



Setti D. Warren  
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

---

## PUBLIC HEARING MEMORANDUM

Public Hearing Date:	October 13, 2016
Land Use Action Date:	December 12, 2016
City Council Action Date:	January 9, 2016
90-Day Expiration Date:	January 11, 2016

DATE: October 7, 2016

TO: City Council

FROM: Barney Heath, Director of Planning and Development ✕  
Alexandra Ananth, Chief Planner for Current Planning  
Michael Gleba, Senior Planner

SUBJECT: **Petition #287-16**, for SPECIAL PERMIT/SITE PLAN APPROVAL to ALLOW A REAR LOT SUBDIVISION AND REDUCED FRONT SETBACK, dividing the lot and constructing a new single family on the rear lot while maintain the existing single family on the front lot at 57 Adams Avenue, Ward 4, West Newton, on land known as 44014 0012, containing approximately 22,122 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3, 7.4, 3.1.10, 3.1.5, 3.1.10.B.3.a of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

---

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



**57 Adams Avenue**

## **EXECUTIVE SUMMARY**

The subject property, located at 57 Adams Ave in a Single Residence (SR3) zoning district, consists of a 22,122 square foot lot improved with a single-family dwelling built circa 1836 and a detached garage. The lot is served by two driveways, one each to the left and right of the dwelling. The property has 136.5 feet of frontage on Adams Avenue.

The applicant proposes to divide the lot to create a second, rear lot. The resulting front lot would have 10,022 square feet and the rear lot will have 12,099 square feet. The applicant intends to maintain the existing approximately 1,609 square foot single-family dwelling on the front lot, raze an existing garage in the rear of the property, and construct a new, approximately 2,584 square foot single family dwelling with an attached garage on the rear lot.

The creation of a rear lot requires a special permit. The City Council may grant a special permit per Section 3.1.10.A for a rear lot that satisfies the minimum frontage requirement by measuring lot frontage along the rear line of the lot or lots in front of it (§3.2.12.A). Further, Section 3.1.5 requires a 30 foot front setback for the rear lot; per section 3.1.10.B.3.A, a building on a rear lot must have a lesser front setback, but no less than 25 feet if granted a special permit. The applicant proposes a 26 foot front setback, requiring a special permit.

The Planning Department is generally not concerned with the creation of the rear lot and associated construction of a new single -family dwelling on the subject property, as it believes the property is an appropriate location for a one-family dwelling and that it will not adversely affect the surrounding neighborhood. The proposed rear lot size is in keeping with the neighborhood and the proposed single-family dwelling is in keeping with the size of surrounding residences.

However, as the petitioner has not submitted a landscape plan, as required by Sec. 7.3.4.A.2, the Planning Department is unable to fully assess the proposal's impact on and appropriateness for the neighborhood.

### **I. SIGNIFICANT ISSUES FOR CONSIDERATION:**

When reviewing this petition, the City Council should consider whether the rear lot meets the general standards for the requested special permit, namely whether:

- the site is an appropriate location for the proposed two-family dwelling in the Multi-Residence 1 district. (§7.3.3.C.1)
- the proposed rear lot will not adversely affect the neighborhood, (§7.3.3.C.2)
- there would be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3); and
- access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

As the petition is requesting approval of a rear lot development in a residential zoning

district, the City Council shall also consider the following additional criteria:

- whether the proposed buildings or structures exceed the respective average height of abutting residential buildings and any structures used for accessory purposes (§7.3.4.B.1);
- the scale of proposed buildings or structures in relation to adjacent residential buildings and structures used for accessory purposes and in relation to the character of the neighborhood (§7.3.4.B.2);
- topographic differentials, if any, between proposed buildings or structures and adjacent residential buildings and any structures used for accessory purposes (§7.3.4.B.3);
- proposed landscape screening (§7.3.4.B.4);
- adequacy of vehicular access, including, but not limited to fire and other public safety equipment, with emphasis on facilitating common driveways (§7.3.4.B.5);
- whether any historic or conservation public benefit is provided or advanced by the proposed development (§7.3.4.B.6);
- siting of the proposed buildings or structures with reference to abutting residential buildings or any structures used for accessory purposes (§7.3.4.B.8); and
- impact of proposed lighting on the abutting properties (§7.3.4.B.9).

