



# Land Use Committee Report

## City of Newton In City Council

**Tuesday, July 7, 2020**

**Present:** Councilors Lipof (Chair), Kelley, Greenberg, Auchincloss, Markiewicz, Downs, Bowman, Laredo

**Also Present:** Councilors Albright, Malakie, Wright, Gentile

**City Staff Present:** Chief Planner Neil Cronin, Associate City Solicitor Jonah Temple

All Special Permit Plans, Plan Memoranda and Application Materials can be found at [http://www.newtonma.gov/gov/aldermen/special\\_permits/current\\_special\\_permits.asp](http://www.newtonma.gov/gov/aldermen/special_permits/current_special_permits.asp). Presentations for each project can be found at the end of this report.

**#264-20      Petition to waive 2 parking stalls at 450 Lexington Street**

BROOKS STALEY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to waive two parking stalls to allow for a medical office use in the office building at 450 Lexington Street, Unit 203, Ward 4, Auburndale, on land known as Section 44 Block 25 Lot 04E, containing approximately 43,473 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 5.1.3.B, 5.1.4, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Approved 8-0; Public Hearing Closed 07/07/2020**

**Note:**      Attorney Terry Morris, with law offices at 57 Elm Road, represented the petitioner and presented the request for a waiver of 2 parking stalls at 450 Lexington Street. The building contains eight condo units. The subject unit was formerly used as office space. The petitioner proposes to locate medical office space for behavioral health and therapy services in the unit. Because the medical use demands more spaces (8) than the prior office use (6), and all spaces at the site are assigned and accounted for, a waiver of two stalls is required.

Planning Associate Katie Whewell presented the requested relief, criteria for consideration, land use and zoning as shown on the attached presentation. Ms. Whewell noted that the property, located on Lexington Street, is within walking distance of the Auburndale commuter station, the Lexington Street public parking lot and an express bus on Commonwealth Avenue. Ms. Whewell noted that no changes to the site are proposed and the size of the office will remain the same. She explained that each appointment will be one hour and staggered throughout the day. It is estimated that there will be three staff members with a maximum of five at the site. Staff and clients will be encouraged to use public transportation as well as the Lexington Street parking lot when visiting the office.

The Public Hearing was Opened. No member of the public wished to speak. The petitioner, Ms. Alexandra Cook confirmed that the petitioner will be soundproofing the unit by adding matting, tiles and insulation. She explained that the clinical component of the business model is a small portion and noted that therapy

focuses on education and training. She noted that the soundproofing is intended to mitigate any activity or noise from the therapy room. Ms. Cook confirmed that she would be happy to meet with any of the other property owners in the building to discuss operations.

Seeing no member of the public who wished to speak, Councilor Markiewicz motioned to close the public hearing which carried unanimously. Councilor Markiewicz motioned to approve the petition. The Committee asked Atty. Temple to add language indicating that the parking waiver does not allow the petitioner to use any other spaces at the site. Committee members reviewed the draft findings and conditions as shown in the attached presentation and voted 8-0 in favor of approval.

**#262-20**      **Petition to allow accessory apartment and clubhouse in detached structure at 25 Paul St**  
**25 PAUL STREET, LLC** petition for **SPECIAL PERMIT/SITE PLAN APPROVAL** to convert space in an existing detached accessory structure into an accessory apartment and clubhouse, to allow an accessory apartment greater than 40% of the total habitable space of the principal structure, to allow an accessory apartment in a detached structure that does not meet principal setbacks, to allow a neighborhood clubhouse and to further extend a nonconforming detached structure greater than 700 sq. ft. at 25 Paul Street, Ward 6, Newton Centre, on land known as Section 62 Block 13 Lot 06, containing approximately 15,000 sq. ft. in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 6.7.1.E.1, 3.4.1, 6.7.1.E.2, 3.2.3, 6.7.1.E.6, 3.4.3.A.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Held 8-0; Public Hearing Continued**

**Note:**      Architect Jay Walter, 83 Pembroke Street, represented the petitioners Jason and Serena Chang (25 Paul Street, LLC.). Mr. Walter noted that the subject property is located on Paul Street, between Cypress Street and Centre Street, adjacent to the MBTA green line in Newton Centre. The lot has two buildings. The front building contains a 2.5 story two-family building. The rear, 22,000 sq. ft. building was formerly a shop and currently is rented to a landscaper for equipment storage. The petitioner proposes to locate a 1,472 sq. ft. accessory apartment and “clubhouse” in the rear building. The clubhouse is intended to be used by the petitioners to entertain and have a space to do Zumba, calligraphy and play cards (approximately 5 activities per month). As part of the proposal, the petitioner intended to construct an attached two-car garage with a vestibule, connected to the accessory building. Mr. Walter stated that the garages will not be visible from the street and noted that the property is within walking distance of a municipal parking lot and the MBTA green line. Additionally, there is space on-site for approximately 6-8 cars and street parking on the south side of Paul Street.

Planning Associate Katie Whewell reviewed the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. Ms. Whewell noted that the two-car garage addition is over existing impervious area and will add 854 sq. ft. to the footprint of the existing structure (594 sq. ft. for the garage and 260 sq. ft. for the shared entry). Ms. Whewell noted that a determination was made by the Commissioner of Inspectional Services that the neighborhood clubhouse has a parking requirement and needs a waiver of two parking stalls. She stated that the petition will need to be readvertised.

The Public Hearing was Opened.

Robert Howard, 22 Paul Street, expressed concern relative to the “neighborhood club” noting that the clubhouse will not be used by members of the neighborhood. Mr. Howard noted that success of the petition is based on a lot of parking assumptions that may not be correct (parking at Cypress Street, on Paul Street, on-site, etc.) and stated that parking is currently very limited in the neighborhood. He noted that traffic on Paul Street is a problem.

Ed Hauben, 24 Paul Street, noted that when the building was used for furniture storage there were several fires. He questioned whether there are any Hazmat concerns at the site. Mr. Hauben noted that Paul Street is often full of traffic and reiterated the concerns relative to parking.

Seth & Jess Hauben, 17 Paul Street, noted that the parking and traffic on Paul Street is congested and expressed concern relative to the safety of pedestrians and bicyclists. Ms. Hauben questioned who the garages will be used for. Ms. Hauben questioned whether there is an elevation change on the west side and if ownership changes hands, are there limitations to what a future owner could do with the space?

Guntrab Mueller, 53 Paul Street, questioned if there would be a limit on the number of members in the club and questioned how the space could be used (as part of the accessory apartment) if the club relocates. Mr. Mueller noted that the accessory apartment is much larger than allowed and suggested that an addition to the accessory structure is inappropriate.

Responding to concerns raised from members of the public, Mr. Cronin confirmed that the Committee could put a condition on the Order that terminates the neighborhood club use upon sale of the property. Mr. Walter stated that an environmental study has not been conducted but noted that the furniture shop use is decades old. He confirmed that there is no elevation change on the west side of the property.

Ms. Chang explained that the property is owned by an LLC which is under the control of the petitioners and their daughters. She explained it is intended that her mother will reside in the accessory unit and they will move to the principal dwelling unit. Ms. Chang noted that the neighborhood club would be used to entertain her friends, approximately five times a month, with never more than eight people. It was noted that there is a bathroom, but no kitchen in the social club. Ms. Chang confirmed that currently, the social gatherings occur on-site (but have not since February).

The Committee expressed concern that the vestibule/mudroom is not being included in the measurements for the accessory apartment. Mr. Cronin noted that vestibule/mudroom space is often excluded from accessory apartments due to size limitations and the fact that the space is not internal space. It was noted that the limited hours of use for the neighborhood club might change the primary user of the club space to the accessory apartment tenant. The Committee asked the Planning Department to provide analysis of whether the accessory apartment would be permitted under the proposed Zoning Ordinance. Mr. Walter noted that the accessory structure is existing and 2100 sq. ft. He stated that the intent is to reuse the building and locate the accessory apartment but observe the size limitations. It was noted that the proposal includes an 894 sq. ft. addition onto the existing structure. Mr. Walter confirmed that they investigated incorporating the garage into the existing building, but it was not feasible because of the grading at the site. The Committee questioned whether approval could be subject to limits on number of people or number of hours. The Committee asked Mr. Walter to provide additional information on where visitors would park, noting that there are 8 spaces on site currently. The Chair

explained that the petition will require additional notice. With that, Councilor Bowman motioned to hold the item which carried unanimously.

**#265-20      Petition to exceed FAR and increase nonconforming height at 351 Otis Street**

MASSIMILIANO MENOZZI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing detached garage and construct a 1,841 sq. ft., 2.5 story addition to the existing dwelling, increasing the nonconforming height and creating an FAR of .42 where .33 is allowed and .32 exists at 351 Otis Street, Ward 3, West Newton, on land known as Section 32 Block 03 Lot 15, containing approximately 18,681 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      Land Use Approved 8-0; Public Hearing Closed 07/07/2020

**Note:**          Architect Peter Sachs, represented the petitioners Alesandra and Massimiliano Menozzi. Mr. Sachs presented the request to exceed the allowable FAR and increase the nonconforming height at 351 Otis Street. Mr. Sachs explained that there is an existing detached garage located 3.5' from the lot line. The petitioners propose to construct a 2.5 story, 1841 sq. ft. addition containing an attached garage, mudroom and bedroom suite. Mr. Sachs noted that the lot slopes significantly and the basement floor is a story. He noted that the design of the addition is subordinate to the existing house and preserves an existing second floor decorative window. The removal of the existing garage will improve the setback. Mr. Sachs noted that the petitioner has sought feedback and received support from the neighbors as well as approval from the Historic District Commission. The petitioners explained that the bedroom suite will be used for extended stay visits and the attached garage will create safer access to the house.

Planning Associate Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. Ms. Whewell noted that the extension of the nonconforming height is due to the changing of the grading around the structure. She stated that the property meets lot coverage and open space requirements and the proposed changes eliminate the nonconforming setback.

The Public Hearing was Opened. No member of the public wished to speak. The Committee expressed support for the project, noting that it will be an improvement to the existing conditions. With that, Councilor Kelley motioned to close the public hearing which carried unanimously. The Committee expressed no concerns relative to the petition. Councilor Kelley moved approval the petition which carried 8-0.

**#263-20      Petition to allow relief for FAR, garage size and dormer dimensions at 43 Prince Street**

JOHN REICHENBACH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing detached garage and construct a 4,532 sq. ft. 2.5 story addition, to allow a garage in excess on 700 sq. ft., to allow a dormer that extends the second floor wall plane vertically, to allow a dormer greater than 50% of the wall plane below it, to allow a dormer within three feet of the intersection of the roofline and main building and to create an FAR of .32 where .26 is allowed and .16 exists at 43 Prince Street, Ward 3, West Newton, on land known as Section 32 Block 10 Lot 06, containing approximately 27,800 sq. ft. of land in a district

zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 3.4.2.B.1, 1.5.4.G.2.a, 1.5.4.G.2.b, 1.5.4.G.2.c of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Approved 7-0-1; Public Hearing Closed 07/07/2020

**Note:** Architect Peter Sachs represented the petitioners John and Lynn Reichenbach. Mr. Sachs presented the request to construct a 4,532 sq. ft. 2.5 story addition to create a first-floor master suite, enlarged family room and kitchen. The proposed addition will create functional first-floor space to allow the petitioners to remain in place and in Newton as they age. Mr. Sachs noted that the increase in FAR represents 6% due to the size of the lot. He stated that the design of the proposed work is in keeping with the design of the existing structure and has been focused on the back and side of the existing structure. In response to a recommendation by the Planning Department to reduce the amount of paving, Mr. Sachs noted that the driveway has been designed to allow cars to turn around within the driveway and exit without backing out. He noted that plowing is more difficult with pavers than asphalt but confirmed that the petitioner would be willing to install pavers on approximately 250 sq. ft. of the driveway. Based on concerns relative to the removal of trees and shrubs along Prince Street, Mr. Sachs noted that some of the trees are dilapidated. He confirmed that the petitioner is working with a landscape architect and stated that they would be willing to work with the Planning Department on a final landscape plan. Mr. Sachs noted that the proposed fence will be decorative and stated that the Historic Commission unanimously approved the petition after a modification to the stone wall at the front of the house.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning, proposed plans as shown on the attached presentation. Mr. Gleba noted that the proposed three-car garage is along the west property line and faces the side property line. He stated that the landscape plan is lacking some information.

The Public Hearing was Opened.

Laura Foote, noted that this is an enormous change and the size of the addition will double the size of the dwelling.

