



Setti D. Warren
Mayor

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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: November 18, 2014
Land Use Action Date: December 9, 2014
Board of Aldermen Action Date: February 2, 2015
90-Day Expiration Date: February 17, 2015

DATE: November 14, 2014

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Daniel Sexton, Senior Planner

SUBJECT: **Petition #180-13(2)**, JOHN F. MCCARTHY, for a SPECIAL PERMIT/SITE PLAN APPROVAL to AMEND special permit #180-13, granted on August 12, 2013, for increased Floor Area Ratio for a garage, in order to expand an existing parking allow for two vehicles to park in the front setback at 20 BURRAGE ROAD, Ward 7, on land known as SBL 73, 28, 6, containing approximately 5,771 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-19(g)(1), 30-19(m) 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.



20 Burrage Road

EXECUTIVE SUMMARY

The property located at 20 Burrage Road consists of a 5,771 square foot corner lot improved with a single-family residence constructed in 2012. The builder of the home was granted a special permit via Board Order #180-13, which authorized the home to exceed the allowable floor area ratio to accommodate the partially below grade garage. Per the special permit's approved site plan, the builder also created a single parking stall in the front setback off of Alderwood Road to allow for the parking of a second vehicle on the site. The parking stall off of Alderwood Road was necessary because the garage was not adequately sized for two vehicles and there can be no parking in the driveway as it is shared with the abutting property at 41 Alderwood Road. The petitioner owns three vehicles and is therefore proposing to enlarge the existing parking stall in the front setback to accommodate two vehicles. In order to create a second parking stall along Alderwood Road, the petitioner is seeking a special permit to allow for the parking of two vehicles in the front setback (**ATTACHMENT A**).

The Planning Department generally discourages parking in the front setback in order to maintain the streetscape; however, there are occasions when site-specific conditions warrant such facilities and the impacts on abutting properties can be mitigated. The Department is concerned about the size of the enlarged curb cut, which will be expanded from an opening of 26.5 feet to approximately 33, placing the movements of vehicles from the site closer to the intersection of Alderwood Road and Burrage Road. The size of the curb cut and the location of the proposed parking stalls will also increase the potential for hazardous interactions between pedestrians and vehicles and may detract from the streetscape. As alternatives, the Department has encouraged the petitioner to consider locating the new parking stall on the Burrage Road frontage or change the orientation of the two parking stalls so they can be screened and accessed via the shared driveway.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The creation of an additional parking stall on the site is appropriate due to the nature of the use or the location, size, width, depth, shape or grade of the lot, or that such an exception would be in the public interest of safety or protection of environmental features. (§30-19(g)(1) and §30-19(m))
- The proposed third parking stall, which will be located in the front setback off of Alderwood Road, will not adversely affect the neighborhood. (§30-24(d)(2))
- The design and location of the second parking stall in the front setback will not create a nuisance or serious hazard to vehicles or pedestrians in the surrounding neighborhood. (§30-24(d)(3))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located at the corner of Burrage Road and Alderwood Road. The house is surrounded by other single-family residences, but is also near parcels with mixed use, nonprofit organizations, and vacant land uses (**ATTACHMENT B**). The property and surrounding neighborhood are zoned Single Residence 2 (SR2), but is proximate to parcels zoned Multi-Residence 1 (**ATTACHMENT C**).

B. Site

The property consists of 5,010 square feet of land and is improved with a single-family dwelling constructed in 2012. The builder of the home was granted a special permit via Board Order #180-13, which authorized the home to exceed the allowable floor area ratio to accommodate the partially below grade garage. Since the garage was undersized, the builder created a single parking stall in the front setback off of Alderwood Road to allow for the parking of a second vehicle on the site (**ATTACHMENT D**). The site has vehicular access via a bituminous driveway on the north side of the property off of Alderwood Road, which is shared with the abutting property at 41 Alderwood Road via a 100-foot wide access easement. The residence is surrounded by landscaped lawn bordered by a row of arborvitae.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The property will remain a single-family residence.

B. Building and Site Design

The petitioner's project will not alter the existing single-family residence. As proposed, the petitioner is proposing to create a second back-out parking stall off of Alderwood Road, adjacent to the existing shared driveway. The petitioner is proposing to construct the parking stall with concrete pavers.

