



Setti D. Warren
Mayor

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Department of Planning and Development
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Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	September 7, 2017
Land Use Action Date:	November 28, 2017
City Council Action Date:	December 4, 2017
90-Day Expiration Date:	December 6, 2017

DATE: September 1, 2017

TO: City Council

FROM: Barney Heath, Director of Planning and Development
Neil Cronin, Senior Planner

SUBJECT: **Petition #222-17**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to further extend the existing non-conforming three-story structure at **170-172 Sumner Street**, Ward 6, Newton Centre, on land known as SBL 61, 27, 8A containing approximately 12,023 sf of land in a district zoned MULTI- RESIDENCE 1. Ref: §3.2.3, §7.8.2.C.2, 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.



170-172 Sumner Street

EXECUTIVE SUMMARY

The property located at 170-172 Sumner Street consists of a 12,023 square foot lot improved with a two-family residence circa 1960. The property is located in a Multi-Residence 1 (MR-1) zone in Newton Centre. Due to the average grade of the property, the basement is classified as a story; therefore the structure contains three stories, where 2.5 is the maximum allowed. The petitioners are proposing to construct additions to all three stories which will further increase the nonconformity of the structure, thereby requiring a special permit. If approved, the proposed additions will result in a net increase to the existing structure of 2,170 square feet, for a total of 5,483 square feet built on the lot.

The Planning Department is not concerned with the proposed additions as they are to the rear of the structure and subordinate to the existing building height. In addition, staff notes there are existing three-story structures in the neighborhood and the proposed structure is consistent with the scale of those other structures. Lastly, the structure and lot will comply with the dimensional controls of an old lot in the MR-1 zone. For these reasons, the Planning Department believes the additions, which further increase the nonconformity of the structure, are not substantially more detrimental than the existing nonconforming structure is to the neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

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

- The proposed additions which further extend the existing nonconforming structure is not substantially more detrimental than the existing nonconforming structure is to the neighborhood (§3.2.3 and §7.8.2.C.2).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

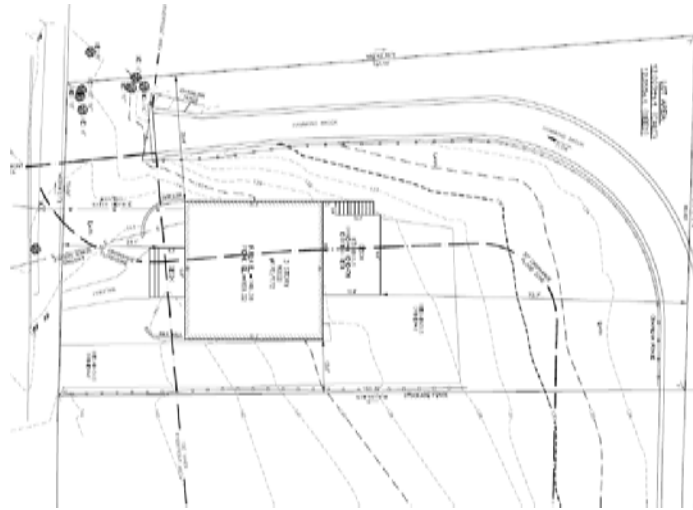
A. Neighborhood and Zoning

The subject property is located on Sumner Street, in an MR-1 district in Newton Centre. To the south and west is the Newton Centre village which contains Public Use as well as Business 1 and Business 2 zoning districts. Staff notes the MR-1 zone is designed to serve as a transition zone between the assorted commercial uses of Newton Centre and the single-family residences to the north and east (**Attachments A & B**).

B. Site

The site consists of 12,023 square feet of land and is improved with a three-story, two-family structure. The dwelling is an example of American Foursquare architecture circa 1960 containing “flat-type” units. The grade of the lot slopes down from the front of the lot towards the rear creating the appearance of a two

story structure from the front, but a three story structure from the sides and rear. There is an existing ten foot wide curb cut at the southwest corner of the site which provides access to an approximately 60 foot long driveway and a 1,280 square foot parking area. The driveway and parking area are partially screened by a six foot privacy fence running along the southern boundary. Lastly, the property abuts Hammond Brook at the rear and left sides. As a result, the property is located within a City of Newton Flood Zone and is classified as "Riverfront Area" per the Massachusetts Wetlands Protection Act.



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site is a two-family residence. The petitioners will redevelop the structure to maintain two units, but will operate the structure as a single-family residence. If the petition is approved, the Planning Department suggests a condition requiring the petitioners to meet all applicable building and life safety codes for a two-family dwelling at build-out.

