



Setti D. Warren
Mayor

City of Newton, Massachusetts

Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

179-13
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089

www.newtonma.gov

Candace Havens
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: June 11, 2013
Land Use Action Date: July 16, 2013
Board of Aldermen Action Date: August 5, 2013
90-Day Expiration Date: September 9, 2013

DATE: June 7, 2013

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning 

SUBJECT: **Petition #179-13**, Beecher Terrace Homes, LLC., for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct single-family attached dwelling(s) containing 5 units, to waive the 10-foot driveway setback requirements, and for a retaining wall greater than 4 feet located within a setback at **22 and 26 Beecher Terrace**, Ward 6, on land known as SBL 65, 8, 46 and 47, containing a total of 32,826 sf of land in a district zoned Multi Residence 1. Ref: Sec 30-24, 30-23, 30-9(b)(5), (a), (b), 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



22 & 26 Beecher Terrace

EXECUTIVE SUMMARY

The subject property consists of two adjacent lots totaling 32,836 square feet, both located in a Multi-Residence 1 zone. Each lot contains a modestly sized single-family dwelling built in the late 1800's, and neither property was deemed historically significant by the Newton Historical Commission. The petitioner is proposing to demolish the existing single-family structures, to merge the two lots, and to build five single-family attached dwellings on the site. The site is sloped, and in addition to a special permit to construct attached dwellings, the petitioner must seek special permits to locate a retaining wall in the (south) side setback, and to locate a driveway less than the required ten feet from the side lot line. Although the proposed attached dwelling structures meet the 25-foot setback requirements, it should be noted that the petitioner's plans show at-grade patios located within the setback, which is allowed. The petitioner is proposing 12 parking stalls, all located out of required setbacks, where 10 parking stalls are required.

The Planning Department acknowledges that the petitioner can construct two two-family structures by right, and is therefore not particularly concerned with the proposed density of five units. However, staff is concerned that Beecher Terrace is a very narrow street (a private road) and development on the narrow street will significantly disrupt the neighborhood. Furthermore there is exposed ledge in the neighborhood and a significant slope to the site further complicating development. Finally, the Planning Department is concerned with the size of the propose units, maneuverability on-site, and the lack of proximity to transportation and services.

The Planning Department suggests the petitioner arrange for a site visit for the Land Use Committee prior to this project being scheduled for a working session.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Board should consider whether:

- The site is an appropriate location for the proposed five unit single-family attached dwelling use and structures.
- The use as developed will not adversely affect the neighborhood.
- Access to the site over streets is appropriate for the types and numbers of vehicles involved.
- The proposed retaining walls will not adversely affect the neighborhood and all runoff will be contained on site.
- The location of a driveway less than ten feet from the side lot line is appropriate, and literal compliance with this requirement is impractical due to the location, size, frontage, depth,

shape, or grade of the lot.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located in the Thompsonville area of Newton. Beecher Terrace is a small loop road located off of Beecher Place, which is located off of Langley Road. The neighborhood primarily consists of single- and two-family houses. The site is within an area zoned Multiple Residence 1. The Towers at Chestnut Hill, a large apartment complex, is located just east of the subject property in a Multi Residence 4 zone. There appears to be a number of two-family attached dwelling-style buildings in the immediate neighborhood.

B. Site

The site consists of 32,836 square feet of land. The lot is level at the street, but slopes significantly down at the rear or eastern lot line. Twenty-two Beecher Terrace is improved with a single-family house and small shed. Twenty-six Beecher Terrace is improved with a single-family house, a large detached garage, and a small shed. Both single-family houses are quite small at 1,550 and 1,050 square feet respectively. Each lot currently has one curb cut.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

Each property is currently used as a single-family residence. The petitioner is proposing five attached dwellings on the merged lot in two separate buildings where two two-family structures could be built by right.

B. Building and Site Design

The petitioner is proposing five new attached dwellings in two separate buildings on the lot. Unit 1 will have its own driveway with two parking stalls located in the basement of this unit. The other units will have vehicle access from a central driveway and each unit will have an attached two-car garage at grade. Units 1, 2, and 3 are attached in a U-shaped configuration and Units 4 and 5 are attached in an L-shaped configuration. Two at grade guest parking stalls separate the two buildings.

