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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	July 23, 2019
Land Use Action Date:	October 8, 2019
City Council Action Date:	October 14, 2019
90-Day Expiration Date:	October 21, 2019

DATE: July 19, 2019

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Michael Gleba, Senior Planner

SUBJECT: **Petition #338-18(2)**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #338-18 to allow modifications to the site plan for driveway and patio spaces not shown on the approved site plan at 22 Beecher Place, Ward 6, Newton Centre, on land known as Section 81 Block 01 Lot 03 containing approximately 10,146 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4 of the City of Newton Rev Zoning Ord, 2017.

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.



22 Beecher Place

EXECUTIVE SUMMARY

The property at 22 Beecher Place consists of a 10,146 square foot lot in a Multi-Residence 1 (MR1) district improved with a 2 ½ story, two-family dwelling currently under construction. The petitioner received a by-right Building Permit for the project in 2017 and was subsequently granted Special Permit #338-18 to increase the floor area ratio (FAR) by 0.01 over the maximum 0.48 allowed so as to permit the enclosure of two entryway porches, one each on the south and west sides of the structure that, in the aggregate, added approximately 158 square feet to the structure.

When the petitioner requested certificates of occupancy for the property, a site visit revealed the existence of several differences from the site plan approved as part of the special permit. The front parking area had been constructed closer to the front lot line, with a paved patio now added between the front dwelling unit (in the general area of the previously approved front parking area) and the now-relocated front parking area.

A second parking area in the rear left of the property has been constructed beyond what was approved. Further, a paved patio not shown on the previously approved plans has been constructed in the rear right of the property. This patio has been built surrounded by substantial stone walls and other masonry/stonework, including stone benches and an outdoor fireplace, in an area that was to be left unpaved per the approved plans.

The petitioner seeks to amend the approved plans to reflect these as-built conditions.

The Planning Department has concerns with the increased amount of impervious area on-site and recommends the petitioner explore ways to reduce the paving on site. Additionally, there are outstanding questions and concerns raised by the Associate City Engineer's attached memorandum.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

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

- The specific site is an appropriate location for the additional landscape and site features, including relocated and expanded parking areas, paved patio areas, and stonework including walls, benches and fireplace (§7.3.3.C.1);
- The use as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2);
- There will be no 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).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The surrounding neighborhood is predominantly residential with a mix of single- and two- family dwellings in the area immediately around the site; there is also an apartment complex approximately 150 feet to the northeast at the east end of Hamlet Street as well as a few three- family dwellings and vacant lots dispersed throughout. The area is uniformly zoned Multi-Residence 1 (MR1) apart from the Public Use (PUB)-zoned Bowen School approximately 350 feet to the west (**Attachments A and B**).

B. Site

The property consists of a 10,146 square foot lot in a Multi-Residence 1 (MR1) district improved with a 2 ½ story, two-family dwelling located toward the rear of the lot and currently under construction. Vehicular access is provided by a curb cut off Beecher Place and long driveway along the left (west side of the property) serving four parking spaces, two each to the front and rear of the dwelling. The lot is generally level, with a slight slope downward, approximately 5 feet, front to back (northward from Beecher Place) along its 200-foot depth.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

B. Building Design

No changes to the dwelling structure are sought by the present petition.

C. Site Design, Parking and Circulation

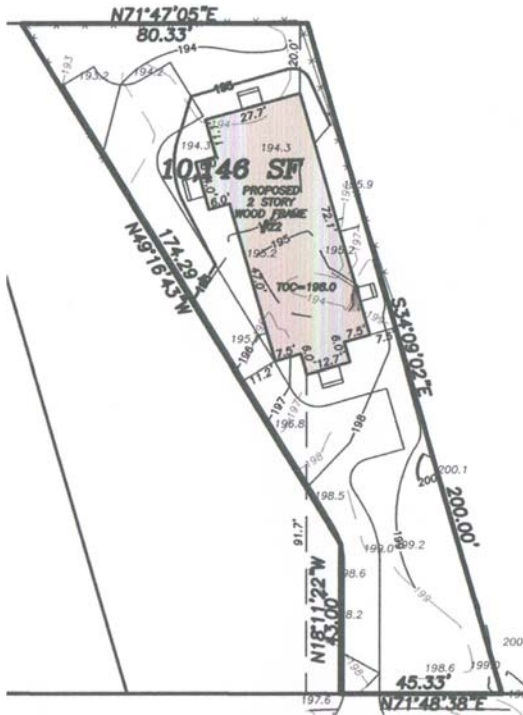
Several changes to the special permit-approved site plan are contemplated by this petition.