C. Parking and Circulation

Presently, the site can accommodate the parking of two vehicles: one vehicle in the undersized garage and one vehicle in the front setback off of Alderwood Road. No vehicles can be parked within the existing driveway as it is shared with the abutter at 41 Alderwood Road. The petitioner has indicated that there is a need for a third parking stall on the site, as the household has three vehicles. To accommodate the petitioner's three vehicles, this special permit is being sought to create an additional parking stall within the front setback along Alderwood Road and to reconfigure the orientation of the existing parking stall in the front setback. Both of the proposed parking stalls within the front setback will meet the dimensional controls for parking stalls (i.e. 9' X 19") under the NZO and will back-out onto Alderwood Road.

The Planning Department is not unsupportive of the creation of additional parking stalls within the front setback when site-specific conditions warrant such facilities and the impacts on abutting properties can be mitigated. The Department is, however, concerned about the enlargement of the existing curb cut, which will be expanded from an opening of 26.5 feet to approximately 33 and its visual impact on the street. The Department has encouraged the petitioner to locate the new parking stall on the Burrage Road frontage or change the orientation of the two parking stalls so they may be screened and accessed via the shared driveway.

D. Landscape Screening

No landscape plan was required for this petition. The proposed parking stall will eliminate a number of arborvitae along Alderwood Road. If the petitioner chooses either of the Department's alternatives, the number of arborvitae surrounding the property will change as well. If the petitioner chooses to change the orientation of the parking stalls, the visibility of the two parking stalls from the street could be partially obscured. The proposed third parking stall will reduce the available open space to 51.7%, which is slightly above the minimum amount of open space required in the SR2 zoning district (50%).

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. Based on this review, the petitioner is seeking a Special Permit/Site Plan Approval for the following reliefs:

- §30-19(g)(1) and §30-19(m), to allow more than one parking stall in the front setback.
- To amend Board order #180-13.

B. Engineering Review

This project did not trigger a review by the Engineering Division of Public Works due to lot coverage. The Planning Department, however, solicits comments from the Engineering Division regarding the enlarged curb cut. According to the memorandum from the Associate City Engineer, the enlarged curb cut will require authorization from the Commissioner of Public Works (**ATTACHMENT E**). The Commissioner of Public Works is amenable to allowing the driveway expansion, provided that substandard repairs to the cement sidewalk along the frontage of this property are replaced to City Standards and a pedestrian curb cut is installed at the intersection of the Burrage & Alderwood Roads. Further, the petitioner should provide the necessary information regarding the on-site infiltration system requested by the Engineering Division.

V. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time, but the petitioner should consider the recommendations put forth by the Planning Department's and Commissioner of Public Works.

ATTACHMENTS:

ATTACHMENT A: Zoning Review Memorandum

ATTACHMENT B: Land Use Map

ATTACHMENT C: Zoning Map

ATTACHMENT D: Board Order #180-13(1)

Attachment E: Engineering Review Memorandum, dated November 13, 2014



Setti D. Warren
Mayor

Attachment A

City of Newton, Massachusetts

Department of Planning and Development
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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: September 23, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: John McCarthy
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to add a parking stall in the front setback at a single-family residence and to amend Board Order #180-13

Applicant: Peter Smick	
Site: 20 Burrage Rd	SBL: 73028 0006
Zoning: SR2	Lot Area: 5,010 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 20 Burrage Road consists of a 5,771 square foot corner lot improved with a single-family residence constructed in 2012 (after the original single-family dwelling was demolished). The property has a shared driveway off of Alderwood Road leading to a one-car garage located within the basement level of the structure. Board Order #180-13 was issued to the builder to allow for increased FAR for the garage. As the driveway is shared, the applicant is unable to park any vehicles in it. There is an existing parking stall located in the front setback, and the applicant proposes to expand the parking area to allow for two vehicles. A special permit is required to park two vehicles in the front setback.

