



Setti D. Warren
Mayor

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

#129-17

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

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: June 6, 2017
Land Use Action Date: August 8, 2017
City Council Action Date: August 21, 2017
90-Day Expiration Date: September 4, 2017

DATE: June 2, 2017

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Neil Cronin, Senior Planner

SUBJECT: **Petition #129-17**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow the required lot area to be reduced by 4%, at **19-21 Beaconwood Road**, Ward 6, Newton Highlands, on land known as SBL 54, 22, 44 and 54, 22, 47 containing approximately 9,602 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. §7.8.4.D.4, §7.8.4.D.5, and §7.8.4, 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 that the Land Use Committee of the City Council can consider at a subsequent working session.



19-21 Beaconwood Road

EXECUTIVE SUMMARY

The property located at 19-21 Beaconwood Road consists of three lots totaling 9,602 square feet and is improved with a two-family ranch circa 1953. The property is located in the Multi-Residence 1 (MR-1) zone in Newton Highlands. The petitioner is seeking to raze the existing structure and combine the three lots to construct a new two-family structure. The process of combining the three lots triggers the “new lot” dimensional controls which require 10,000 square feet of lot size. However, this requirement is waivable via special permit. Therefore, the petitioner seeks a special permit to allow the required lot area to be reduced by 4% in conjunction to the proposed two-family structure.

The Planning Department is not concerned with combining the lots and constructing the two-family dwelling as proposed. Staff believes the lot and structure will not be in derogation of the size, scale, and design of other lots, buildings, and structures in the neighborhood as the size of the lot is in keeping with the median lot size of the 29 residential properties within 300 feet and the structure meets the dimensional controls of a new lot in the MR-1 zone.

However, while reviewing this petition staff noticed that a new lot in the MR-1 zone requires 5,000 square feet per unit. Section 7.8.4 allows a waiver of the lot area requirement when combining lots, but does not state that the lot area per unit can be waived. As a result, the petitioner may require a variance to waive the lot area per unit. Conversely, the petitioner can leave the lots in their current status and construct a new two-family dwelling on the 7,145 square foot lot. In such a scenario, the petitioner would likely adjust the relief to exceed the floor area ratio (FAR) to construct the dwelling as proposed. The petitioner’s attorney will develop an analysis of Section 7.8.4 and will decide whether to proceed with a variance condition or redesign the project to be constructed on the lot which is improved with the existing two-family structure.

SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the City Council should consider whether:

- The proposed reduction in the required lot area in conjunction to the proposed two-family structure is consistent with and not in derogation of the size, scale, and design of other lots, buildings, and structures in the neighborhood (§7.8.4.F.2)

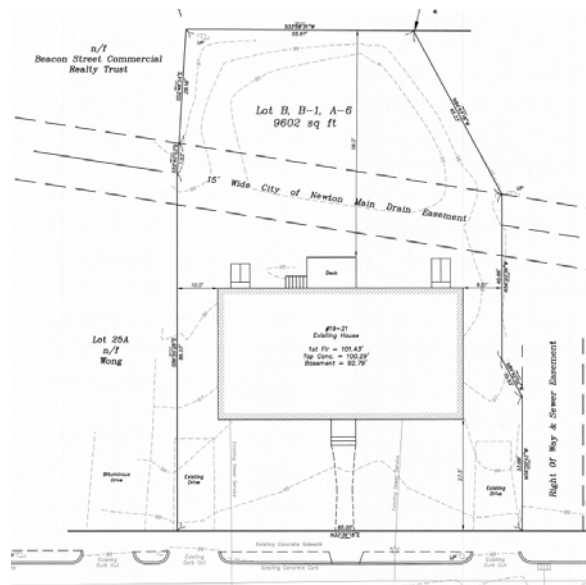
I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Beaconwood Road in the MR-1 zone in Newton Highlands. However, the property is more closely associated with the Four Corners mixed-use district which includes commercial, open space, and multi-family parcels (**Attachments A & B**). Staff notes that the median lot size of the 29 residential properties within 300 feet is 10,030 square feet.

