



Land Use Committee Report

City of Newton In City Council

Tuesday, August 4, 2020

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

Also Present: Councilors Albright, Wright, Malakie, Gentile, Krintzman, Crossley, Ryan

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. Presentations for each project can be found at the end of this report.

#351-15(2) Petition to amend Special Permit Council Order #351-15 at 1110 Chestnut Street
CHARLES ZAMMUTTO/1110 CHESTNUT STREET LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to AMEND Special Permit Order #351-15 to allow changes to the site plan at 1110 CHESTNUT STREET, Ward 5, Newton Upper Falls, on land known as Section 51 Block 41 Lot 02, containing approximately 22,800 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 7.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0 (Auchincloss not Voting); Public Hearing Closed 08/04/2020

Note: Attorney Terry Morris, with law offices at 5-7 Elm Road represented the petitioner, Charles Zammuto/1110 Chestnut Street LLC. Atty. Morris presented the request for a special permit petition to amend special permit Council Order #351-15. Atty. Morris explained that changes were made to the plans during construction. Changes that were not consistent with the approved special permit included erection of a retaining wall longer than what was proposed and the location of a water retention chamber. The Engineering Department has confirmed that the location of the water retention chamber is acceptable, but an amendment to the special permit is required for the extension of the retaining wall.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning, photos of the site the approved and as built site plans as shown on the attached presentation. Mr. Gleba confirmed that the petitioner has submitted an architect's affidavit that attests to the integrity of the retaining wall and Atty. Morris confirmed that the relief for the retaining wall is not relative to the height but for the additional linear feet.

The Public Hearing was Opened. No member of the public wished to speak. Councilor Downs motioned to close the public hearing which carried unanimously. Councilor Downs motioned to approve the item. Committee members reviewed the draft findings and conditions as shown in the attached presentation and with that voted 7-0 in favor of approval.

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

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 (Auchincloss not Voting); Public Hearing Closed 07/04/2020

Note: Architect Peter Sachs, 20 Hunter Street, represented the petitioner, John Reichenbach. This petition was approved by the Land Use Committee in July 2020 and sent back to the Committee due to concerns relative to the lack of a landscaping plan and the extensive use of asphalt proposed. The petitioner submitted a revised site plan with a reduction in asphalt by 570 sq. ft., a list of the plantings to be used and a draft landscape plan. The petitioner has hired an arborist to assess the condition of diseased trees at the site. Based on concerns raised relative to the proximity of the driveway to the lot line, the driveway has been pushed 4' in from the lot line and replaced some of the asphalt with pavers.

Senior Planner Michael Gleba confirmed that the Planning Department has no concerns relative to the changes which are improvements to the proposal. The Committee expressed no concerns relative to the changes and noted that the changes reflect a response to the concerns raised by the Committee. With that, the Committee voted 7-0 in favor of approval.

Consistency Ruling: The Committee will review a request for a consistency ruling relative to Council Order #67-20 for 1089 Washington Street/58 Cross Street (Ascend). The petitioner is requesting a consistency ruling to substitute certain materials of the facade.

Note: Attorney Mike Ross, with law offices at Prince Lobel, Boston, Mass, spoke on behalf of the petitioner, Ascend. Atty. Ross explained that the petitioner requested a consistency ruling from the Commissioner of Inspectional Services for a number of changes. The Commissioner of Inspectional Services referred the modification relative to the change in façade to the Land Use Committee for additional review. Atty. Ross noted that the change to the façade is de minimis and could have been easily approved administratively. Ascend CEO Andrea Cabral expressed concern relative to the referral of the façade modification to the Land Use Committee. She noted that more major changes have been made through the consistency ruling process at other dispensaries.

It was explained that the Committee often reviews consistency rulings referred by the Commissioner of ISD. The Committee emphasized the importance of consistency rulings particularly for changes to facades which are an important aspect of the streetscape experience. The Committee emphasized support for the success of the business. Planning Associate Katie Whewell presented images of the proposed façade

with the approved façade. The Committee expressed no concerns relative to the request and asked the Planning Department to relay their approval to the Commissioner.

#284-20 Petition to increase nonconforming FAR at 1084 Chestnut Street

ARIANA AND ALFRED URUCI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to enclose first- and second- floor decks to create additional living space, creating an FAR of .53 where .51 exists and .49 is required at 1084 Chestnut Street, Ward 5, Newton Upper Falls, on land known as Section 24 Block 40 Lot 01, containing approximately 9,080 sq. ft. of land in a district zoned MULTI-RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 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 08/04/2020**

Note: The petitioner, Ms. Ariana Uruci presented the request to increase the nonconforming FAR at 1084 Chestnut Street. Ms. Uruci explained that due to the COVID-19 emergency, her college aged children are living at home with some uncertainty related to when they might return to school. She stated that the proposed plans include the extension of a second-floor bathroom in unit one and the creation of a study and kitchenette in unit 2 which are intended to provide some independent living space. The increase in square footage represents 260-270 sq. ft.

Planning Associate Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed elevations as shown on the attached presentation. Ms. Whewell noted that the Inspectional Services Department will require the petitioner to submit an affidavit which states that the space in unit 2 will not be used as an accessory apartment. In response to questions from the Committee, Ms. Uruci confirmed that no stove is included in the plans and the kitchenette will include a sink, cabinets and a fridge.

The public hearing was opened. No member of the public wished to speak. Councilor Bowman motioned to close the public hearing which carried 8-0. Councilor Bowman motioned to approve the petition. Noting that the kitchenette will not have a stove, the Committee expressed no concerns relative to the petition. The Committee reviewed the draft findings and conditions and voted 8-0 in favor of approval.

#298-20 Petition to allow retaining wall in excess of 4' at 36 Walsh Road

ALEX LINKOV petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a retaining wall in excess of 4' within the setback at 36 Walsh Road, Ward 8, Newton Centre, on land known as Section 84 Block 34 Lot 35, containing approximately 10,048 sq. ft. in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 5.4, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 8-0; Public Hearing Closed 08/04/2020**

Note: The petitioner, Mr. Alex Linkov presented the request to allow a retaining wall in excess of 4' within the setback at 36 Walsh Road. Mr. Linkov explained that during the construction of the by-right house at 36 Walsh Road, they observed significant soil sliding after some rainstorms. Based on the steep slope, the decision was made to install a second retaining wall to remedy the conditions. The site is located on a corner lot and as such has two frontages.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and photos of the site and wall(s) as shown on the attached presentation. Mr. Gleba noted that the petitioner has submitted an affidavit from a professional engineer certifying the quality and structural integrity of the retaining wall. He stated that the petitioner will need to submit an updated as-built plan reflecting the patio space at the rear.

The Public Hearing was Opened. No member of the public wished to speak. The Committee noted that the site has significant grade changes and questioned how plans could have been approved without the retaining wall. The Committee expressed some concern relative to construction of the wall without approval or review. Mr. Linkov confirmed that a drainage system has also been installed at the site. The Committee urged the petitioner to carefully review the Zoning Ordinance prior to construction. With that, Councilor Markiewicz motioned to close the public hearing which carried 8-0. Councilor Markiewicz motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation. The Committee asked that the Order include a condition requiring maintenance of the stormwater systems and voted 8-0 in favor of approval.

#285-20 Petition to amend Council Orders #218-08 and #218-08(2) to allow education use and parking waiver at 141-145 California Street

MAZZI REALTY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Orders #215-08 and #215-08(2) to allow a for-profit educational use and reconfiguration of the parking stalls, to waive the requirement to use the formula for A-B+C parking, to waive 18 parking stalls, to waive minimum stall dimensions, to waive minimum accessible stall dimensions, to allow restricted end stalls, to waive minimum aisle widths, to waive a minimum driveway width, to waive perimeter landscaping requirements, to waive interior landscaping requirements, to waive lighting requirements for parking areas and to waive bicycle parking requirements at 141-145 California Street, Ward 1, Newton, on land known as Section 11 Block 01 Lots 01A, containing approximately 65,568 sq. ft. of land in a district zoned MANUFACTURING. Ref: Sec. 7.3.3, 7.4, 4.4.1, 5.1.3.B, 5.1.13, 5.1.4, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.B.6, 5.1.8.C.1, 5.1.8.D.2, 5.1.9.A, 5.1.9.B, 5.1.10.A, 5.1.11 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Held 7-0 (Lipof Recused); Public Hearing Continued**

Note: Atty. Katherine Braucher Adams, offices of Schlesinger and Buchbinder, 1200 Walnut Street, represented the petitioner Mazzi Realty. Atty Adams presented the request to amend Special Permit Board Orders #218-08 and #218-08(2) to expand the expansion of a for-profit adult day care and parking waiver of 18 stalls at 141-145 California Street. Atty. Adams noted that the petitioner has been operating an adult day care since 2005 in one building at the site. The petitioner recently acquired the remaining four buildings at the site. Currently, the operations accommodate 87 clients and 15 staff members with 22 parking stalls. The program offers health and educational services, meals, exercise, memory enhancement games, walks on the Riverway bike path and periodic field trips for Russian Jewish community members from Newton, Watertown and Brighton. The staff to client ratios are regulated by the Department of Public Health. Clients are brought to the site in 5 passenger vans on a staggered schedule. With 11-14 clients per van, unloading takes approximately 5 minutes. The capacity of the program is not enough to serve the demand. The petitioner proposes to replicate the infrastructure of the current program and will need an additional 10 vans. Atty. Adams noted that arrival and departure

times will be scheduled to minimize conflict. The new drop off and pick up areas would result in a net loss of 6 parking stalls. 61 total stalls would remain at the site. Atty. Adams explained that the 61 parking stalls can sufficiently accommodate the vans and the employees, 1/3 of which do not drive to work. The petitioner is requesting waivers to parking stall dimensions (width, depth, aisle width), interior landscaping, landscape screening and lighting. It has been determined that no relief is necessary relative to bicycle parking. Atty. Adams noted that the petitioner has provided some plantings on site however additional landscaping would result in the loss of additional parking. The Planning Department has requested that the petitioner restripe the parking lot in order to make the stalls 8' wide. Atty. Adams confirmed that the petitioner is willing to restripe the lot but noted that this modification will result in the loss of two additional parking stalls.

Planning Associate Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. The Public Hearing was Opened.