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

- Zoning Review Application, prepared by John McCarthy, submitted 8/21/2014
- Proposed Parking Plan, signed and stamped by Allen Paige, Surveyor, dated 8/18/2014
- Existing Parking Plan, prepared by Alpha Omega Engineering, dated 7/23/2013
- Zoning Review Memo, prepared by Jane Santosuosso, Chief Zoning Code Official, dated 5/14/2013
- Board Order #180-13, dated 8/12/2013

ADMINISTRATIVE DETERMINATIONS:

1. The subject lot is a corner lot, with the dwelling is located 25.2 and 25.1 feet from the front property lines. The front setback requirement in this district is 25 feet. There is an existing parking stall located in the front setback off of Alderwood Road, as the applicant shares a driveway with the neighbor at 41 Alderwood Road. The builder of the property received a special permit to exceed FAR to build a 16 by 22 foot garage in the basement level of the house. The applicant has stated that the garage is not wide enough to accommodate two cars, and an additional parking stall is required. Given the configuration and size of the lot, the applicant requests to enlarge the existing stall to accommodate a second vehicle in the front setback. Section 30-19(g)(1) states that only one parking stall may be located within a side or front setback. To build the project as proposed, both spaces (including the existing space) will be in the front setback. A special permit will be required to allow for a parking stall within the front setback per Section 30-19(m).

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	5,771 square feet	No change
Frontage	80 feet	100 feet	No change
Setbacks for existing structure			
• Front (Burrage Rd)	25 feet	25.1 feet	No change
• Front (Alderwood Rd)		25.2 feet	No change
• Side	7.5 feet	7.7 feet	No change
• Rear	15 feet	16 feet	No change
FAR	.45	.48	No change
Max. Lot Coverage	30%	28.6%	No change
Open Space	50%	57.6%	51.7%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§30-19(g)(1) 30-19(m)	Allow more than one parking stall in the front and side setback	S.P. per §30-24
	Amend Board Order #180-13	S.P. per §30-24







Land Use Map 20 Burrage Road

City of Newton,
Massachusetts

ATTACHMENT B

Legend

Land Use

-  Single Family Residential
-  Mixed Use
-  Nonprofit Organizations
-  Vacant Land
-  Property Boundaries
-  Building Outlines