Units 1 and 5 face Beecher Terrace and have been designed with front doors that face the street. Each of the units has a patio or deck, some of which are located in the setback, which is allowed. Unit 1 has a landscaped yard which is retained with a landscape wall, a portion of which is greater than four feet and is located in the side setback for which the petitioner must seek a special permit. Unit 3 has a hexagonal shaped patio not located in the side or rear setback. Units 2 and 5 have patios located in the side setback.

No information has been submitted on the size of the units or the proposed bedroom mix. This information should be provided at the public hearing and prior to being scheduled for a

working session. An FAR analysis was submitted and the proposed FAR is .4 where .38 is allowed for a two-family structure in this zone. There is no maximum FAR for attached dwellings.

C. Parking and Circulation

The petitioner is proposing two curb cuts into the site, in keeping with existing conditions. The curb cut for Unit 1 is located within 10 feet from the side lot line, which requires a special permit. All other cars will enter the site through a central or common driveway, and each unit will have two garaged parking stalls. In addition to two parking stalls per unit, the petitioner is proposing two guest parking stalls located between the two attached dwelling buildings.

The Planning Department is concerned that maneuverability is tight on site, and that cars might have trouble backing out of their garage. No parking will be allowed in front of residents garages, which is part of the reason for the two proposed guest parking stalls located between the two buildings. The petitioner should submit a vehicle turning template prior to being scheduled for a working session. The Planning Department is also concerned with guest overflow parking because Beecher Terrace is so narrow that any overflow parking will significantly impact the neighborhood, particularly during winter months.

D. Landscaping

The petitioner should submit a fencing and landscape plan prior to being scheduled for a working session.

IV. TECHNICAL REVIEW

- A. Technical Considerations (Chapter 30, Newton Zoning Ordinance): The Zoning Review Memorandum, **(ATTACHMENT A)**, provides an analysis of the proposal with regard to zoning. The petitioner must seek special permits to allow for single-family attached dwellings, to locate a retaining wall greater than four feet within a side setback, and to locate a proposed driveway five feet from the side lot line.
- B. Engineering Review: The Engineering Division Memorandum, **(ATTACHMENT B)**, provides an analysis of the proposal with regard to engineering issues. The petitioner will be required to comply with all recommendations prior to the issuance of a building permit.
- C. Fire Department Review: The petitioner should submit the proposed site plan to the Fire Department for review and approval prior to being scheduled for a working session.
- D. Newton Historical Commission: The Newton Historical Commission found all structures on the lot “not preferably preserved.”

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum, the petitioner is seeking the following

approvals or relief:

- Section 30-9(b)(5), to allow single-family attached dwellings.
- Section 30-5(b)(4), to locate a retaining wall greater than four feet within a setback.
- Section 30-9(b)(5)a) and 30-9(b)(5)b) to locate a driveway five feet from the side lot line.

VI. PETITIONER'S RESPONSIBILITIES

At the public hearing or prior to being scheduled for a working session:

- The petitioner should submit information on the size of the units and the proposed bedroom mix.
- The petitioner should submit a vehicle turning template showing how cars will safely maneuver around the site.
- The petitioner should submit a fencing and landscape plan (including caliper inches of trees to be removed and replaced).
- The petitioner should submit the proposed site plan to the Fire Department for review and approval.

ATTACHMENTS

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



Setti D. Warren
Mayor

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

7 phone
179-13
Attachment A

(617) 796-1112
TDD/TTY
(617) 796-1089
www.newtonma.gov

Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: May 14, 2013

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Eve Tapper, Chief Planner for Current Planning ET

Cc: Stephen Buchbinder, attorney representing applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request to create five single-family attached dwellings on a lot**

Applicant: Beecher Terrace Homes LLC	
Site: 22-26 Beecher Terrace	SBL: 65008 0046/ 65008 0047
Zoning: MR-1	Lot Area: 13,500 square feet/ 19,000 square feet
Current use: Two single-family dwellings	Proposed use: Five single-family attached dwellings

BACKGROUND:

The locus consists of two lots. The property at 22 Beecher Terrace contains an existing single-family dwelling built in approximately 1880. The second lot, at 26 Beecher Terrace, contains an existing single-family home constructed in 1896. Neither property was deemed historically significant by the Newton Historical Commission. The applicant proposes to raze the existing single-family structures, merge the two lots and build five single-family attached dwellings.