Werner Gossels, Bennet Trust Property, expressed concern that the entrance to the five buildings is across their property. It was noted that 300 people will be entering and exiting the site during a short period of time, which is a huge burden on the abutting property. In favor of the use and what the owners are trying to do but it seems like an enormous burden on their property.

The Committee noted that the use of vans and the loss of existing businesses may reduce the traffic at the site. It was noted that the recently approved Riverdale project may have an impact on traffic on California Street. The Committee asked the Planning Department to provide an analysis of the existing and future traffic conditions as well as how the petitioner's van proposal compares to the existing traffic at the site.

The Committee expressed support for 8' wide parking stalls in support of the Planning Department recommendation. Committee members noted that it might be beneficial to include some landscaping within the site to help reduce the heat island affect, understanding that it may be at the expense of some parking stalls. The Committee suggested that the petitioner also consider 9' wide parking stalls to accommodate vans.

The Committee noted that access to the bike trail through the site is blocked off. Committee members questioned whether this access will continue to be blocked. Atty. Adams noted that there are two entrances to the bike path within the property. She stated that the entrance between 143 and 145 California Street is open and can be utilized. She noted that the opening behind 141 California Street is more secluded and difficult to monitor. The Committee asked the petitioner to consider the installation of signage to encourage access to the bike path.

With that, Councilor Greenberg motion to hold the item and continue the public hearing. Committee members voted 8-0 in favor of holding the item.

Respectfully Submitted,

Richard Lipof, Chair

Department of Planning and Development



PETITION #351-15(2)
1110 CHESTNUT STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO AMEND SPECIAL
PERMIT ORDER #351-15 TO
ALLOW CHANGES TO THE SITE
PLAN

AUGUST 4, 2020



Requested Relief



Special Permit per sec. 7.3.3 to:

- Amend Special Permit Order #351-15 to allow changes to the site plan
- The property was granted a special permit in 2015 (#351-15) to extend a nonconforming structure to create four attached dwelling units in an existing two-family dwelling along with certain waivers.
- The petitioner seeking to amend the special permit to replace the special permit-approved site plan with an as-built site plan reflecting the project as constructed, including changes to the structures, parking areas, driveways and retaining walls.

AERIAL/GIS MAP



Zoning



ATTACHMENT A

Zoning

1110 Chestnut St.

City of Newton,
Massachusetts

Legend

- Multi-Residence 1
- Multi-Residence 3
- 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: April 03, 2020

Land Use



ATTACHMENT 1




Land Use

1110 Chestnut St.

*City of Newton,
Massachusetts*

Land Use

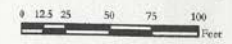
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space



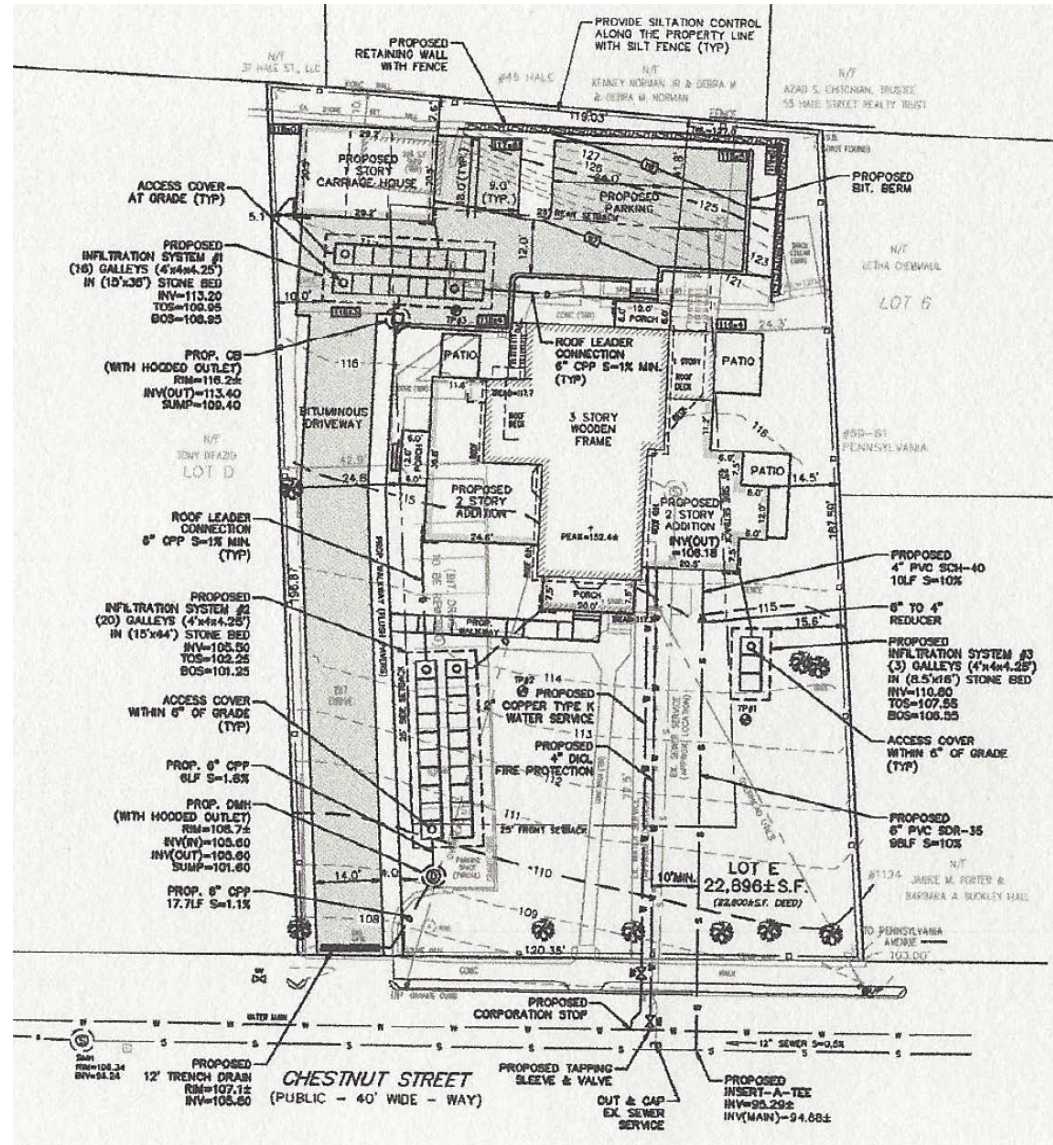
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CITY OF NEWTON, MASSACHUSETTS
 Mayor - Ruthanne Fuller
 GIS Administrator - Douglas Greenfield

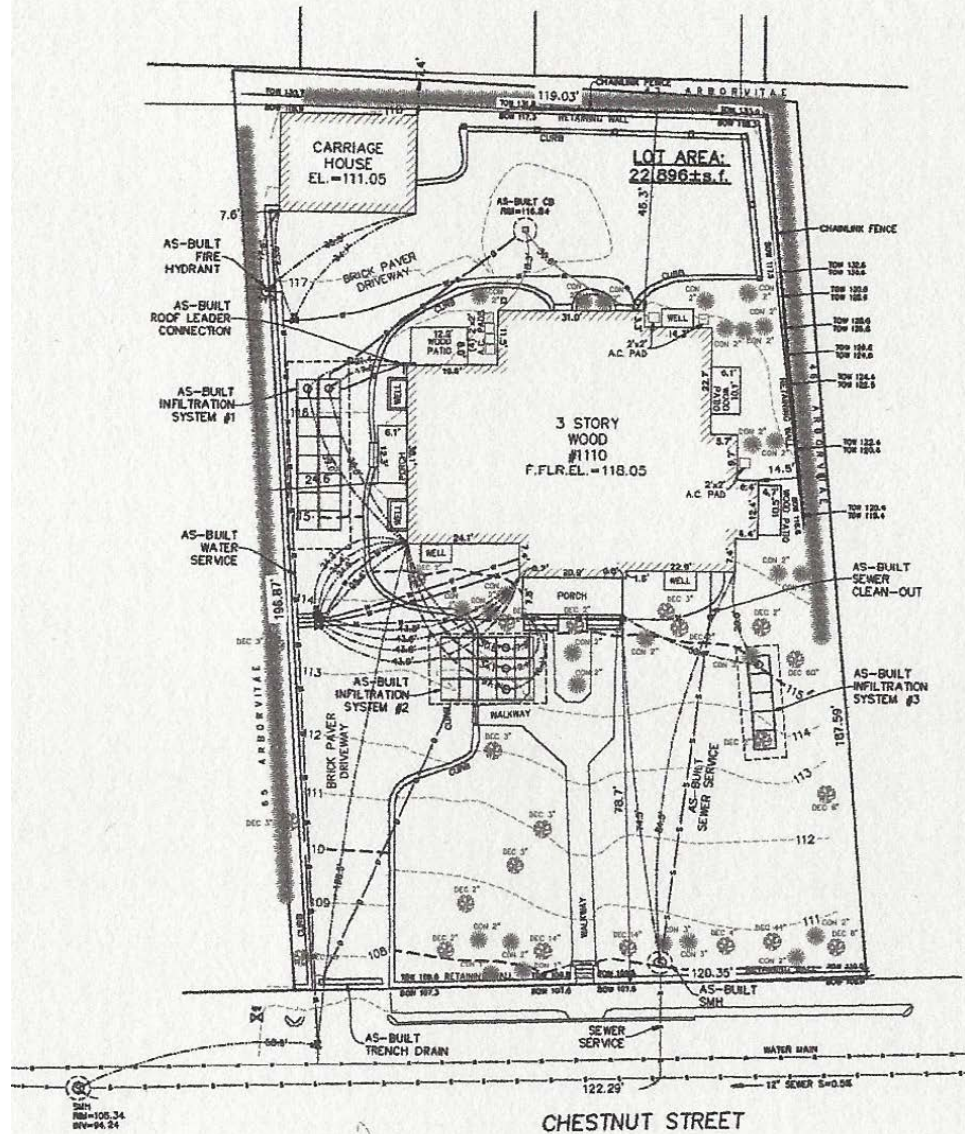


Map Date: April 03, 2020

Site Plan- Special Permit- approved



Site Plan- "as-built" dated 4/8/2020



Photos



Photos



Photos



Photos



Photos



Architect's Affidavit



Final Construction Control Document

To be submitted at completion of construction by a
Registered Design Professional

for work per the ninth edition of the
Massachusetts State Building Code, 780 CMR, Section 107

Project Title: 1110

Date: 06/02/2020

Permit No. 17040274

Property Address: 1110 Chestnut Street, Newton, MA 02464

Project: Check (x) one or both as applicable: New construction Existing Construction

Project description: Retaining Wall

I, Ronald L Bourque, MA Registration Number: 50154 Expiration date: 08-31-2020, am a *registered design professional*, and I have prepared or directly supervised the preparation of all design plans, computations and specifications concerning: **Structural**

for the above named project. I, or my designee, have performed the necessary professional services and was present at the construction site on a regular and periodic basis. To the best of my knowledge, information, and belief the work proceeded in accordance with the requirements of 780 CMR and the design documents approved as part of the building permit and that I or my designee:

1. Have reviewed, for conformance to this code and the design concept, shop drawings, samples and other submittals by the contractor in accordance with the requirements of the construction documents.
2. Have performed the duties for registered design professionals in 780 CMR Chapter 17, as applicable.
3. Have been present at intervals appropriate to the stage of construction to become generally familiar with the progress and quality of the work and to determine if the work was performed in a manner consistent with the construction documents and this code.