B. Building and Site Design

The petitioners are seeking to construct a rear addition to all three stories as well as a small addition at the front of the structure. At the rear, the basement addition will contain a three-car garage, while the first and second floors will contain additional living area. As proposed, both units will have living area on the second and third floors.

To construct the rear additions, the existing deck at the rear of the structure will be demolished and the building footprint will be extended approximately 31 feet towards the rear lot line; this extension will decrease the rear yard setback from 73 feet to 48 feet. The Planning Department notes the rear yard includes mature trees

and the grade is below that of the abutters to the rear.

Staff notes that much of the proposed scope of work is to the rear of the existing structure, but the petitioner is also proposing to construct a porch as well as a small addition to the second and third stories at the front of the structure. The additions will convert the American Foursquare structure into a Greek Revival structure exhibiting a full width porch, gable ends, and classical columns. The porch, along with the existing structure and proposed bay window at the right side of the structure, will also create an articulated façade, adding interest from the street. In total, the addition will add 156 square feet to the second and third floors at the front of the structure.



Existing Front Elevation



Proposed Front Elevation

The existing structure is 29 feet tall, while the height of the addition will reach a height of 32 feet. Staff notes that although the addition is taller from the average grade, it is subordinate in height to the existing structure. This is due to the change in grade as the lot slopes down from the street. To avoid the look of a continual wall plane, the left and right sides of the structure will feature bay windows. In addition, two decks at the rear of the structure will help break up the façade because one deck will be visible from each side. These decks are accessed at the second and third floors of the structure and do not connect.



Proposed Right Elevation

If the project is approved, addition will enlarge the existing house by 2,170 square feet, for a total of 5,483 square feet built on the lot. The Planning Department believes the structure will be consistent with the scale of other structures in the neighborhood. Additionally, the site will remain compliant with all dimensional controls of the MR-1 zone, including FAR and height.

C. Parking and Circulation

Currently there is no garage on site. As a result, the four vehicles associated with the two-family structure utilize the driveway and the 1,280 paved area at the rear of the structure for parking. The petitioner is proposing to construct a three-car garage in the first floor of the addition; the remaining car will park in the driveway. Staff notes the garage does house three vehicles, but is less than 700 square feet; therefore, not requiring relief from the NZO.

D. Landscape Screening

The petitioners are required to install 920 square feet of mitigation plantings at the rear of the structure per the Conservation Commission's Order of Conditions (**Attachment C**). Otherwise, the petitioner is not proposing any landscaping for the site. Staff notes the front of the structure is partially screened by two street trees and there is some existing vegetation at the northwest corner of the site to the left of the dwelling.

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

- §3.2.3, and §7.8.2.C.2 of Section 30, to further increase the nonconforming number of stories.

B. Engineering Review

Associated City Engineer, John Daghlian, reviewed this project and provided a brief analysis (**Attachment E**). The Engineering Division of Public Works will review this project again for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit, should this project be approved.

C. Historic Review

Since the petitioners are seeking to demolish more than 50% of a side of the structure, which is more than 50 years old, the petition required review from the Newton Historical Commission (NHC). On May 10, 2017 NHC found the structure "Not Historically Significant"; therefore further review is not required.

D. Conservation Commission Review

The subject property is located within a City of Newton Flood zone and much of the lot is classified as "Riverfront Area" per the Massachusetts Wetlands Protection Act. The petition was approved by Conservation Commission at the March 2, 2017 meeting. The Commission conditioned the approval on the 920 square feet of mitigation plantings at the rear of the structure to enhance the wildlife value of the corridor. In addition, the Commission required that the area under the cantilevered deck remain "non-degraded" area. Therefore, the space under the deck must remain natural and not be used for storage, parking, etc.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.




ATTACHMENTS:

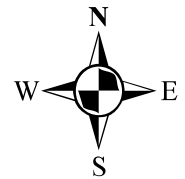
- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Conservation Commission Order of Conditions
- Attachment D:** Zoning Review Memorandum
- Attachment E:** Engineering Review Memorandum
- Attachment F:** Draft Council Order

Attachment A Zoning Map Sumner St., 170-172

*City of Newton,
Massachusetts*

Legend

-  Single Residence 2
-  Multi-Residence 1
-  Multi-Residence 2
-  Business 1
-  Business 2
-  Public Use
-  Building Outlines
-  Surface Water
-  Property Boundaries

