



Setti D. Warren
Mayor

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

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


James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: July 14, 2015
Land Use Action Date: September 10, 2015
Board of Aldermen Action Date: October 5, 2015
90-Day Expiration Date: October 13, 2015

DATE: July 10, 2015

TO: Board of Aldermen

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

SUBJECT: **Petition #150-15**, ANTHONY DEPASQUALE, petition for SPECIAL PERMIT/SITE PLAN APPROVAL to change an existing nonconforming use to another nonconforming use in order to convert an existing clubhouse to a multi-family dwelling with five units and to waive one parking stall and to allow parking within the front setback at **15 South Gate Park**, Ward 3, on land known as SBL 33, 31, 9, containing approximately 14,120 square feet of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, and 30-21(b), 30-19(d)(2), (g)(1), and (m) and 30-24(f) 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.



15 South Gate Park

EXECUTIVE SUMMARY

The property at 15 South Gate Park consists of 14,120 square feet of land, improved with a two-story building constructed in 1920 as a social club. The former social club was an existing nonconforming use. The petitioner proposes to reuse the existing structure and to add dormers to create five residential units with six to eight parking stalls located in a garage beneath the building and three surface parking stalls. The petitioner is seeking a special permit to allow a multi-family dwelling, to waive one parking stall, and to allow parking in the setback. The Newton Historical Commission (NHC) waived the demolition delay based on the proposed site and architectural plans.

The Planning Department supports this project as it will preserve and restore the existing building, while also providing small residential units ranging from 460 to 1,709 square feet, including one universally accessible unit and one inclusionary housing unit. The Planning Department recommends that the accessible unit is listed on the Massachusetts Housing Access Registry (MassAccess). The proposed site plan will improve the site by adding new landscaping over currently impervious surfaces and by locating most of the parking underground.

The petitioner should address whether a signal is proposed for the garage entrance/exit since the ramp is only wide enough for one-way traffic, and should address the Associate City Engineer's concern regarding the slope of the proposed ramp and maneuverability of vehicles. The Planning Department also recommended to the petitioner that they stake the proposed driveway/ramp to the below grade parking to help visualize its location in relation to the adjacent property. If the special permit is approved, the petitioner will need to work with the City staff to meet the inclusionary housing requirements.

The petitioner indicated that there will be a minor modification to the site plan because the NHC requested the handicap access in the front of the building be redesigned. The petitioner indicated that the final plans would not be ready for inclusion in this memorandum and will be provided in a subsequent submittal.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- Literal compliance with the parking requirements is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest. (§30-19(m))
- The proposed use will not be substantially more detrimental than the existing nonconforming use is to the neighborhood. (§30-21(b))

- The specific site is an appropriate location for the proposed multi-family dwelling. (§30-24(d)(1))
- The proposed multi-family dwelling as developed and operated will not adversely affect the neighborhood. (§30-24(d)(2))
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§30-24(d)(3))
- Access to the site over streets is appropriate for the types and number of vehicles involved. (§30-24(d)(4))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located at the corner of South and North Gate Park off of Waltham Street. The land uses in the surrounding neighborhood consist of single-family and multi-family dwellings (**ATTACHMENT A**). The zoning district in the surrounding neighborhood is Single-Residence 3 (**ATTACHMENT B**).

B. Site

The site consists of 14,120 square feet of land, improved with a clubhouse constructed in approximately 1920 and surface parking areas. The site is located on the corner and wraps around to South Gate Park and North Gate Park. The site was originally part of a larger parcel before it was subdivided in 1946.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The petitioner is proposing to convert the existing clubhouse, which ceased operations in 2014, into a five-unit multi-family dwelling with parking below the building. The proposed units will range from 460 to 1,709 square feet and will include one universally accessible unit and one inclusionary housing unit.

The Planning Department does not have any concerns with the proposed multi-family use, as the site is located in a residential neighborhood with single-family and multi-family dwellings. The project will create reasonably sized one and two-bedroom units and will have a negligible impact on the surrounding neighborhood.