Nothing in this document relieves the contractor of its responsibility regarding the provisions of 780 CMR 107.

Enter in the space to the right a "wet" or electronic signature and seal:



Proposed Findings



1. The specific site, which is one of the larger parcels in the surrounding neighborhood, is an appropriate location for four single-family attached dwellings because the density of the project, in terms of lot area per unit, is consistent with the surrounding lots in the Multi-Residence 1 district. (§7.3.3.C.1)
2. The proposed attached dwelling use, as developed and operated, will not adversely impact the surrounding neighborhood and will preserve the existing structure which has been found preferably preserved by the Newton Historical Commission. (§3.4.1)
3. The proposed side setback of 14.5 feet where 25 feet is required is appropriate given that the existing structure will be preserved, that the site is well screened along the south side property line and will not cast shadows on abutting properties. (§3.2.4)
4. The proposed retaining walls greater than four feet in the rear setback are appropriate to create a parking area and will be minimally visible from the street. (§5.4.2)
5. The proposed driveway located within 10 feet of the side lot line is existing. The proposed parking area within 20 feet of a boundary line and within the side setback is appropriate given that the parking will be well set back and screened from the street and abutting properties. (§6.2.3.B.2, §5.1.7.A, §5.1.13 and §6.2.3.B.2)
6. There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
7. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)



Proposed Conditions



The conditions set forth in prior special permit for this property, Special Permits #351-15 remain in full force and effect except as modified herein.

- Plan Referencing Condition:

1. a. Site Plans showing proposed conditions at 1110 Chestnut Street, prepared by VTP Associates, Inc., signed and stamped by Joseph R. Porter Professional Land Surveyor and Marc Besio Professional Engineer, consisting of the following two (2) sheets:

- Topographic Site Plan, dated April 18, 2016;
- Detail Sheet, dated April 18, 2016.

As amended by Topographic Site Plan, dated April 8, 2020

Department of Planning and Development

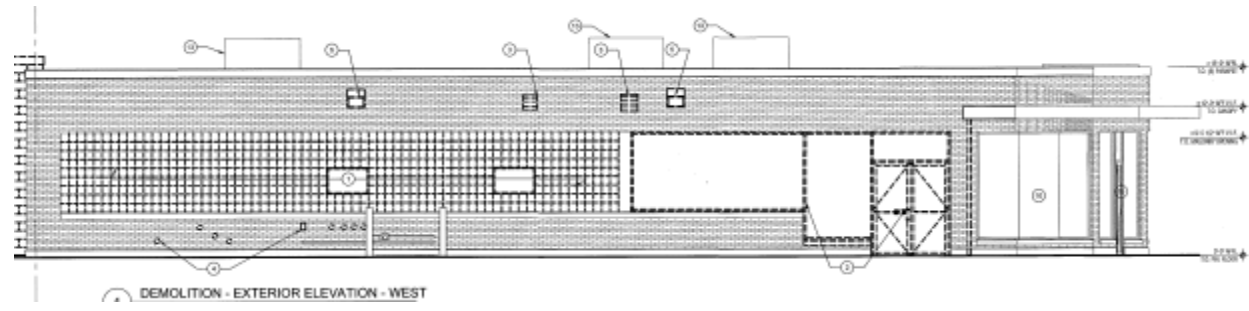


REQUEST FOR
CONSISTENCY REGARDING
PROPOSED FAÇADE

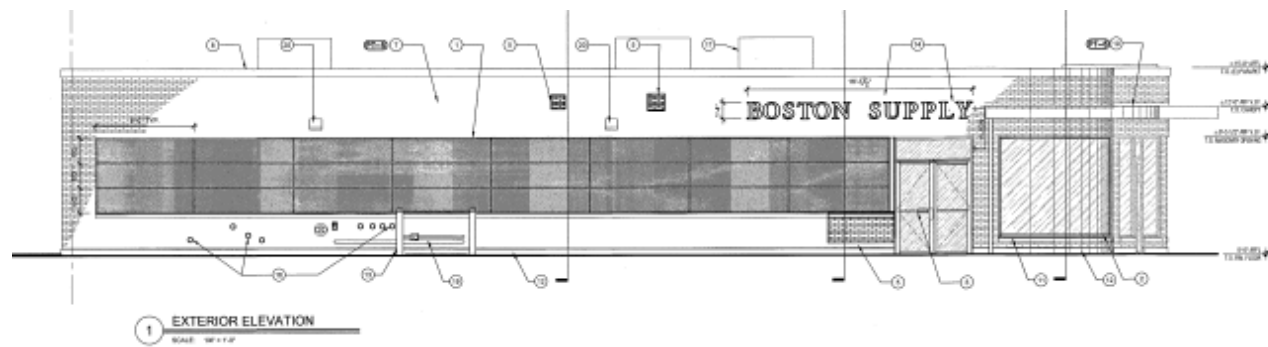
AUGUST 4, 2020



Elevations



Existing



Proposed

Department of Planning and Development



PETITION #284-20
1084 CHESTNUT STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO INCREASE THE
NONCONFORMING FLOOR AREA
RATIO

AUGUST 4, 2020



Requested Relief



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

- Increase the Nonconforming Floor Area Ratio (§3.1.3 and §3.1.9).

Criteria to Consider



When reviewing this request, the Council should consider whether:

- The proposed increase in the nonconforming FAR from .51 to .53, where .49 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 and §7.8.2.C.2)
- The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.9 and §7.8.2.C.2)