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

- Zoning Review Application, prepared by Stephen J. Buchbinder, attorney, submitted 3/28/13
- Parking calculation
- FAR Worksheet
- City of Newton Assessing Department Property Record Card for 22 Beecher Terrace
- City of Newton Assessing Department Property Record Card for 26 Beecher Terrace
- Plan of Land 22 & 26 Beecher Terrace, created by Boston Surveying and Engineering, dated 5/3/12
- Proposed Development Plans, stamped by Paul Tyrell, civil engineer, dated 3/25/13
 - Demo and Erosion Control Plan
 - Layout and Materials Plan
 - Grading and Drainage Plan
 - Average Grade Plan
 - Utility Plan

- Detail Plan 1 of 2
- Detail Plan 2 of 2
- Architectural plans and elevations, stamped by Haroutiun Kelian, architect, dated 3/26/13
 - Basement plan
 - First floor/site plan
 - Second floor plan
 - Third floor plan
 - Elevations
 - Elevations

ADMINISTRATIVE DETERMINATIONS:

1. The subject property is located in the MR-1 zoning district. The applicant is proposing five single-family attached dwelling units on a 32,836 square foot lot. Section 30-9(b)(5) of the Newton Zoning Ordinance allows single-family attached dwellings in one or more groups provided that the applicant obtains a special permit from the Board of Aldermen.
2. The proposed plans show a retaining wall greater than four feet located within a setback. To build the wall as proposed, the applicant will need a special permit from the Board of Aldermen per Section 30-5(b)(4) of the Ordinance.
3. The driveway for the proposed Unit 1 is approximately five (5) feet from the lot line. Section 30-9(b)(5)a requires that no driveway be located within ten (10) feet of the side lot line. The applicant must obtain a special permit from the Board of Aldermen per Section 30-9(b)(5)b) to waive this requirement.

MR1 Zone	Required/Allowed	Existing	Proposed
Lot Size	15,000 square feet	13,500 square feet 19,000 square feet	32,836 square feet (merged)
Frontage	80 feet	62 feet/ 69 feet	136 feet
Setbacks <ul style="list-style-type: none"> ● Front ● Side ● Rear 	25 feet 25 feet 25 feet		25 feet 25 feet 25 feet
Building Height	36 feet		Unit 1 – 31.94 feet Unit 2 – 30.47 feet Unit 3 – 31.94 feet Unit 4 – 28.27 feet Unit 5 – 31.39 feet

4. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-9(b)(5)	Allow the creation of single-family attached dwellings	S.P. per §30-24
§30-5(b)(4)	Locate a retaining wall greater than four feet within a setback	S.P. per §30-24
§30-9(b)(5)a), §30-9(b)(5)b)	Locate proposed driveway five feet from the side lot line	S.P. per §30-24

CITY OF NEWTON
ENGINEERING DIVISION

MEMORANDUM

To: Alderman Ted Hess-Mahan, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 22-25 Beecher Terrace

Date: June 5, 2013

CC: Lou Taverna, PE City Engineer
Linda Finucane, Associate City Clerk
Alexandria Ananth, Sr. Planner
Fred Russell, Director of Utilities
Ted Jerdee, Superintendent of Utilities

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

*Proposed 5 Units
22 & 26 Beecher Terrace
Newton, MA
Prepared by: Greater Boston Surveying & Engineering
Dated: March 25, 2013*