B. Building and Site Design

The petitioner is proposing to add a dormer to the rear of the existing structure and

to make other modifications to the façade (e.g. doors, windows, stairs), with the overall intent of preserving and restoring the existing structure. The petitioner is also proposing to locate six to eight parking stalls in an underground garage in the basement of the structure, two surface parking stalls on the south side of the site, and one van-accessible parking stall adjacent to the universally accessible unit. The Planning Department recommends the garage scheme with six below-grade parking stalls, as this would ensure adequate maneuvering space while still providing a total of nine parking stalls where ten are required by the Newton Zoning Ordinance.

The proposed garage will be accessed by a new driveway/ramp on the north side of the site. The Planning Department requested that the petitioner stake the driveway in order to provide a visual understanding of its location in relation to the adjacent property. The new driveway will be setback from the property line by approximately four feet and will require removing multiple trees. The petitioner should explain whether they will be implementing a signal at the garage entrance to minimize potential conflicts between vehicles entering and exiting the garage.

The petitioner is proposing to replace the currently paved area (not planned for driveways and parking stalls) with grass and vegetation and to construct concrete sidewalks along the front of the property, which will be a significant improvement to the site. Finally, the petitioner will regrade the portion of the site proximate to the accessible unit to create a ramp that will limit the visual impact on the streetscape, which was requested by the NHC. The petitioner should provide an elevation to illustrate the ramp.

C. Landscape Screening

Based on the site plan it appears that the petitioner will remove multiple trees on the north side of the site in order to create the driveway/ramp to the below grade parking, but will be adding lawn and vegetation on other parts of the site that is currently surface parking. The petitioner should consider whether new trees could be planted between the ramp/driveway and the rear property line to provide screening for the abutter. However, the Planning Department acknowledges that this may be challenging given the available space. The petitioner should provide a landscape plan that shows the proposed lawn areas, landscaping, and fencing.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum (**ATTACHMENT C**) provides an analysis of the proposal with regard to zoning. The petitioner is seeking the following reliefs:

- §30-21(b), to change a nonconforming clubhouse to a multifamily dwelling use
- §30-19(d)(2), to waive one parking stall
- §30-19(g)(1) and §30-19(m), to locate parking in the setback
- §30-24(f), Inclusionary housing requirements

B. Engineering Review

The Engineering Division Memorandum, (**ATTACHMENT D**), provides an analysis of the proposal with regard to engineering issues. The petitioner should address the concerns raised in the summary of the memorandum, some of which may be answered prior to the issuance of building permit, if approved.

C. Newton Historical Commission

The NHC found the existing structure preferably preserved but waived the demolition delay based on the proposed plans (**ATTACHMENT E**). The NHC was enthusiastic about the project and the ability to restore the structure. The NHC requested that the petitioner redesign the handicap ramp in the front of the building.

V. PETITIONER'S RESPONSIBILITIES

Prior to being scheduled for a continued public hearing/working session, the petitioner should address and/or provide information regarding the following:

- Whether a signal is proposed at the garage entrance;
- A landscape plan showing lawn areas, vegetation, fencing;
- Illustration of the handicap ramp on the front of the building;
- Any proposed revisions to the site plan;
- Issues raised by the Engineering Department, including the proposed slope of the ramp to the below grade parking and the maneuvering ability of vehicles.

ATTACHMENTS:

- Attachment A:** Land Use Map
Attachment B: Zoning Map
Attachment C: Zoning Review Memorandum
Attachment D: Engineering Division Memorandum
Attachment E: Newton Historical Commission Decision

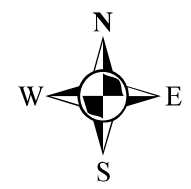
Land Use Map 15 South Gate Park

City of Newton,
Massachusetts

Legend

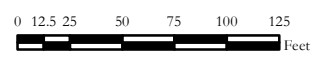
- Single Family Residential
- Multi-Family Residential
- Open Space
- Nonprofit Organizations