Aerial/GIS Map



ATTACHMENT A

Zoning

1084 Chestnut Street

City of Newton,
Massachusetts

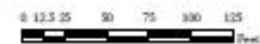
Zoning

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



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



Map Date: July 27, 2020



ATTACHMENT B

Land Use

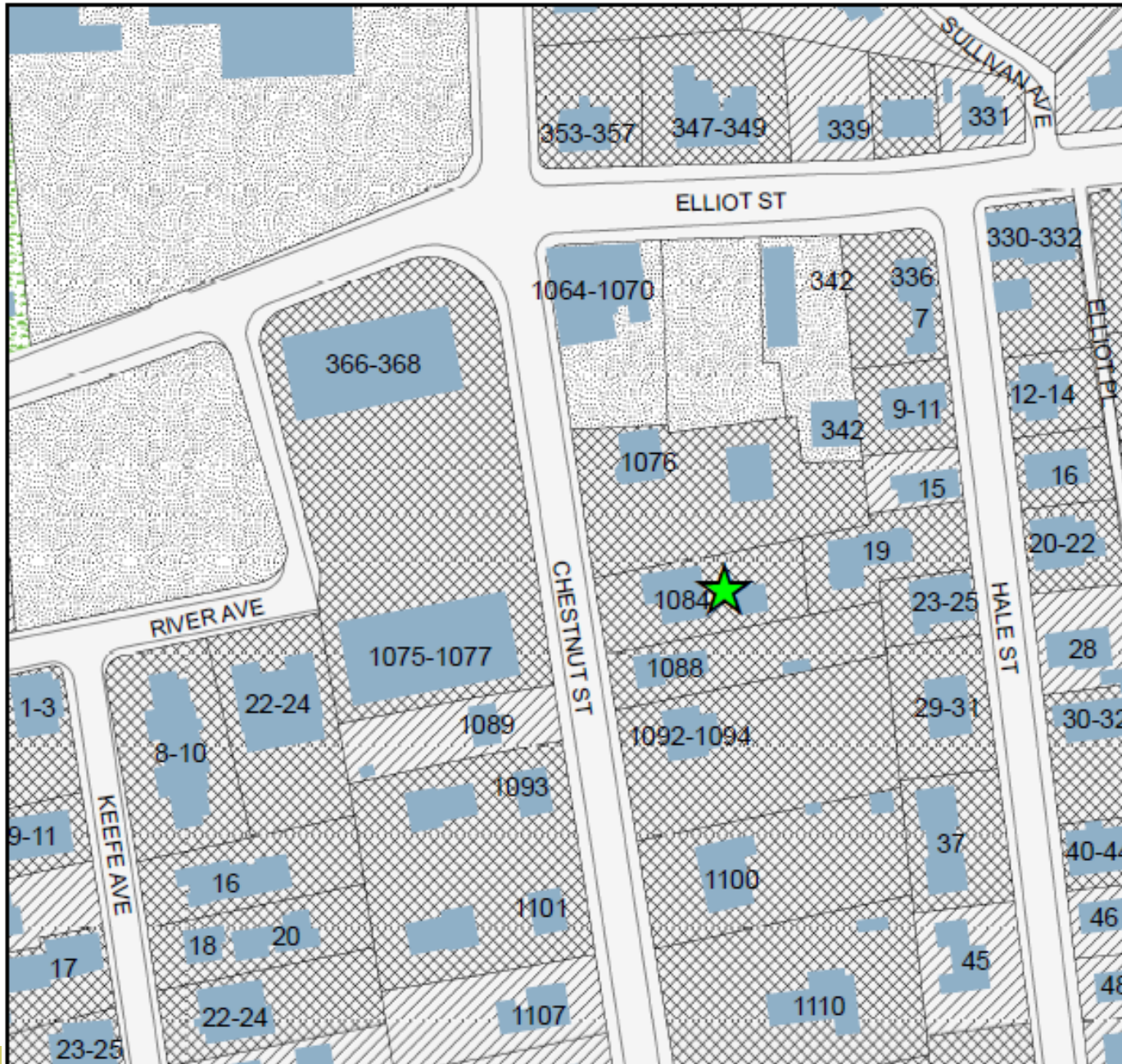
1084 Chestnut Street

*City of Newton,
Massachusetts*

Land Use

Land Use

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



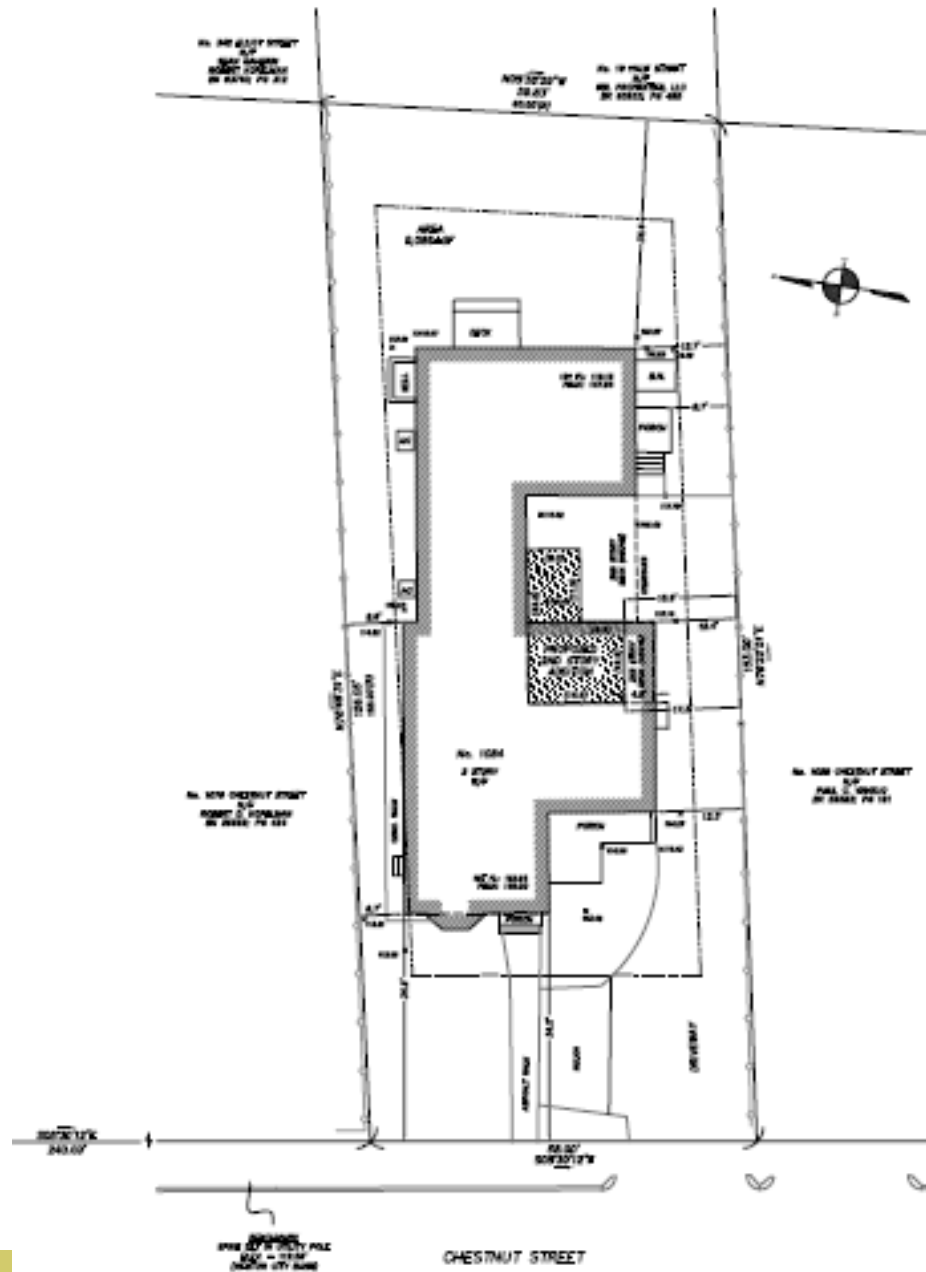
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CITY OF NEWTON, MASSACHUSETTS
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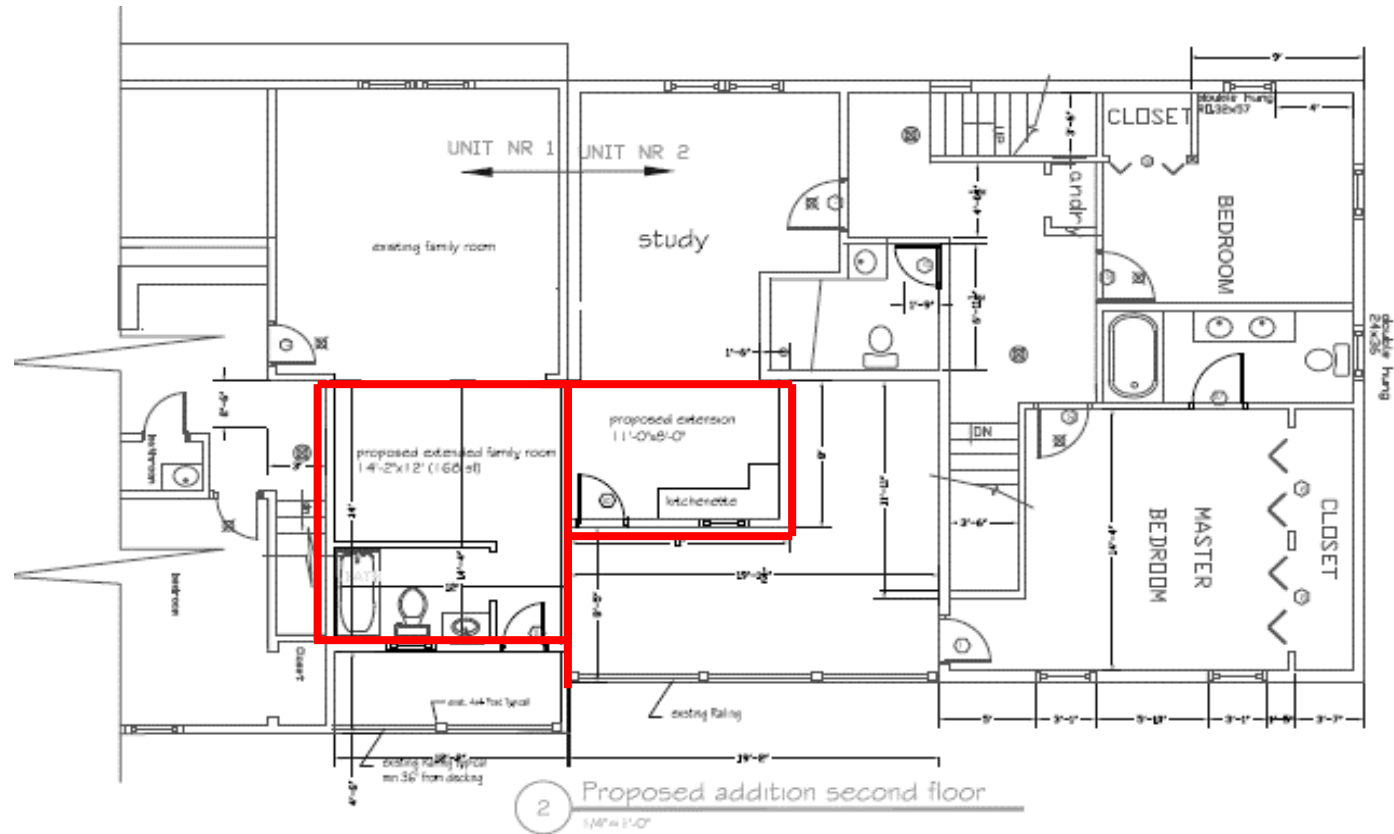


Map Date: July 27, 2020

Proposed Site Plan



Proposed Floor Plan



Right Elevations



Existing



Proposed

Proposed Findings



1. The proposed increase in the nonconforming FAR from .51 to .53, where .49 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 the proposed additions are not taller than the existing structure and do not extend the structure's footprint. (§3.1.9, and §7.8.2.C.2)
2. The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the proposed additions are not higher than the existing structure, do not increase the footprint and are similar to the size and scale of other structures in the neighborhood. (§3.1.9 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 #298-20

36 WALSH ROAD

SPECIAL PERMIT/SITE PLAN
APPROVAL TO ALLOW A
RETAINING WALL IN EXCESS OF
4' WITHIN THE SETBACK

AUGUST 4, 2020



Requested Relief



Special permit per §7.3.3 to:

- allow a retaining wall in excess of 4' within the setback

Criteria to Consider



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

1. The specific site is an appropriate location for retaining wall in excess of four feet in height within a setback in a Single Residence 2 (SR2) district (§7.3.3.C.1)
2. The retaining wall in excess of four feet in height within a setback will adversely affect the neighborhood (§7.3.3.C.2)
3. The retaining wall in excess of four feet in height within a setback will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved