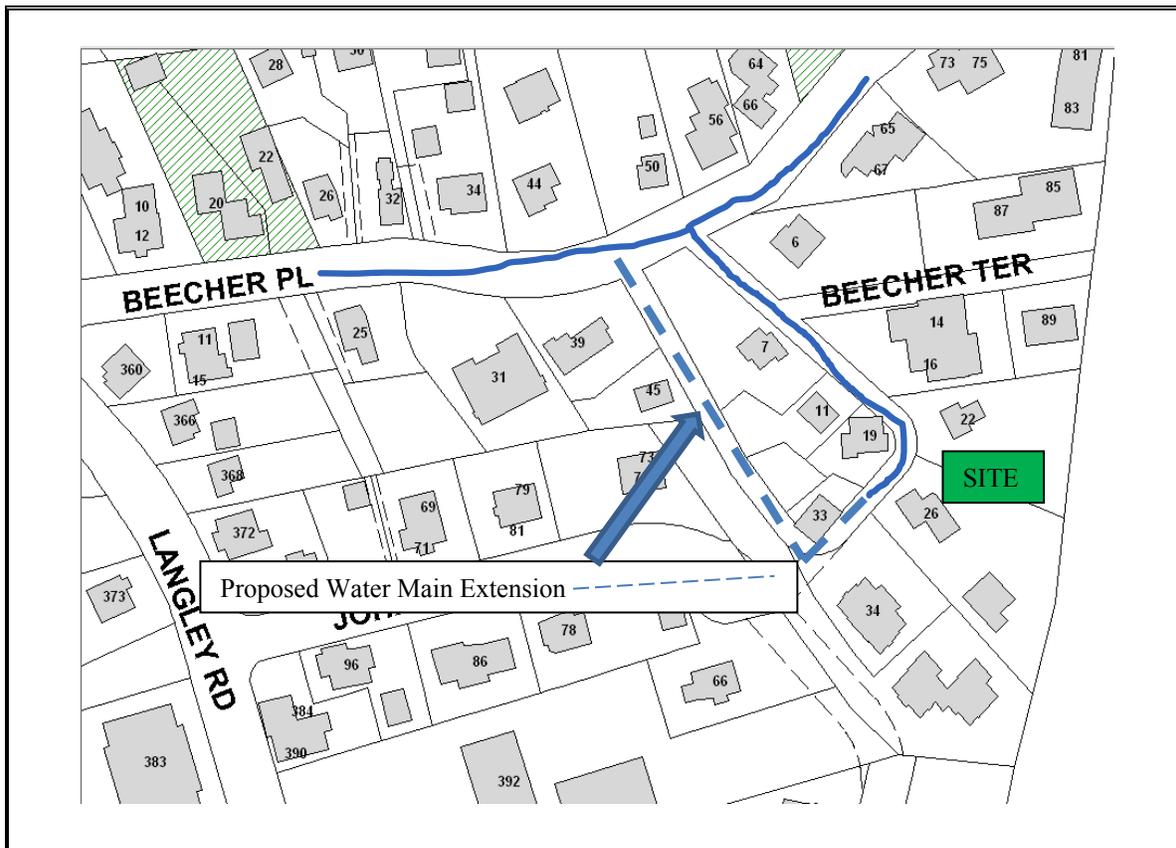
Executive Summary:

The proposed 5 unit development is situated on two separate lots, if this Special Permit is approved, an Approval Not Required (ANR) Plan must be submitted to the Board of Survey combining the two lots into one lot under *Subdivision Control Law Massachusetts General Law Chapter 41 Sec. 81-P*.

A retaining wall greater than 4' is proposed parallel to the southern property line, however; no indication of the wall height is referenced. Walls over 4' will need a safety fence.

As a Public benefit, the two concrete aprons that are totally destroyed at the Beecher Place & Beecher Terrace intersections should be replaced, and Beecher Terrace should be repaved. The proposed 10" CLDI pipe is not acceptable because the existing main in Beecher Place is only 6" main. However, the Director of Utilities has indicated that the main in Beecher Terrace is a dead end main and should ideally be looped back to Beecher

Place along the southerly leg of Beecher Terrace; this will be a water quality and quantity improvement and a public benefit. (See below).



Finally, the plans submitted are not to correct scale this need to be corrected, furthermore; the plans are not very clear.

Drainage:

1. The engineer of record shows on site drainage improvements, however; no calculations or drainage report received at the time of this review. On site soil testing is required for the evaluation of the proposed drainage system. Test pits and percolation test(s) are required within 20-feet of each system, to verify groundwater elevations, and soil types.

