

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, NOVEMBER 17, 2015

Present: Ald. Laredo (Chairman), Ald. Lipof, Cote, Crossley, Albright, Schwartz, Lennon, and Harney; also present: Ald. Sangiolo, Rice, Brousal-Glaser, Gentile, Fuller, and Baker
Staff: Stephen Pantalone (Senior Planner), Daniel Sexton (Senior Planner), Robert Waddick (Assistant City Solicitor), Ouida Young (Associate City Solicitor), Linda Finucane (Assistant Clerk of the Board)

A Public Hearing was opened on the following petition:

#289-15 SIMON & LEANNE TAYLOR petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a NONCONFORMING STRUCTURE and USE in order to add dormers, one of which is 60% of the wall plane below, to the half story above the second floor, which will increase the existing nonconforming Floor Area Ratio from .62 to .71, where .45 is the maximum allowed, onto an existing 3½-story, two-family dwelling at 136 EASTBOURNE ROAD, Ward 7, Newton Centre, on land known as BL 73, 43, 5, containing approximately 5,952 square feet of land in a district zoned SINGLE RESIDENCE 2. Ref: 30-24, 30-23, 30-21(b), 30-15 Table 1, 30-15 Table A, 30-15(u)(2), 30-15(t)(1), 30-8(a) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 7-0 (Crossley not voting)

NOTE: This 3½-story, 1925 two-family residence is legally nonconforming because the site slopes significantly down from the front to the rear, which for zoning purposes renders the basement the first floor. As such, the basement counts towards the gross floor area of the structure to calculate the Floor Area Ratio (FAR). The petitioners wish to construct two dormers on the half story above the third story at the rear portion of the structure. The proposed dormers will enlarge the partially finished attic floor, but will not create a full forth story. The petitioners are seeking relief to allow a dormer exceeding 50 percent of the wall plane below and to increase the nonconforming FAR from .62 to .71, where .45 is the maximum allowed by right. The proposed addition will total approximately 524 square feet.

The Planning Department has no concerns with the proposal. The Committee noted that although the FAR seems high, it is because the basement is considered the first floor due to the topography and the addition of the dormers is not changing the footprint of the existing nonconforming structure. There was no public comment. Alderman Lennon moved approval of the petition with the findings and conditions in draft special permit board order #289-15, dated December 8, 2015. The motion carried 7-0, Alderman Crossley not voting.

A Public Hearing was opened and continued on September 10, continued on October 20:

#147-15 BSL NEWTON DEVELOPMENT, LLC/ANDOVER NEWTON THEOLOGICAL SCHOOL petition for a SPECIAL PERMIT/ SITE PLAN APPROVAL and EXTENSION of a NONCONFORMING STRUCTURE to renovate the top two floors of an existing dormitory (Farwell Hall) to include 12 reconfigured dormitory rooms and to use the bottom three floors and a proposed new attached structure for a 51-unit assisted living facility and to waive 28 parking stalls and various dimensional requirements of Sec 30-19 at 157 HERRICK ROAD, Ward 6, Newton Centre, on land known as SBL 65, 19, 45, containing approximately 871,960 square feet of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(b), 30-9(b)(2), 30-5(b)(2), 30-19(d)(4), (d)(5), (h)(1), (2)a and b), (h)(3), (h)(4), (i)(1), (j)(1), (k), and (m) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 8-0

NOTE: The public hearing was opened and promptly continued on September 10. This evening, the petition was presented by attorney Alan Schlesinger. Accompanying Mr. Schlesinger were Martin Copenhaver, President of Andover Newton Theological School, John Dragat, Senior Vice President Benchmark Senior Living, Gerard Frank, Bechtel, Frank Erickson Architects, Theo Kindermanns and Sasha Wood, Stantec, civil engineer and traffic engineer, respectively. There was one person who spoke in support of the petition on October 20.

The petitioner is proposing to rehabilitate the Farwell Hall, which is the oldest dormitory on the site, and to construct a new attached building for a memory care center. Renovation will included the removal of 38 dorm rooms, and reconfiguration of 12 dorm rooms on the top two floors, and use of the bottom two floors for the memory care center's main lobby and offices. The new attached building will house Benchmark's 51-units (62 beds) and common space. The height requirement in the district is 36 feet, 2½ stories. Farwell Hall is legally nonconforming at 49 feet. The proposed new building is 34.9 feet, two stories.

A memory care use is considered a "congregate living facility" which is allowed by special permit in a Single Residence 3 zoning district. The petitioner is also seeking relief relative to parking facility requirements. Congregate living facilities require one parking stall for each sleeping room and one stall per each three employees on the busiest shift. The requirement is 62 parking stalls; five parking stalls are required for the dormitory use for a total of 67 parking stalls. The petitioners are seeking a waiver of 28 parking stalls. Relief is also sought to park with the side setback and to waiver the dimensional requirements for 11 stalls (17 feet in length, instead of 19 feet). An eight-foot retaining wall is proposed at the southern boundary line of the property, for which relief is sought for a retaining wall in excess of four feet in a setback.

A traffic analysis prepared by Stantec Consulting Services indicates the proposed memory care center will not significantly impact traffic in the area.

The project will be minimally visible from abutting residential properties, which consist of properties on Cypress Street. However, the Planning Department noted that many of the trees were deciduous providing cover only for a portion of the year and suggested the petition consider planting additional trees on the hillside and/or adjacent to the building. There is approximately a

65-foot grade change from the front of Farwell Hall to Cypress Street and at least a 50-foot grade change from the back of the proposed addition. The plans indicate that the grade of the northwest corner of the building will be built up by approximately three feet. This increase will help mitigate the view of the building from Cypress Street.