AERIAL/GIS MAP



Zoning




ATTACHMENT B

Zoning

36 Walsh Road

*City of Newton,
Massachusetts*

Legend

-  Single Residence 1
-  Single Residence 2
-  Public Use

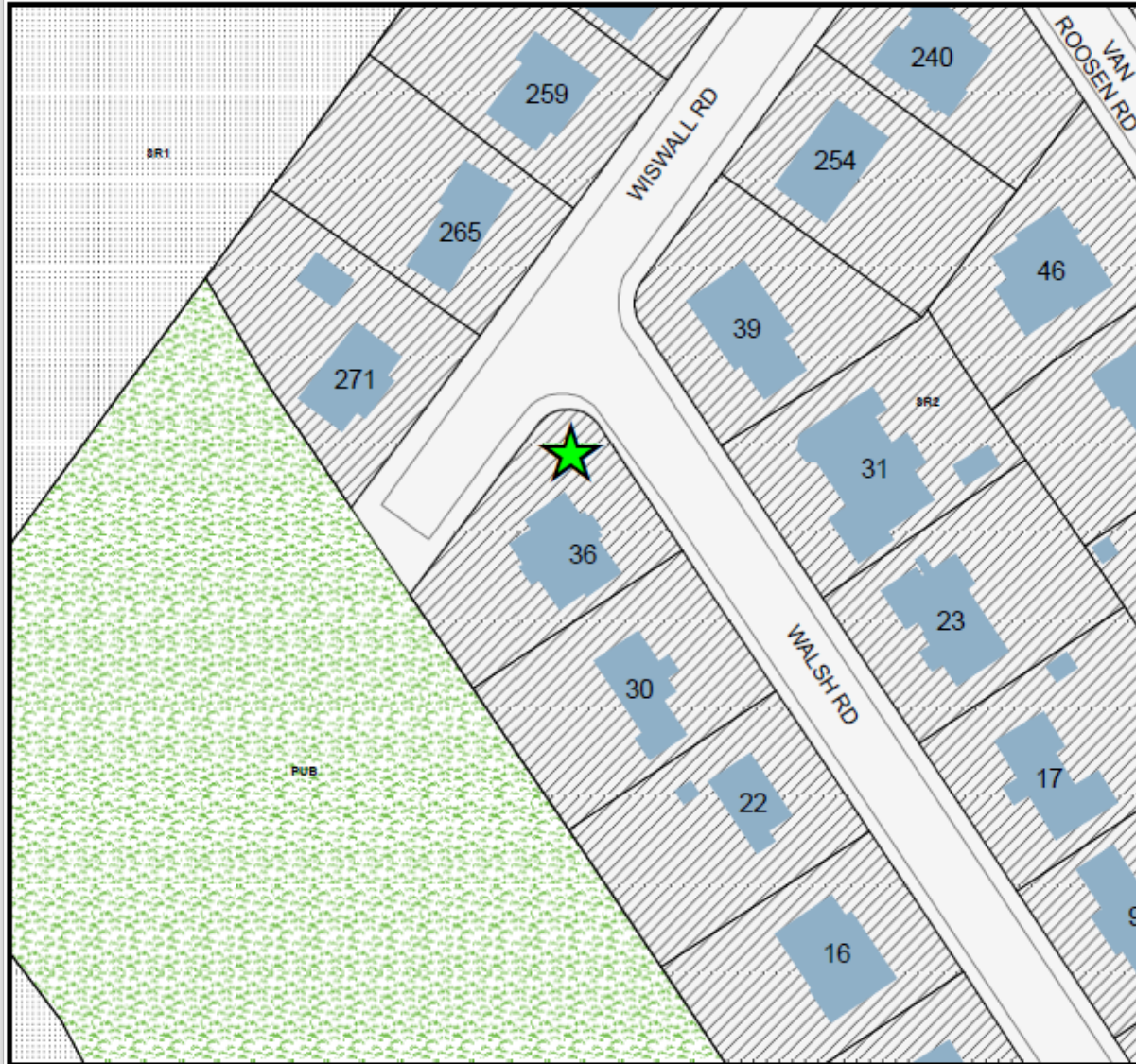


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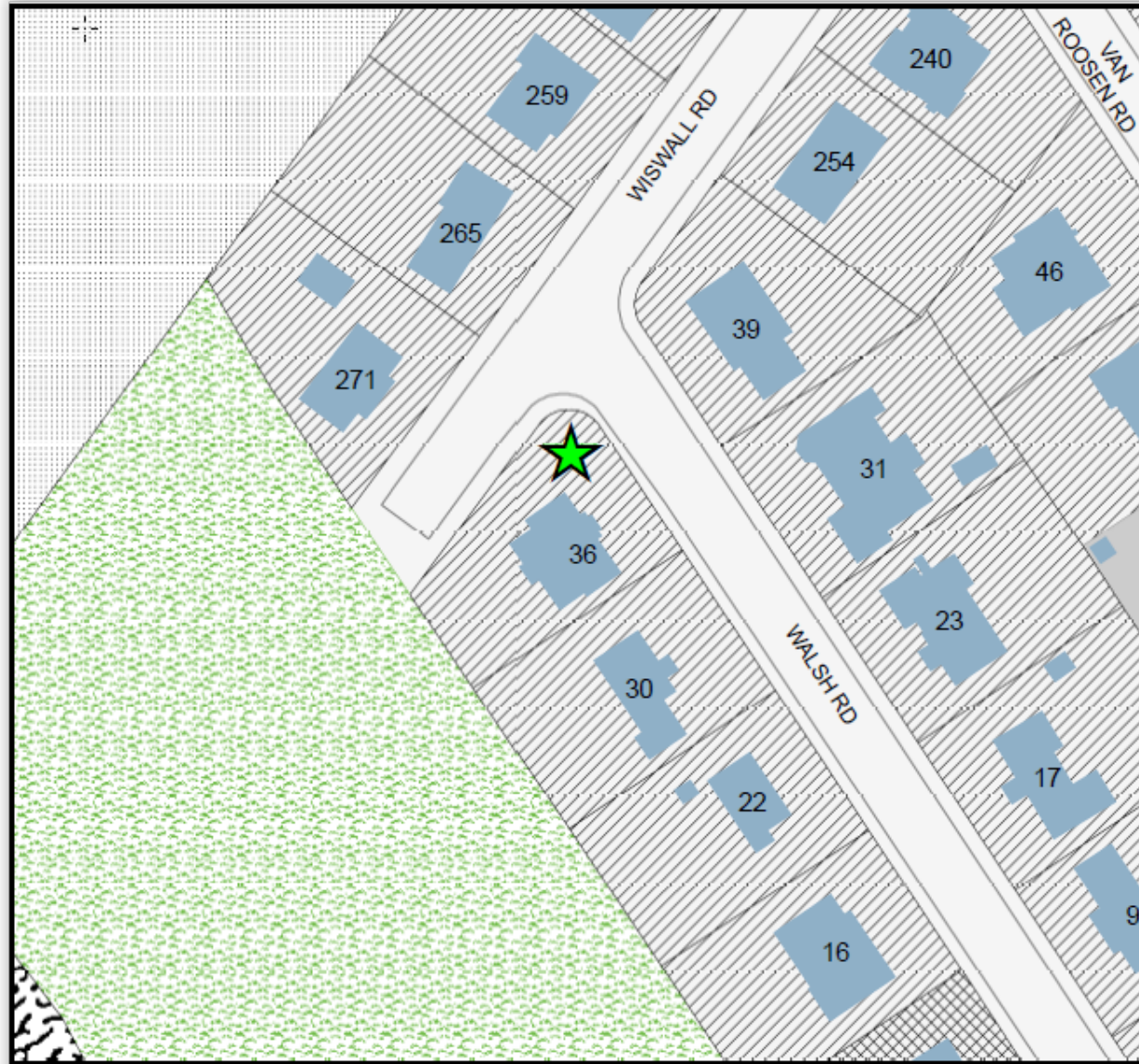
CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: July 29, 2020



Land Use



ATTACHMENT A

Land Use

36 Walsh Road

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  Private Educational
-  Nonprofit Organizations
-  Vacant Land