The Committee expressed concerns relative to the increase in FAR and the width (13'-14') of the driveway curb cut. It was noted that the design team conducted an analysis of the FAR on surrounding homes in the neighborhood. Mr. Sachs noted that the proposed FAR is comparable and stated that the FAR increase represents a 6% increase. Committee members noted that FAR is relative to the size of the lot and this lot is larger than others in the neighborhood. The Committee expressed support for the ability to maneuver in the driveway and noted that the size of the curb cut will allow drivers to safely maneuver into the driveway, particularly during winter.

Regarding concerns relative to the amount of asphalt and the engineering requirements, Mr. Sachs confirmed that the petitioner has been working with VTP Civil Engineers to design a plan that will meet the City's standards. He noted that no building permit will be issued until the Engineering requirements are satisfied. The Committee shared concerns regarding the landscape details. Mr. Sachs confirmed that the petitioner will be maintaining the copper beech tree at the site and will work with the Planning Department on the landscape plan.

Seeing no other member of the public who wished to speak, Councilor Kelley motioned to close the public hearing which carried unanimously. Councilor Kelley motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation. The Committee asked that a condition be included that there is final approval of the landscape plan by the Planning & Development Department. With that, the Committee voted 7-0-1 in favor of approval (Councilor Downs abstaining).

**#244-20**      **Petition to amend Special Permit #105-95 to allow new units at Cabot Park**  
KRE-BSL HUSKY CABOT PARK LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #105-95 to construct a five-story addition with 18 new units and common accessory use space, extending the non-conforming structure to the extent necessary and to determine density and dimensional controls at 280 Newtonville Avenue, Ward 2, on land known as Section 22 Block 07 Lot 48, containing approximately 146,435 sq. ft. of land in a district zoned MULTI RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.2.2.A.3, 7.8.2.C.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Approved 8-0; Public Hearing Closed 07/07/2020**

**Note:**      Attorney Alan Schlesinger, Schlesinger and Buchbinder, with law offices at 1200 Walnut Street represented the petitioner. Atty. Schlesinger provided updates to the petition as shown on the attached presentation. In response to questions raised at the initial public hearing, the petition has been revised to include additional landscaping (32 additional plants to the right of the walkway), a change in the type of fence from chain link to PVC, and an update to the plans to reflect a change in the water line (at the request of the Engineering Department). Atty. Schlesinger noted that according to the Department of Housing and Community Development's regulatory agreement, the 20 inclusionary units at the site would expire in 2036. He stated that the petitioner has agreed to extending the inclusionary housing for the life of the project.

Atty. Schlesinger noted that the Engineering Department assessed a \$160,000 fee for Inflow and Infiltration (I&I) but recommended that 75% of the fee is reallocated to other projects. Atty. Schlesinger confirmed that Cabot Park has needs for improvement that might not otherwise be funded and confirmed that the petitioner is seeking to waive 75% of the I&I fee for reallocation to other projects.

Senior Planner Michael Gleba presented updates to the petition as shown on the attached presentation. In response to a question from the Committee, Atty. Schlesinger confirmed that when the new fence is constructed, the gate to allow access for teacher parking will be reinstalled. It was noted that no windows will be lost in the existing units and current residents will be offered the opportunity to move into the new units.

Seeing no other member of the public who wished to speak, Councilor Kelley motioned to close the public hearing which carried unanimously. The Committee expressed their support for the project and the extension of the inclusionary units. Councilor Kelley motioned to approve the petition. Committee members reviewed the draft findings and conditions and voted unanimously in favor of approval.

**Respectfully Submitted,**  
**Richard Lipof, Chair**

# Department of Planning and Development



**PETITION #264-20**  
**450 LEXINGTON STREET**

**SPECIAL PERMIT/SITE PLAN  
APPROVAL TO WAIVE TWO  
PARKING STALLS AT 450  
LEXINGTON STREET**

**JULY 7, 2020**



# Requested Relief



Special Permits per §7.3.3 of the Newton Zoning Ordinance to:

- Waive two parking stalls (§5.1.13 )



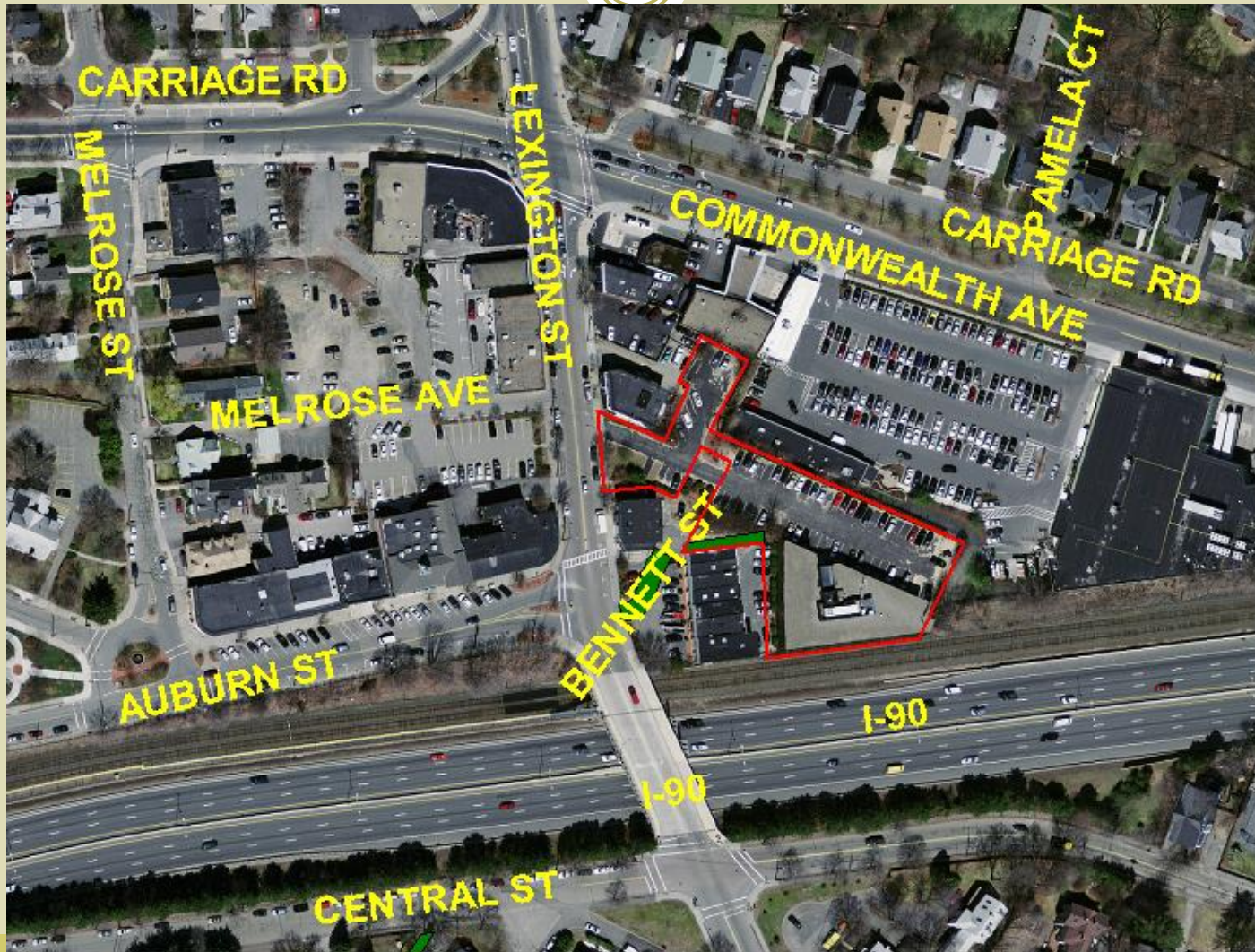
# Criteria to Consider



When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed waiver of two parking stalls. (§7.3.3.C.1.)
- The proposed waiver of parking two stalls will adversely affect the neighborhood. (§7.3.3.C.2.)
- There will be no nuisance or serious hazard to vehicles or pedestrians due to the proposed waiver of two parking stalls. (§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 impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. (§5.1.3.E, §5.1.4 and §5.1.13)

# Aerial/GIS Map



# ATTACHMENT A

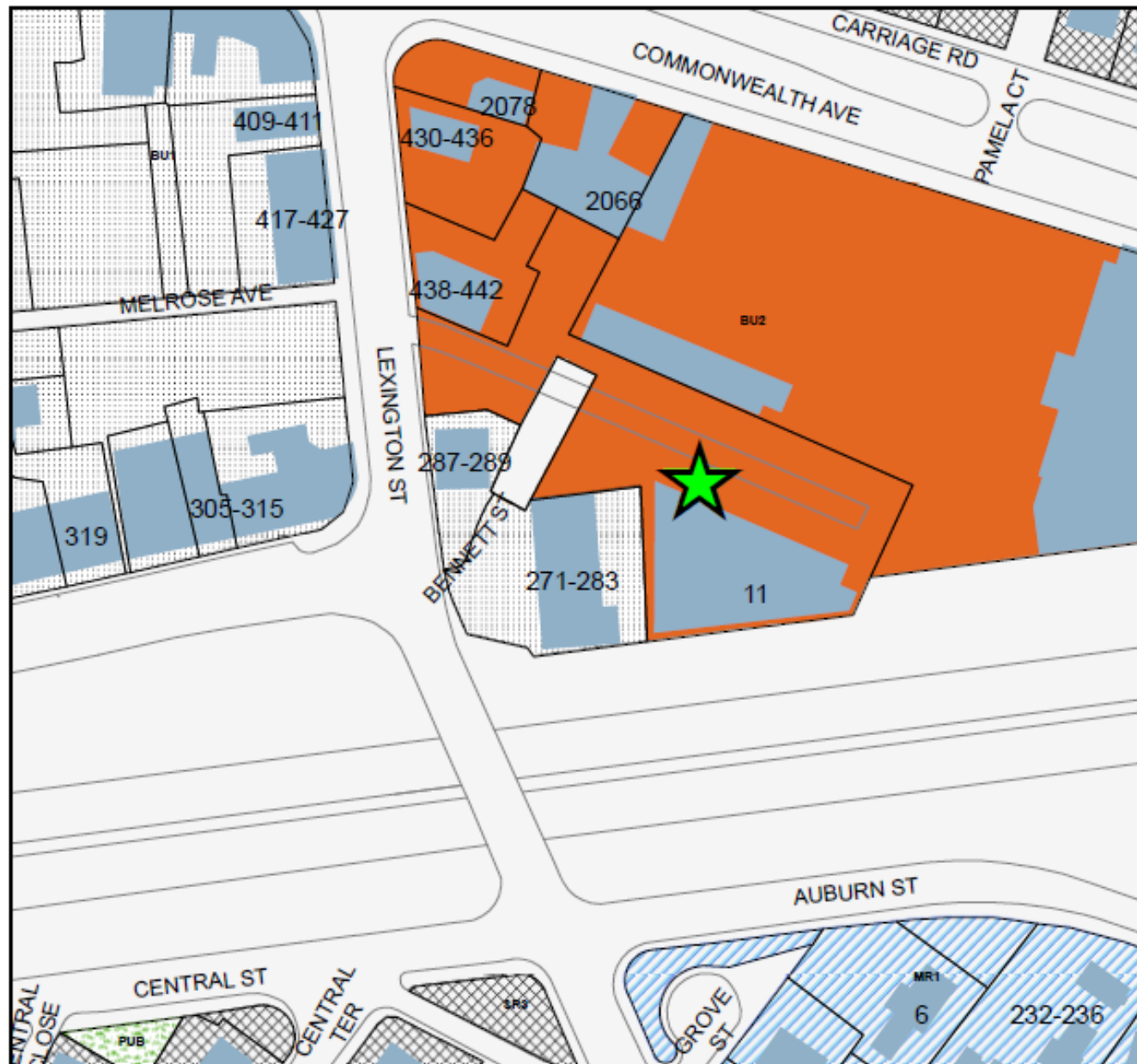
## Zoning

### 450 Lexington Street

City of Newton,  
Massachusetts

## Zoning

-  Single Residence 3
-  Multi-Residence 1
-  Business 1
-  Business 2
-  Public Use



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield



Map Date: June 26, 2020

# ATTACHMENT B

## Land Use

### 450 Lexington Street

City of Newton,  
Massachusetts

#### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Mixed Use
-  Open Space
-  Vacant Land