B. Site

The site consists of three lots which total 9,602 square feet of land. The existing two-story structure was constructed in 1953 on a 7,145 square foot lot. In 1954, a 295 square foot lot was conveyed to the initial parcel, and then a 2,286 square foot lot was later conveyed in 1955. There are two ten-foot wide curb cuts on site which provide access to two 200 square foot parking areas. Additionally, there is a 15 foot wide City of Newton Drainage Easement which bisects the rear of the lot approximately five feet from the deck at the rear of the structure. Furthermore, the northeastern boundary (right side) abuts a Sewer and Water Easement. The front of the site is predominantly flat; however the rear of the lot drops off and lies below the grade of the abutting properties. Lastly, due to the abutting commercial structures and associated parking facilities, much of the rear and northeastern boundaries are enclosed by fencing.



II. PROJECT DESCRIPTION AND ANALYSIS

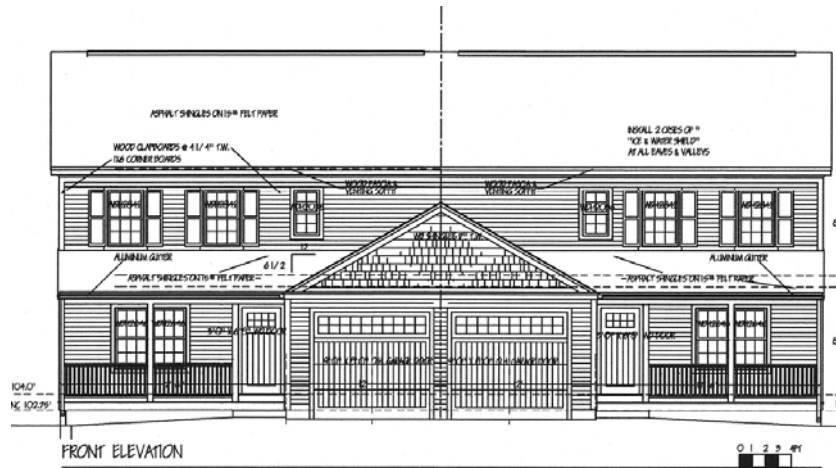
A. Land Use

The principal use of the site is and will remain a two-family residence.

B. Building Design

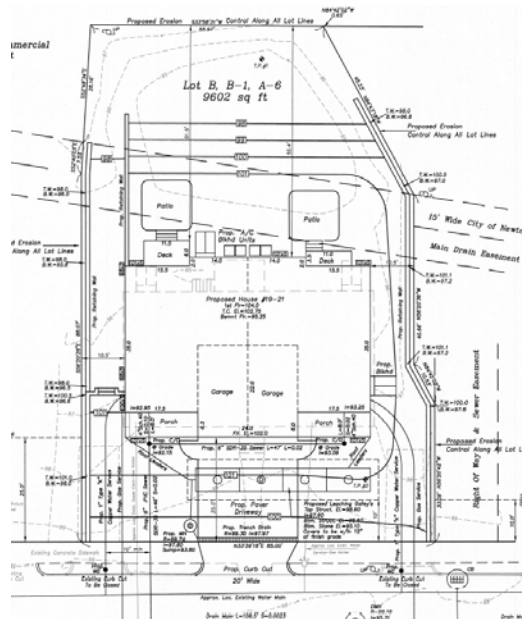
The petitioner is proposing to raze the existing structure and construct a new 2.5-story, two-family structure largely on the same footprint. The new structure will be 30 feet tall from average grade and will employ a contemporary design with farmer's porches. The two units will be townhouse-style units sharing a common wall vertically. Staff notes the attic space is not considerable habitable space per building

code; however the basement is classified as habitable space, but does not count towards the floor area ratio (FAR) calculation. The proposed structure is compliant with the dimensional controls of a new lot in the MR-1 zone, except lot area and lot area per unit.



C. Site Design

The petitioner is not proposing major changes to the existing site. The two existing curb cuts will be removed and a new 20-foot wide curb cut will be located in the center of the lot. The petitioner is proposing to construct 105 and 95 foot long retaining walls within the setback distances along the right and left boundaries, respectively. These walls vary in height, but do not meet or exceed four feet. Their presence will allow for the creation of patio space at the rear of the structure.