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

57 Adams Avenue is located on the south side of Adams Avenue west of Tolman Street. The immediate neighborhood is predominantly composed of single-family dwellings and some higher density residential uses, including two-family dwellings and condominiums are located a few blocks to the west, north and east. There are also some industrial and commercial uses located to the west along Rumford Avenue to the north east. **(Attachment A)**.

The site and surrounding areas are zoned Single Residence 3 (SR1) with some Multi-Residence 2 (MR2) and Business 2 (BU2) zoned lots located along and/or west of Lexington Street. **(Attachment B)**.

### B. Site

The 22,112 square foot parcel is currently improved with a two and a half-story single-family dwelling, built circa 1836, located at the front of the lot approximately 12 feet from the sidewalk, and a detached concrete garage located at the rear right corner of the parcel. The topography of the site slopes downward (southerly) from Adams Avenue toward the rear of the property.

The lot is accessed via two driveways; one, to the east of the existing dwelling is approximately 7.5 foot wide and composed of a combination of asphalt, concrete and gravel surfaces, the other is an approximately 10 ft. wide asphalt and gravel driveway just to the west of the dwelling.

The site currently has some mature vegetation at the front of the lot, especially near the existing dwelling. The rest of the lot is mostly composed of lawn and includes approximately nine mature deciduous trees distributed around the parcel.

## I. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

If built as proposed, the principal use of the site would be two single-family dwellings, each on a separate lot.

### B. Building and Site Design

The petitioners are proposing to create a rear lot for the construction of a new single-family dwelling on a 12,099 square foot rear lot while maintaining the existing single-family dwelling on the remaining 10,022 square foot lot. The existing detached garage, which is located on the proposed rear lot, would be removed.

The existing one-family dwelling will remain unchanged at approximately 1,609 square feet. The new two and a half story single-family dwelling proposed for the rear lot would contain approximately 2,584 square feet, including an attached two-car garage.

The proposed rear lot would have a “panhandle” shape with 20 feet of frontage along Adams Avenue; it would satisfy its frontage requirement with the front lot’s rear lot line which measures 116.79 in length and exceeds the 80 feet required under Sec. 3.1.5.

Section 3.1.10.B.1 requires that a 20 foot wide vehicular access, or access easement be provided. The rear lot will be accessed via an easement over a widened and resurfaced 20 foot wide paved driveway from Adams Avenue located on the front lot to the right of the existing dwelling. The front lot will be served by a separate driveway on the opposite side of the property. Both driveways and associated curb cuts are already in existence.

The new rear dwelling would be located approximately 40 feet from the existing dwelling on the subject property. Its distance from abutting dwellings would range from 72.9 feet (65 Adams Ave.) to 183 feet (42 Whitlowe Road). It would be about 29 feet from an accessory structure at 46 James Street.

The proposed rear dwelling’s height of 29.93 feet above average grade would be lower than the allowed 36 feet, be comparable to abutting dwellings, and be neither the highest nor lowest structure among the immediate abutters.

At approximately 1,609 square feet of floor area, the front lot dwelling would have a FAR of 0.20, below the maximum 0.41 allowed. It would have a Lot Coverage of 11%, below the 30% allowed, and have 72.1% Open Space, well above the required 50%.

Regarding the proposed rear lot dwelling, at approximately 2,584 square feet of floor area, it would have a FAR of 0.21, below the maximum 0.24 allowed for a single family detached dwelling on a rear lot and has a scale similar to other houses in the immediate and surrounding neighborhood. It would have a Lot Coverage of 13.2%, below the 25% allowed, and have 80.1% Open Space, well above the required 50%.

In aggregate, the two dwellings would contain approximately 4,200 square feet of floor area. On the existing 22,122 square foot lot this would represent a FAR of 0.19, significantly less than the maximum 0.41 allowed for a single family dwelling in the SR3 zoning district.

The Planning Department is generally not concerned with proposed division of the property and creation of a rear lot and believes that given its size, vehicular access and proposed landscaping, the property is an appropriate location for the two proposed single family dwellings.

C. Landscape Screening

The site currently has some mature vegetation near the front of the lot, especially near the existing dwelling. The rest of the lot is mostly composed of lawn and also includes approximately nine mature deciduous trees distributed around the parcel, eight of which are shown as being retained under the proposed site plan.

