inspectional Services Department for review and approval prior to issuance of any demolition or building permit. A copy of such approval shall be provided to the Department of Planning and Development.
 - c. The Pest Control Operator shall implement the approved remediation action plan, monitor the site for the duration of the project, and take whatever action the Operator deems necessary to control pest infestation and migration.
3. Prior to the issuance of any Building Permit, the Petitioner shall submit a Construction Management Plan (the "CMP") for review and approval to the Commissioner of Inspectional Services, the Director of Planning and Development, the City Engineer, and the Chief of the Fire Department. The CMP shall be in compliance with all applicable policies and ordinances in effect at the time of submission. The Petitioner shall comply in all material respects with the Construction Management Plan, which shall be consistent with and not in conflict with relevant conditions of this Order and shall include, but not be limited to, the following provisions:
 - a. 24-hour contact information for the general contractor. This information shall also be posted in a clear and visible manner at the construction site.
 - b. The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones.
 - c. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for construction materials and delivery vehicles and equipment, and location of any security fencing and erosion control.
 - d. A plan showing temporary pedestrian access within work zones in accordance with DPW Policy.
 - e. Proposed methods for dust control including, but not limited to: watering, covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - f. Proposed methods of noise control, in accordance with the Revised Ordinances, §20-13. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.

8. Provided that all other requirements in Condition #6 are satisfied and the project is substantially complete, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building prior to completion of final landscaping (including hardscape improvements).