The petitioner has agreed to make a contribution of the City for Inflow and Infiltration (I&I) at a rate of 1:1 at the City's standard rate of \$8.43/per gallon. The City's Engineering Division indicated it would require a contribution of 8:1. However, the 8:1 ratio is a City policy, not an ordinance, which historically has been applied to projects with over 100 bedrooms. The Planning Department after consultation with the Law Department believes the proposed 1:1 contribution for I&I is adequate because the project has less than 100 beds.

The petitioner has also agreed to provide a payment in lieu of subsidizing residents' housing costs, which they believe is more appropriate due to the availability of Medicare for low-income residents. The petitioner is proposing to make an upfront payment of \$1,250,000, which is calculated by taking the approximate net present value of the 2.5% of the expected income for a 10-year period. After year 10 any additional funds would be minimal anyway. The Law Department has reviewed the proposed inclusionary housing payment and found it meets the requirements of the ordinance. The Planning Department and the Newton Housing Partnership were in agreement.

Mr. Schlesinger had provided a letter in response to a recent news story that Andover Newton Theological School is likely to be leaving its campus. He explained that Benchmark Senior Living, which owns three other sites in Newton, has been working on this project since 2013. This special permit application was filed in May 2015. The postponement of the September 10 hearing was at the request of Andover Newton to allow the school to consider its strategic options. The property is subject to use restrictions both in the zoning and in private restrictions contained in Benchmark's 99-year ground lease. The campus might be a school or an institution or single-family house or attached dwellings, any of which would be compatible with the assisted living. Benchmark is confident that whatever events may transpire the memory care unit will be able to operate in the context and will be a valuable asset to the community.

Alderman Schwartz moved approval of the petition with the findings and conditions in draft special permit board order #147-15, dated December 8, 2015. The motion carried unanimously.

A Public Hearing was opened and continued on July 14:

#149-15 JOAN DEVINE, TRUSTEE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow an increase in Floor Area Ratio from .45 to .58-.49for a customized modular home that was permitted at 14 CHARLEMONT STREET, Ward 8, Newton Highlands, on land known as SBL 83, 33, 18, containing approximately 8,251 square feet of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 8-0

NOTE: On July 14, the petitioner was represented by attorney G. Michael Peirce. Mr. Peirce explained that his client purchased the property in May 2014 with the intention of removing the previous house from its foundation and replacing it with a custom designed modular home and renovating the existing two-car detached garage by replacing the roof and re-cladding it to match the new house. The goal was to maintain all existing dimensional compliances, which it does. The petitioner received building permits to demolish a single-family dwelling and to construct the new modular home. Without benefit of local zoning counsel, the petitioner met with various city officials to determine the exact size house that could be placed upon the foundation. The petitioner had the home designed and constructed and purchased it. However, when the petitioner went to obtain the building permits the Inspectional Services Department determined that the total gross floor area for the proposed dwelling combined with the floor area of the detached garage exceeds the maximum allowable Floor Area Ratio (FAR) of .45 by 1,085 square feet (or 29%). Since the modular structure was already under construction off-site, the petitioner's choices were to either obtain a special permit to exceed the maximum allowable FAR or demolish the detached garage and modify the grade bring the FAR into compliance. The petitioner is seeking a special permit to exceed the maximum allowable FAR of .45 to .58

The Planning Department expressed reservations about the bulk and mass of the buildings as they represent a departure from the size, scale and design of the other one- and two-story homes, many of which have attached and detached garages, in the neighborhood. The Planning Department recommends that the petitioner remove the detached garage and install plantings along the front and sides of the property to diminish the visual impact of the house. The rear of the property is partially screened by existing trees. Although the amount of new impervious surface is below the threshold that triggers review by the Engineering Division, the petitioner is installing an on-site drainage and infiltration system.

Mr. Peirce said a garage is important for marketing a property in New England. He noted that the garage, which is located directly behind the house shielded by trees and not visible from the street, has been on the property for 60 years. Even if it is removed it will have no effect on the massing visible from the street because the house will not change. The house is not out of scale with a number of houses in the neighborhood that have been expanded or constructed in the past few years. The first and second floors and the attic of the house comply with the FAR. The garage, which is 455 sq. ft., is only 9.5% of the total FAR, but accounts for approximately 42% of the waiver requested. The 709 sq. ft. of the basement is less than 15% of the total existing FAR but represents 65% of the waiver requested. Mr. Peirce stressed that this was not a case of the petitioner getting erroneous information from the city. There was simply no discussion relative to the impact of the detached garage. Mr. Peirce urged committee members to visit the site, which permission the petitioner gave to board members.

Alderman Albright said the garage is not the problem; the house is too big for the site. Alderman Schwartz agreed that the house is the bigger problem. Has the petitioner considered any modifications to the house? Can a custom built modular house be modified? What about the bump out at the rear?

Mr. Peirce said that for better or worse, we are left with the house the petitioner has on the site. Is the purpose of FAR served by requiring the garage to be taken down? Re-grading of the site around the house can eliminate 700 square feet, but the house will remain the same. However, the petitioner will look at other options including modifications to the house.

Public Comment:

Richard Salter, 42 Stephen Place, believes there are two issues: if the homeowner were claiming ignorance or if the final result added value to the neighborhood. In this case neither is true.

Nancy Sharby, 38 Charlemont Street, is a 40-year resident. The new house is triple the size of the sweet bungalow with a lovely garden that was previously on the site. She was offered \$750,000 cash for her house by a developer. If the Board approves this petition, there will more issues in the future.