ATTACHMENT A

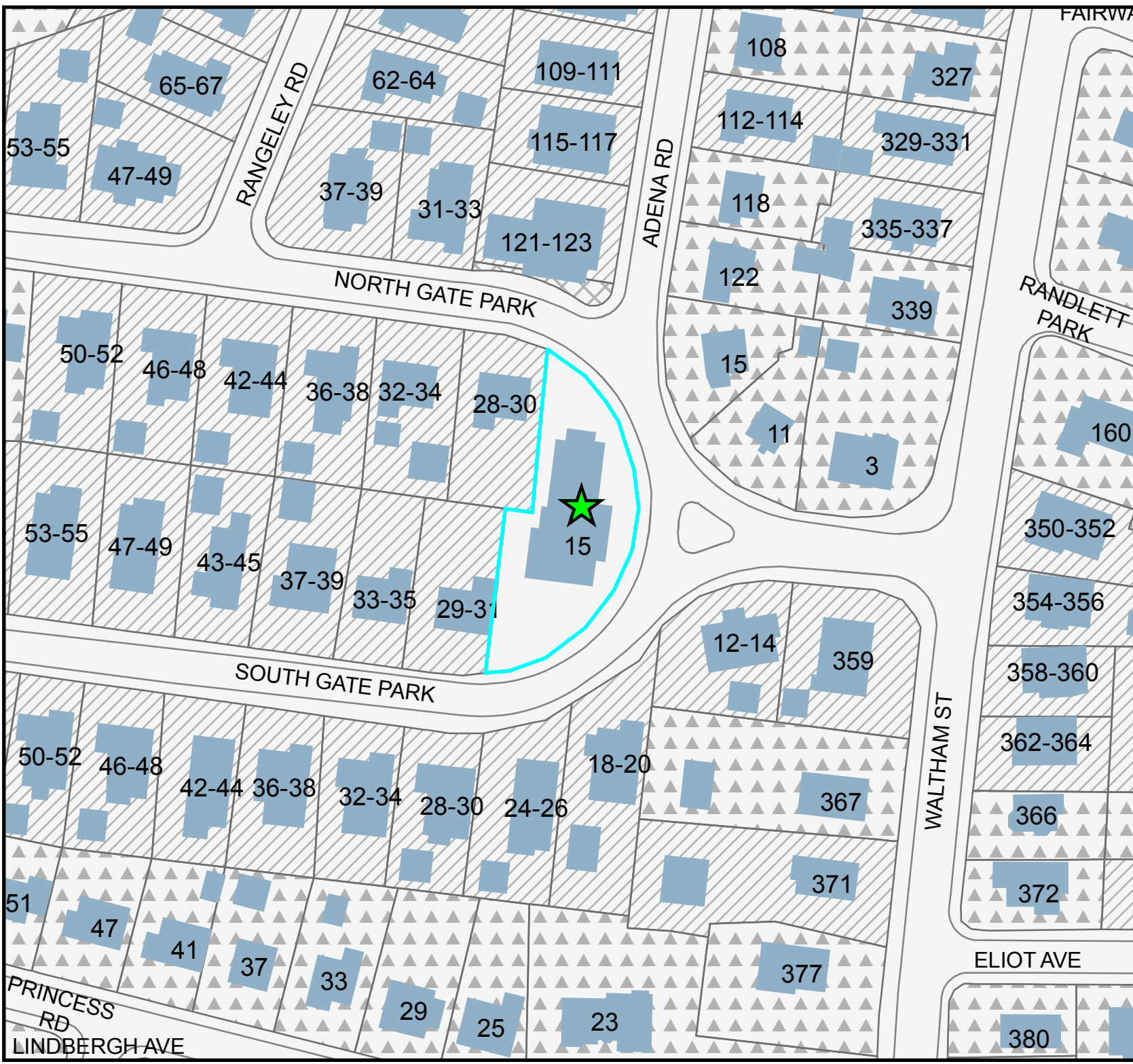


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: July 01, 2015



Zoning Map 15 South Gate Park

City of Newton,
Massachusetts

Legend

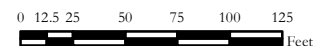
- Single Residence 2
- Single Residence 3