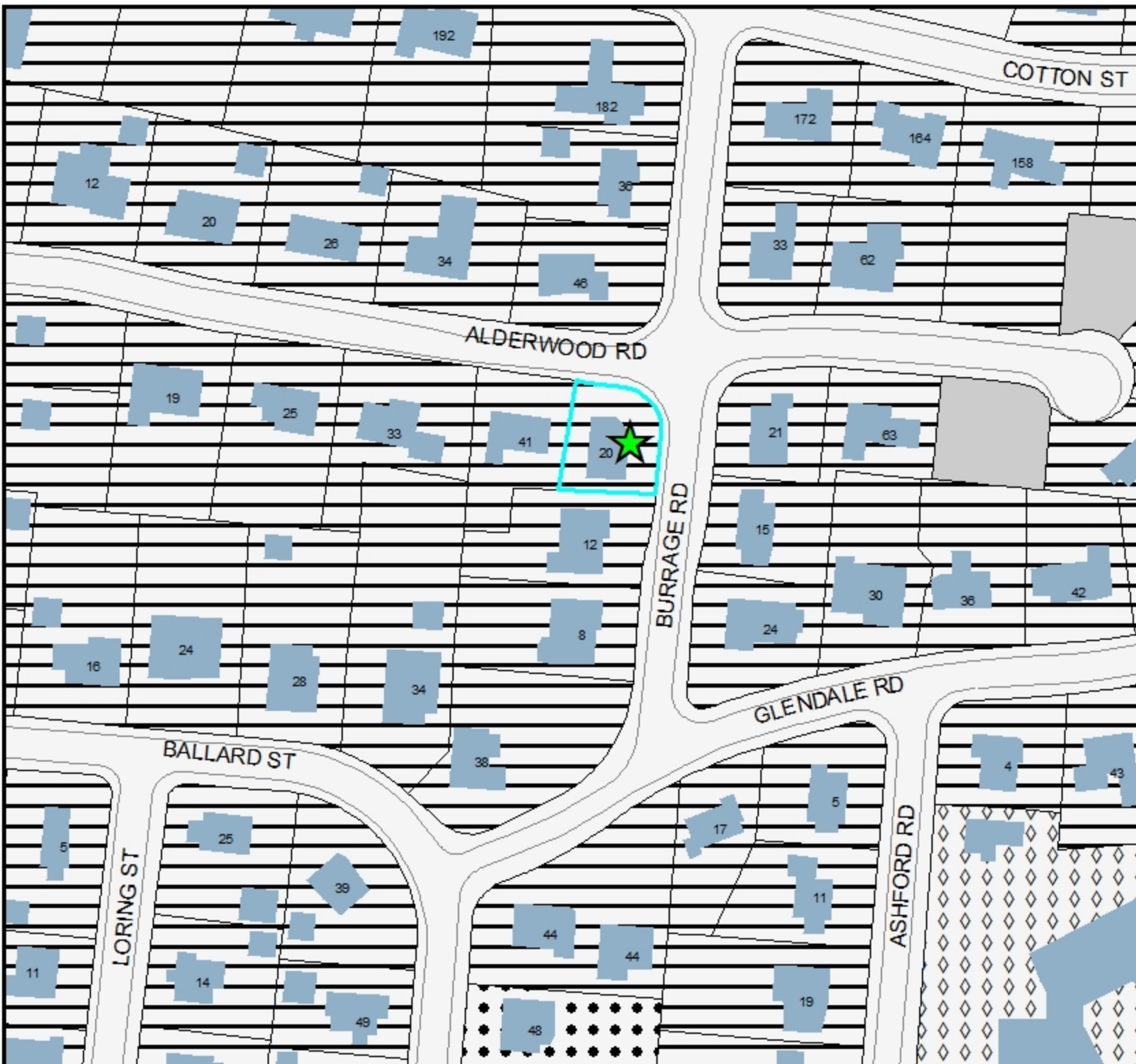


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: November 04, 2014



Zoning Map 20 Burrage Road

City of Newton,
Massachusetts

ATTACHMENT C

Legend

- Single Residence 2
- Property Boundaries
- Building Outlines

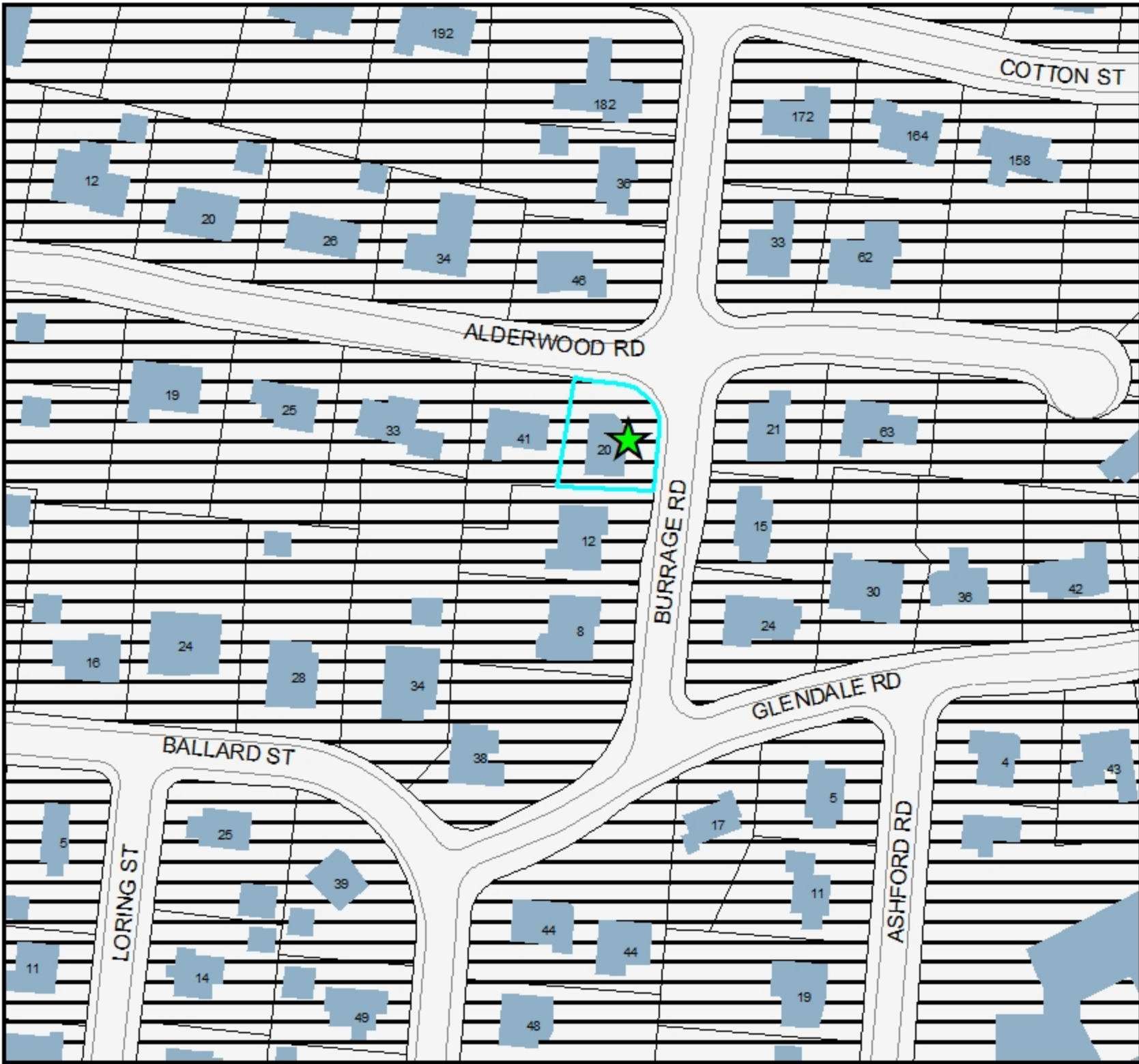


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Seth D. Warren
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125 Feet

Map Date: November 04, 2014



04



2013 00193754
Bk: 62576 Pg: 297 Doc: DECIS
Page: 1 of 4 09/04/2013 10:08 AM

Attachment D

RECEIVED
#180-13
2013 AUG 14 PM 4:43
DEPT. OF PERMITS
NEWTON, MASS.

CITY OF NEWTON

IN BOARD OF ALDERMEN

August 12, 2013

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, hereby grants the following SPECIAL PERMIT/SITE PLAN APPROVAL to increase the Floor Area Ratio (FAR) above that which is allowed by right, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Alderman Ted Hess-Mahan.

The Board finds that:

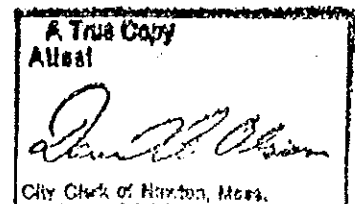