Jon Koot, 430 Winchester Street, submitted photos of the previous house and the current house. He asked about the issue of the building permit being contingent on the special permit, should it not be the opposite. The new house looms on the lot. It is the mass and scale of the house, not the garage that is the problem.

Note: The Chairman explained that when someone seeks to cure a zoning violation the enforcement action is frozen pending the outcome, i.e., the building permit had already been issued and the petitioner is seeking a special permit.

The committee continued the public hearing to August 4 to allow members to visit the site. On August 4th the Committee continued without any additional information from the petitioner or testimony from the public.

This evening, Mr. Peirce reported that the petitioner has made two significant modifications: the site has been re-graded, which has eliminated basement level from counting towards the gross floor area in the FAR calculation, and the garage has been demolished. The modifications bring the FAR into compliance with the maximum .45 FAR allowed by right. Without the garage, it is now a by-right project; however, the petitioners wish to construct a 20'x20' garage, containing 400 square feet, which will increase the FAR to .49. The Planning Department has no issues with the revised petition, which increase it categorizes as de Minimis. In addition, the petitioner has submitted a landscaping plan which includes a mix of decorative trees, shrubs, and ornamental grass and flowers in the front yard. The Chairman commented that although it might appear as somewhat disingenuous, re-grading the site is legitimate and is allowed by ordinance.

Alderman Lipof moved approval of the petition with the findings and conditions in draft special permit #149-15, dated December 8, 2015, which motion carried unanimously.

A Public Hearing was opened and continued on September 10:

#180-15 EIGHTH RUN, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to add two dwelling units to an existing 1½-story single-family dwelling, which will involve removing historically insignificant additions and relocating the existing dwelling, ~~and to exceed the maximum lot coverage, locate parking within 20 feet of a side lot line, and locate a driveway within 10 feet of a side lot line~~ at 28 SUMNER STREET, Ward 7, Newton Centre, on land known as SBL 73, 48, 21, containing approximately 21,205 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-9(b)(5)a), and b), 30-15 Table 1, 30-19(m), of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 7-0-1 (Laredo abstaining)

NOTE: Attorney Laurance Lee represented the petitioner. The site consists of 21,205 square feet of land with a circa 1835 single-family dwelling and an accessory structure. The petitioner is proposing to demolish later additions to the existing dwelling that are not considered historic and to construct two additional dwellings. The petitioner is seeking a special permit to allow attached dwellings. The petition also seeks relief to exceed the maximum lot coverage, locate parking within 20 feet of a side lot line, and to locate a driveway within 10 feet of a side lot line.

The proposed units will average approximately 2,970 square feet, including a two-car garage for each unit. The total Floor Area Ratio (FAR), although not applicable to attached dwellings, is .42, which equals the .42 maximum FAR that would be allowed for a by-right two-family dwelling. A driveway along the north side property line will provide access to the garages facing the side property line. A driveway closer to the middle of the site will access the garage facing Sumner Street. There is open space in the rear of the site and/or vegetation and fencing along the side and rear property lines.

The Planning Department noted the existing development patterns of the surrounding neighborhood. The eastern side of Sumner Street consists mostly of two-family dwellings on lots that are less than half of the size of the subject property. The western side of the street is in single-family district and consists mostly of single-family homes on lots significantly smaller than the subject property. The proposed petition is consistent with the density of the neighborhood in terms of lot area per unit.

Public Comment:

Amy Bierbaum, 12 Sumner Street, is opposed to the petition. Sumner Street is already a cut through with too many cars. This will change the character of the neighborhood.

David Goodson & Betsy Martin, 20 Sumner Street, are direct abutters. The Planning Department memorandum is misleading. The proposal is too massive; it covers too much of the lot and extends way back, into the property and it will obstruct his view from his kitchen window; the driveway is less than 10 feet from the property line to within 3 feet of his property line. The additional cars will exacerbate the traffic problems on the street.

Stephen Grabow, 6 Sumner Street, is also opposed. He submitted a petition (which was emailed to the Board of Aldermen). This segment of the street already has excessive traffic because it is

used as a shortcut. There is significant pedestrian traffic and four new cars exiting driveways in the center of the block will create a worse safety hazard. The project is out of character with the existing structures and would create a nuisance for the neighbors.

Laura Meyer, 18 Sumner Street, said the driveway encroaches on her property line. Four garage doors within 10' will face her unit. The idling and exhaust from cars is a big concern. Why are there two cars for each unit? The garages should face the front of the site.

The following people sent communications in support of the project, many of whom cited the preservation of the existing house and the sensitivity of the design.

Lynn Weissberg, 5 Alden Street

Barbara & Larry Brown 25 Sumner Street

Sean McDonald, owner of 34-36 Sumner Street

Allison Avramovich, 1005 Centre Street

Elliot Israel, 19 Alden Street

Charles & Judith Berlin, 15 Alden Street

Joanne & Eli Niewood, 21 Wessex Road, abutters to the rear of the property

Michael Edwards, 6 Sumner Street

Eric Bittner, 362 Ward Street, preservation of the original house

Jon Ulfand, 29 Irving Street, preservation of the original house

Jeffrey & Carol Joffe, 18 Sumner Street

In response to a question from the committee, Mr. Lee said that the petitioner knew four units would be too dense. Two units, which is the by-right alternative were also considered, but three units makes more sense financially. There was desire to preserve the existing house, which is more expensive than demolition and new construction. The Committee asked the petitioner to provide a plan showing all of the surrounding properties.