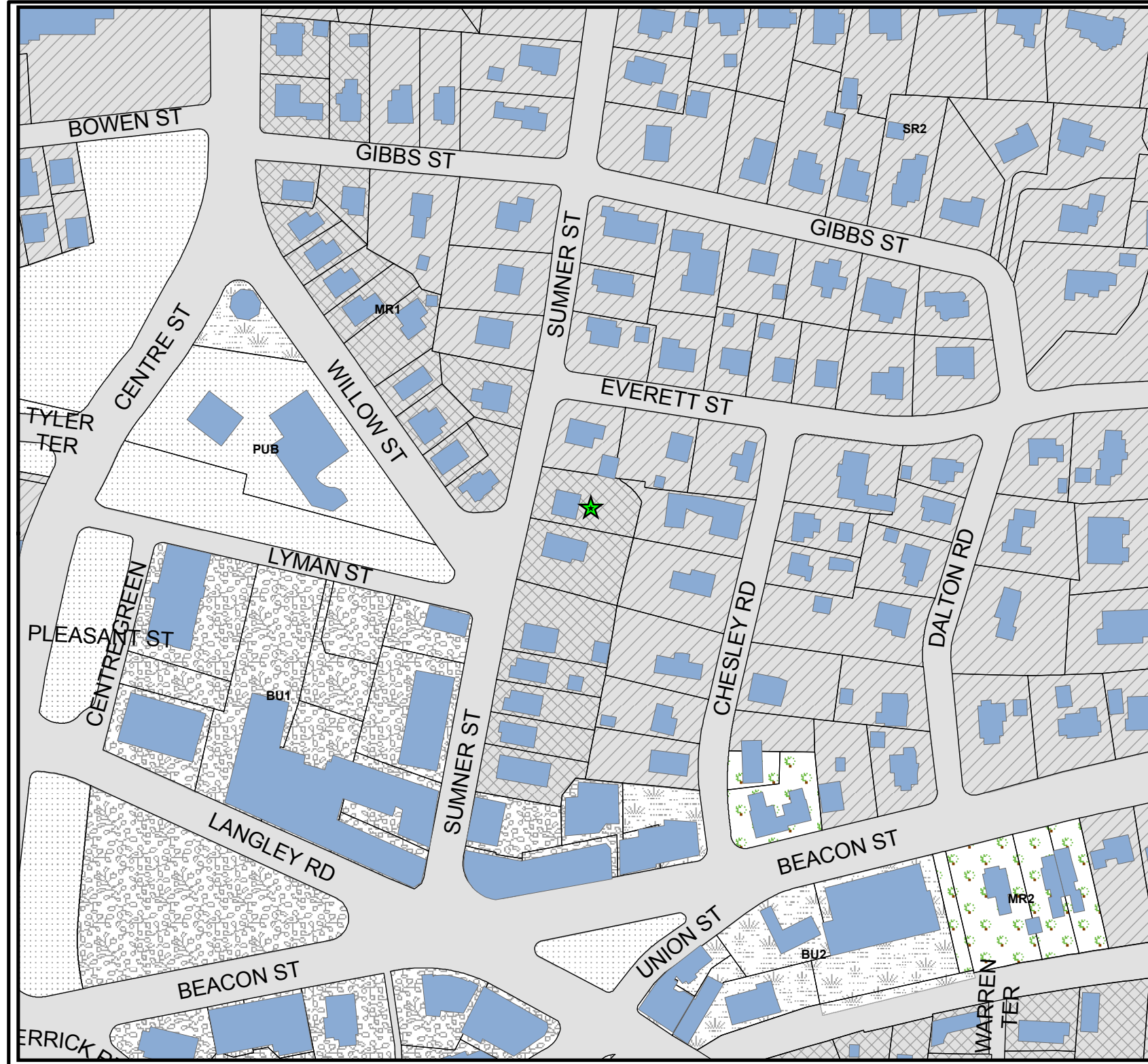


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

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Feet

Map Date: August 17, 2017











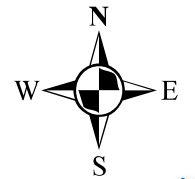
Attachment B Land Use Map Sumner St., 170-172 City of Newton, Massachusetts