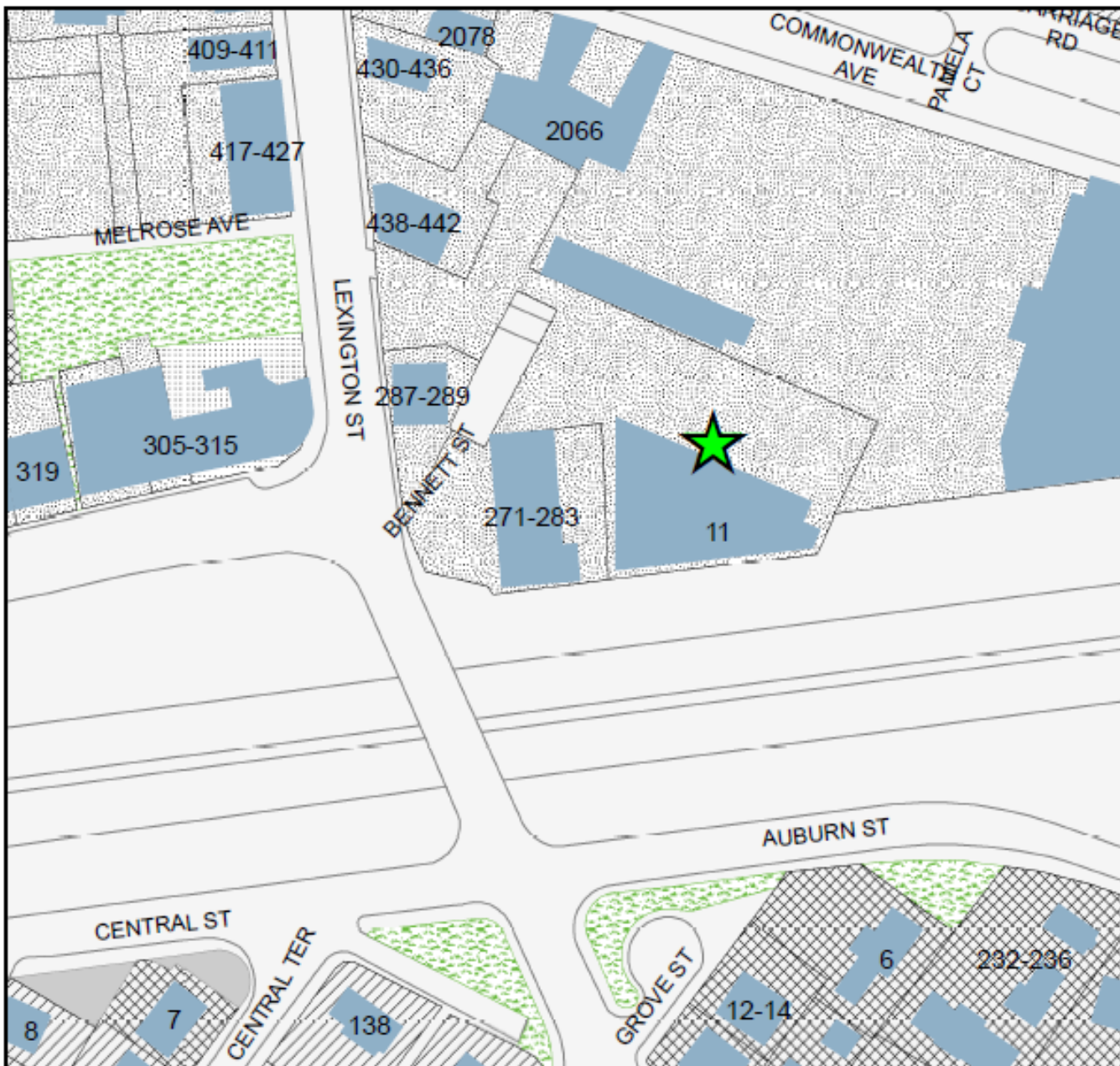


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

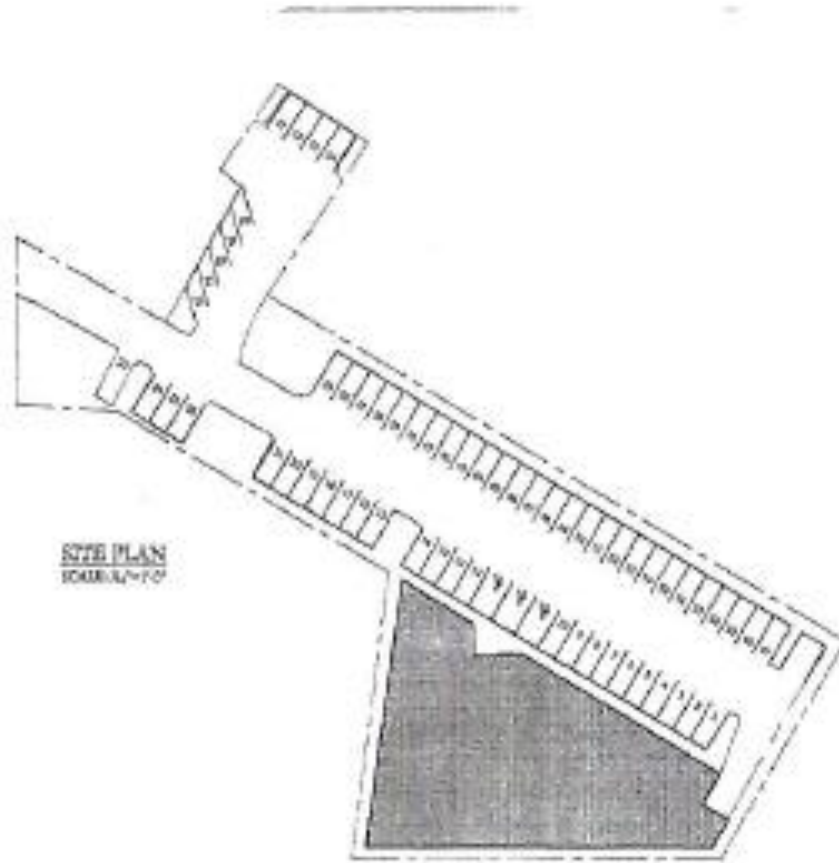


Map Date: June 26, 2020



# Site Plan

Lexington Street



Massachusetts Turnpike and MBTA Commuter Rail

# Parking Waiver

Petitioner will occupy 1,600 square foot office suite

Medical office use replacing a business office use

- Medical: 1 parking stall per 200 square feet, 8 stalls required
- Business Office: 1 parking stall per 250 square feet, 6 stalls required

A waiver of two parking stalls is required to accommodate the change in use.

# Proposed Findings



1. The specific site is an appropriate location for the proposed waiver of two parking stalls due to its proximity to transit and public parking facilities. (§7.3.3.C.1.)
2. The proposed waiver of two parking stalls will not adversely affect the neighborhood due to the site's proximity to transit and public parking facilities. (§7.3.3.C.2.)
3. There will be no nuisance or serious hazard to vehicles or pedestrians due to the proposed parking waiver because the petitioner is not proposing any changes to the parking facility. (§7.3.3.C.3.)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. Literal compliance with the parking requirements 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 because there is both public transit and public parking within one half mile from the site. (§5.1.3.E, §5.1.4 and §5.1.13).

# Proposed Conditions



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



# Department of Planning and Development



**PETITION #262-20**  
**25 PAUL STREET**

SPECIAL PERMIT/SITE PLAN APPROVAL  
TO ALLOW AN OVERSIZED ACCESSORY  
APARTMENT IN A DETACHED STRUCTURE  
THAT DOES NOT MEET PRINCIPAL  
BUILDING SETBACKS, TO ALLOW A  
NEIGHBORHOOD CLUBHOUSE, AND TO  
ALLOW THE EXPANSION OF A  
NONCONFORMING ACCESSORY  
STRUCTURE WITH A FOOTPRINT OF  
OVER 700 SQUARE FEET

JULY 7, 2020



# Requested Relief



## Special Permits per §7.3.3, 7.8.2.C.2 of the Newton Zoning Ordinance to:

- Allow an oversized accessory apartment in a detached structure that does not meet the principal dwelling setback requirements (§ 6.7.1.E.1, §6.7.1.E.2, §6.7.1.E.5, §3.2.3);
- Allow a neighborhood clubhouse use (3.4.1); and
- Further enlarge a nonconforming detached structure with a ground floor area larger than 700 square feet. (§3.4.3.A.3)

## *Additional Relief Required (renotice and readvertise)*

- Waiver of \_\_ parking stalls

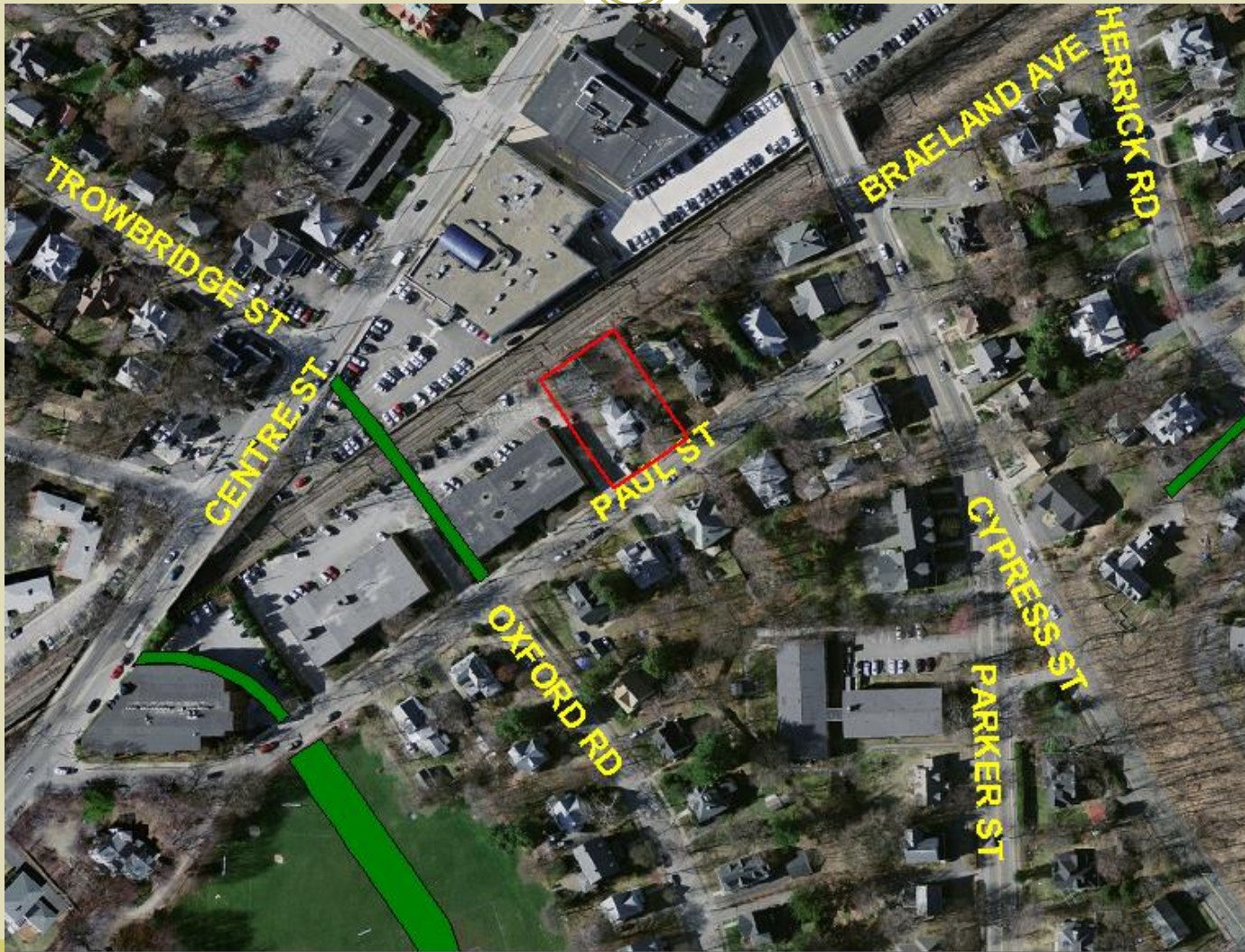
# Criteria to Consider



When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the proposed neighborhood clubhouse use and oversized detached accessory apartment in a structure that does not meet principal setbacks. (§3.2.3, §3.4.1, §6.7.1.E.1, §6.7.1.E.2, §6.7.1.E.6, §7.3.3.C.1)
- The proposed neighborhood clubhouse use and proposed oversized detached accessory apartment in a structure that does not meet principal setbacks will adversely affect the neighborhood. (§3.2.3, §3.4.1, §6.7.1.E.1, §6.7.1.E.2, §6.7.1.E.6, §7.3.3.C.2)
- There will be a nuisance or serious hazard to vehicles or pedestrians. (§3.2.3, §3.4.1, §6.7.1.E.1, §6.7.1.E.2, §6.7.1.E.6, §7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§3.2.3, §3.4.1, §6.7.1.E.1, §6.7.1.E.2, §6.7.1.E.6, §7.3.3.C.4)
- The proposed enlargement of the nonconforming detached structure with a footprint of over 700 square feet is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§7.8.2.C.2, §3.4.3.A.3)