This evening, Mr. Lee presented the attached PowerPoint, which includes the neighborhood lots. The petitioner is no longer seeking relief and to exceed the maximum lot coverage, locate parking within 20 feet of a side lot line, and locate a driveway within 10 feet of a side lot line. The petitioner is seeking relief for one unit. There is no precedent as this is the largest lot in the neighborhood. Mr. Lee pointed out that although the proposed driveway literally could go right up to the lot line of 18-20 Sumner Street, there is 10 feet between the lot line and the proposed driveway. The garage is oriented to the side to minimize the impervious surface on the site. The petition in making the revisions took feedback from the neighbors and the city.

The following people spoke in opposition:

Jacques Telio, 33-35 Wessex Road, is concerned about snow being pushed against his fence.

The petitioner should demolish the house and build a two-family by right. (It was noted that the proposed driveway is on the opposite of the site from Mr. Telio's property.)

Peter Hogan & Jodi Daynard, 38-40 Sumner Street, are opposed. It is disingenuous for the petitioner to force the neighborhood to accept three units just to save an historic house. It is a narrow street and an additional unit will impact the traffic congestion.

Laura Meyer, 18 Sumner Street, Stephen Grabow, 6 Sumner Street, and Betsy Martin, 20 Sumner Street, all reiterated their opposition.

Barbara Lapidus Brown, 25 Sumner Street, spoke in favor.

Alderman Crossley moved approval of the petition with the findings and conditions in draft special permit board order 180-15, dated December 8, 2015. The motion carried 7-0-1, Alderman Laredo abstaining.

#181-15 AYENG FONG & BINH NGUYEN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to add a third unit onto the rear of an existing two-family dwelling at 220-222 CALIFORNIA STREET, Ward 1, NONANTUM, on land known as SBL 11, 10, 16, containing approximately 9,510 sf of land in a district zoned BUSINESS 1. Rev: Sec 30-24, 30-23, 30-11(d)(8), 03-19(h)(1), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

ACTION: WITHDRAWAL WITHOUT PREJUDICE APPROVED 8-0

#274-15 STORAGE DEVELOPMENT PARTNERS, LLC/NORCROSS TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish two existing buildings and construct a 113,187 square-foot self-storage facility with 11 parking stalls at 255-257 NEWTONVILLE AVENUE, Ward 2, Newtonville, on land known as SBL 12, 16, 8, containing approximately 75,634 sf of land in a district zoned MANUFACTURING. Ref: Sec. 30-24, 30-23, 30-12(g)(1), 30-15 Table 3, 30-19(d)(15), (h)(1), (h)(2)c), (i)(1), (j)(1), (g)(1), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

ACTION: WITHDRAWAL WITHOUT PREJUDICE APPROVED 8-0

The meeting was adjourned at approximately 11:55 PM

Respectfully submitted,

Marc C. Laredo, Chairman

28 Sumner St., Newton

Nov. 17th, 2015

Public Hearing

Continuation from Sept. 10, 2015

Property Owner: **EIGHTH RUN, LLC**

200 Highland Ave, Suite 401 Needham MA 02494

28 Sumner Street, Newton - Neighborhood Lots in Square Feet



Lot size in square feet

Zone

Updated: 11/09/15

Carriage Rd.

Slide 2

Data taken from the City of Newton Public Record

**

	Address:	* Land Use	Land Use Description	Lot Size in Square feet	Frontage in Feet	Zoning
1	4-6 SUMNER ST	104	TWO FAMILY	6,665	105	MR1
2	10-12 SUMNER ST	102	CONDOMINIUM	6,452	64	MR1
3	14-16 SUMNER ST	104	TWO FAMILY	6,800	55	MR1
4	18-20 SUMNER ST	102	CONDOMINIUM	6,590	52	MR1
	28 SUMNER ST	101	SINGLE FAMILY	21,250	158	MR1
5	34-36 SUMNER ST	104	TWO FAMILY	5,194	40	MR1
6	38 SUMNER ST	104	TWO FAMILY	7,951	60	MR1
7	42-44 SUMNER ST	101	SINGLE FAMILY	3,770	50	MR1
8	48 SUMNER ST	101	SINGLE FAMILY	5,900	70	MR1
9	15 SUMNER ST	104	TWO FAMILY	11,540	122	SR2
10	25 SUMNER ST	101	SINGLE FAMILY	6,869	65	SR2
11	2 ALDEN ST	101	SINGLE FAMILY	10,422	95	SR2
12	10 ALDEN ST	101	SINGLE FAMILY	8,546	80	SR2
13	18 ALDEN ST	101	SINGLE FAMILY	13,389	120	SR2
14	5 ALDEN ST	101	SINGLE FAMILY	8,222	120	SR2
15	15 ALDEN ST	101	SINGLE FAMILY	9,185	70	SR2
16	19 ALDEN ST	101	SINGLE FAMILY	11,829	90	SR2
17	9-11 WESSEX RD	102	CONDOMINIUM	5,785	60	MR1
18	17 WESSEX RD	102	CONDOMINIUM	9,100	70	MR1
19	21 WESSEX RD	101	SINGLE FAMILY	8,190	65	MR1