Legend

Land Use

Land Use

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

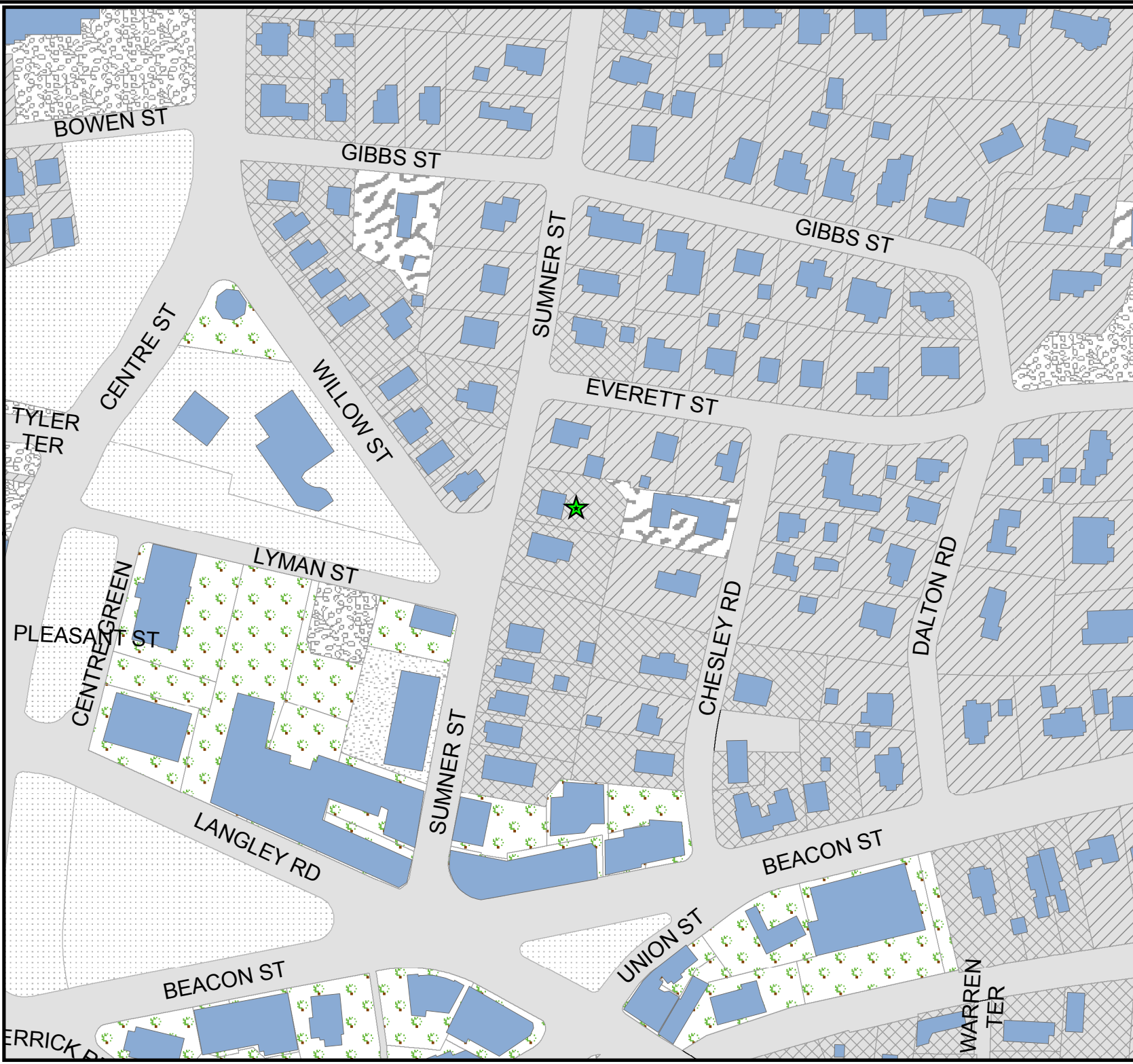


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Attachment C

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Barney S. Heath
Director

March 3, 2017

Yang Su and Yu Zheng
170-172 Sumner St.
Newton, MA 02459

RE: Order of Conditions and
Certificate of Understanding
Site: 170-172 Sumner St.
DEP#: 239-777

Dear Mr/Ms. Su and Zheng:

Enclosed you will find the Order of Conditions (the Order) issued pursuant to the Wetlands Protection Act, General Laws, Ch. 131, Sec. 40 and pursuant to the Newton Floodplain/Watershed Protection Ordinance, Section 22-22, for the above-referenced project.