# Aerial/GIS Map



# ATTACHMENT A

## Zoning

### 25 Paul Street

City of Newton,  
Massachusetts

#### Zoning

-  Single Residence 2
-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 2
-  Multi-Residence 3
-  Business 1
-  Business 2
-  Public Use



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield



Map Date: June 30, 2020



# ATTACHMENT B






## Land Use

### 25 Paul Street

City of Newton,  
Massachusetts

#### Land Use

##### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Open Space
-  Nonprofit Organizations



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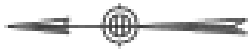
CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

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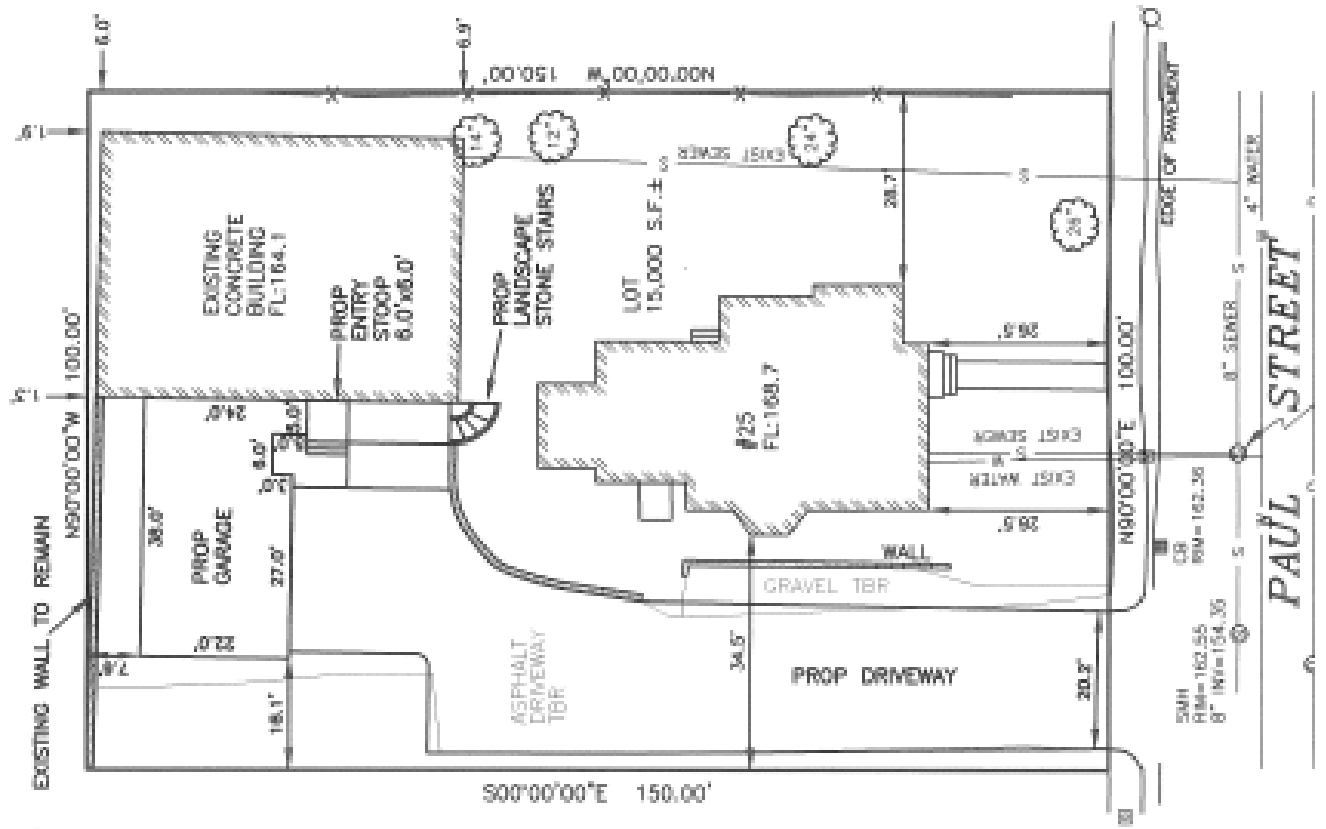
Map Date: June 23, 2020



# Proposed Site Plan

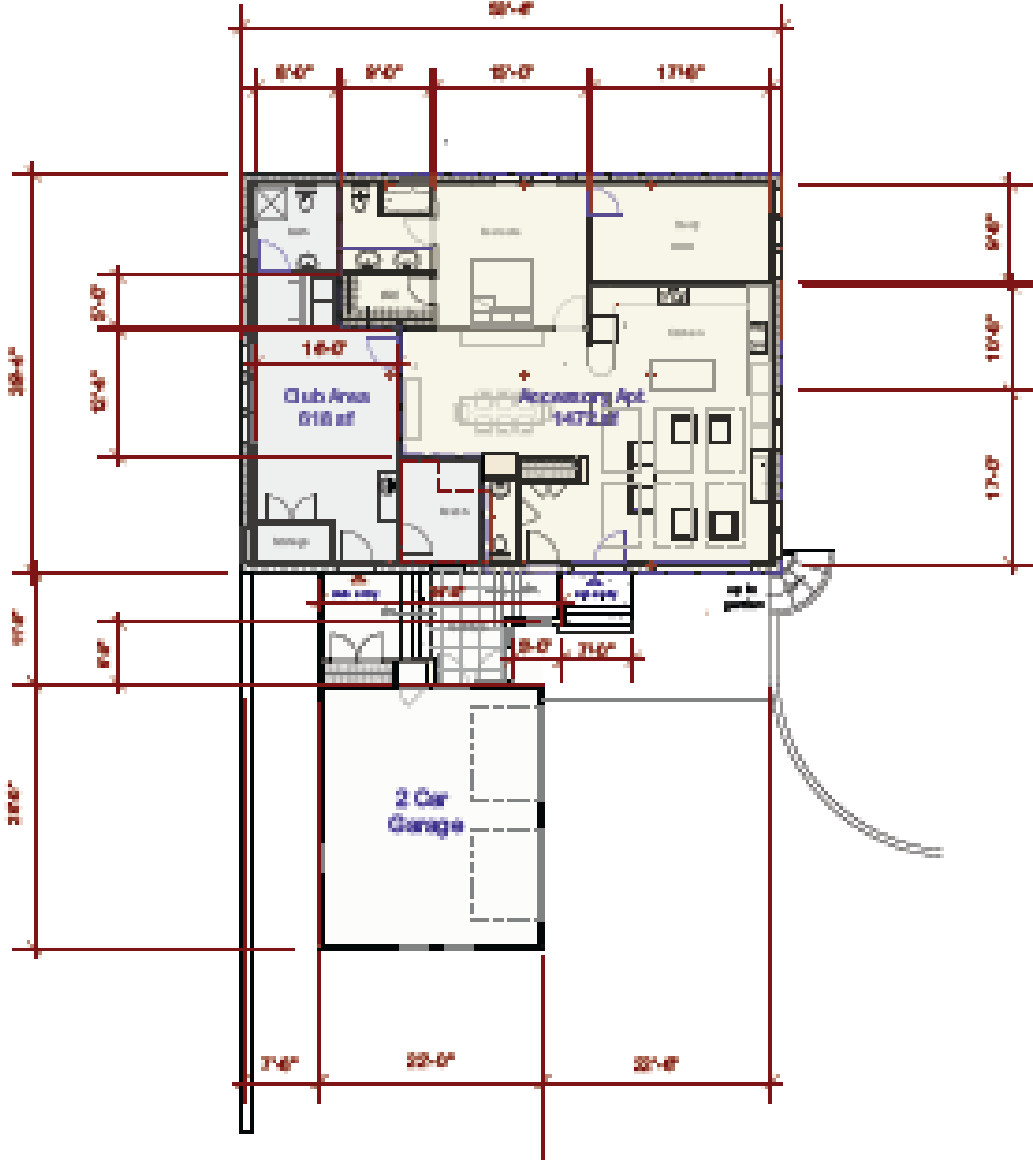


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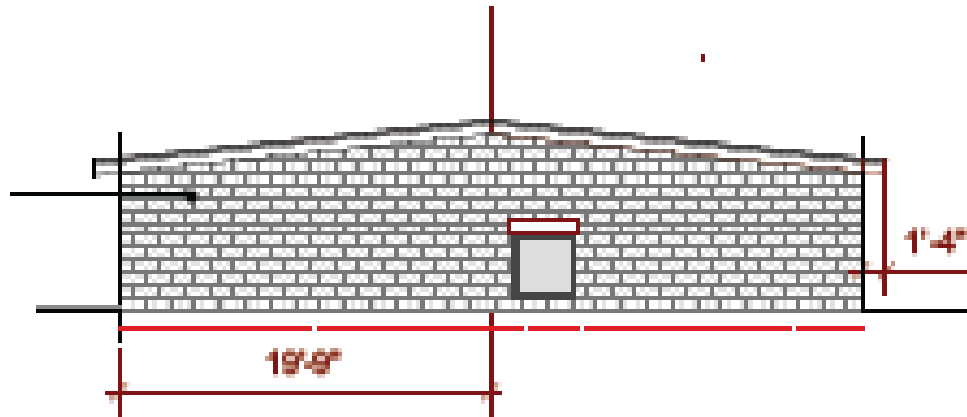




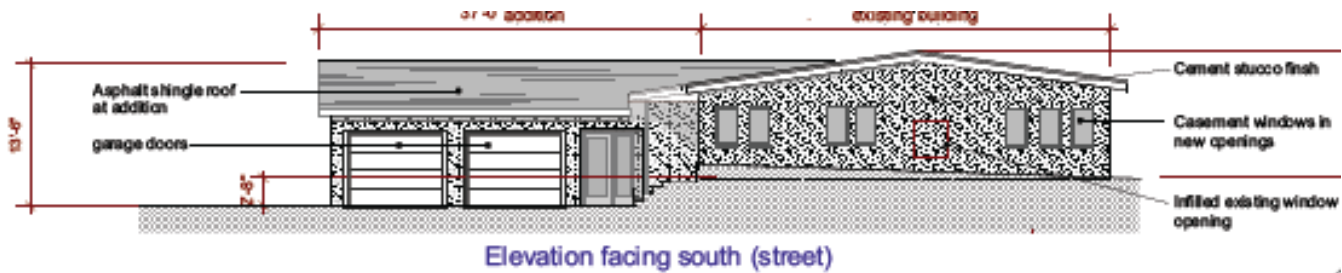
# Floor Plans



# Front Elevations



Existing

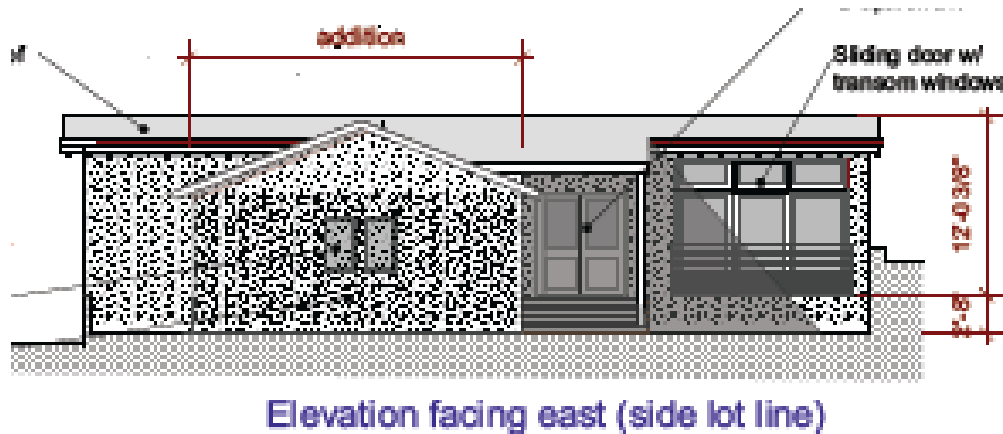


Proposed

# Proposed East Elevation



Existing



Proposed

# Proposed Club Use

<b>Club Activity</b>	<b>Frequency</b>	<b>Time</b>	<b>Number of Participants</b>
<b>Exercise</b>	-Twice a week -1 hour	Mornings	8-12 people
<b>Card Playing</b>	-Once a week	Saturdays	4-10 people
<b>Calligraphy</b>	-Twice per month -45 minutes	Not given	6-8 people

# Department of Planning and Development



**PETITION #265-20**  
**351 OTIS STREET**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO EXCEED THE FLOOR  
AREA RATIO, AND INCREASE THE  
NONCONFORMING HEIGHT

JULY 7, 2020



# Requested Relief



Special Permits per §7.3.3, 7.8.2.C.2 of the Newton Zoning Ordinance to:

- Exceed the Floor Area Ratio (§3.1.3 and §3.1.9).
- Increase the nonconforming height (§3.1.3).