20	27-29 WESSEX RD	102	CONDOMINIUM	8,191	75	MR1
21	33-35 WESSEX RD	104	TWO FAMILY	8,191	65	MR1
22	37 WESSEX RD	101	SINGLE FAMILY	5,764	55	MR1
23	41 WESSEX RD	101	SINGLE FAMILY	6,844	55	MR1
24	6-8 WESSEX RD	102	CONDOMINIUM	9,614	105	MR1
25	14 WESSEX RD	101	SINGLE FAMILY	9,542	75	MR1
26	20-22 WESSEX RD	104	TWO FAMILY	9,605	75	MR1
27	26-28 WESSEX RD	102	CONDOMINIUM	9,673	75	MR1
28	32 WESSEX RD	102	CONDOMINIUM	9,426	75	MR1
29	38 WESSEX RD	104	TWO FAMILY	6,878	55	MR1
30	42 WESSEX RD	101	SINGLE FAMILY	6,871	55	MR1
31	599 CARRIAGE RD	109	MULTI-HOME	5,408	55	SR2
32	448 WARD ST	101	SINGLE FAMILY	11,690	90	SR2

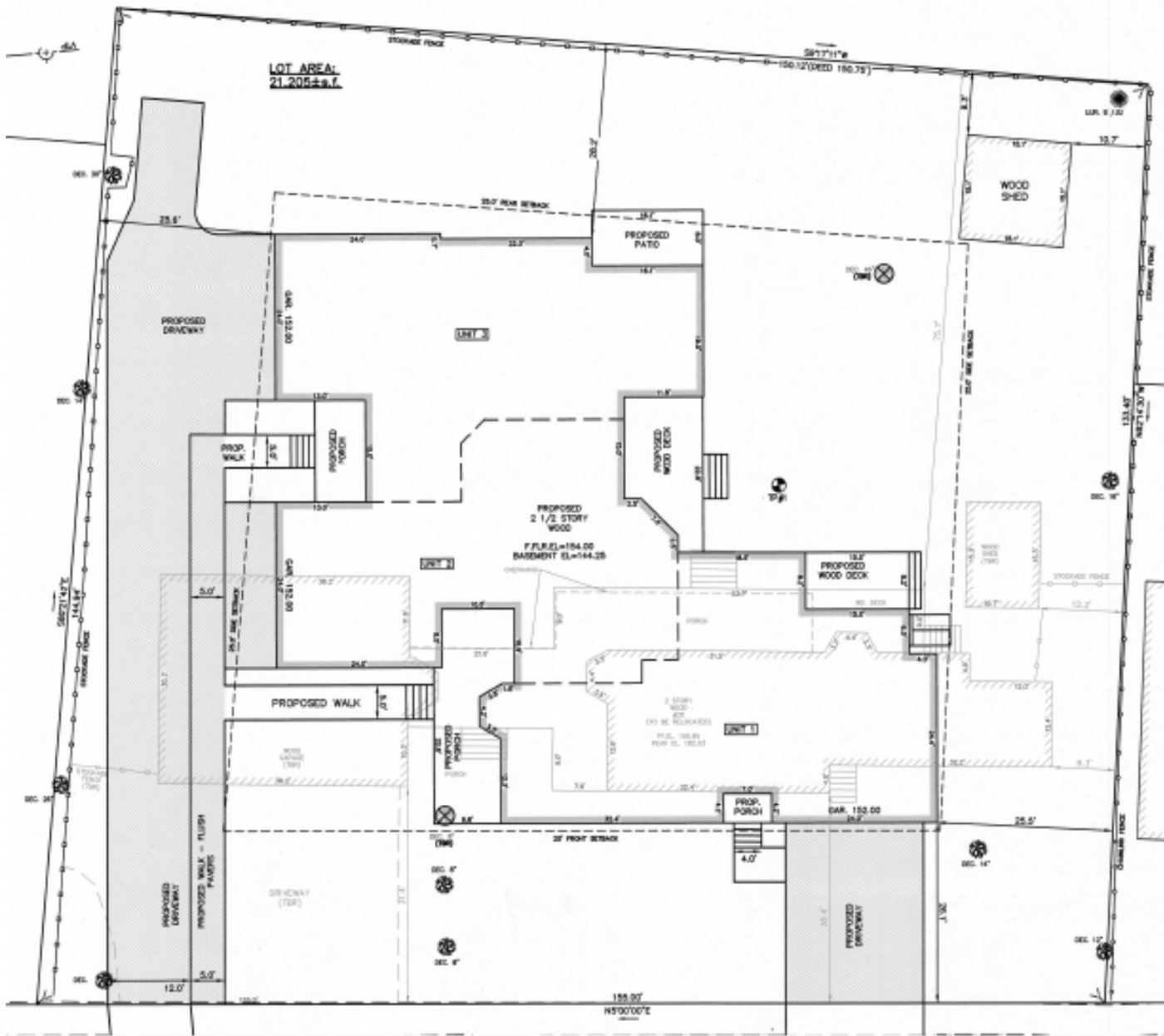
*** The land use and description listed here are for Assessing Department purposes based on historical records in the Assessing Department.**

For an official ruling on the legal use of the property pursuant to the state building code and/or Newton Zoning Ordinances, contact the Inspectional Services Department.