No work on the project may begin until the following requirements have been satisfied:

- You have read and understand the enclosed Order of Conditions (especially Newton's Findings and Special Conditions). It is the responsibility of the owner/applicant to ensure that all conditions and approved plans are complied with. Deviation from the approved plans or conditions may result in a stop work order or further enforcement, as well as the inability to obtain a Certificate of Compliance at project completion. Special Conditions include, but are not limited to:
 - a. The applicant must schedule a pre-construction site visit to review construction activities must be scheduled with the Conservation office at which time sediment controls around the site and for the stockpile area must be installed, DEP File number sign must be in place, and Proof of Recording must have been received
 - b. Landscape plantings within Commission jurisdiction must be installed in compliance with the approved plans on or before the first fall after the foundation is poured.
 - c. The area under the cantilevered deck shall not be enclosed or used for storage.
- The owner has signed and returned to me the attached Certificate of Understanding.
- The 10-business day appeal period had elapsed. The appeal period begins on the date of issue (pages 1 and 11 of the Order).
- You have recorded the original Order and Newton's Special Conditions at the Middlesex South Registry of Deeds and have forwarded proof of recording to the Conservation Commission and to the Building Department. The Order is not valid until it is recorded.
- The DEP file-number sign has been erected at the project entrance (see Condition 10 of the Order).
- You have contacted the Conservation office to arrange for a "pre-construction site visit" to inspect and approve erosion controls, to submit the name(s) and phone number(s) of the parties responsible for work on the site (e.g., contractor, erosion control monitors, field engineer, and wetland scientist), and to discuss other matters of construction as applicable.

Upon completion of the project, you must:

- Submit a "Request for a Certificate of Compliance" (state WPA Form 8a),
- Submit a letter from an engineer stating that the project was completed in substantial compliance with the order and plans.
- Submit an engineer-stamped and signed "as-built plan"
- Submit a letter from a landscaper stating that the project was completed in substantial compliance with the plans.
- Record your Certificate of Compliance at the Middlesex South Registry of Deeds (& send proof of recording to Cons. Office)

If you have any questions, please don't hesitate to contact the office at 617-796-1134.

For the Commission,
Jennifer Steel, Sr. Environmental Planner

Enclosures: Order of Conditions

Certificate of Understanding

CC: Wetlands Division, DEP - NERO, 205B Lowell St., Wilmington, MA 01887

Findings and Special Conditions of the Newton Conservation Commission
DEP #239-777, 170-172 Sumner St, addition and deck

Findings (considered as and given equal status as special conditions)

- Owner: Yang Su and Yu Zheng
- Applicant: Yang Su and Yu Sheng
- Representative: John Rockwood, EcoTec
- In case of emergencies, problems, or questions, contact: Jennifer Steel: 617-796-1134.
- Existing Conditions: 2-family home, asphalt driveway, deck, lawn
- Jurisdiction, Performance Standards, and Ecological Issues:
 - City Flood Zone: 30 foot wide flood zone was re-interpreted by the Conservation Commission to coincide, probably, with the 136.0' CNVD contour.
 - Riverfront Area: Covers the majority of the lot. Much of the project is construction over existing pavement and so must meet redevelopment standards, but the "cantilevered" bump outs, some of the driveway, some of the addition, and the deck are new development within the Riverfront Area.
 - The area under the cantilevered deck shall for all purposes be considered to be non-degraded area under 310 CMR 10.58 (4) and (5).
 - 920 sf of mitigation planting have been proposed and approved under 310 CMR 10.58 (5).
 - Stormwater Management Standards do not apply.
- Conclusion: The project represents a minor expansion of the developed footprint of the site (the deck and cantilevered second story), but a significant expansion of the developed mass on the site. The currently limited wildlife value of the stream corridor will be enhanced by the proposed mitigation planting.
- Approved Project:
 - Project Purpose: The project is an expansion of living space and creation of a garage.
 - Permitted Activities:
 - Construction of an addition on a full foundation, and cantilevered deck and 1st/2nd story "bump outs".
 - Construction period protective measures include: Compost socks and sediment fence as sediment control.
- Final Approved Plans:
 - Topographic Site Plan, Newton, Proposed Conditions at 170-172 Sumner St., Sheet 2 of 2, prepared by VTP Associates, stamped and signed by Joe Porter, dated January 31, 2017.
- Plan Revisions
 - The Newton Conservation Commission shall retain the right to require the submittal of additional information or additional construction measures deemed necessary to ensure the protection of wetland resource areas
 - Any required or desired deviations from this plan shall be requested in writing of the Commission Office, who shall determine if said changes require filing a new Notice of Intent.
 - When plans are updated it is the responsibility of the applicant to provide all City Departments involved in the permitting and approval process complete and consistent plans.

Newton's Conditions (Note: Violation of any condition stated herein may result in Enforcement Action.)