The special permit-approved plans indicate a parking area for two cars at the front of the dwelling and one at the rear for the second, both accessed via by a shared driveway off Beecher Place along the left side of the property.

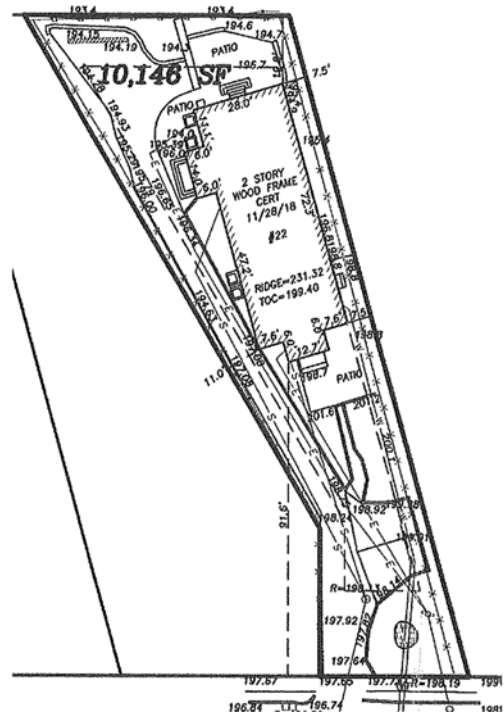
As built, the front parking area is located closer to the front lot line with, and its approved location is now generally occupied by a patio which was not shown on the approved plans and extends to the front façade of the dwelling and extends partially down the right side of the property between the dwelling the right property line. A paved walkway connects this parking area and the patio.

The other parking area, in the rear left of the property, has been built beyond that which was approved pursuant to the special permit, with the paved surface extending further to the rear property line. A second unapproved paved patio has been constructed in the rear right of the property in an area that was to be left unpaved per the approved plans. This patio has been built surrounded by substantial stone walls and other masonry/stonework, including stone benching and an outdoor fireplace.

Special Permit-approved site plan:



"As-built"/requested amended site plan:



As noted by the Engineering Division's memorandum referenced below and attached, these changes increase the impervious surface. The Planning Department further notes that these changes alter the project's visual character as seen from adjacent public way and abutting properties and recommends the petitioner explore ways to reduce the paving on site

D. **Landscaping/Screening**

The left (west), rear (north) and right (east) sides of the property are enclosed by fencing. A row of evergreen trees has been installed along the right edge of the driveway, screening it from the front walkway/patio area. Additional landscaping has been planted throughout the property, including an area along the back of the

sidewalk to the right of the driveway which, when mature, would help partially screen the front parking area.

IV. 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 Memorandum, the petitioner is seeking the following relief:

- Special permit per §7.3.3 of Section 30, to amend Council Order #338-18.

B. Engineering Review:

The Associate City Engineer submitted an Engineering Review Memorandum (**Attachment D**), providing an analysis of the proposal with regard to engineering issues. The memorandum, which notes that the submitted plans are at a reduced scale and difficult to read, raises several issues. These include:

- the increased impervious surface represented by the additional driveway areas and new patios;
- a drain not accounted for in the original drainage calculations has been constructed;
- the as built plan does not completely reflect the improvements made on the site, e.g., patio area and related drains as well as the proposed Stormtec chambers and inspection ports shown on the Building Permit plan. The memo states that the petitioner needs to update and verify the location and installation of these features;
- the front portion of the driveway is graded so that runoff flows uncontrolled to Beecher Place;
- concerns regarding the “long-term integrity and performance” of the stormwater management system for preventing stormwater from migrating off site as the built “bread loaf” asphalt berms intended to trap and direct stormwater runoff from driveway and parking areas towards trench drains can “very easily sheer off” since they are “not locked in like granite curbing.”

The memo does note that so long as the asphalt berm remains intact there is a net reduction of runoff to the rear and left abutters.

V. PETITIONER'S RESPONSIBILITIES

The petitioner should respond to the concerns and issues raised in this and the Engineering Division memoranda and other questions raised at the public hearing as necessary.