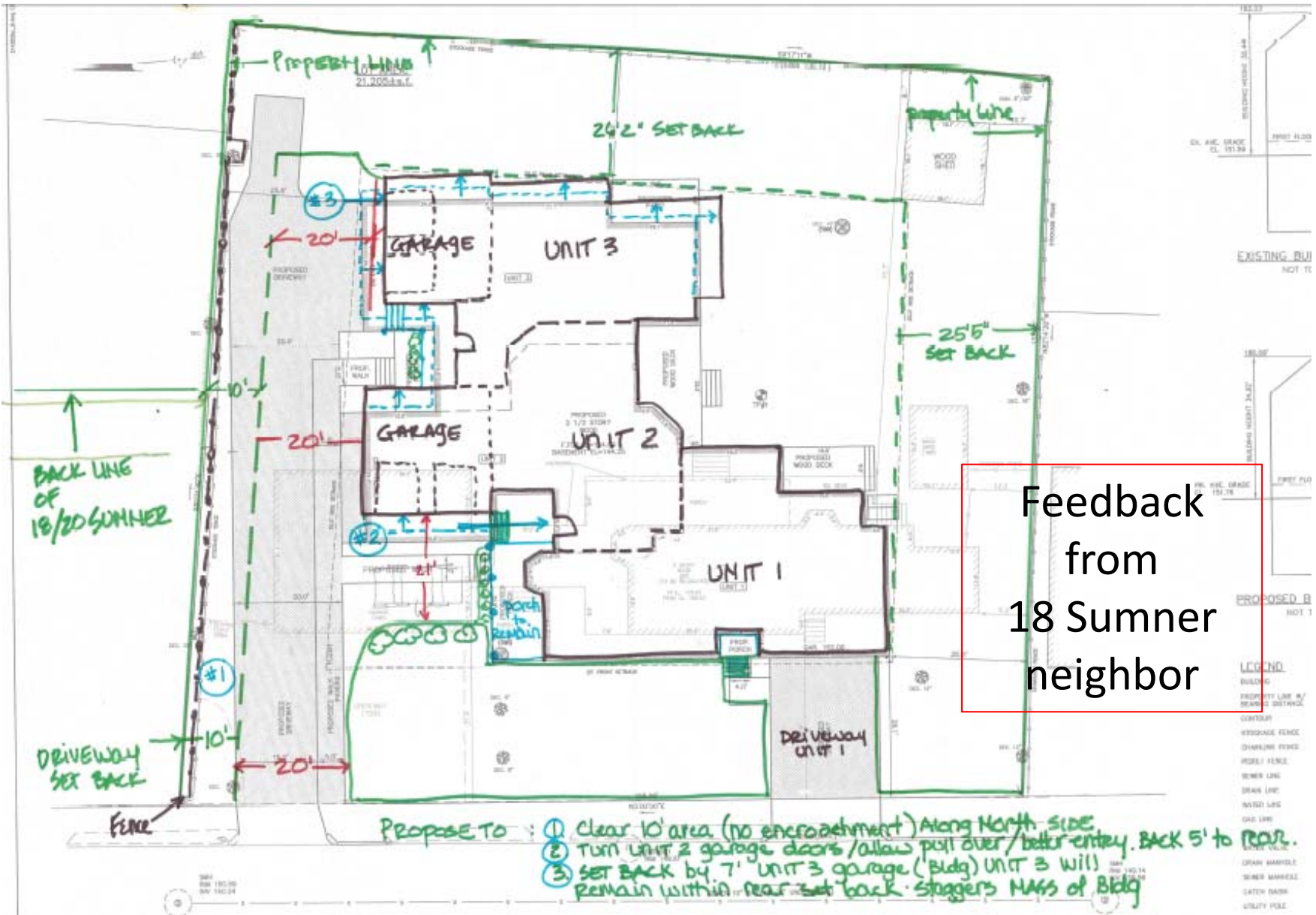
**** For reference purposes only. Please check with Engineering Department for official zoning designation.**

Average for MR1 = 7,409 sf

Average for SR2 = 9,710 sf



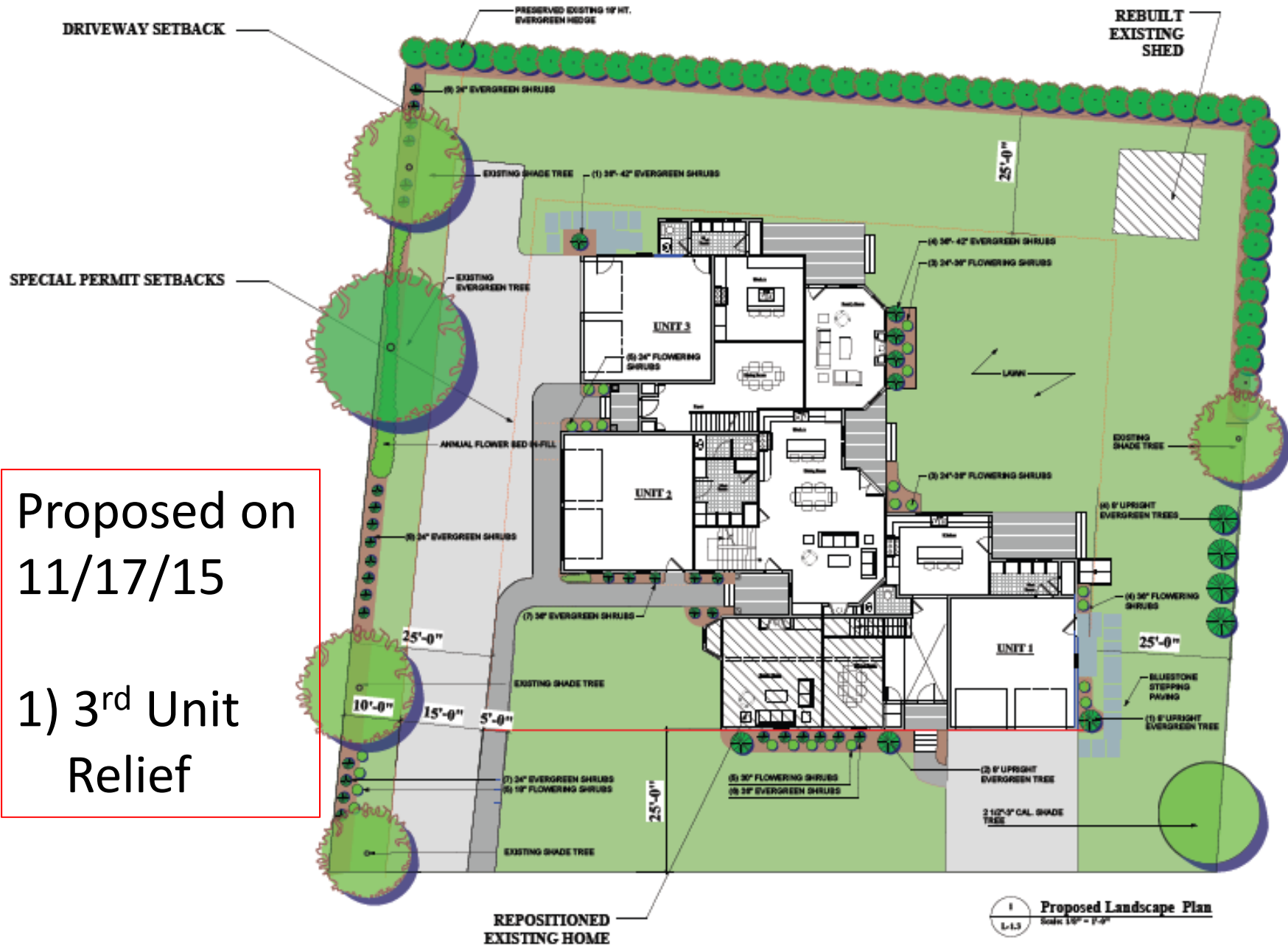
- Proposed on
9/10/15
- 1) 3rd Unit
 - 2) Driveway within 10' of setback
 - 3) Lot Coverage