Conditions Specific to this Project

21. Prior to the start of work

- a. The applicant must schedule a pre-construction site visit to review construction activities must be scheduled with the Conservation office with:
 - i. Applicant or Applicant's Representative(s)
 - ii. Applicant's Construction Supervisor (person responsible for compliance with this Order and who may be held jointly responsible for any violations and the penalties under the law for said violations)
 - iii. Applicant's Contractor(s)
 - iv. Agent(s) of the Commission

At the pre-construction site visit the following will be checked by an agent of the Conservation Commission:

- v. Sedimentation/erosion controls are properly installed in the correct locations – Limit of Work Line and catch basin protection.
- vi. The stockpile area which shall be established with properly installed compost sock and sediment fence.
- vii. DEP File number sign of minimum size 2'x2' shall be displayed clearly visible from the street
- viii. Proof of Recording the Order has been supplied to the Conservation office

Findings and Special Conditions of the Newton Conservation Commission
DEP #239-777, 170-172 Sumner St, addition and deck

- ix. Contact information for those responsible for construction, sediment controls, and landscaping has been supplied to the Conservation office
 - x. Anticipated timeline has been supplied to the Conservation office
22. Landscape plantings within Commission jurisdiction must:
- a. Be installed in compliance with the approved plans. Permanent bounds must be set as per the plans. Desired deviations from the approved plans must be approved by the Conservation office in advance
 - b. Occur on or before the first fall after the foundation is poured.
 - c. Survive over 75% of the planting area for 2 growing seasons for a Certificate of Compliance to be granted
23. The area under the cantilevered deck:
- d. shall not be enclosed with lattice or walls
 - e. shall not be used for storage
 - f. shall be maintained in a vegetated manner (lawn or plantings).

Perpetual Conditions Specific to this Project that shall not expire upon completion of the project or the issuance of a Certificate of Compliance

- 24. Required mitigation planting area shall be maintained in perpetuity in its predominantly natural condition as per 310 CMR 10.58(5).
- 25. The area under the cantilevered deck, shall for all purposes be considered to be non-degraded area under 310 CMR 10.58 (4) and (5) and:
 - g. shall not be enclosed with lattice or walls
 - h. shall not be used for storage
 - i. shall be maintained in a vegetated manner (lawn or plantings).

Prohibitions Specific to this Project

- a. No activities shall damage or deposit any material in the stream.

Before Work Begins

- 26. Before any work on-site begins, all other applicable federal, state &/or local permits and/or approvals must be obtained.
- 27. Notice shall be given to the Newton Conservation Commission no less than two (2) business days prior to the commencement of construction activities.
- 28. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The Applicant shall assure that all contractors, subcontractor and other personnel performing the permitted work are fully aware of the permit's terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions. Nothing in this paragraph shall limit or restrict the liability of the Applicant for violations of this Order.

During Construction

- 29. Appropriate erosion control measures must be installed, inspected, and maintained during the construction period until the site is stable. Erosion control measures shall be installed as shown on the approved Plan and shall indicate the limit of work. Earth shall not be backfilled against or allowed to overtop erosion control barriers. Silt and sand accumulating behind said barriers shall be removed regularly. If a breach of the erosion control barriers occurs, the Newton Conservation Commission shall be notified, and measures shall be taken to remediate said breach under the guidance of the Commission. All soils must be contained on the site. City streets shall be kept clean and catch basins in the immediate area shall be protected from eroding soils. Hay bales, for any purpose without explicit permission from the Commission, are prohibited by this Order. An adequate supply of extra erosion control materials shall be stored on-site at all times for repair or replacement. Erosion control barriers shall remain in place until a Certificate of Compliance is issued for said work or upon written authorization from the Newton Conservation Commission.
- 30. The applicant shall ensure that throughout the construction period, all measures necessary to prevent any damage to the wetland resource area are taken. Should any damage occur during the course of the project, the applicant,

Findings and Special Conditions of the Newton Conservation Commission
DEP #239-777, 170-172 Sumner St, addition and deck

any successor in interest, or successor in control shall be responsible for and bear the full cost of restoration of the wetland to the satisfaction of the Conservation Commission.

31. A copy of the approved plans and Order of Conditions shall be kept on-site and available for review at all times. All contractors are expected to adhere to the approved plan and these Conditions.
32. "Good housekeeping practices" shall be implemented at all times, including:
 - a. appropriate limits to discharges within a Resource Area, Buffer Zone, or an area leading to a stormwater conveyance system
 - b. appropriate stockpile area management
 - c. appropriate limits to vehicle refueling, washing, etc.
 - d. appropriate litter management
 - e. appropriate controls for tire tracking
33. During the construction period and prior to issuance of a Certificate of Compliance, members and agents of the Conservation Commission shall have the right to inspect the applicant's project to evaluate compliance with the approved plans and these conditions.
34. Work shall be immediately halted on the site if an Agent of the Commission or DEP determines that any of the work is not in compliance with this Order of Conditions or Special Conditions.