D. Parking and Circulation

The existing site has two curb cuts which allow for two-off street parking stalls; presumably, the two other stalls associated with the two-family structure utilized on-street parking. The petitioner proposes remove these two curb cuts and locate 1-twenty foot wide curb cut in the center of the parcel. This curb cut will provide access to a 500 square foot driveway and a two-car garage in the basement of the structure. As proposed, each unit will be afforded one stall in the garage and one stall in the driveway. Staff notes petitioner will be required to repair the driveway aprons of the existing curbs to meet current standards with granite curbing.

E. Landscaping and Screening

The petitioner is proposing a significant increase in that amount of landscaping for this site (**Attachment C**). Staff notes the proposed trees will be 15 feet tall at the time of installation. As such, the staff has no concerns with the level or types of plantings.

III. 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 D**). Based on the Memorandum, the petitioner is seeking the following relief:

- §7.8.4.D.4, §7.8.4.D.5, and §7.8.4 of Section 30, to allow the required lot area to be reduced by 4%.

B. Engineering Review

Associate City Engineer, John Daghlian provided a brief analysis of the project (**Attachment E**). Mr. Daghlian notes the presence of the City's drain pipe must be accounted for when constructing the patios and retaining walls as proposed. The Planning Department believes these issues can be resolved prior to the issuance of the building permit, should this project be approved.

C. Historic Review

The petitioner seeks to raze the existing two-family structure, which is greater than 50 years old. As a result, the petitioner required approval from the Newton Historical Commission (NHC). On October 27, 2015 the NHC found the structure "Not historically significant" approved the demolition. Staff notes that the demolition approval expires after two years; therefore the petitioner must either demolish the structure by October 27, 2017 or resubmit to the NHC.

IV. PETITIONER'S RESPONSIBILITIES

The petitioner's attorney will perform an analysis of Section 7.8.4 and will decide whether to proceed with a variance condition or redesign the project to be constructed on the lot which is improved with the existing two-family structure. Additionally, staff asks that the petitioner confirm the actual square footage of the lots, both separately and combined.





ATTACHMENTS:

- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Landscape Plan
- Attachment D:** Zoning Review Memorandum
- Attachment E:** Engineering Review Memorandum, dated May 25, 2017

Attachment A Zoning Map Beaconwood Rd., 19-21

*City of Newton,
Massachusetts*

Legend

-  Multi-Residence 1
-  Multi-Residence 2
-  Multi-Residence 3
-  Business 2
-  Open Space/Recreation
-  Public Use
-  Building Outlines
-  Surface Water
-  Property Boundaries



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



Map Date: May 25, 2017













Attachment B Land Use Map Beaconwood Rd., 19-21

*City of Newton,
Massachusetts*

Legend

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Mixed Use
-  Open Space
-  Nonprofit Organizations
-  Vacant Land
-  Building Outlines
-  Surface Water
-  Property Boundaries