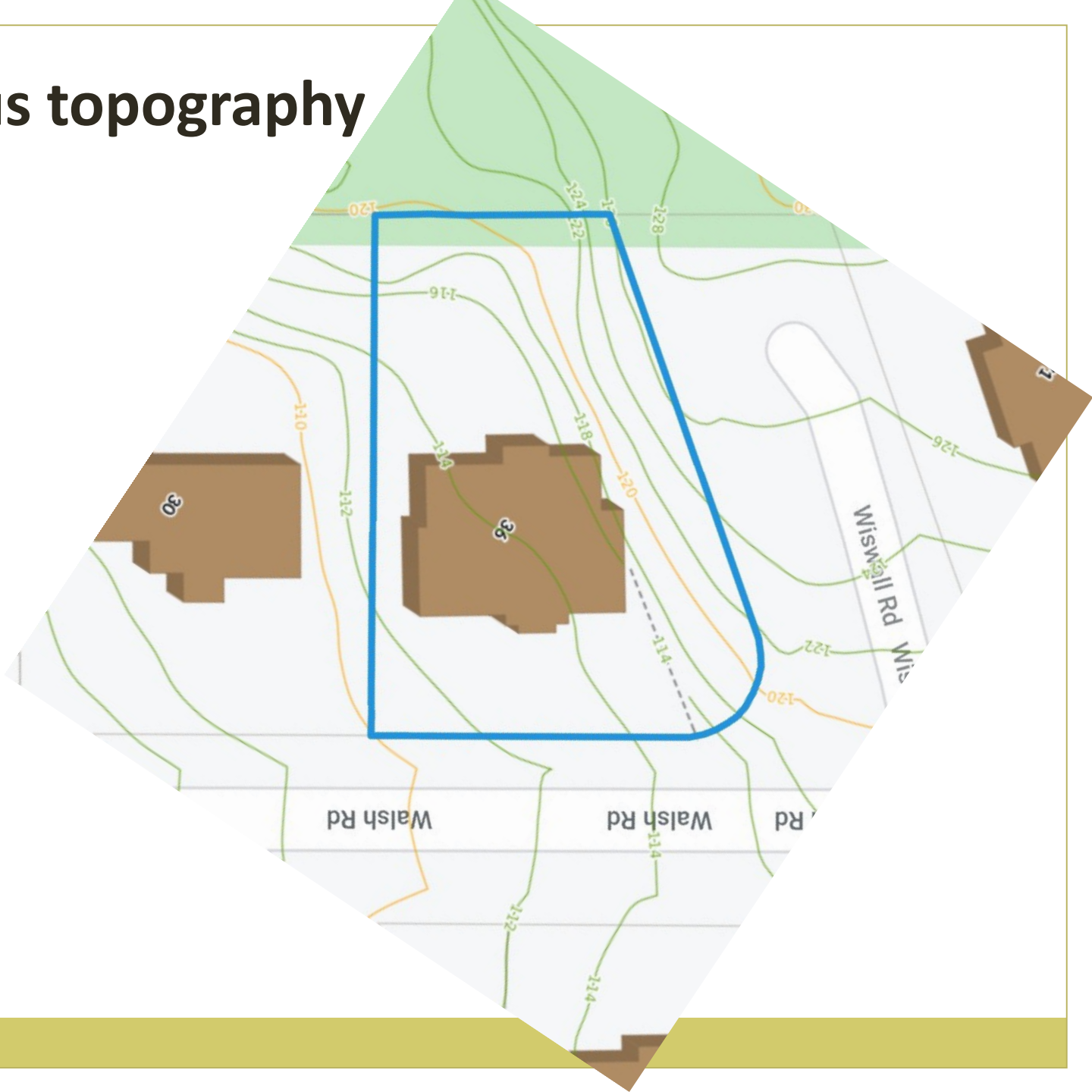
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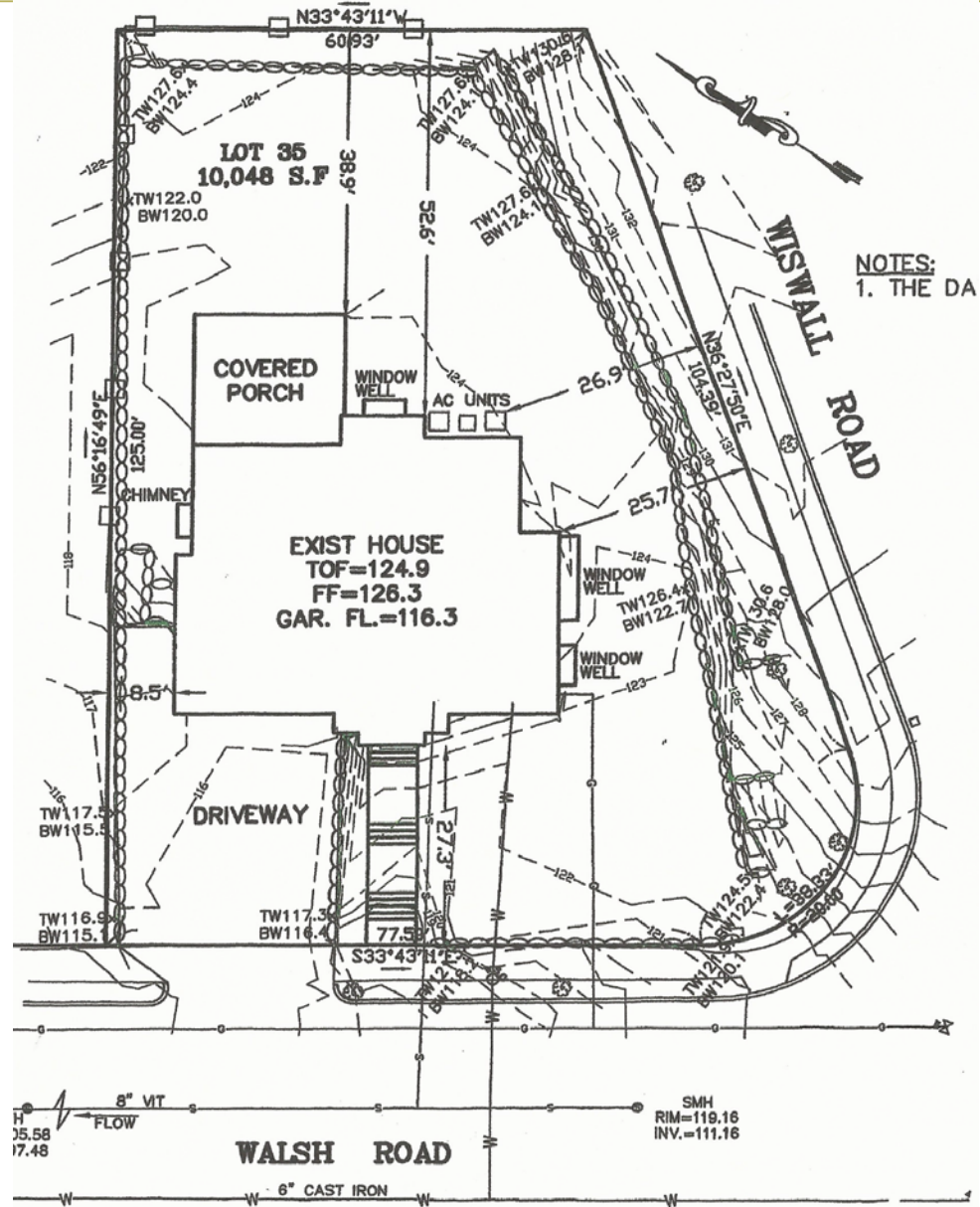


Map Date: July 29, 2020

Site- previous topography



Site Plan- now existing / "proposed"



Procedural Background



3/18/2020- ISD did a final inspection of the by-right project; noticed the wall was in violation and didn't have a survey; inspection "incomplete"

4/14/2020- ISD received accurate survey

4/17/2020- Temporary CO issued pending closing special permit

Special Permit process

Engineer's Affidavit

RAV & ASSOCIATES, INC.

21 HIGHLAND AVENUE
NEEDHAM, MA 02494

TEL: (781) 449-8200

E-MAIL: RICHARD@RAVASSOC.COM

July 23, 2020

City of Newton
Inspectional Services Department
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459
Attn: John Lojek, Commissioner

FINAL AFFIDAVIT

36 Walsh Road
Right Side terraced Wall
Newton, Massachusetts

I hereby certify that I, Richard A. Volkin, a Commonwealth of Massachusetts Registered Professional Engineer, Number 22282, reviewed the right side retaining wall(s) at 36 Walsh Road, Newton, Massachusetts installed by the Contractor in lieu of the slope from Wiswall Road to the property. The wall was inspected physically after completion for compliance with the Manufacturer's recommendation and good engineering practices on April 30, 2020 and July 23, 2020. On April 30, 2020, periodic tests/excavation were performed to insure the installation was in accordance with Manufacturer's standards for a segmental gravity block wall

I hereby certify that I made a final inspection of the structure on July 23, 2020. All the work inspected satisfies the requirements of the Manufacturer's Standards, good engineering practices, 780 CMR, Massachusetts Building Code, 9th edition, and the International Residential Code (IRC), 2015 with the Massachusetts Amendments.

July 23, 2020
Date


Signature



Photos



Photos



Photos



Proposed Findings

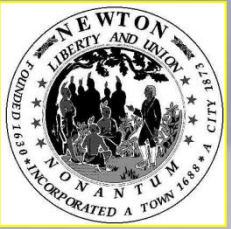


1. The specific site in a Single Residence 2 (SR2) district is an appropriate location for retaining wall in excess of four feet in height within a setback given the grades of the adjacent public ways (§7.3.3.C.1)
2. The retaining wall in excess of four feet in height within a setback will not adversely affect the neighborhood (§7.3.3.C.2)
3. The retaining wall in excess of four feet in height within a setback will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved

Proposed Conditions



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



Zdorovie Senior Services, LLC
141-145 California Street
Special Permit Application to Newton City Council

August 4, 2020

141-145 California Street Aerial View



Riverdale Ave

PSMJ

nato True Value
Tools & Hardware
Hardware store

ng-Shin Yuan
Takeout

Tradern Fine
Woodworking
Woodworking
supply store

California St

Riverdale Ave

Acc Apothecary

Zdorovie Senior Services

149A

Capitol Engineering

Boston Ballroom
Dance Center

141 California St #145

Philip A. Rand
Wire Rope and Slings...

Gordon's Wine Storage

California St

Charlesbank
Apartment Hor

Dealtry
Playgro

Educational Activities/Sample Schedule

8:00 am – 9:00 am	Client arrival time
9:15 am	Therapeutic morning exercise
9:30 am	Breakfast time
10:00 am – 11:00 am	English Language Class/Life Skills
11:30 am – 12:15 pm	Computer class
12:30 pm – 1:00 pm	Memory enhancement games and quizzes
1:30 pm	Lunch time
2:00 – 3:00 pm	Departure time

141-145 California Street Aerial View



145
Talamas

143

141

149A

149

nato True Value
Tools & Hardware
Hardware store

ng-Shin Yuan
Takeout

Tradern Fine
Woodworking
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Capitol Engineering

Boston Ballroom
Dance Center

California St #145

Philip A. Rand
Wire Rope and Slings...