Upon Completion of the Project

35. Upon completion of the project, all exposed soil areas shall be stabilized and re-vegetated. Any excess spoil material which is to remain on Applicant's premises and all areas of disturbed soil shall be left stabilized with mulch, grass or other plantings and protected against erosion and sedimentation. All materials not to remain on Applicant's premises shall be removed from said premises and disposed of in a legal manner.
36. Upon completion of the project, the Conservation Office shall be notified, and permission to remove sediment barriers and the DEP file number sign shall be sought.
37. No Certificate of Occupancy shall be approved by Conservation unless a Certificate of Compliance has been issued or the request receives the written approval of the Sr. Environmental Planner.
38. Upon completion of the project, the applicant must apply for a Certificate of Compliance in accordance with DEP Condition #12, by submitting:
 - a. A completed "Request for Certificate of Compliance (WPA Form 8A)."
 - b. A written statement from a Professional Engineer registered in Massachusetts certifying that the work has been completed in substantial compliance with this Order of Conditions and the approved plans referenced herein (or approved revisions). If the completed work differs from that in the approved plans and conditions, the report must specify how the project differs.
 - c. An as-built plan signed and stamped by a professional land surveyor registered in Massachusetts. This plan will include all structures, grading (topography), drainage, and landscape features and plantings.
 - d. A letter from a landscaper certifying compliance with the approved planting scheme. A Certificate of Compliance shall not be issued until after two growing seasons after plantings have been installed and found to be well established.



Setti D. Warren
Mayor

Attachment D

City of Newton, Massachusetts
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: June 29, 2017

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Peter Sachs, architect
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to extend an existing nonconforming three-story two-family dwelling

Applicant: Su Yahg & Zheng Yu	
Site: 170-172 Sumner Street	SBL: 61027 0008A
Zoning: MR1	Lot Area: 12,023 square feet
Current use: Two-family dwelling	Proposed use: No change

BACKGROUND:

The property at 170-172 Sumner Street consists of a 12,023 square foot lot located in the MR1 zoning district improved with a two-family dwelling constructed in 1960 on an old lot. The existing structure is nonconforming with three stories, where 2.5 is the maximum allowed by right. The applicant proposes to construct a three-story rear addition, converting the existing structure into a single unit and replacing the second unit above a new three-car attached garage, and a master bedroom for the first unit above the second unit. The proposed additions further increase the existing nonconforming three-story structure.

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

- Zoning Review Application, prepared by Peter Sachs, submitted 5/18/2017
- Site Plan, signed and stamped by Joseph R. Porter, surveyor, dated 1/31/2016, revised 5/23/2017
- Architectural Plans, prepared by Peter Sachs, architect, dated 5/18/2017

ADMINISTRATIVE DETERMINATIONS:

1. The site is currently improved with a nonconforming three-story two-family dwelling constructed in 1960. Per Section 3.2.3, the maximum number of stories allowed by right is 2.5; a special permit is required for three stories. The applicant proposes to add a three-story rear addition, further extending the nonconforming three-story structure. Per Section 3.2.3, the existing three-story structure is nonconforming, and requires a special permit to further extend it.

MR1 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	12,023 square feet	No change
Frontage	70	75 feet	No change
Setbacks			
• Front	20.9 feet	23.1 feet	21.2 feet
• Side	7.5 feet	13 feet	9.8 feet
• Rear	15 feet	77.7 feet	48.1 feet
Height	36 feet	29.13 feet	32.11 feet
FAR	.48	.28	.46
Max Lot Coverage	30%	10.8%	18.7%
Min. Open Space	50%	69.7%	70.4%*

*the addition of the garage eliminates some surface paving thus increasing the open space

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.2.3 §7.8.2.C.2	Request to further extend the existing nonconforming three story structure	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

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Council Marc Laredo, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 170-172 Sumner Street

Date: July 28, 2017

CC: Lou Taverna, PE City Engineer
Nadia Khan, Committee Clerk
Jennifer Steel, Sr. Environmental Planner
Neil Cronin, Sr. Planner

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

*Topographic Site Plan
Newton, MA
Showing Proposed Conditions at
#170-172 Sumner Street
Prepared By; VTP Associates, Inc.
Dated: January 31, 2016
Revised: May 23, 2017*

Executive Summary:

The existing two-family unit sited on a 12,023 square foot (0.27 acre) lot has submitted a permit to add a 3-story addition to the rear of the existing dwelling (see photo next page).