# Criteria to Consider



When reviewing this request, the Council should consider whether:

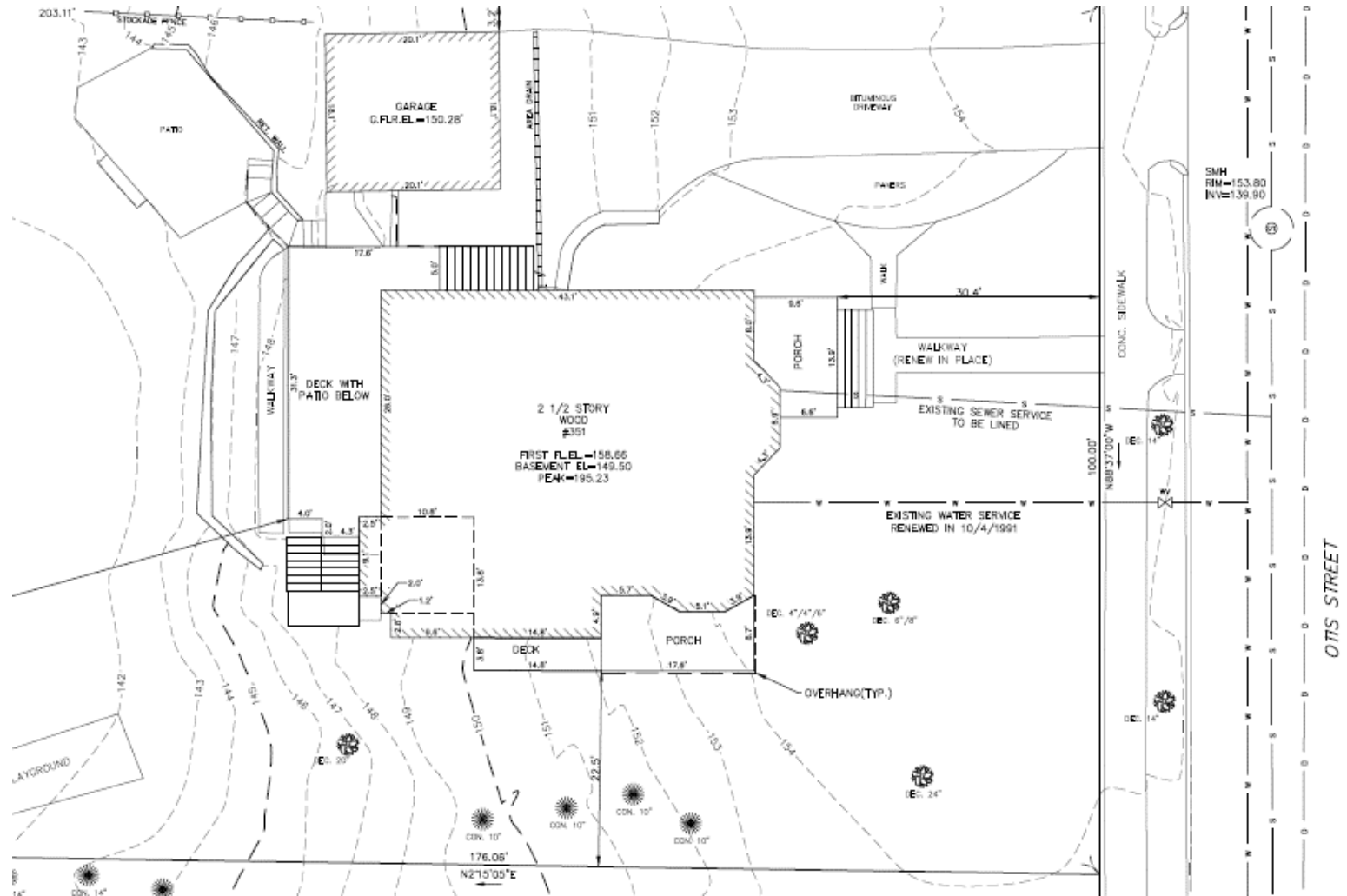
- The proposed increase in FAR from .32 to .42, where .33 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.1.3, and §7.8.2.C.2)
- The proposed increase in nonconforming height is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.9, §3.1.3 and §7.8.2.C.2)

# Aerial/GIS Map



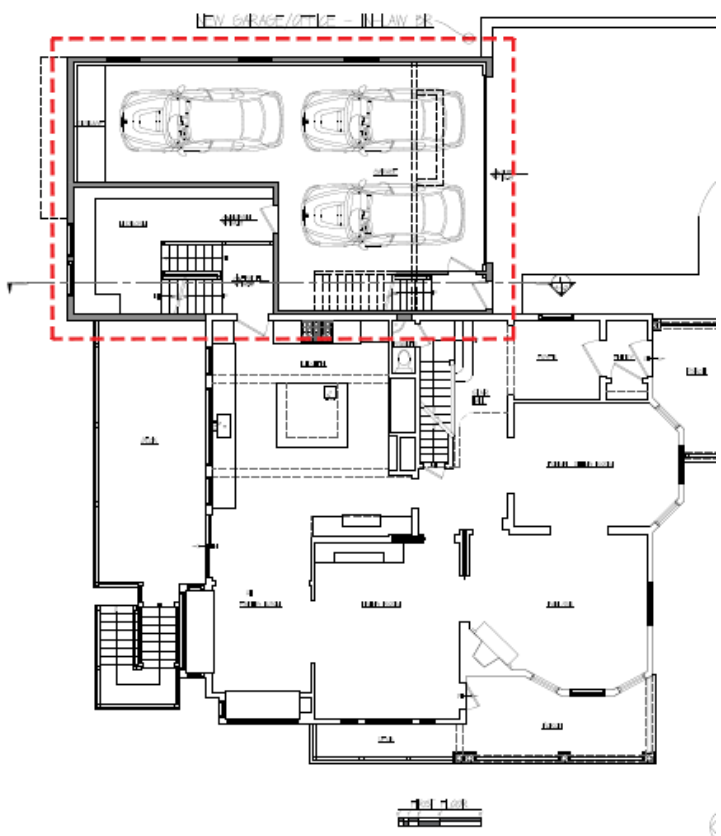


# Existing Conditions

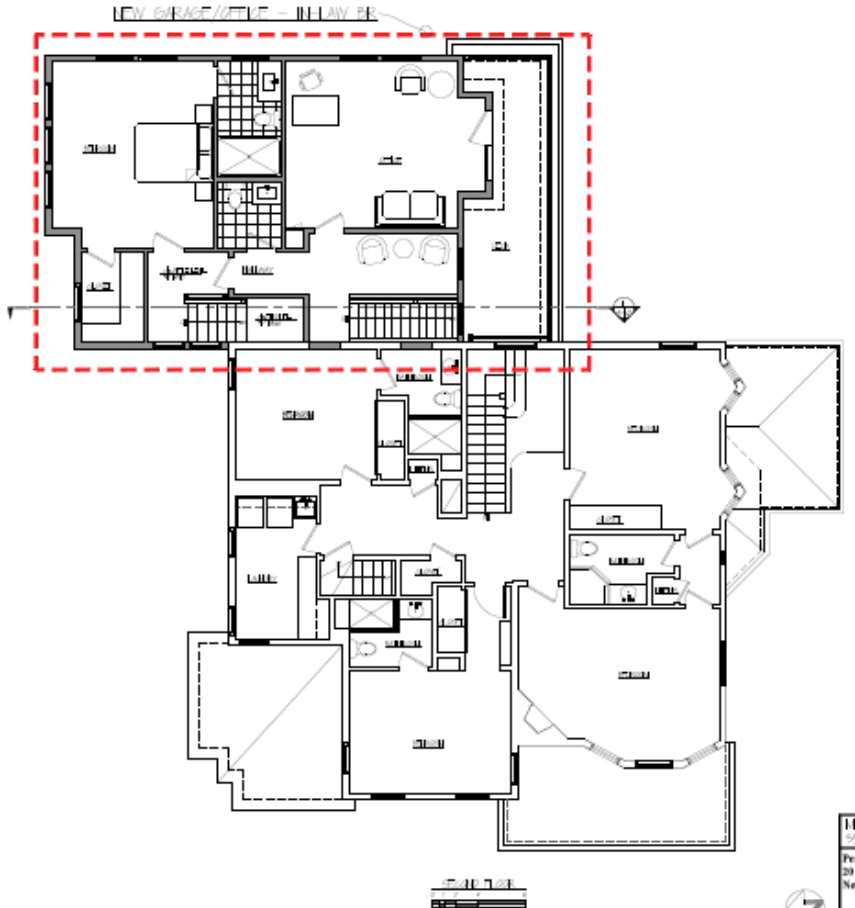




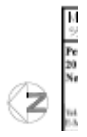
# Floor Plans



*First Floor*



*Second Floor*



# Front Elevations

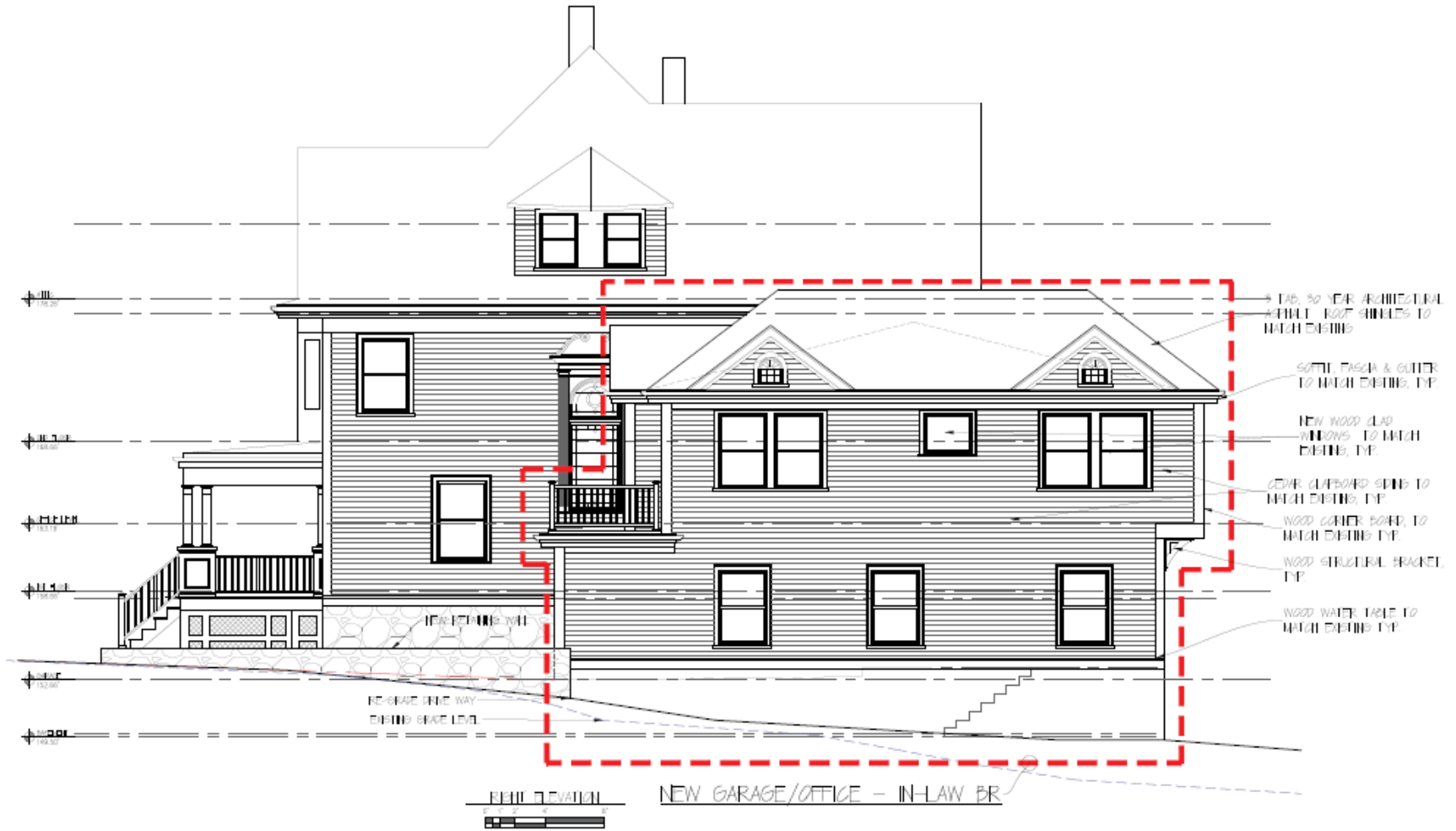


Existing



Proposed

# Proposed Right Elevation





# Proposed Findings



1. The proposed increase in the FAR from .32 to .42, where .33 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood because there are similar structures with garage additions and living space above in the neighborhood.(§3.1.3, and §7.8.2.C.2)
2. The proposed increase in nonconforming building height is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the principal roof line is not increasing. (§3.1.9, §3.1.3 and §7.8.2.C.2)