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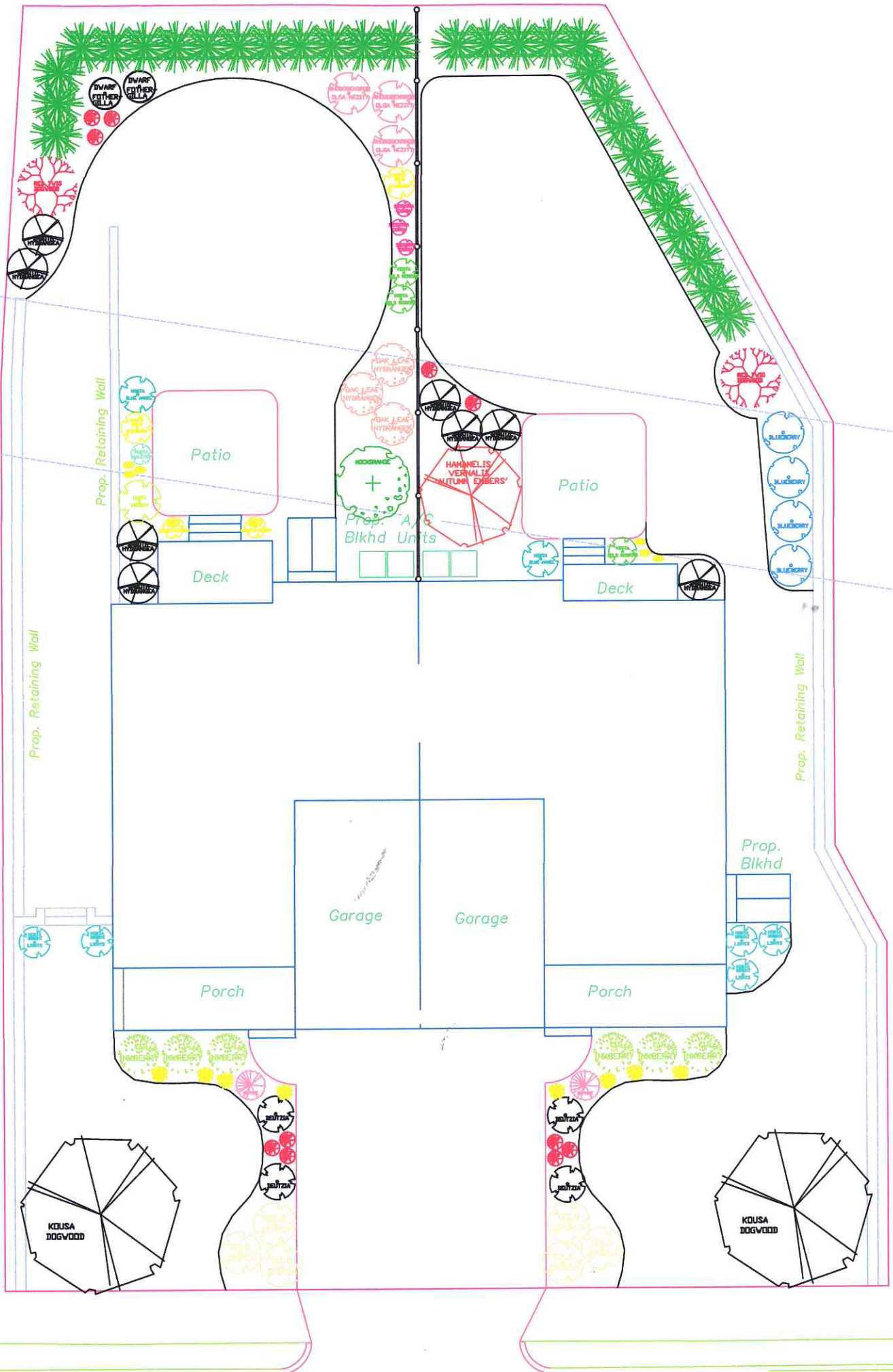
CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
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Feet

Map Date: May 25, 2017



Attachment C





Setti D. Warren
Mayor

Attachment D

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 4, 2017

To: John Lojek, Commissioner of Inspectional Services

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

Cc: G. Michael Peirce, Attorney
Lento Development LLC
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request to reduce lot area of two combined lots by 4%**

Applicant: Lento Development LLC	
Site: 19-21 Beaconwood Rd	SBL: 54022 0044 and 54022 0047
Zoning: MR1	Lot Area: 9,602 square feet
Current use: Two-family dwelling	Proposed use: No change

BACKGROUND:

The property at 19-21 Beaconwood Road consists of three lots totaling 9,602 square feet in the MR1 zoning district improved with a two-family dwelling constructed in 1950. The existing two-family dwelling is in disrepair and the applicant intends to raze the structure and rebuild another two-family dwelling. To take advantage of the full lot area of the three lots for building, the applicant must eliminate the lot lines separating them. Combining the lots triggers the provisions of Section 7.8.4, which deals with changes to the size or shape of lots.