1. The proposed Floor Area Ratio (FAR) of .48 where .45 is the maximum allowed by right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. The lot is 5,771 square feet and the new house will have a gross floor area of 2,789 square feet. The additional 210 square feet will increase the gross floor area by 3% above what is allowed by-right.
2. The increase in FAR is will not increase the footprint or perceived mass of the dwelling.
3. The creation of a two-car garage under the existing deck will be a benefit to the neighborhood as it will help prevent vehicles from parking on the street or in the driveway.
4. With the exception of FAR the proposed structure meets all dimensional requirements including lot coverage and open space.

PETITION NUMBER: #180-13

PETITIONER: Surge Capital Corp.

LOCATION: 20 Burrage Road, Ward 7, on land known as SBL 73, 28, 06, containing approximately 5,771 square feet of land

OWNER: Surge Capital Corp.



ADDRESS OF OWNER: 59 Alexander Road
Newton, MA 02461

TO BE USED FOR: Single-family residence with two-car garage in
basement

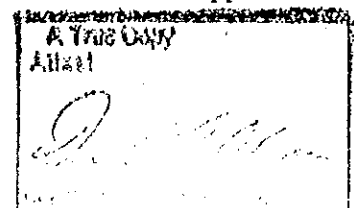
CONSTRUCTION: Wood-frame

EXPLANATORY NOTE: Sections 30-15 Table A, 30-15(u) and 30-15(u)(2) to allow for
a new residence to exceed the maximum FAR of .45 to .48

ZONING: Single-Residence 2 District.