As the petitioner has not submitted a landscape plan at the time of this writing, the Planning Department has no basis to assess the adequacy of any proposed landscaping and screening. This is of additional concern given the general lack of vegetation currently on the site. The Planning Department further notes that the submitted existing conditions plan shows fencing on the property only along the right (west) property line. Other fencing near the perimeter of the property is located on abutting properties and not under the petitioner's control.

II. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- Special Permit per §7.3.3 to allow the subdivision of a rear lot (§3.2.10),
- Special Permit per §7.3.3 reduce the required front setback for the rear lot (§3.1.5; §3.1.10.B.3.A)

B. Engineering Review:

The Engineering Division Memorandum, (**Attachment D**), provides an analysis of the proposal with regard to engineering issues.

III. PETITIONER'S RESPONSIBILITIES

The petitioner has not submitted a landscape plan as required by Sec. 7.3.4.A.2.

**ATTACHMENTS:**

**Attachment A:** Land Use Map  
**Attachment B:** Zoning Map  
**Attachment C:** Zoning Review Memorandum  
**Attachment D:** Engineering Memo





# ATTACHMENT A

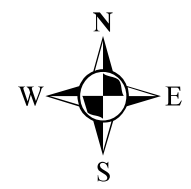
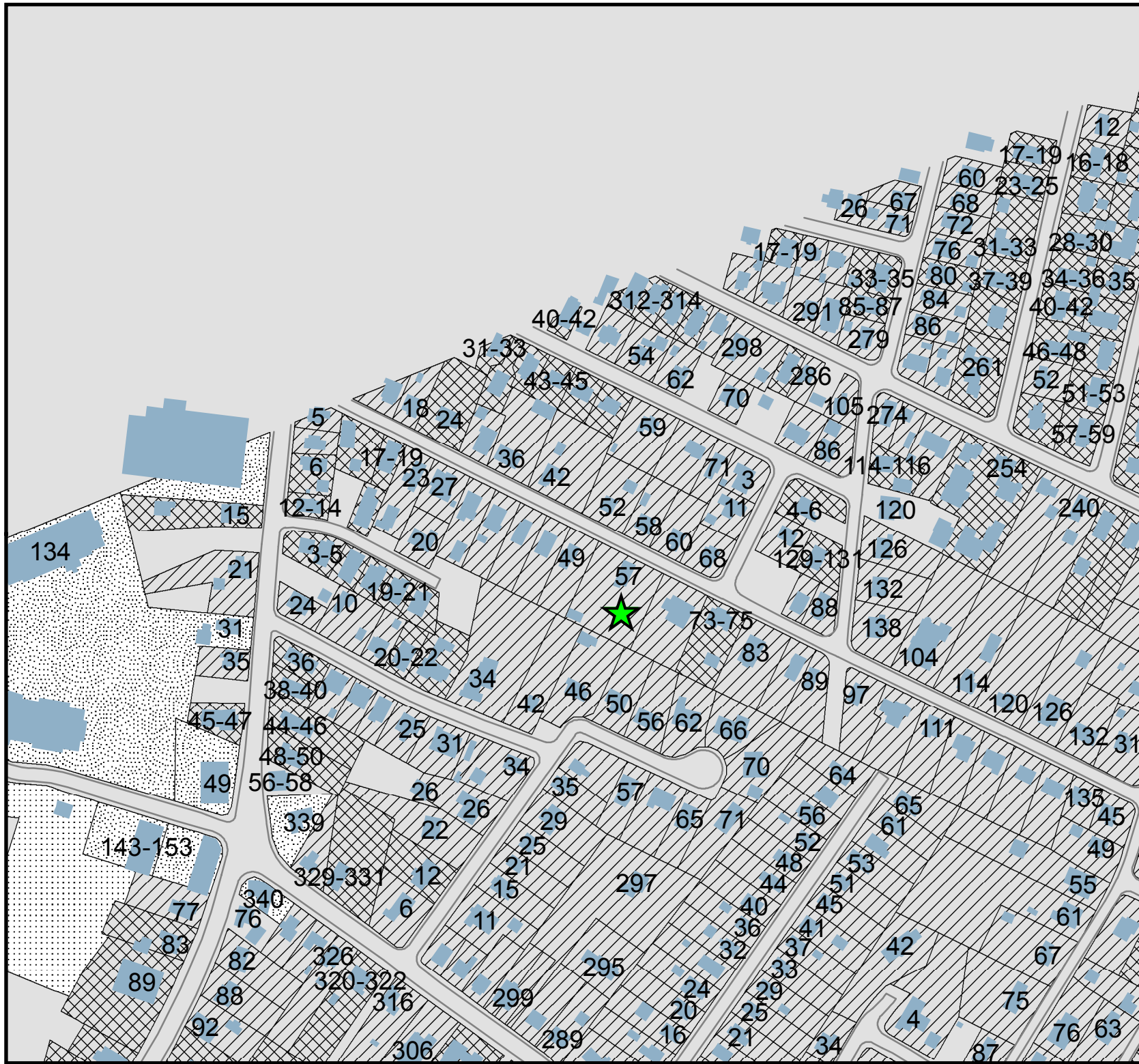
## Existing Land Use 57 Adams Ave.