2. There is a proposed overflow pipe directing overflow stormwater towards the abutting property to the east towards Chestnut Hill Condominiums; this is not acceptable since the flow condition is being altered from the existing condition as [sheet flow] to the proposed condition as a [point source] discharge. To remedy this situation the flared end section should be directed to an underground diffuser comprised of a perforated pipe embedded in washed crushed stone and filter fabric, and having an impervious barrier on the downstream side of the system.
3. The proposed overflow pipe from the driveway at unit # 1 to the catch basin in Beecher Terrace is not permitted. The engineer of record needs to demonstrate why the overflow is warranted and why the runoff from the site cannot be completely contained on-site.
4. A drainage analysis needs to be performed based on the City of Newton's 100-year storm event of 6-inches over a 24-hour period. All runoff from impervious areas need to be infiltrated on site, for the project. The design of the proposed on site drainage system needs to comply with the MassDEP Stormwater Regulations and City Ordinances.
5. When a connection to the City's drainage system is proposed, prior to approval of the Building Permit a Closed Circuit Television (CCTV) inspection shall be performed and witnessed by the Engineering Division, the applicant shall retain a contractor that specializes in CCTV inspection. The applicant shall contact the Engineering Division 48 hours in advance to schedule an appointment. At the end of the inspection the video or CD shall be given to the inspector. Furthermore, upon completion of the connection to the drainage system a Post – Construction video inspection shall also take place and witnessed as described above. This is required regardless of the connection point, the intent is to ensure that there are no downstream blockages or damaged pipe so that the contractor of record is not held accountable for preexisting conditions.
6. A hydraulic capacity of the downstream drainage system needs to be evaluated and submitted to the Engineering Division. This study needs demonstrate that there will be no impact to the municipal drainage system, nor private or public property.
7. The proposed dry well details need to specify “**crushed washed stone**”. The elevation of the bottom of the stone, bottom of the pipe and depth to groundwater table need to be labeled. A detail is needed with filter fabric - 3” layer of peastone on top of the system, and then covered over with filter fabric.
8. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds and Homeowners Association documentation; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.

9. In order to properly inspect and maintain the on-site drainage systems, \$10,000.00 should be provided to the Homeowners Association specifically earmarked for this purpose.

10. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all apparentness including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the Homeowners Association.

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.

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. 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 main need to match.

2. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the site and 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.
3. Use City of Newton Details in lieu of the details submitted.
4. 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.
5. All new sewer service and/or structures shall be pressure tested or video taped 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.***
6. 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. The sewer brought onto the site shall be considered a sewer service and NOT a main extension.

Water:

1. If the units are to have fire suppression systems, then a Fire Flow test(s) is required. The applicant must coordinate this test with both the Newton Fire Department and the Utilities Division; representatives of each department shall witness the testing, test results shall be submitted in a write report. Hydraulic calculation shall be submitted to the Newton Fire Department for approval.
2. Per order of the Utilities Director, all the services need to be tapped on the new main prior to the on-site fire hydrant.

3. For water quality issues a fire hydrant should be located at the end of the proposed water main. This hydrant will be utilized for flushing out the main as required.
4. 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.
5. The hydrant detail needs additional dimensions please use the City's Standard detail in pdf form from the website.
6. 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. As of January 1, 2009, 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. *This note must be incorporated onto the site plan.*

7. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work. *This note must be incorporated onto the site plan.*