# Proposed Conditions



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



# Department of Planning and Development



**PETITION #263-20  
43 PRINCE STREET**

SPECIAL PERMIT/SITE PLAN APPROVAL TO RAZE AN EXISTING DETACHED GARAGE AND CONSTRUCT A 4,532 SQ. FT. 2.5 STORY ADDITION, TO ALLOW A GARAGE IN EXCESS ON 700 SQ. FT., TO ALLOW A DORMER THAT EXTENDS THE SECOND FLOOR WALL PLANE VERTICALLY, TO ALLOW A DORMER GREATER THAN 50% OF THE WALL PLANE BELOW IT, TO ALLOW A DORMER WITHIN THREE FEET OF THE INTERSECTION OF THE ROOFLINE AND MAIN BUILDING AND TO CREATE AN FAR OF .32 WHERE .26 IS ALLOWED AND .16 EXISTS

***JULY 7, 2020***



# Requested Relief



Special permit per §7.3.3 to:

- exceed the maximum floor area ratio (FAR) (§3.1.3, §3.1.9)
- allow a garage exceeding 700 square feet (§3.4.2.B.1)
- allow a dormer that extends the second floor wall plane vertically (§1.5.4.G.2.a)
- allow a dormer that is greater than 50% of the wall plane below it (§1.5.4.G.2.b)
- allow a dormer within three feet of the intersection of the roofline and main building (§1.5.4.G.2.c)

# Criteria to Consider



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

- The specific site is an appropriate location for the proposed expanded single-family dwelling as designed, with a garage larger than 700 square feet (§3.4.2.B.1) and a dormer that extends the second floor wall plane vertically (§1.5.4.G.2.a), is greater than 50% of the wall plane below it (§1.5.4.G.2.b) and is within three feet of the intersection of the roofline and main building (§1.5.4.G.2.c) (§7.3.3.C.1);
- The proposed expanded single-family dwelling as designed, with a garage larger than 700 square feet (§3.4.2.B.1) and a dormer that extends the second floor wall plane vertically (§1.5.4.G.2.a), is greater than 50% of the wall plane below it (§1.5.4.G.2.b) and is within three feet of the intersection of the roofline and main building (§1.5.4.G.2.c) will not adversely affect the neighborhood (§7.3.3.C.2);

# Criteria to Consider (cont.)



- There will be no nuisance or serious hazard to vehicles or pedestrian (§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); and
- The proposed increase in FAR from 0.16 to 0.32 where 0.26 is the maximum allowed by right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood (§3.1.9.A.2).

# AERIAL/GIS MAP



# Zoning

## ATTACHMENT B

### Zoning

43 Prince St.

*City of Newton,  
Massachusetts*

### Legend

 Single Residence 1



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller

Administrator - Douglas Greenfield

 Single Residence 1

Map Date: June 26, 2020



# Land Use

## ATTACHMENT A

### Land Use



43 Prince St.

*City of Newton,  
Massachusetts*

### Legend

#### Land Use

#### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Vacant Land



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

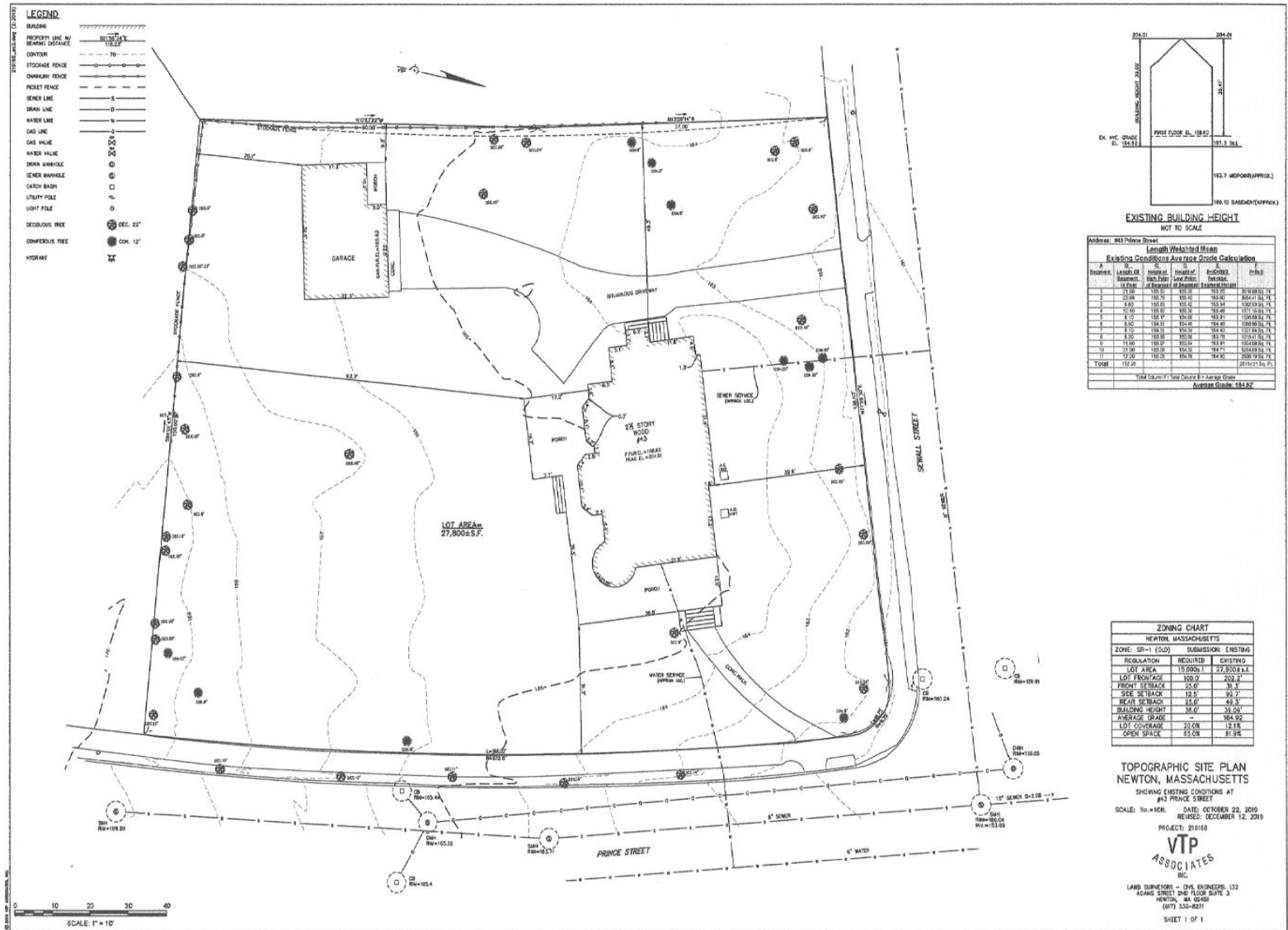
CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100  
Feet

Map Date: June 26, 2020



# Site Plan- existing







# Elevations- Front & Right



PROPOSED - FRONT ELEVATION



PROPOSED - RIGHT ELEVATION

ZONING REVIEW

REICHENBACH RESIDENCE  
49 PRINCE ST NEWTON, MA

Peter Sachs Architect N.C.A.R.B. - A.I.A.  
20 Hunter St.  
Newton, MA 02465

Pete & Revision  
01/24/2010



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

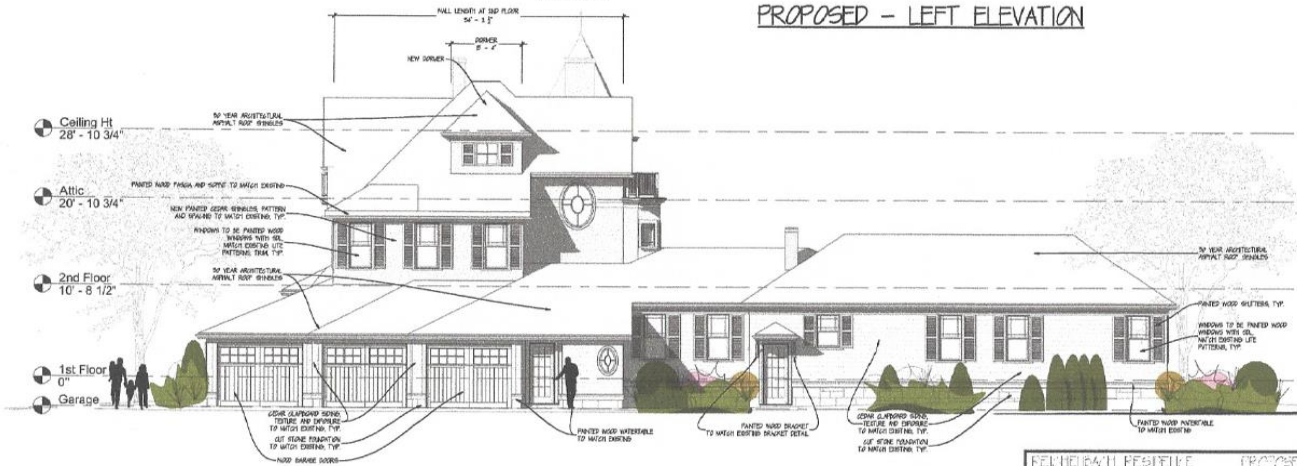


ZR-7

# Elevations- Left & Rear



PROPOSED - LEFT ELEVATION



PROPOSED - BACK ELEVATION

ZONING REVIEW

FELICIA PAH PESTERKE 49 PRINCE ST NEWTON, MA		PROPOSED LEFT & BACK ELEVATION	
Peter Sachs Architect NCARB - AIA 20 Hunter St. Newton, MA 02465		Date & Revision 01/24/2010	
Tel: 617-527-5777 or Cell 617-312-5045 E-Mail: petersachs@gmail.com www.peterssachsbout.com			
			ZR-8



© 2010 Peter Sachs - Zoning Review

# Perspectives



VIEW FROM PRINCE ST.