City of Newton,

**Legend**

**Land Use**


-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Industrial



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 - Setti D. Warren  
GIS Administrator - Douglas Greenfield

0225 50 75 100 125 150 175 200 225 250 275 300 325 350 Feet



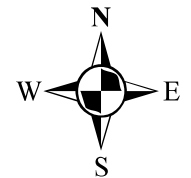
# ATTACHMENT B

## Existing Zoning 57 Adams Ave.

City of Newton,  
Massachusetts

### Legend

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

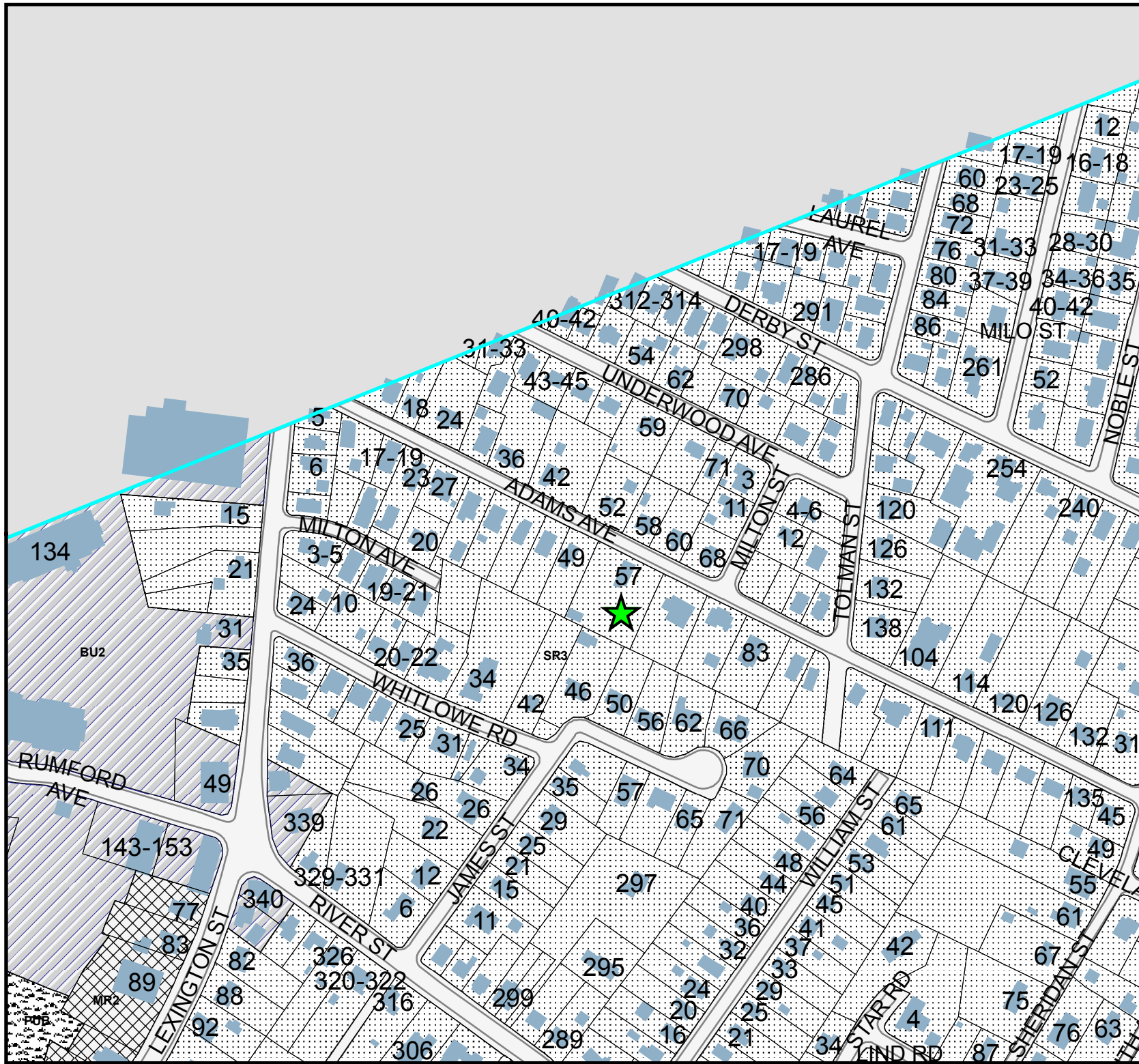


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Setti D. Warren  
GIS Administrator - Douglas Greenfield

0 25 50 75 100 125 150 175 200 225 250 275 300 Feet

Map Date: October 07, 2016







Setti D. Warren  
Mayor

## ATTACHMENT C

**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

### ZONING REVIEW MEMORANDUM

Date: August 10, 2016

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Alexandra Ananth, Chief Planner for Current Planning

Cc: Terrence P. Morris, Attorney  
Gennaro and Giuseppina Nicolazzo, applicants  
Barney S. Heath, Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: **Request to allow a rear-lot subdivision and for a reduced front setback**

Applicant: Gennaro & Giuseppina Nicolazzo	
Site: 57 Adams Ave	SBL: 44014 0012
Zoning: SR3	Lot Area: 22,122 square feet
Current use: Single-family dwelling	Proposed use: Two single-family dwellings on two separate lots

#### BACKGROUND:

The property at 57 Adams Ave consists of 22,122 square feet and is improved with a single-family dwelling in the SR3 zoning district. The applicant proposes to divide the lot, creating a rear lot subdivision. The front lot will have 10,022 square feet and the rear lot will have 12,099 square feet. The applicant intends to maintain the existing single-family dwelling on the front lot, and a new single-family dwelling is proposed on the rear lot.

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