ATTACHMENTS:

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

ATTACHMENT A

Land Use

145 Wells Ave.

City of Newton,
Massachusetts

Land Use

Land Use

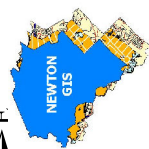


Single Family Residential

Multi-Family Residential

Open Space

Vacant Land

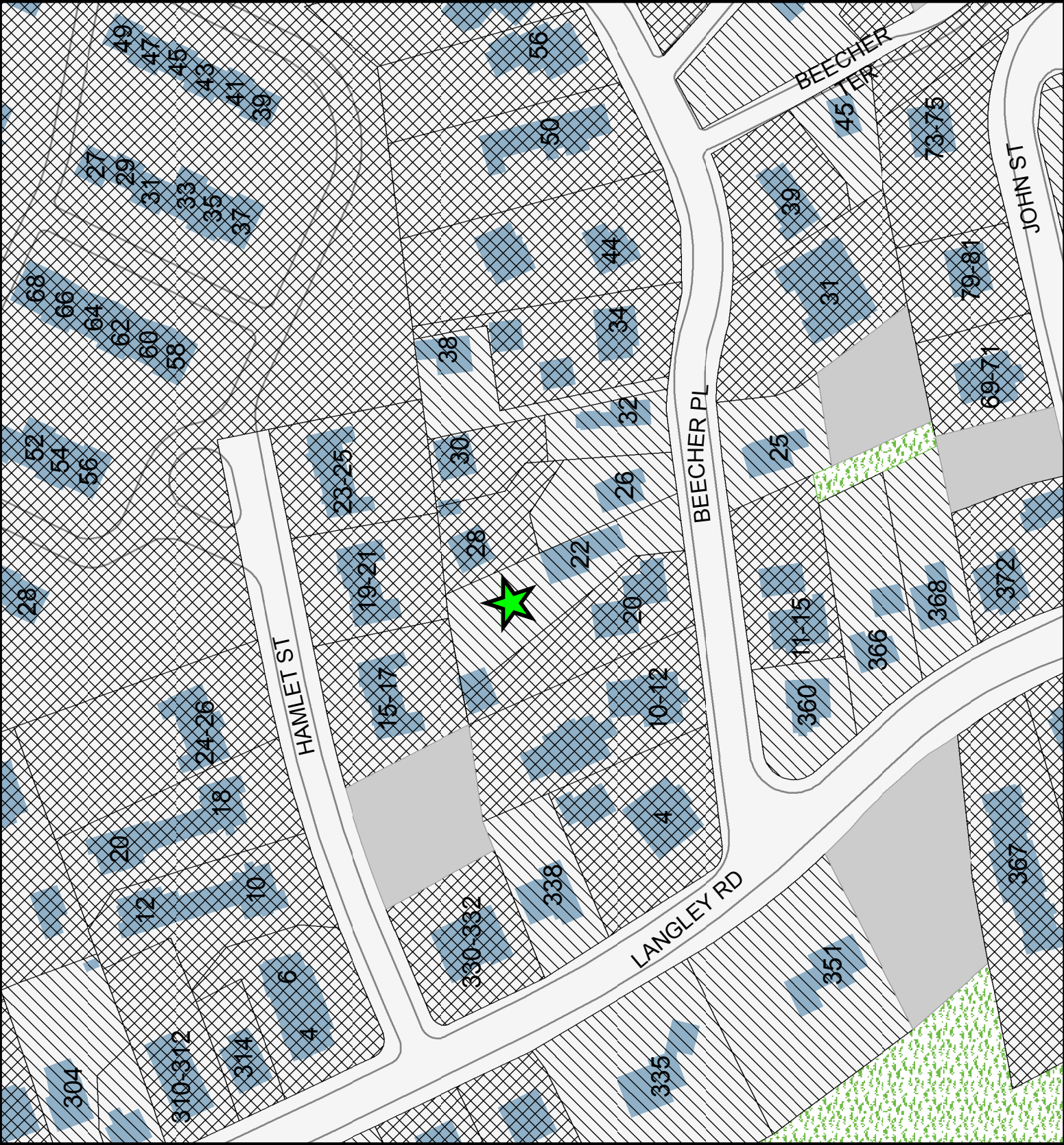


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

0 12.5 25 50 75 100 125 Feet

Map Date: June 22, 2018



ATTACHMENT B

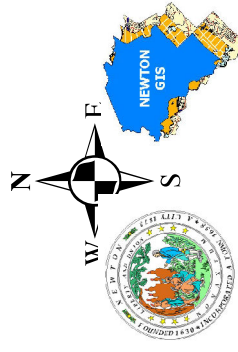
Zoning

22 Beecher Pl.

City of Newton,
Massachusetts

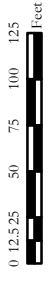
Legend

- Multi-Residence 1
- Public Use

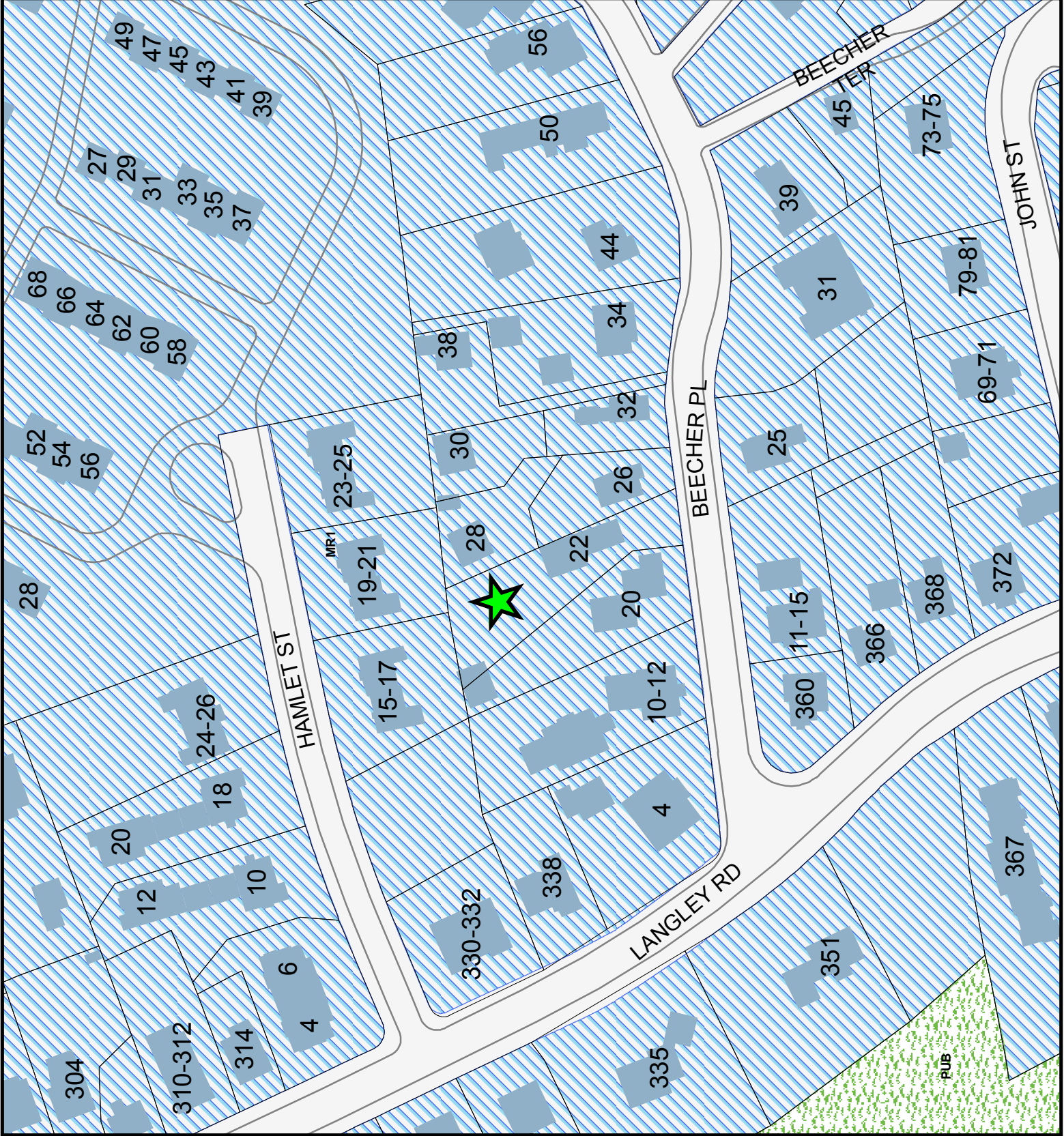


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
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Map Date: June 22, 2018





Ruthanne Fuller
Mayor

ATTACHMENT C

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: July 8, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Ben Bressel, Applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: Request to amend Council Order #338-18

Applicant: Ben Bressel	
Site: 22 Beecher Place	SBL: 81001 0003
Zoning: MR1	Lot Area: 10,146 square feet
Current use: Two-family dwelling	Proposed use: No change

BACKGROUND:

The property at 22 Beecher Place consists of a 10,146 square foot lot improved with a two-family residence which received a special permit in 2018 to exceed FAR. The plans associated with the special permit showed two parking areas. The as-built plans indicate slightly larger parking areas and two patios.