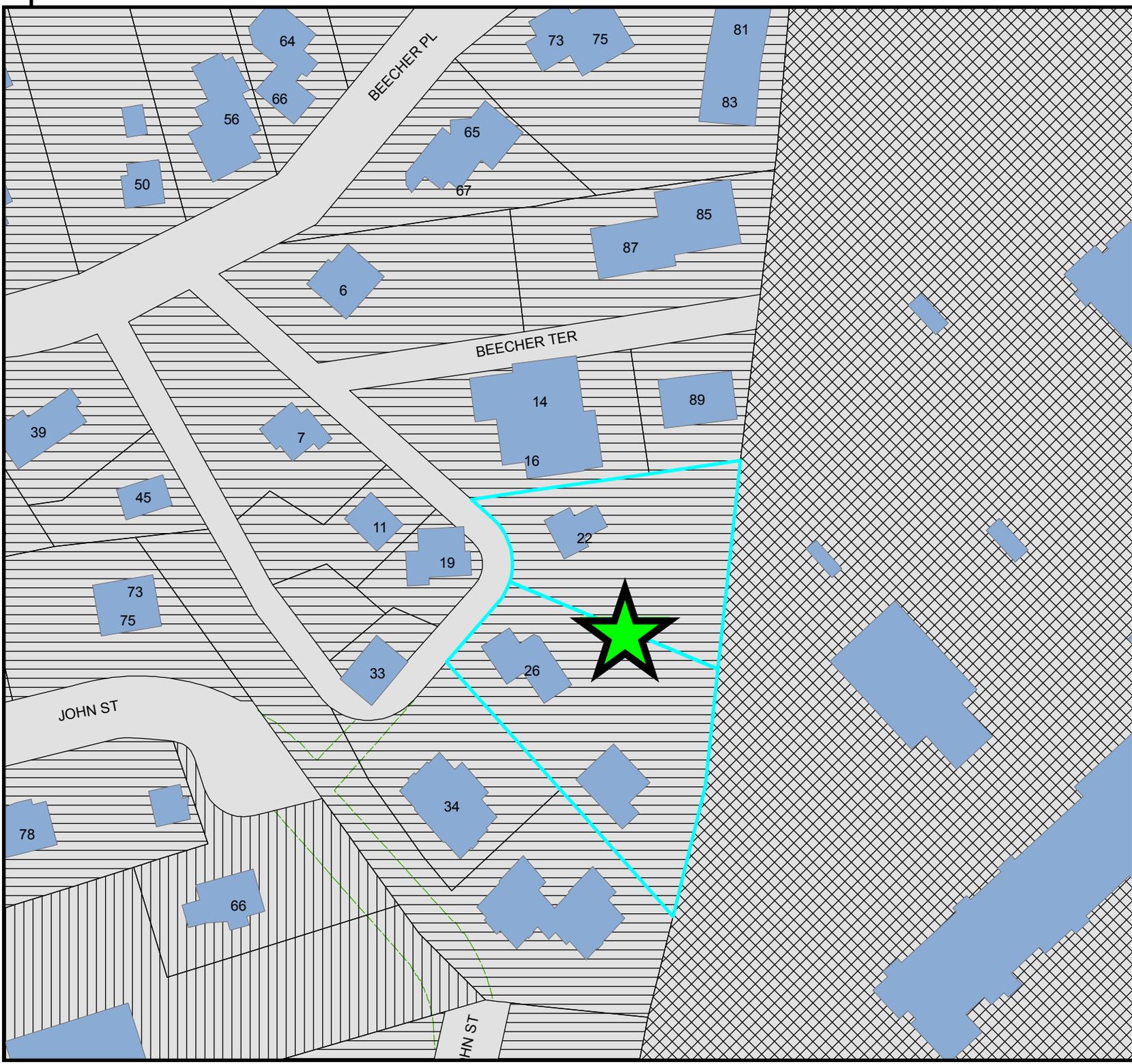
Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

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

179-13

Zoning Map 22 & 26 Beecher Ter.

*City of Newton,
Massachusetts*



Legend

- Multi-Residence 1
- Multi-Residence 2
- Multi-Residence 4
- Building Outlines
- Surface Water



ATTACHMENT "C"

The information on this map is derived from a Geographic Information System (GIS) maintained by the City of Newton. The City of Newton cannot guarantee the accuracy of the information. Each user of this map is responsible for determining its suitability for their intended purpose. City departments will not approve applications based solely on this map.