Gordon's Wine Storage

California St

Riverdale Ave

Riverdale Ave

California St

Van Schedule



Arrival Times

8:00 – 8:15 AM

8:15 – 8:30 AM

8:30 – 8:45 AM

8:45 – 9:00 AM

9:00 – 9:15 AM

9:30AM Any additional route as needed



Departure Times

2:00 – 2:15 PM

2:15 – 2:30 PM

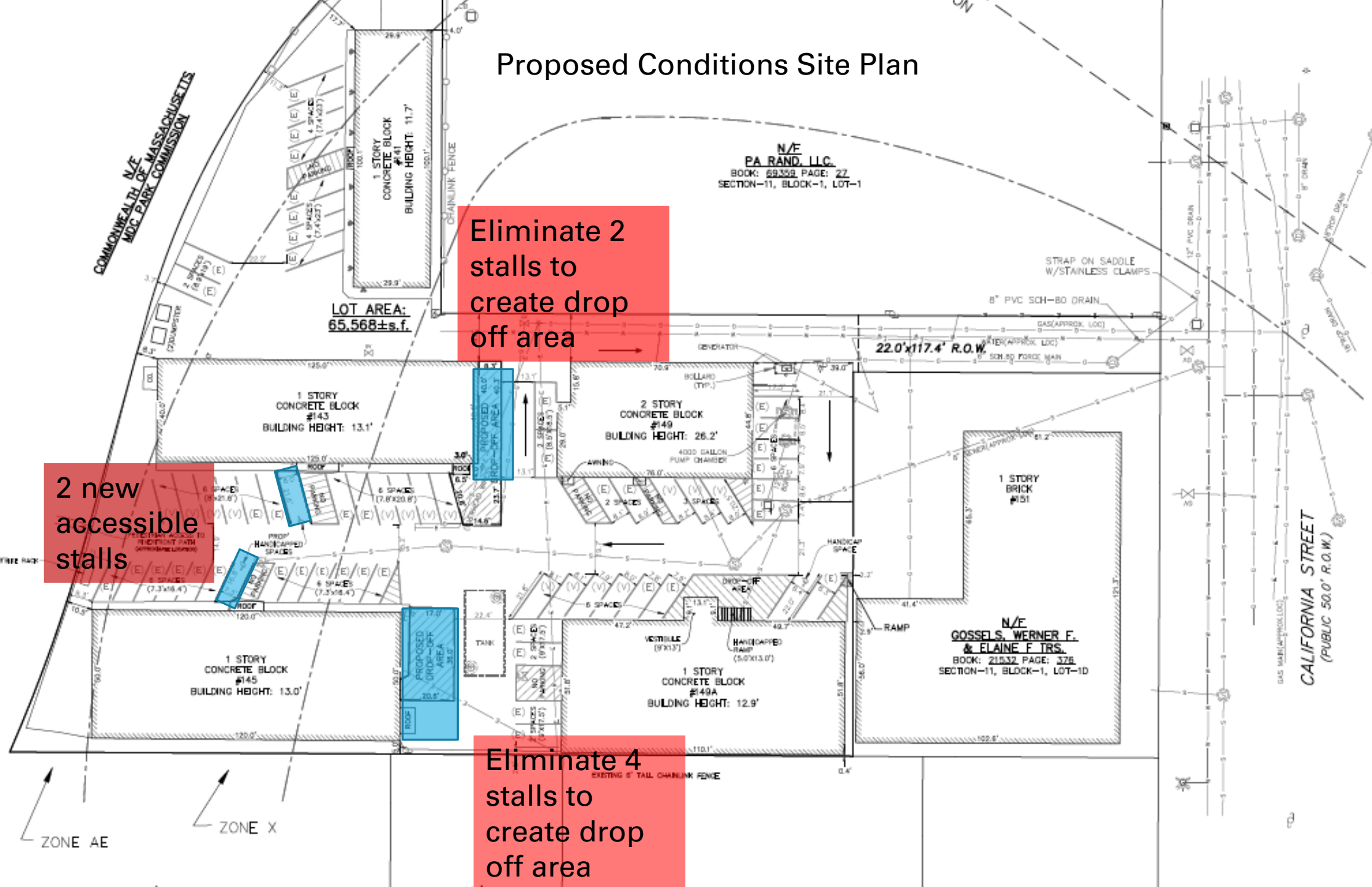
2:30 – 2:45 PM

2:45 – 3:00 PM

3:00 – 3:15 PM

3:30PM Any additional route as needed

Proposed Conditions Site Plan



N/E
PA RAND, LLC.
BOOK: 69359 PAGE: 27
SECTION-11, BLOCK-1, LOT-1

LOT AREA:
65,568±s.f.

Eliminate 2 stalls to create drop off area

2 new accessible stalls

Eliminate 4 stalls to create drop off area

ZONE AE

ZONE X

CALIFORNIA STREET
(PUBLIC 50.0' R.O.W.)

N/E
GOSSELS, WERNER F. & FLAINE F. TRS.
BOOK: 21532 PAGE: 326
SECTION-11, BLOCK-1, LOT-1D

N/E
**COMMONWEALTH OF MASSACHUSETTS
MDC PARK COMMISSION**

1 STORY
CONCRETE BLOCK
#141
BUILDING HEIGHT: 11.7'

1 STORY
CONCRETE BLOCK
#143
BUILDING HEIGHT: 13.1'

2 STORY
CONCRETE BLOCK
#49
BUILDING HEIGHT: 26.2'

1 STORY
BRICK
#151

1 STORY
CONCRETE BLOCK
#145
BUILDING HEIGHT: 13.0'

1 STORY
CONCRETE BLOCK
#49A
BUILDING HEIGHT: 12.9'

Parking Calculation

Pursuant to Section 5.1.4 (day care center):

1 stall per every 5 clients plus one for every employee.

Parking required: 101 stalls (258 clients and 46 employees)

Parking provided: 61 stalls

Existing waiver: 22 stalls

Waiver requested: 18 stalls

Relief Requested

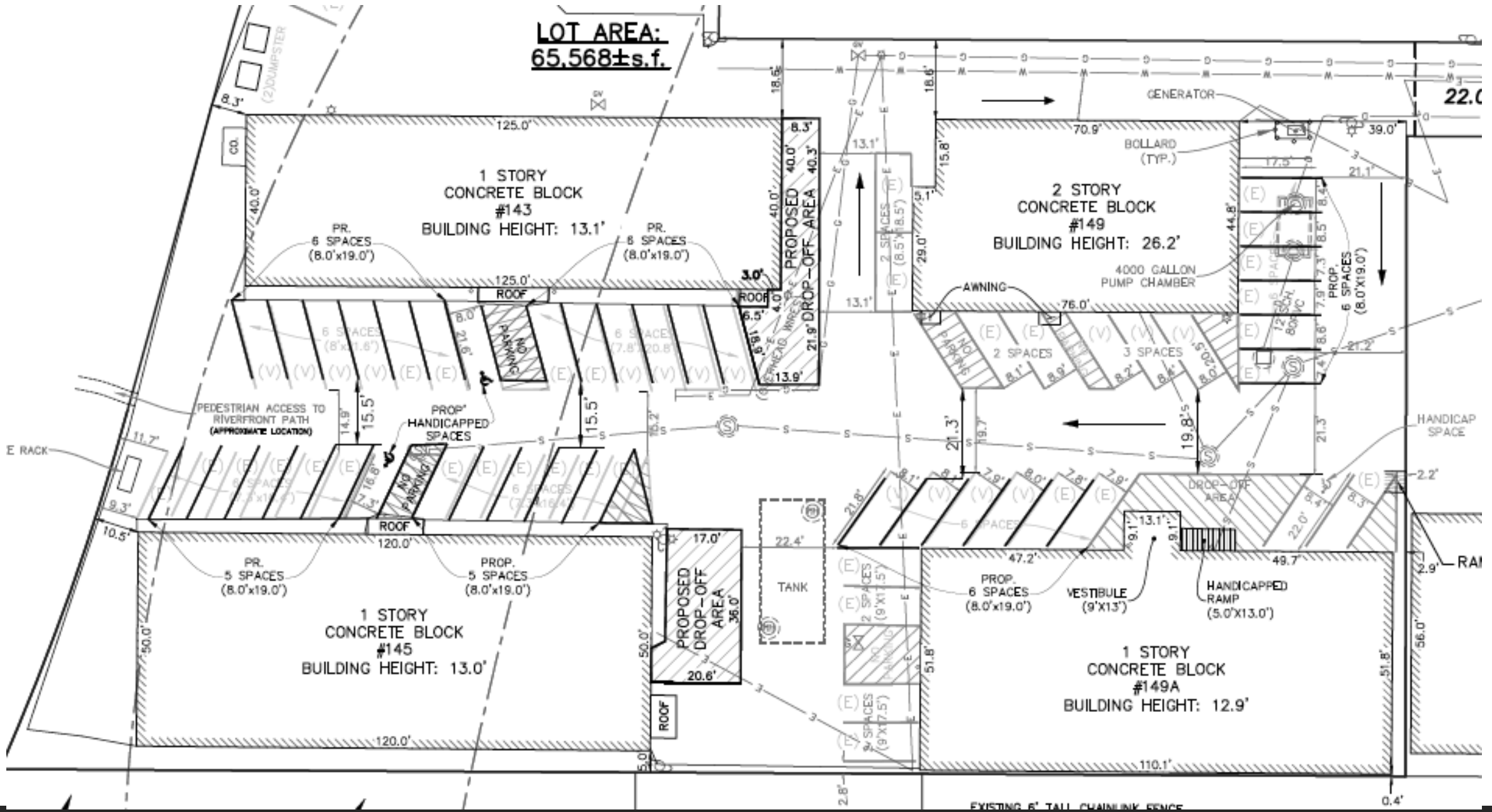
Amend existing special permit for 149A California Street to reflect for-profit use	4.4.1 - New special permit for for-profit educational institution in Manufacturing District	5.1.4 – Requirement of 18 additional parking stalls	5.1.8.B.1 – Minimum stall width of 9 feet
5.1.8.B.2 – Minimum stall depth of 19 feet for angled stalls	5.1.8.B.6 – Allow restricted end stalls	5.1.8.D.1 – Entrance and exit dw shall be minimum of 20 feet wide/max 25 feet wide	5.1.9.A – Landscape screening requirements
	5.1.9.B – Interior Landscaping requirements	5.1.10 – Lighting, Surfacing and Maintenance of Parking Facilities	

Existing Screening





**LOT AREA:
65,568±s.f.**



All stalls are 8 feet wide, two fewer stalls in front of Building 145

Department of Planning and Development



PETITION #285-20
141-149, 149A CALIFORNIA STREET

TO AMEND COUNCIL ORDERS #215-08 AND
#215-08(2) TO ALLOW A FOR-PROFIT
EDUCATIONAL USE AND RECONFIGURATION
OF THE PARKING STALLS, AND ASSOCIATED
PARKING, LIGHTING, AND LANDSCAPING
REQUIREMENTS

AUGUST 4, 2020



Requested Relief



Special Permit per §7.3.3 of the NZO to:

- Amend Special Permits #215-08 and #215-08 (2)
- Allow a for profit educational use (§ 4.4.1 and §7.3.3),
- Waive the requirement to use the formula A-B+C to determine the parking requirement (§5.1.3.B, §5.1.13, and §7.3.3),
- Waive 18 parking stalls (§5.1.4, §5.1.13)
- Waive minimum stall dimensions and waive accessible stall dimensions (§5.1.8.B.1, §5.1.8.B.2, §5.1.8.B.4, §5.1.13)
- Allow restricted end stalls (§5.1.8.B.6, §5.1.13)
- Waive minimum aisle and driveway widths (§5.1.8.C.1, §5.1.8.D.2, §5.1.13)
- Waive perimeter and interior landscaping requirements (§5.1.9.A, §5.1.9.B, §5.1.13)
- Waive lighting requirements for parking areas (§5.1.10.A, §5.1.13)
- Waive bicycle parking requirements (§5.1.11, §5.1.13)

Special Permit Criteria



When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the for-profit educational use. (§4.4.1 and §7.3.3.C.1)
- The proposed for-profit educational use as developed and operated will adversely affect the neighborhood. (§7.3.3.C.2)
- There will be a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- Literal compliance with the lighting, landscaping and parking requirements is impracticable due to the nature of the use, 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 (§5.1.13, §5.1.3.B, §5.1.4, §5.1.13, §5.1.8.B.1, §5.1.8.B.2, §5.1.8.B.4, §5.1.8.B.6, §5.1.8.C.1, §5.1.8.D.2, §5.1.9.A, §5.1.9.B, §5.1.10.A, §5.1.11,).