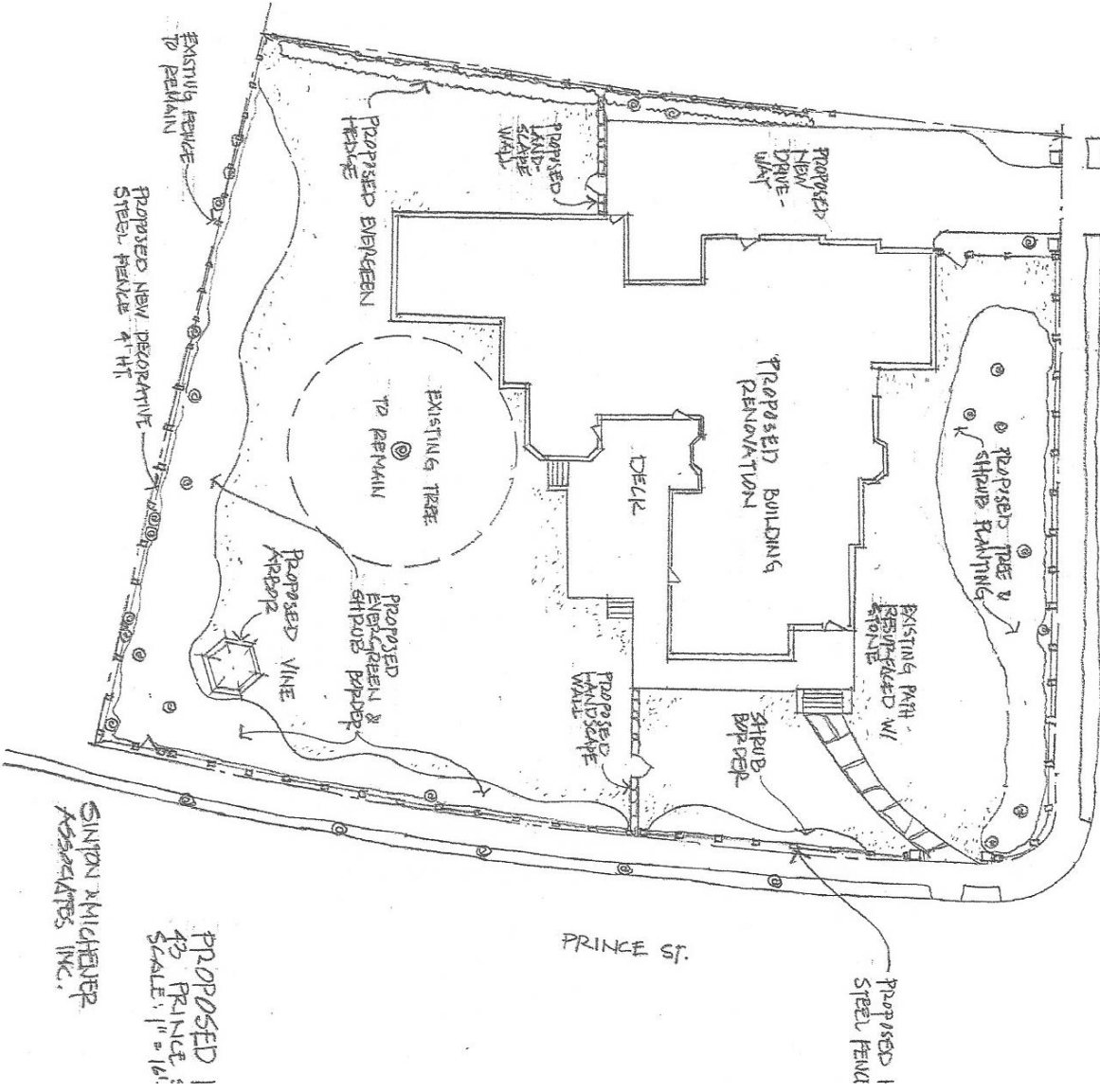


VIEW FROM SEWAL ST. (DRIVEWAY)



VIEW FROM CORNER PRINCE ST./SEWAL ST.

# Landscape plan



PROPOSED 1" STEEL FENCE  
4" PRINCE ST.  
SCALE: 1" = 10'  
SIMPSON MICHENER ASSOCIATES INC.

# Photos



# Photos



# Photos





# Photos



# Photos



# Proposed Findings



1. The expanded structure that would result from the proposed increase in floor area ratio (FAR) from 0.16 to 0.32 where 0.26 is the maximum allowed by right, will be consistent with and not in derogation of the size, scale and design of other structures in the neighborhood as it will be similar in regard to those characteristics of other structures in the surrounding area and conform to other relevant dimensional requirements; further, the addition will have limited visibility from the street given that it will be located to the rear of, and not be higher than, the existing dwelling (§3.1.9)
2. The specific site is an appropriate location for the proposed expanded single-family dwelling as designed with a garage larger than 700 square feet (§3.4.2.B.1) and a dormer that extends the second floor wall plane vertically (§1.5.4.G.2.a), is greater than 50% of the wall plane below it (§1.5.4.G.2.b) and is within three feet of the intersection of the roofline and main building (§1.5.4.G.2.c) (§7.3.3.C.1) given that the addition will have limited visibility from the street as it will be located to the rear of, and not be higher than, the existing dwelling, and that the resulting structure will conform to other relevant dimensional requirements;

# Proposed Findings (cont.)

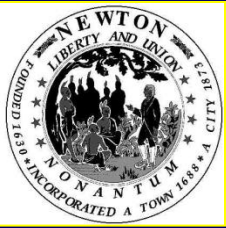


3. The proposed expanded single-family dwelling as designed, with a garage larger than 700 square feet (§3.4.2.B.1) and a dormer that extends the second floor wall plane vertically (§1.5.4.G.2.a), is greater than 50% of the wall plane below it (§1.5.4.G.2.b) and is within three feet of the intersection of the roofline and main building (§1.5.4.G.2.c) will not adversely affect the neighborhood (§7.3.3.C.2) given that the addition will have limited visibility from the street as it will be located to the rear of, and not be higher than, the existing dwelling, and that the resulting structure will conform to other relevant dimensional requirements;
4. There will be no nuisance or serious hazard to vehicles or pedestrian (§7.3.3.C.3); and
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

# Proposed Conditions



1. *Plan Referencing Condition*
2. *Standard Building Permit Condition. \*
  - Operations & Maintenance Plan*
  - Construction Management Plan (CMP)*
3. *Standard Final Inspection/Certificate of Occupancy Condition.*



# 280 Newtonville Avenue

*Special Permit Application to Newton City Council*



# Site Overview

## ATTACHMENT B

### Zoning

280 Newtonville Ave

City of Newton,  
Massachusetts

### Legend

-  Single Residence 2
-  Multi-Residence 1
-  Multi-Residence 3
-  Manufacturing
-  Public Use



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Barbara Fuller  
GIS Administrator - Douglas Greenfield

0 25 50 75 100 125 150 175 200 225 Feet

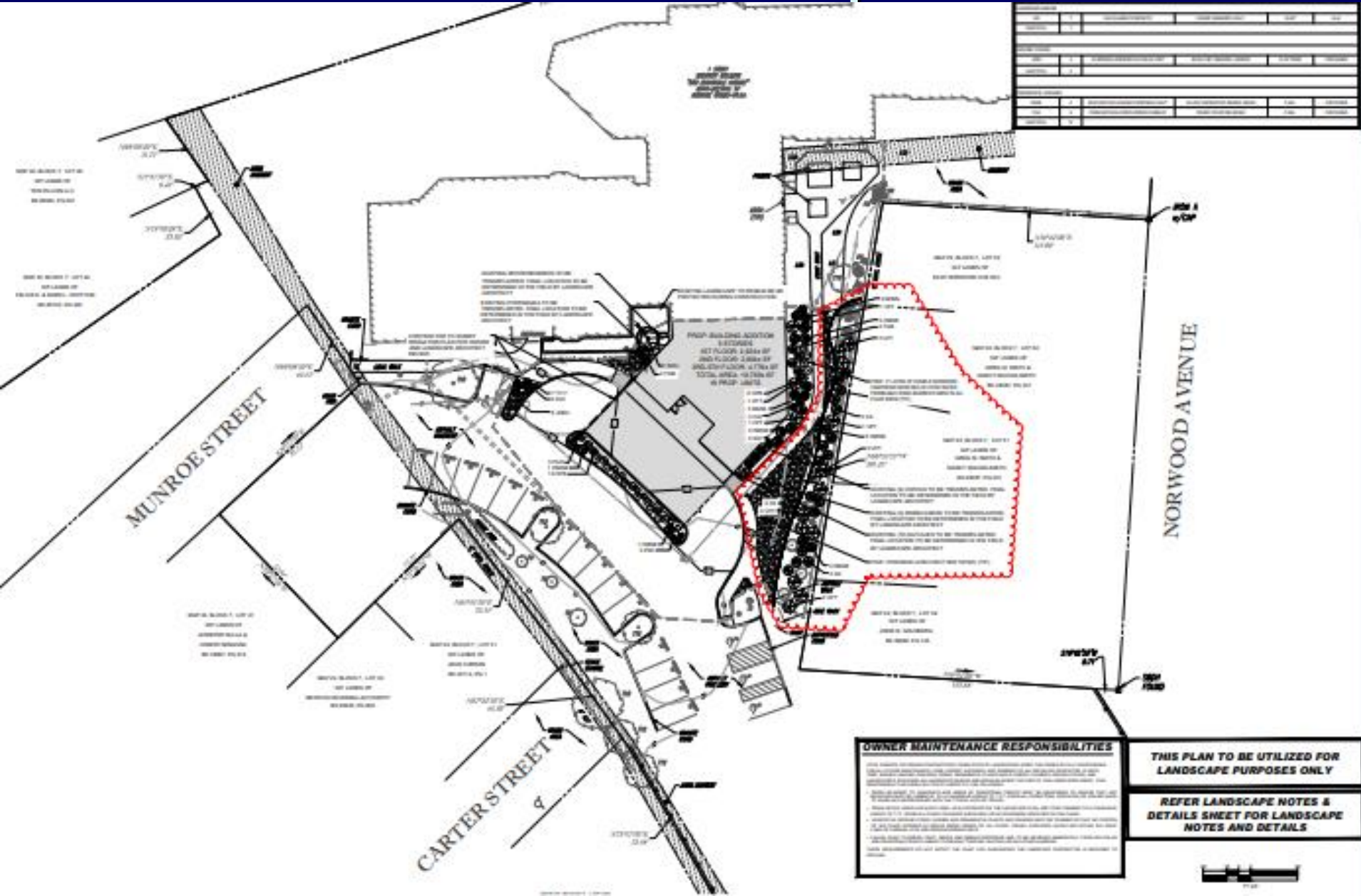
Map Date: May 21, 2020

# Rendering



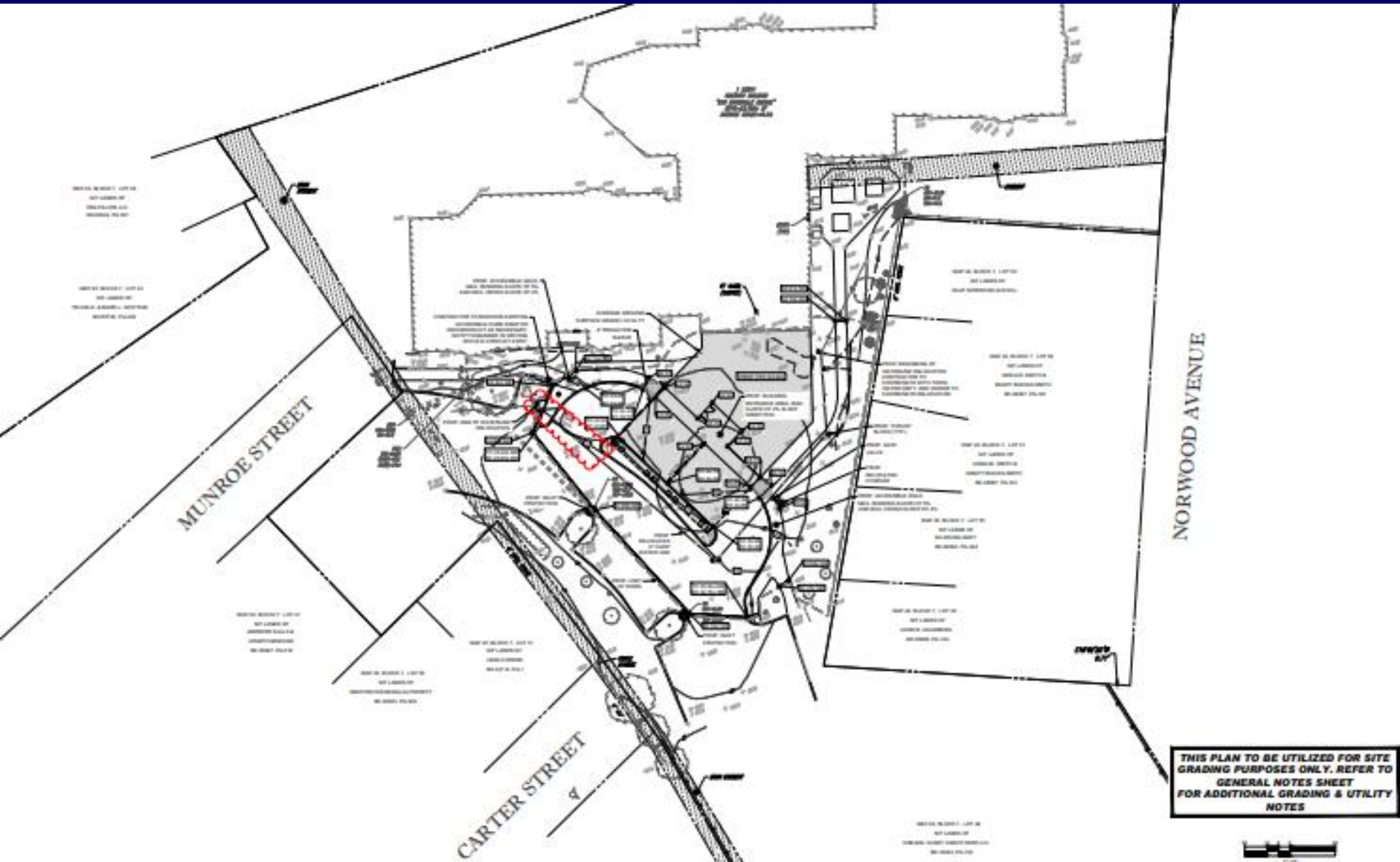


# Revised Landscape Plan





# Relocated Water Line



# Inclusionary Housing



- Existing 20 inclusionary units expiring in 2036 to be extended for the life of the project
- 3 new inclusionary units to comply with the Zoning Ordinance