- Zoning Review Application, prepared by Terrence P. Morris, Attorney, dated 7/5/2016
- Proposed Site Plan, prepared by VTP Associates, dated 6/16/2016
- Architectural Plan and Elevation, prepared by Dreamline Modular Homes, dated 5/9/2016, revised 5/16/2016

## ATTACHMENT C

### ADMINISTRATIVE DETERMINATIONS:

- The two proposed lots are located in the SR3 zone. The front lot (Lot 1) must comply with the dimensional standards of Section 3.1.3 for a post-1953 lot. The rear lot (Lot 2) must comply with the dimensional standards of Section 3.1.5 (see chart below).

#### Front Lot (Lot 1) per Section 3.1.3

SR3 Zone	Required/Allowed	Proposed
Lot Size	10,000 square feet	10,022 square feet
Frontage	80 feet	116.79 feet
Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Rear</li> </ul>	30 feet 10 feet 15 feet	<b>11.8 feet</b> (existing nonconformity) 41.7 feet 18.6 feet
FAR	.41	+/- .20
Building Height	36 feet	35.5 feet
Maximum Stories	2.5	2.5
Max. Lot Coverage	30%	11%
Min. Open Space	50%	72.1%

#### Proposed Rear Lot (Lot 2), per Section 3.1.5

SR3 Zone	Required/Allowed	Proposed
Lot Size	12,000 square feet	12,099 square feet
Frontage	80 feet	136.8 feet
Vehicle Access	20 feet	20 feet
Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Rear</li> </ul>	30 feet 15 feet 23 feet	<b>26 feet</b> 31 feet 23.5 feet
FAR	0.24	0.21
Building Height	36 feet	29.9 feet
Maximum Stories	2.5	2.5
Max. Lot Coverage	25%	13.2%
Min. Open Space	50%	80.1%

- The applicant proposes to create a rear lot subdivision per Section 3.1.10. To subdivide the land as proposed, the applicant must obtain a special permit from the City Council per Section 3.1.10.A.
- Section 3.1.10.B.1 requires that a 20 foot wide vehicular access, or access easement be provided. The rear lot will be accessed by a 20 foot wide paved driveway from Adams Ave provided over an easement on the front lot. The front lot will be serviced by a separate driveway on the opposite side of the property. Both driveways are already in existence.