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

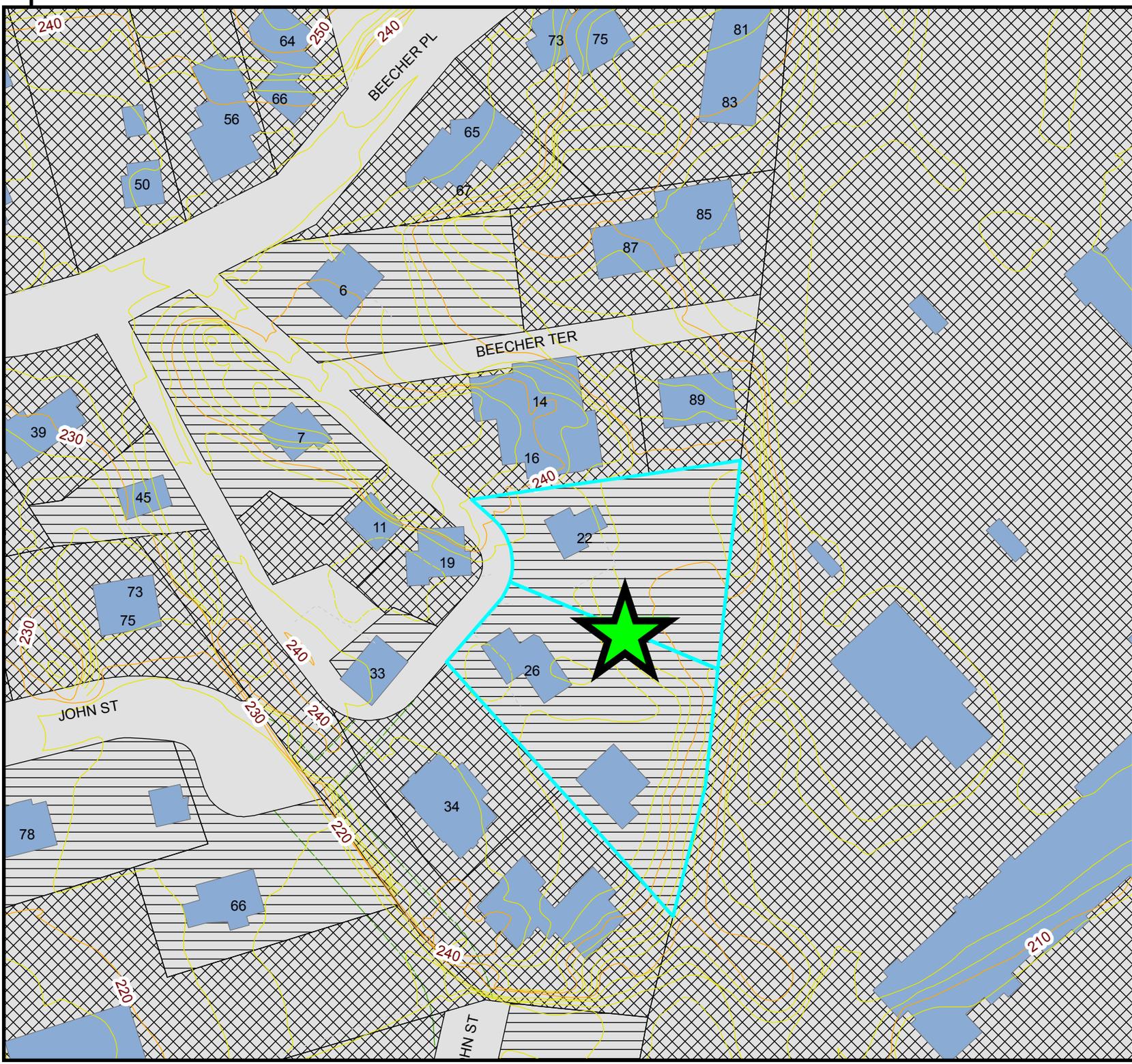


Map Date: May

179-13

Land Use Map 22 & 26 Beecher Ter.

*City of Newton,
Massachusetts*



Legend

Contour Lines

- Two Foot Contour
- Index (10 Foot) Contour
- Depression Contour
- Depression - Index Contour
- Bridge Abutment
- Culvert
- Wall

Land Use

- Single Family Residential
- Multi-Family Residential
- Building Outlines
- Surface Water



ATTACHMENT "D"

The information on this map is derived from a Geographic Information System. The City of Newton cannot guarantee the accuracy of the information. Each user of this map is responsible for determining its suitability for their intended purpose. City departments will not approve applications based solely on this map.

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



Map Date: May