# I&I Fee

- Total amount calculated by Engineering  
\$160,306
- Engineering proposes 75% (\$120,229.50)  
be waived and re-allocated to other  
projects
- Benchmark has requested re-allocation to  
improvements to Cabot Park
- Planning has reviewed needed  
improvements with Parks, Recreation and  
Culture



# Department of Planning and Development



**PETITION #244-20**

**280 NEWTONVILLE AVENUE**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO AMEND SPECIAL  
PERMIT BOARD ORDER #105-95 TO  
CONSTRUCT A FIVE-STORY ADDITION  
WITH 18 NEW UNITS AND COMMON  
ACCESSORY USE SPACE, EXTENDING  
THE NON-CONFORMING STRUCTURE  
TO THE EXTENT NECESSARY AND TO  
DETERMINE DENSITY AND  
DIMENSIONAL CONTROLS

*JULY 7, 2020*



# Requested Relief



Special Permit per §7.3.3 to:

- to amend Special Permit #105-95
- to determine the density and dimensional controls (§3.2.2.A.3)



# Update- Affordable housing/Inclusionary Zoning

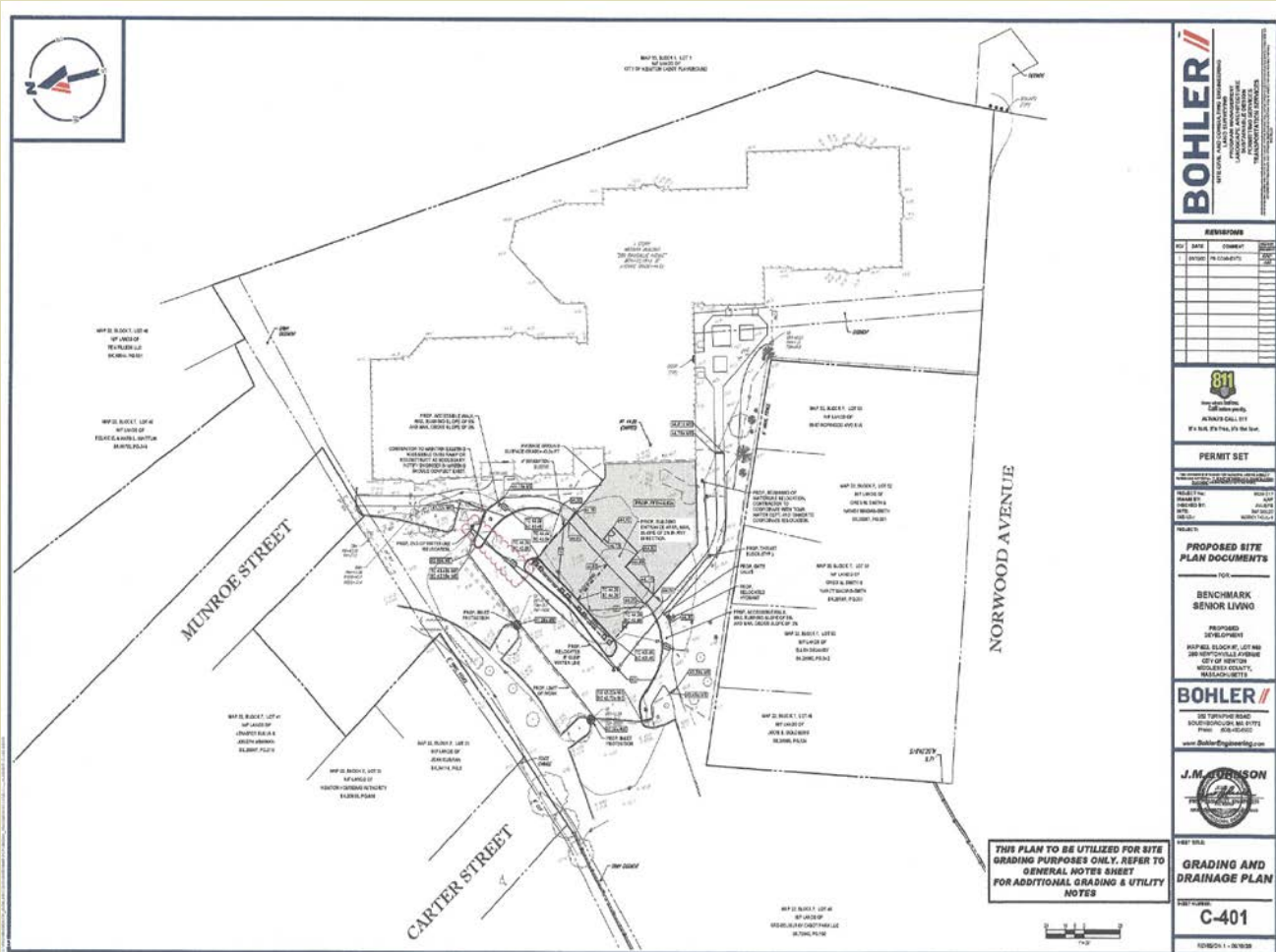


Petitioner has indicated that it would agree to, as conditions of a special permit:

- extension of affordability in perpetuity for the existing 20 low-income units (which would otherwise lapse in 2036)
- to provide three additional inclusionary zoning units pursuant to Section 5.11.4 of the NZO



# Update- Grading



**BOHLER**  
 INCORPORATED  
 10000 W. 10TH AVENUE  
 SUITE 100  
 DENVER, CO 80231  
 (303) 751-1000  
 www.bohler-engineering.com

REVISIONS		
NO.	DATE	COMMENT
1	08/05/14	FOR SUBMITTAL

**811**  
 CALL BEFORE YOU DIG  
 1-800-4-A-DIG  
 ALWAYS CALL BY 8:00 AM, 7 DAYS A WEEK

**PERMIT SET**  
 PROJECT NO. 14-001  
 SHEET NO. C-401  
 DATE: 08/05/14  
 DRAWN BY: J.M. JENSEN  
 CHECKED BY: J.M. JENSEN  
 SCALE: AS SHOWN

**PROPOSED SITE PLAN DOCUMENTS**

FOR  
**BENCHMARK SENIOR LIVING**

PROPOSED DEVELOPMENT  
 288 W. 10TH AVENUE  
 CITY OF DENVER  
 WELDERS COUNTY, WYOMING

**BOHLER**  
 INCORPORATED  
 10000 W. 10TH AVENUE  
 SUITE 100  
 DENVER, CO 80231  
 (303) 751-1000  
 www.bohler-engineering.com

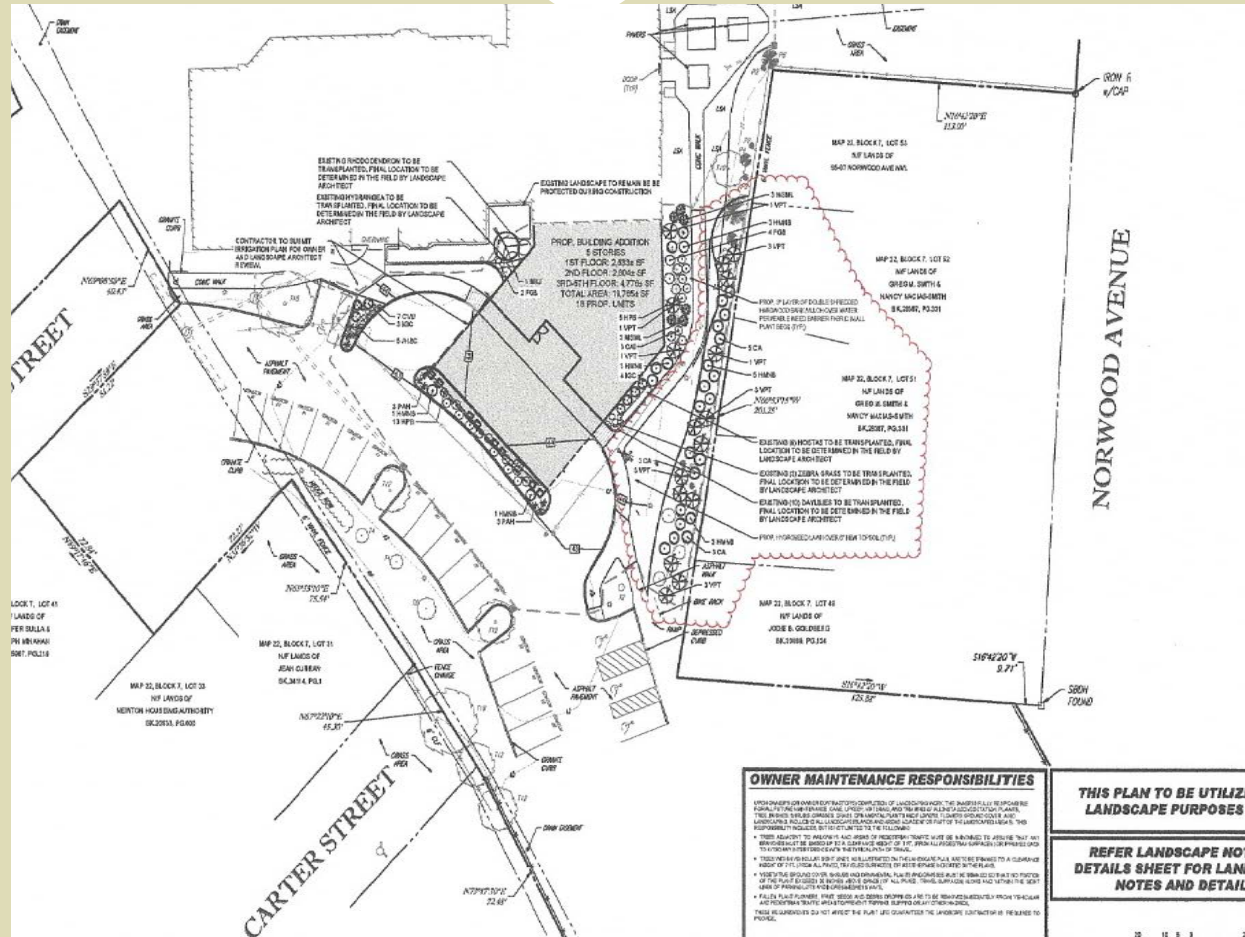
**J.M. JENSEN**  
 REGISTERED PROFESSIONAL ENGINEER  
 STATE OF WYOMING  
 NO. 10000  
 EXPIRES 12/31/15

PROJECT TITLE  
**GRADING AND DRAINAGE PLAN**

SHEET NUMBER  
**C-401**

DATE PLOTTED  
 08/05/14 10:00 AM

# Update- Landscaping



### OWNER MAINTENANCE RESPONSIBILITIES

LANDSCAPE ARCHITECT'S RESPONSIBILITIES: TO DESIGN AND PREPARE THE LANDSCAPE PLAN AND TO SUPERVISE THE INSTALLATION OF THE LANDSCAPE PLAN. THE LANDSCAPE ARCHITECT IS NOT RESPONSIBLE FOR THE MAINTENANCE OF THE LANDSCAPE AFTER THE WORK IS COMPLETED. THE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE LANDSCAPE AFTER THE WORK IS COMPLETED. THE LANDSCAPE ARCHITECT'S RESPONSIBILITIES ARE LIMITED TO THE DESIGN AND PREPARATION OF THE LANDSCAPE PLAN AND TO SUPERVISE THE INSTALLATION OF THE LANDSCAPE PLAN. THE LANDSCAPE ARCHITECT IS NOT RESPONSIBLE FOR THE MAINTENANCE OF THE LANDSCAPE AFTER THE WORK IS COMPLETED. THE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE LANDSCAPE AFTER THE WORK IS COMPLETED.

**THIS PLAN TO BE UTILIZED FOR LANDSCAPE PURPOSES ONLY**

**REFER LANDSCAPE NOTE DETAILS SHEET FOR LANDSCAPE NOTES AND DETAILS**

# Update- I&I



Engineering Division has calculated an amount, based upon the installation of low flow fixtures, of \$160,306.

As discussed in its June 29, 2020 memo to the Land Committee, the Engineering Division recommended:

- that 25% of the I&I fee (approx. \$40,000) be collected and used for certain sewer improvements
- remaining 75% of the fee be waived “so long as the City Council determines that the overall level of mitigation and benefits being proposed for the project is in the best interest of the City and the public.”

The Planning Department notes opportunities to improve nearby Cabot Park, including the installation of accessible paths, improved lighting fixtures and other needed renovations and repairs.