The proposed addition is to be placed on exiting area that is currently impervious (paved parking lot). Based on the calculation provided by the engineer of record and the current Stormwater Policy no stormwater runoff collection system is required; however, DPW encourages recycling of runoff and utilized for lawns and garden, I strongly encourage that the applicant utilize rain barrels to capture and re-use the rain water on site.



Rear elevation of existing 2 family unit

The site is traversed by Hammond Brook, a portion of the addition and site grading is within the 30-foot Flood Plain (set by City Ordinance) therefore; before the Special Permit is approved, the applicant needs to file with the Conservation Commission to ensure that if the plans are altered by requirements of the Commission, they are reflected on the Special Permit plan set for consistency.

A proposed retaining wall is to be constructed along the southern property line, the walls height averages 2-feet, details of the wall construction and materials will be needed for evaluation, is a fence to be installed above the wall to act as a buffer between the two properties?

If the existing units are to be renovated or gutted, then the water and sewer service(s) that date back to 1960 will need to be upgraded to current standards.

As a public benefit the applicant shall update the existing driveway apron and sidewalks since the driveway will be updated.



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.

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. Any tree removal shall comply with the City's Tree Ordinance.
 3. The applicant will have to apply for Sidewalk Crossing permit with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
 4. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
 5. 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.*
 6. All site work including trench restoration must be completed before a Certificate of Occupancy is issued. *This note must be incorporated onto the final contract plans.*

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.

CITY OF NEWTON
IN CITY COUNCIL

September 11, 2017

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, 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, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to further increase the nonconformity of a structure with three stories, where 2.5 is the maximum allowed by right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The proposed addition which further increases the nonconforming number of stories will not be substantially more detrimental than the existing nonconforming structure is to the surrounding neighborhood because the topography of the neighborhood is such that, three story structures exist in the area and the property will remain compliant with all dimensional controls of the Multi-Residence 1 zone, including FAR and building height (§3.2.3 and §7.8.2.C.2).

PETITION NUMBER: #222-17

PETITIONER: Su Yang and Zheng Yu

LOCATION: 170-172 Sumner Street, on land known as Section 61, Block 27, Lot 8A, containing approximately 12,023 square feet of land

OWNERS: Su Yang and Zheng Yu

ADDRESS OF OWNER: 170-172 Sumner Street
Newton, MA 02459

TO BE USED FOR: Two-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.2.3 and §7.8.2.C.2, to further increase the nonconforming number of stories

ZONING: Multi-Residence 1 district

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. Site Plan, signed and stamped by Joseph R. Porter, Professional Land Surveyor, dated 1/31/2016 revised 5/23/2017
 - b. Architectural Plans and Elevations, signed and stamped by Peter Sachs, Registered Architect, last revised 5/18/2017, consisting of nineteen (19) sheets:
 - i. A-0 Title Sheet
 - ii. A-1 Proposed First Floor Plan
 - iii. A-2 Proposed Second Floor Plan
 - iv. A-3 Proposed Third Floor Plan
 - v. A-4 Proposed Roof Plan
 - vi. A-5 Proposed Front Elevation
 - vii. A-6 Proposed Right Elevation
 - viii. A-7 Proposed Rear Elevation
 - ix. A-8 Proposed Left Elevation
 - x. A-9 Cross Section
 - xi. EX-1 Existing First Floor Plan
 - xii. EX-2 Existing Second Floor Plan
 - xiii. EX-3 Existing Third Floor Plan
 - xiv. EX-4 Existing Roof Floor Plan
 - xv. EX-5 Existing Front Elevation
 - xvi. EX-6 Existing Right Elevation
 - xvii. EX-7 Existing Rear Elevation
 - xviii. EX-8 Existing Left Elevation
 - xix. EX-9 Diagrammatic Section
2. The petitioner shall update the water and sewer utilities to modern standards.
3. The petitioner shall construct the additions to comply with all applicable building, fire, and life safety codes for a two-family dwelling.
4. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - 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. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - d. Received approval for the project from the Conservation Commission.
 - e. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
5. No Final Inspection/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 land surveyor certifying compliance with Condition #1.
 - b. Filed with the Clerk of the Board, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Board Order have been constructed to the standards of the City of Newton Engineering Department.
 - c. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
6. Notwithstanding the provisions of #5 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the site prior to the installation of final landscaping provided that the petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining site work to secure installation of such landscaping.