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

- Zoning Review Application, prepared by G. Michael Peirce, attorney, submitted 3/20/2017
- Existing Conditions Site Plan, signed and stamped by Verne T. Porter Jr, surveyor, dated 3/8/2017
- Proposed Conditions Site Plan, signed and stamped by Verne T. Porter Jr, surveyor, dated 3/8/2017
- Architectural Plans, prepared by Egan Associates, architects, dated 3/4/2017

ADMINISTRATIVE DETERMINATIONS:

1. The site is composed of three lots with a total of 9,602 square feet in the MR1 district. It is currently improved with a two-family dwelling built in the 1950s which has fallen into disrepair. In 1953, a 7,145 square foot “old” lot was conveyed for construction of the two-family dwelling. Subsequently, a 295 square foot “new” lot was conveyed in 1954, and another 188 square foot “new” lot was conveyed in 1955 to the owner of the lot improved with the two-family dwelling. All three lots were conveyed to the current owner in 2016.

The applicant proposes to raze the existing two-family dwelling and construct a new larger two-family dwelling. To maximize the total square footage, the applicant must eliminate the interior lot lines of the parcels. Combining the three parcels to create one large lot triggers the provisions of Section 7.8.4 of the Zoning Ordinance. Although the combination of lots does not reduce the lot area, Section 7.8.4.D.4 states that if more than 50% of a single- or two-family dwelling is demolished and the size or shape of a lot changed at any time after January 1, 1995, the dimensional requirements for a new lot shall apply to any subsequent construction. Further, Section 7.8.4.D.5 states that if the size or shape of a lot in any multi-residence district is changed after January 1, 1995, the resulting lot will be subject to the requirements for new lots. The lot area requirement for a new lot in the MR1 zoning district is 10,000 square feet per Section 3.2, where the combined lots will total 9,602 square feet.

Section 7.8.4.E states that the City Council may grant a special permit to allow the area of a lot in a residential district to be reduced by up to 5% of the applicable lot area required in Section 3.2 so long as it does not result in any new nonconformities and is not a detriment to the neighborhood. The newly combined lot of 9,602 square feet is 398 feet short of the 10,000 square feet required for a new lot, or 4%. The applicant seeks a special permit per Section 7.8.4.E to reduce the required lot size by 4% to allow for reconstruction of a two-family dwelling on the property.

MR1 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	9,602 square feet	No change
Frontage	80 feet	85 feet	No change
Setbacks			
• Front	17.5 feet (by averaging)	27.4 feet	25 feet
• Side	10 feet	9.5 feet	10.5 feet
• Rear	15 feet	56 feet	51.4 feet
FAR	.49	.31	.49
Height	36 feet	N/A	31.1
Stories	2.5	2.5	2.5
Max Lot Coverage	30%	21%	26.4%
Min. Open Space	50%	73%	66.3%

See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§7.8.4.D.4, §7.8.4.D.5, §7.8.4.E	To allow the required lot area to be reduced by 4%	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 – 19 -21 Beaconwood Road

Date: May 25, 2017

CC: Barney Heath, Director Planning Dept.
James McGonagall, Commissioner DPW
Ted Jerdee, Director of Utilities
Lou Taverna, PE City Engineer
Nadia Khan, Committee Clerk
Neal Cronin, Sr. Planner

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

19-21 Beaconwood Road
Newton, MA

Prepared by: Verne T. Porter, Jr., PLS

Dated: March 8, 2017

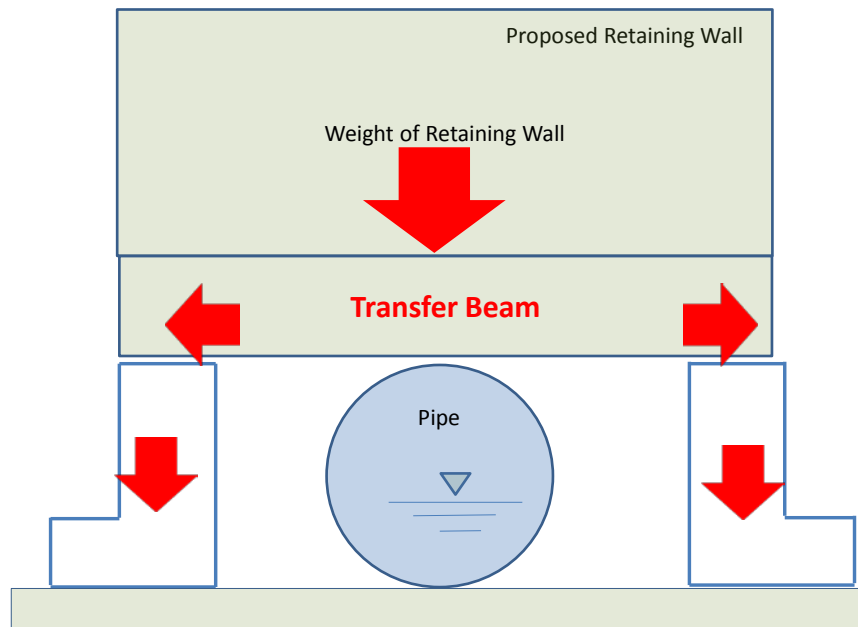
Executive Summary:

This application entails the demolition of an existing two family dwelling and the construction of a new two family unit on a 9,602 square foot (0.22 acre) lot. The site has 85 feet of frontage on Beaconwood Road along the southeast, commercial property to the northeast & west, and residential units along the south. The site is traversed by a City Utility Drainage Easement that runs [east to west] along the back yard of the lot. Should this permit be approved, the property owner shall obtain a License Agreement with the Law Department for the retaining walls and patios that are proposed over this easement.

Furthermore, if approved; prior to a Building Permit the applicant/contractor of record shall arrange for a Closed Circuit Television (CCTV) Inspection of the drain pipe prior

to construction and post construction prior to applying for a Certificate of Occupancy for either unit.

The site's topography has a high point at elevation 99-feet towards the front, and slopes to the rear at a low point within a depressed area at an elevation just below 95-feet. The engineer of record is proposing to construct retaining walls near the side property lines which would allow the site to be filled and flattened for use as a patio area. A concern of this is that the load carrying capacity of the drain pipe needs to be determined due to added weight of the retaining walls and added soil. At a minimum a registered geotechnical engineer shall submit a certified report that determines the capacity of said drain pipe, with the added loads. At a minimum the footings of the proposed retaining walls shall be "bridged" so that the weight of the proposed retaining walls do not bear down onto the drain pipe but rather distribute the load beyond the pipe limits, see sketch below.



The proposed retaining walls do not appear to act as "dams" since the property on either side of this lot slopes away from the respective common property lines.

The engineer of record has designed a stormwater collection and infiltration system to substantially reduce runoff from the site, in conformance to the Department of Environmental Protection (DEP) and DPW Stormwater Policy.

Furthermore the Operations & Maintenance plan submitted is acceptable. The O&M must be adopted by the property owner(s), 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 and the City Clerk.

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).

Finally in concert with the installation, abandonment and remodeling of the driveway aprons, the entire frontage of sidewalks shall be reconstructed to current standards using cement concrete for the aprons & walks, and granite curbing.

Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction equipment, construction materials, parking of construction worker's vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of contractor. It shall also address any anticipated dewatering during construction, site safety & stability, and impact to abutting properties.
2. Stabilized driveway entrances are needed during construction which will provide a tire wash and mud removal to ensure City streets are kept clean.

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. The sewer service configuration is unacceptable; a manhole shall be installed at the junction of the two service connections which then connects to the main.

2. A detailed profile is needed which shows the existing water main, proposed water service(s), sewer main and proposed sewer service(s) with the slopes and inverts labeled to ensure that there are no conflicts between the sewer services and the water service. The minimum slope for a service is 2.0%, with a maximum of 10%. Pipe material shall be 6" diameter SDR 35 PVC pipe within 10' of the dwelling then 4" pipe per Massachusetts State Plumbing Code. In order to verify the slopes and inverts of the proposed service connection, two manholes of the existing sanitary sewer system need to be identified on the plan with rim & invert elevations. The crown of the service connection & the sewer man need to match.
3. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the main and the site then properly back filled. The Engineering Division must inspect this work; failure to having this work inspected may result in the delay of issuance of the Utility Connection Permit.
4. Use City of Newton Details in lieu of the details submitted they are in PDF format on the City's website.
5. 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.
6. 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.***
7. 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.

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 in 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 be 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.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.