



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney Heath
Director

STAFF MEMORANDUM

Meeting Date: **Monday, May 13, 2019**

DATE: May 9, 2019

TO: Urban Design Commission

FROM: Shubee Sikka, Urban Designer

SUBJECT: Additional Review Information

The purpose of this memorandum is to provide the members of the Urban Design Commission (UDC) and the public with technical information and planning analysis which may be useful in the review and decision making process of the UDC. The Department of Planning and Development's intention is to provide a balanced view of the issues with the information it has at the time of the application's review. Additional information may be presented at the meeting that the UDC can take into consideration when discussing Sign Permit or Fence Appeal applications.

Dear UDC Members,

The following is a brief discussion of the sign permit applications that you should have received in your meeting packet and staff's recommendations for these items.

I. Roll Call

II. Regular Agenda

Fence Appeal

1. 33 Hancock Street

PROJECT DESCRIPTION: The property located at 33 Hancock Street is within a Single Residence 3 district. The applicant is proposing to add the following fence:

- a) **Rear Lot Line** – The applicant is proposing to add a fence along the rear lot line, set at the rear property line with a new fence, 8 feet in height.
- b) **Side Lot Line** – The applicant is proposing to add a fence along the side lot line, set at the side property line with a new fence, 6 feet and 7 feet in height.

TECHNICAL REVIEW:

The proposed fence along the rear property line appears to be consistent with the fence criteria outlined in §5-30(d)(3) of the Newton Code of Ordinances.

According to §5-30(d)(3), "Fences bordering the rear lot line: No fence or portion of a fence bordering or parallel to a rear lot line shall exceed six (6) feet in height, provided, however, that the height of a rear lot line fence may be increased to a maximum of eight (8) feet if no portion of such rear lot line constitutes a side lot line for an adjoining lot or as provided in subsection (6) below."

The proposed fence along the side property line appears to be not consistent with the fence criteria outlined in §5-30(d)(2) of the Newton Code of Ordinances.

According to §5-30(d)(2), "Fences bordering side lot lines: No fence or portion of a fence bordering or parallel to a side lot line shall exceed six (6) feet in height except as provided in subsection (6) below, and further, that any portion of a fence bordering a side lot line which is within two (2) feet of a front lot line shall be graded to match the height of any fence bordering the front lot line."

As specified under §5-30(c) and (h), the UDC may grant an exception to the provisions of the City's Fence Ordinance. The proposed fence, however, must be found to comply with the *"requirements of this ordinance, or if owing to conditions especially affecting a particular lot, but not affecting the area generally, compliance with the provisions of this ordinance would involve substantial hardship, financial or otherwise."* The UDC must also determine whether the *"desired relief may be granted without substantially nullifying or substantially derogating from the intent and purposes of this ordinance or the public good."*

As proposed, the applicant is seeking an exception to allow 7 feet tall fence at the side property line for a length of 24 feet, where the ordinance would permit such a fence to be 6 feet tall at the side property line. The applicant's stated reasons for seeking this exception are that *"We seek an appeal from the Department of Planning and Development to have a fence installed on our property at 33 Hancock Street with an exception to the standard ordinance. My wife and I recently purchased this historic property and are very excited to be a part of the neighborhood and play our small part in preserving the charm and historical significance of the district. We seek to install a fence for a variety of factors, the two primary being to contain our dog to the back yard without risk of him running into neighbor's yards or into the street and to reduce the noise pollution originating from the Massachusetts Turnpike only one street away and the pre-school playground adjacent to our back property line. Secondly, we would like to enjoy the increased privacy that a fence can offer. We recognize the importance of architectural appropriateness of any new structures. After receiving quotes from seven local fence companies, we have elected to work with Amazing Fence out of Boston"*

based on their online reviews, track record, level of professionalism, and technical know-how. Below are some details related to the planned construction and key considerations that will hopefully provide the necessary context:

- *The project will consist of a cedar tongue and groove fence extending from the side of the house, around the yard, and connecting to the side of the garage. We selected cedar for its quality and natural beauty, and tongue and groove style to ensure no openings through which sound can penetrate. The contractor will install the fence as close to the ground as possible for the same reason. The boards will be 1x6 with 5x5 cedar posts. Photos of the expected design are attached (please disregard the color of the fence in the photos). The street-facing portions of the fence will have a 1.5' high "Chestnut Hill" style topper.*
- *The fence will generally be 6' high in the front and sides, and 8' along the rear property line that sits adjacent to the pre-school and from where most of the highway noise pollution originates. There is a very steep slope downward towards the rear of the yard. If we install the fence per ordinance, the installation would require a very steep "step down" along the rear property line and then a "jump up" to 8 feet, and the next-door neighbor's 6' barricade style fence would end up being visible above the new fence due to terrain differences. We feel that we can maintain a cleaner "step" down if we transition from 6' to 7' to 8' for the last three sections of fence (24') that connect to the 8' sections along the back. This is to achieve a more uniform and aesthetically pleasing look. This is illustrated in the attached plan. We have gained approval from our neighbors on both sides of the property for this plan and the Historic Commission would also prefer this option if we can gain approval.*
- *To fully enclose the yard, we will also install a 4' black aluminum ornamental fence connecting the garage to the home. The style will match the existing black aluminum fence that sits on the front left property line in the front yard. An image is attached.*
- *To preserve the wood's natural beauty, the fence will be stained with semitransparent oil-based Sikkens stain in a Dark Oak. We feel a darker color would stand out less against the home. Photos again are attached."*

This property is included in the Auburndale Historic District and the Auburndale Historic District Commission held a public hearing on November 13, 2018 and made the following decision. Attachment A shows the decision letter from the Auburndale Historic District Commission. The decision of Auburndale Historic District Commission is as follows *"RESOLVED to issue a Certificate of Appropriateness for the application as submitted at 33 Hancock Street to install an eight-foot closed board wood fence at the rear of the property, seven-foot closed board wood fence sections transitioning to six-foot sections along the left and right side property lines, and either the black-finish aluminum fence or the six-foot wood fence with the open topper for the street-facing*

sections with the requirement that the right-side street-facing section be moved to the back corner of the house.”

STAFF RECOMMENDATION: Based on the information submitted in the fence appeal application and staff’s technical review, staff seeks advise from Urban Design Commission.

Design review

1. 15-21 Lexington Street Design Review

The petitioner is seeking to construct 24 residential units in a three-story residential building (2 studio units, 15 one-bedroom units, and 7 two-bedroom units). At the request of the Planning Department, the petitioner has been asked to present the project proposal to the UDC for consideration. The Planning Department encourages the UDC to review the project with regards to, but not limited to, the following: the proposed site plan; the building’s design; bulk and massing; relationship to context and the street; and parking placement.

2. 156 Oak Street – Northland Design Guidelines Design Review

The petitioner has applied to re-zone and seek Special Permits from the City Council for the property located at 156 Oak Street for mixed-use buildings (commercial and housing). The petitioner has presented three times to UDC in June 2018, October 2018 and a revised plan in April 2019.

The applicant submitted a draft of the proposed revised design guidelines on May 9th. The applicant is scheduled to present the design guidelines at the Land Use Committee meeting of the City Council on May 14th. The Planning Department encourages the UDC to review the revised design guidelines with regards to neighborhood design, site design, and building design and provide comments to the Land Use Committee for the May 14th public hearing/working session.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

RECORD OF ACTION:

DATE: November 15, 2018

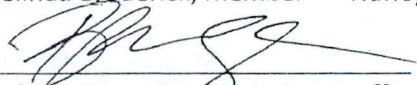
SUBJECT: 33 Hancock Street - Certificate of Appropriateness

At a scheduled meeting and public hearing on November 13, 2018 the Auburndale Historic District Commission, by vote of 6-0,

RESOLVED to issue a Certificate of Appropriateness for the application as submitted at 33 Hancock Street to install an eight-foot closed board wood fence at the rear of the property, seven-foot closed board wood fence sections transitioning to six-foot sections along the left and right side property lines, and either the black-finish aluminum fence or the six-foot wood fence with the open top for the street-facing sections with the requirement that the right-side street-facing section be moved to the back corner of the house.

Voting in the Affirmative:

Italo Visco, Chair Patricia Baker, Member Patricia Bottomley, Member
Melinda Broderick, Member Nancy Grissom, Member Martin Smargiassi, Member


Barbara Kurze, Commission Staff

DATE TRACKING

Date Notice Sent: 10-30-18
Date of Hearing/Meeting: 11-13-18
Date of Decision: 11-13-18

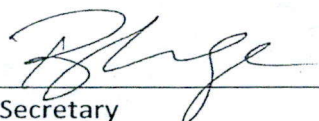
ACTION TAKEN

Accepted: X
Denied: _____
Reason for Action: Appropriate

TYPE OF CERTIFICATION ISSUED

Appropriateness Non-Applicability Hardship

Conditions: The right-side street-facing fence section will be moved to the back corner of the house.


Chairman or Secretary

11-15-2018
Date

Please check with Inspectional Services Department to see if a building permit will be required AND note that final project work requires Historic Preservation staff or Historic District Commission approval (see attached *Historic District Final Project Approval Process.*)