## ATTACHMENT C

4. Section 3.1.10.B.2 requires both the existing and rear lot to meet the frontage requirements for new lots in the zoning district. The front lot has an existing frontage of 136.5 feet, where 80 feet is required. Upon the division of the property, the front lot will have a resulting 116.5 feet of frontage, thus in accordance with the requirements of the Ordinance. The rear lot gains its frontage from the rear lot line of 57 Adams Ave. The frontage for the rear lot is the width of the property, or 116.79 feet, which meets the requirements of the Ordinance.
  
5. Section 3.1.5 requires a 30 foot front setback for the rear lot. Per section 3.1.10.B.3.a, a building on a rear lot must have a front setback of no less than 25 feet if granted a special permit. The applicant proposes a 26 foot front setback, requiring a special permit.
  
6. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.10	Allow the subdivision of a rear lot	S.P. per §7.3.3
§3.1.5 §3.1.10.B.3.a	To reduce the required front setback for the rear lot	S.P. per §7.3.3

CITY OF NEWTON  
Department of Public Works  
ENGINEERING DIVISION

MEMORANDUM

To: Council Mark Laredo, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 57 Adams Avenue

Date: September 5, 2016

CC: Lou Taverna, PE City Engineer  
Nadia Khan, Committee Clerk  
Alexandria Ananth, Chief Planner  
Michael Gleba, Sr. Planner

---

In reference to the above site, I have the following comments for a plan entitled:

*Topographic Site Plan Showing Proposed Conditions at  
#57 Adams Avenue  
Newton, MA  
Prepared by: VTP Associates Inc.  
Dated: June 16, 2016*

*Executive Summary:*

The existing property has a single family dwelling on a 22,122 square foot (approx. 0.5acre) lot. The proposal indicates creating a rear lot for the purposes of constructing a single family dwelling and two-stall garage. The site is bound on the east, south and west by residential homes and Adams Avenue to the north. The site has a high point of 116-feet near the existing home and gently slopes down to elevation 108-feet towards the southern property line. The engineer of record has designed a stormwater collection and infiltration system in accordance to the Department of Environmental Protection and the DPW Stormwater policy to substantially reduce runoff from the site.

I will require however that an impervious barrier be installed along the westerly and southerly sides of the proposed infiltration system.

Finally, if the special permit is approved an Approval Not Required (ANR) plan will be needed in accordance to Massachusetts General Laws Chapter 41 Section 81P requiring the two separate lots be combined into one lot.



*Looking Southerly from Adams Avenue*



*Looking Northerly*

*Drainage:*

1. As a housekeeping item I will require that the stormwater analysis for the post construction for subcatchment “PD: proposed driveway” be re-calculated as the CN (runoff coefficient is low 75 which should be 98 for paved driveways and resubmitted prior to the Building Permit.
2. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
3. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the property owner(s).

Environmental:

1. Has a 21E investigation & report been performed on the site, if so copies of the report should be submitted the Newton Board of Health and the Engineering Division.
2. Are there any existing underground oil or fuel tanks, are they to be removed, if they have been evidence should be submitted to the Newton Fire Department, and Newton Board of Health.

Sewer:

1. With the exception of natural gas service(s), all utility trenches with the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E, detail is available in the City of Newton Construction Standards Detail Book.
2. All new sewer service and/or structures shall be pressure tested or videotaped after final installation is complete. Method of final inspection shall be determined solely by the construction inspector from the City Engineering Division. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***
3. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***

Water:

1. All water connections shall be chlorinated & pressure tested in accordance to AWWA and the City of Newton Construction Standards and Specifications prior to opening the connection to existing pipes.
2. Approval of the final configuration of the water service(s) shall be determined by the Utilities Division, the engineer of record should submit a plan to the Director of Utilities for approval

General:

1. All trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
4. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
6. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading, improvements and limits of restoration work. The plan shall also include profiles of the various new utilities, indicating rim & invert elevations, slopes of pipes, pipe material, and swing ties from permanent building corners. ***This note must be incorporated onto the final contract plans.***
7. All site work including trench restoration must being completed before a Certificate of Occupancy is issued. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.