Feedback from 18 Sumner neighbor

Proposed on
11/17/15

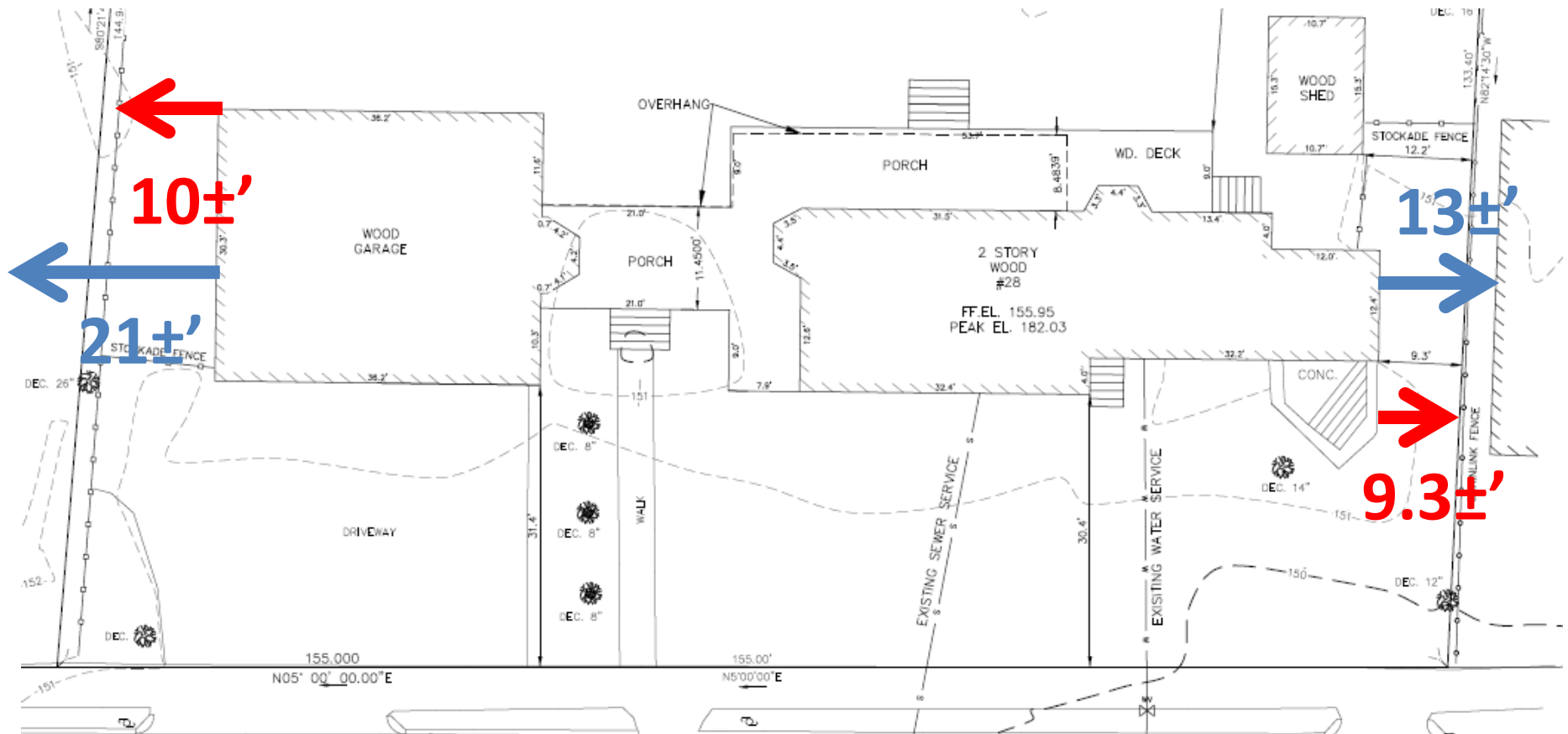
1) 3rd Unit
Relief



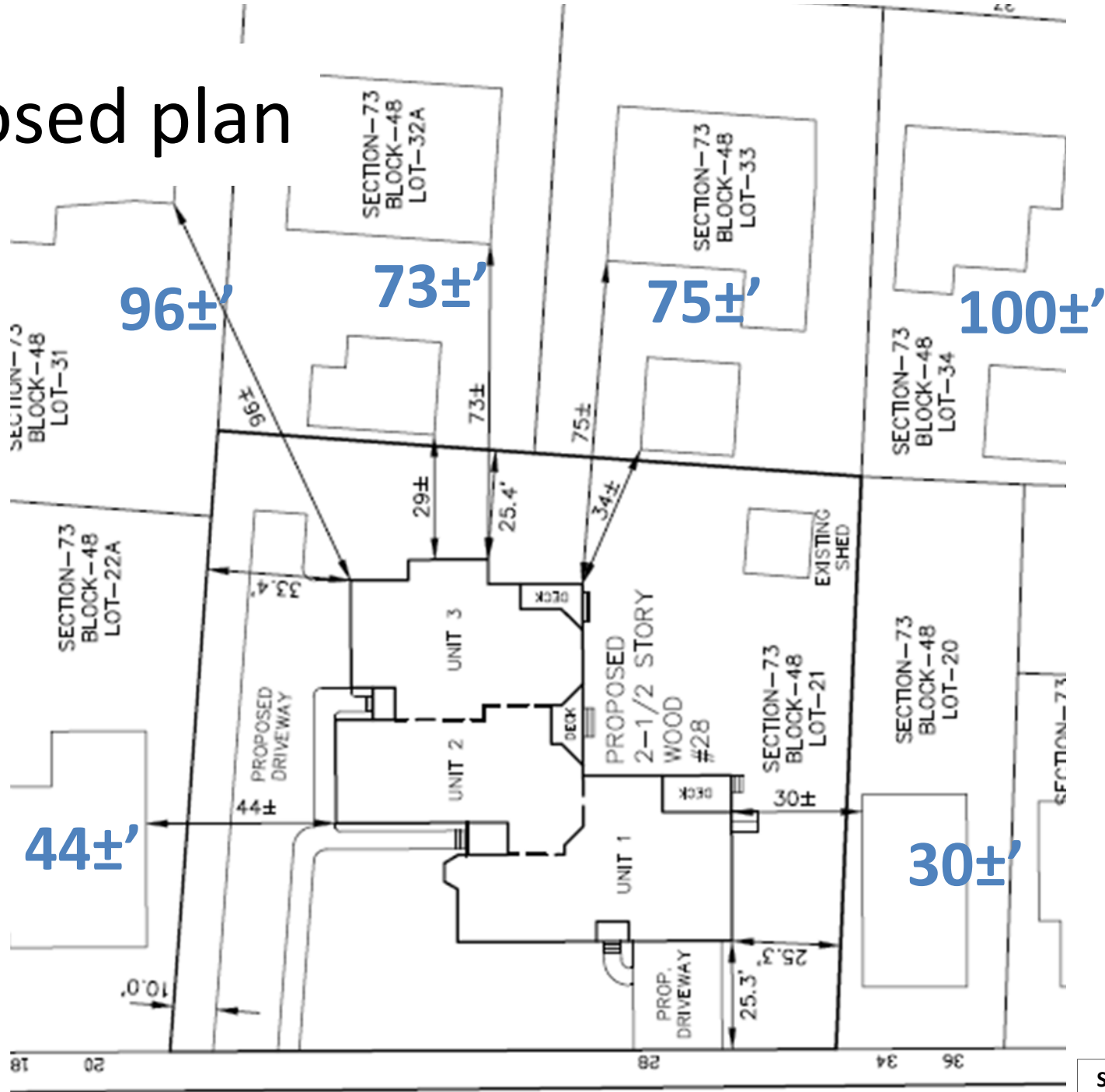
Differences between last submission and this submission

- Moved structure further away from 18-20 Sumner (from to 33.4' to now 44')
- Moved Driveway off of 10' setback
- Reduced covered structure to get below the 25% lot coverage (from 27.2% to now 24.6%)
- Increased open space from 58.4% to 60.4%

Existing conditions



Proposed plan



Granting of our special permit will be a benefit to the site and the neighborhood due to the following reasons:

- The existing house WILL BE SAVED. It was deemed preferably preserved by Newton Historic Commission.
- Conditions of the Special Permit will PROTECT the site and neighborhood in perpetuity.
- The scale, massing and bulk of the proposed three-unit building is either the SAME or SMALLER than a by-right 2-unit building.
- The project does NOT require an FAR waiver or a parking waiver.
- The Planning Department supports the project
- The special permit/project provides BETTER dimensional controls than by-right controls, for example:
 - **Side Setbacks:** By right is 7.5 feet; Project is 25 feet; (17.5 feet MORE than by-right)
 - **Rear Setback:** By right is 15 feet; Project is 25 feet; (10 feet MORE than by-right)
 - **Height:** By Right is 36 feet; Project is 34.17 feet; (1.83 feet LOWER than by-right)
 - **Lot Coverage:** By right is 30%; Project is 24.6%; (5.4% LESS than by-right)
 - **Open Space:** By right is 50%; Project is 60.4%; (10.4% MORE than by-right)



Front Elevation from Sumner Street



Right Side Elevation



Rear Elevation



Left Side Elevation