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

- Certified Plot Plan, signed and stamped by Bradley J. Simonelli, dated 12/26/2017, revised 1/5/2018
- As Built Ties, signed and stamped by Bradley J. Simonelli, dated 12/28/2018

ADMINISTRATIVE DETERMINATIONS:

1. The existing two-family dwelling was constructed with a special permit to exceed FAR after it was determined that enclosing proposed front porches exceeded the maximum allowed. The original approved plans indicated a parking area for two cars at the front for the first unit and one at the rear for the second. As built, the property has been improved with a front parking area that has shifted closer to the front lot line. A patio has been constructed between the front unit of the dwelling and the front parking area, where no patio was shown on the approved plans.

A second parking area was approved for the rear unit at the rear of the property. This parking area has also been expanded from that which was approved. A second patio for the rear unit was constructed and not shown on the previously approved plans.

The petitioner seeks to amend the approved plans to reflect the expanded parking areas as well as the patios for each unit.

MR1 Zone	Required	Approved	As Built
Lot Size	7,000 square feet	10,146 square feet	No change
Frontage	70 feet	45.33 feet	No change
Setbacks			
• Front	25 feet	91.7 feet	91.6 feet
• Side	7.5 feet	7.5 feet	No change
• Rear	15 feet	20 feet	19.8 feet
Max Number of Stories	2.5	2.5	No change
FAR	.48	.49	.49
Max Lot Coverage	30%	21.2%	21.5%
Min. Open Space	50%	50.7%	50.6%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
	Amend Council Order #338-18	S.P. per §7.3.3

Next Steps

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

The following must be included when filing a Special Permit Application:

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
 - Site Plans showing existing and proposed conditions (including topography as applicable)
 - Architectural plans showing existing and proposed conditions (including façade materials)
 - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

Incomplete applications will delay the intake and review of your project.

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? Y/N

ATTACHMENT D

CITY OF NEWTON Department of Public Works ENGINEERING DIVISION

MEMORANDUM

To: Council Gregory Schwartz, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit – 22 Beecher Place

Date: July 10, 2019

CC: Barney Heath, Director of Planning
Jennifer Caira, Chief Planner
Lou Taverna, PE City Engineer
Nadia Khan, Committee Clerk
Michael Gleba, Sr. Planner

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

*As Built Plan of Land
22 Beecher Place
Dated: December 28, 2018*

&

*Certified Plot Plan Showing Existing & Proposed
22 Beecher Place
Newton, MA
Prepared By: Field Resources Inc.
October 20, 2017*

Executive Summary:

The plans submitted are at a reduced scale and difficult to read. This property received approval for a by-right Building Permit on December 15, 2017 based on a site plan prepared by J.M. Grenier Associates Inc. dated October 20, 2017. Comparing to what was approved, and a site visit today; the developer has increased the impervious surface of the driveway and added a hardscape patio at the rear of the lot, (see following photos).

Extra Impervious surface



Approx. Limit of original approved Building Permit

A critical part of the stormwater management system is the asphalt berm this type is known as “bread loaf” which reflects the profile of a loaf of bread. This acts as the “back stop” to trap stormwater runoff on this site and directs it towards the trench drain.

The long-term integrity and performance are critical to prevent stormwater from migrating off site, the problem with this type of curbing is that snowplows can very easily shear off the berm as it is placed on top of the asphalt surface and not locked in like granite curbing.



This hardscaped patio was permitted as grassy lawn



This area drain was not accounted for in the original drainage calculations



This portion of the driveway is uncontrolled runoff towards Beecher Place

The as built plan does not completely reflect the improvements made on the site, it does not show the patio or the area drain in this space; it also does not indicate if the proposed Stormtec chambers#2 originally designed on the Building Permit, nor the inspection ports. The engineer needs to update and verify the location and installation of these features. The front portion of the driveway has been graded so that flows uncontrolled to Beecher Place, the break point is the red line on the photo. The drainage calculation also supports this finding, it also indicates that there is a net reduction to the abutter to the north and west (provided that the asphalt berm remains intact).

The design engineer needs to submit an Operations and Maintenance (O&M) plan for Stormwater Management Facilities for review and approval. 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. 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).

General:

1. 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.***

2. 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.*
3. If any changes from the original approved design plan that are required due to unforeseen site conditions, the engineer of record shall submit a revised design & stamped and submitted for review and approval prior to continuing construction.

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.