RIVERDALE AVE

CALIFORNIA ST

ATTACHMENT A

Zoning

141-149 California Street

*City of Newton,
Massachusetts*

Legend

-  Multi-Residence 2
-  Business 1
-  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 - Seth D. Warren
GIS Administrator - Douglas Greenfield

0 25 50 75 100 125 150 175 200 225
 Feet

Map Date: July 31, 2020



ATTACHMENT B

Land Use

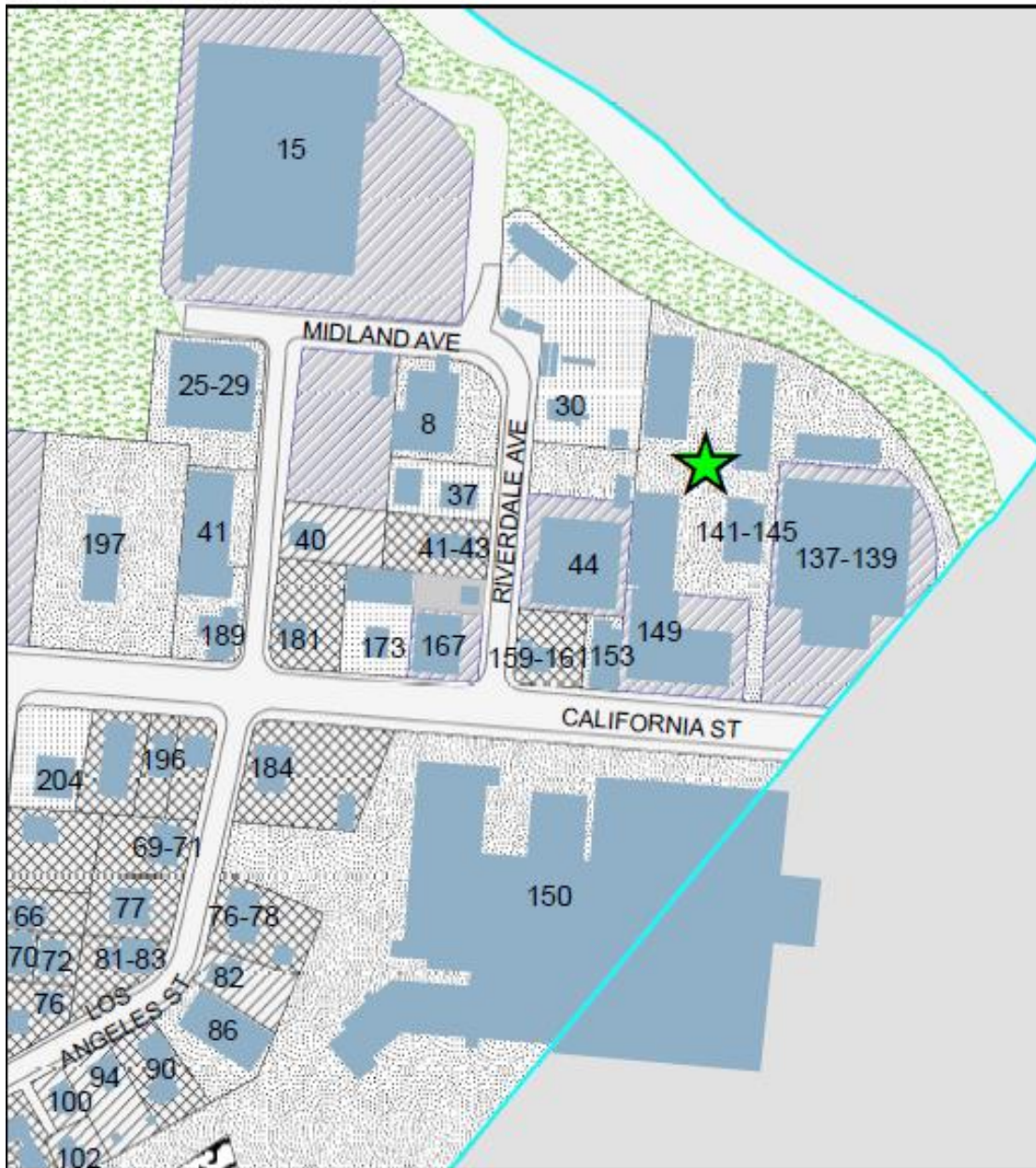
141-149 California Street

*City of Newton,
Massachusetts*

Land Use

Land Use

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



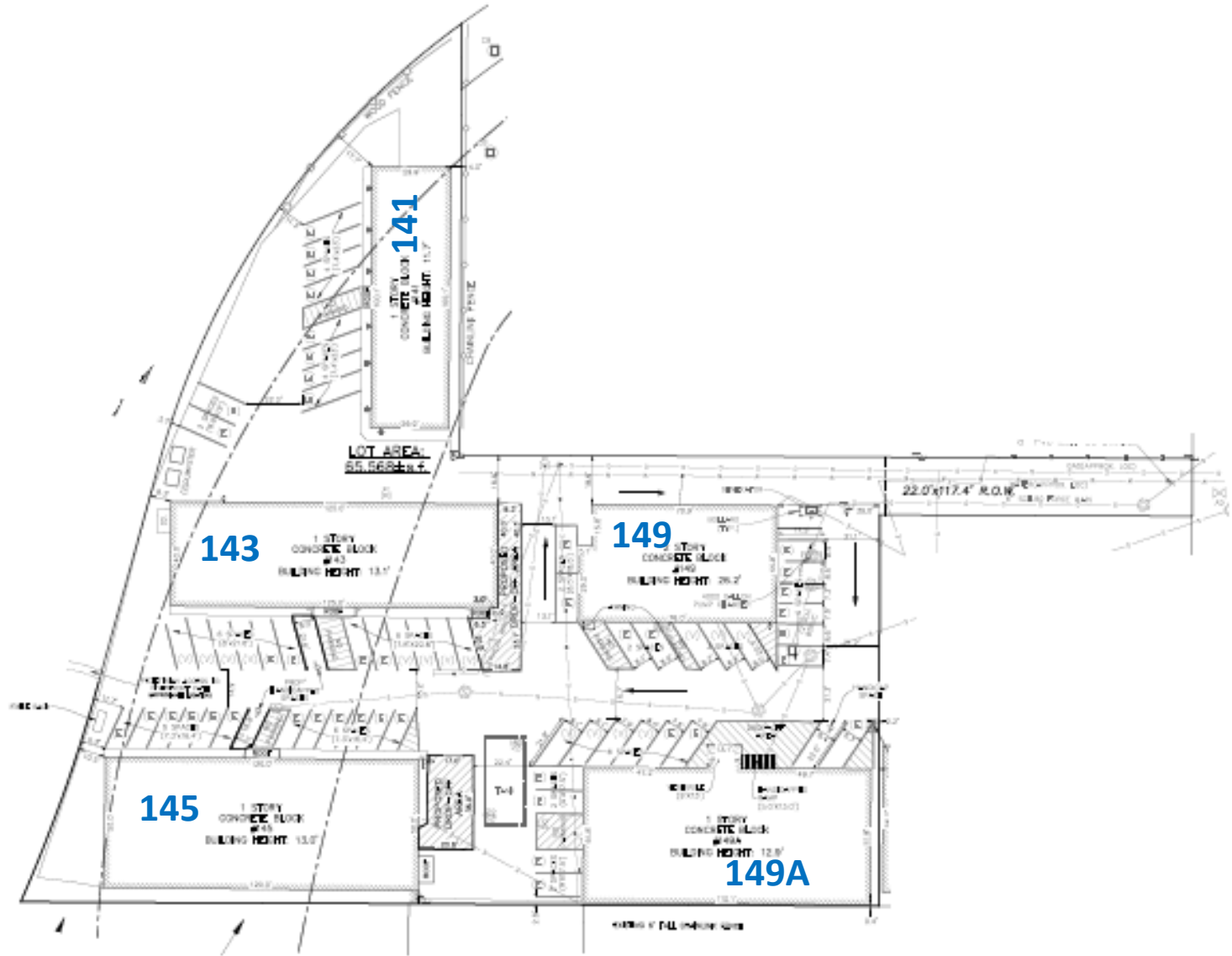
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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

0 25 50 75 100 125 150 175 200 225 Feet

Map Date: July 31, 2020

Site Plan



California Street

Proposed Operations



Address	Use/sq. footage	Clients	Employees
141 California Street	Kitchen 3,000 sf	0	2
143 California Street	Adult daycare 5,000 sf	75	13
145 California Street	Adult daycare 6,000 sf	96	16
149 California Street	Storage 3,400 sf	0	0
149A California Street	Existing adult daycare 5,700 sf	87	15
Totals		258	46

Proposed Operations – Parking and Circulation



Required Parking Stalls: **101 stalls**

Proposed Parking Stalls: **61 stalls**

Prior Waivers (2): **22 stalls**

Requested Waiver: 18 stalls

Vehicle Schedule per each of 3 centers (15 vans total):

- Arrival

- 8:00AM Van 1
- 8:15AM Van 2
- 8:30AM Van 3
- 8:45AM Van 4
- 9:00AM Van 5
- 9:30AM *

- Departure

- 2:00PM Van 1
- 2:15PM Van 2
- 2:30PM Van 3
- 2:45PM Van 4
- 3:00PM Van 5
- 3:30PM *

**=additional route as needed*

Planning Concerns



- 32 substandard parking stalls with widths of less than 8 feet
- Planning suggests that the 32 stalls with widths of less than 8 feet be brought closer to compliance with the Ordinance with widths of at least 8 feet.