Approved, subject to the following conditions:

1. The areas of the subject property directly related to the uses approved and relief granted through this Special Permit shall be consistent with the following plans:
 - a) Proposed Revised Parking and Garage Plan, not stamped or signed by a professional, but prepared by Alpha Omega Engineering, Inc., dated 4/30/13 and revised on 7/23/13
2. There shall be no parking in the shared driveway.
3. Prior to the issuance of any amendments any existing building permits the petitioner must submit a final stamped site plan for review and approval by the Engineering Division of Public Works.
4. In accordance with the agreement entered into by the petitioner and the owners of 41 Alderwood Road, the Owner of 20 Burrage Road shall comply with the following conditions:
 - a) The area between the driveway and the retaining wall will be kept flat, and without obstruction.
 - b) The shared driveway will be reconstructed so that the driveway will have a six-year warranty. The petitioner and the owner have entered into a cost sharing agreement on file with the Planning Department.
 - c) Costs for snow removal for the shared driveway will be split equally between the owners of 20 Burrage Road and 41 Alderwood Road (the "parties"). The parties shall mutually agree on the selection of a contractor for such work.
 - d) Condition #4b must be completed before the garage doors are installed.
5. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:



- a) Recorded a certified copy of this board order for the approved Special Permit/Site Plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b) Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c) Submitted a revised stamped site plan to the Engineering Division for review and approval.
 - d) Obtained a written statement from the Planning and Development Department that confirms the building permit plans are consistent with plans approved in Condition #1.
6. No Occupancy Permit for the use covered by this Special Permit/Site Plan Approval shall be issued until the petitioners have:
- a) Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b) Submitted to the Department of Inspectional Services, The Engineering Division of Public Works, and the Department of Planning and Development a final as-built survey plan in paper and digital format.
 - c) Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.
 - d) Filed with the Commissioner of Inspectional Services a statement from the Planning Department approving final site features.

Under Suspension of Rules
Readings Waived and Approved
22 yeas 0 nays 1 absent (Alderman Fischman) 1 vacancy

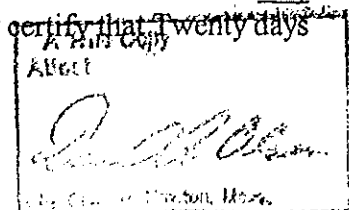
The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on August 14, 2013. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen

I, David A. Olson, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days



have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on 8/14 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen

ATTEST:
[Signature]
Clerk of the Board of Aldermen

**CITY OF NEWTON
ENGINEERING DIVISION**

MEMORANDUM

To: Alderman Mark Laredo, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 20 Burrage Road

Date: November 13, 2014

CC: Lou Taverna, PE City Engineer
Linda Finucane, Associate City Clerk
Alexandria Ananth, Chief Planner
Dan Sexton, Sr. Planner

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

*Proposed Parking Plan
20 Burrage Road
Newton, MA
Prepared by: Alpha Omega Engineering
Dated: 8/12/14*

Executive Summary:

The scale of the plan is incorrect. The single-family dwelling's access for the garage is via a common driveway shared by #15 Burrage, the width of the driveway apron is 26.5-foot measure yesterday during the site visit. The maximum curb cut allowed by the DPW is 22-feet, I met with Commissioner David Turocy who will allow the driveway expansion provided that substandard repairs to the cement sidewalk along the frontage of this property, (see photo) are replaced to City Standards and pedestrian curb cut is installed at the intersection of the Burrage & Alderwood Roads.



Substandard repair

Since the garage is below grade, a drainage system has been installed to capture the runoff before it enters the garage floor; Engineering has no record of the design, nor Inspection of the construction of this drainage system. Engineering is unaware of drainage system's functionality nor maintenance.

In my May 29, 2013 memo (Special Permit review); I had asked for the design calculations & Operations and Maintenance (O&M) plan for the drainage system that was shown on the plan prepared by Alpha Omega Engineering dated: 4/30/'13 & Revised: 5/2/'13 nothing was resubmitted. This is also required now as it is critical that the homeowner performs the proper maintenance. 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.

Drainage:

1. 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.
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 Homeowners Association.

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 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. *This note must be incorporated onto the site plan.*
7. All site work must be completed for a Certificate of Occupancy. *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.