ATTACHMENT B

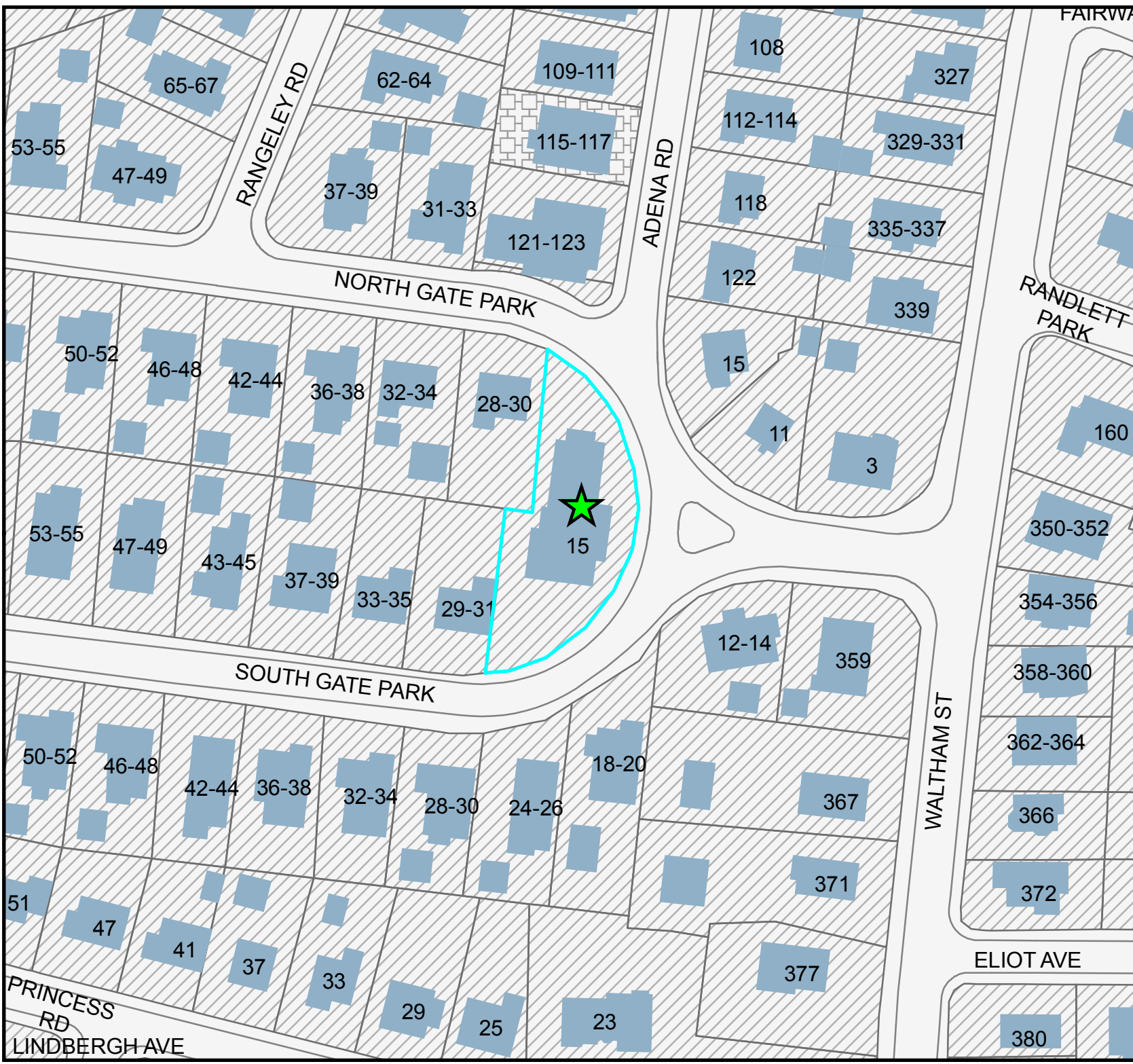


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CITY OF NEWTON, MASSACHUSETTS
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Map Date: July 01, 2015





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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: June 8, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Terrence P. Morris, Attorney
Anthony DePasquale, Applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to change a nonconforming clubhouse use to a multi-family dwelling use in a Single Residence 3 district, to waive one parking stall, and to locate parking within a front setback

Applicant: Anthony DePasquale	
Site: 15 South Gate Park	SBL: 33031 0009
Zoning: SR3	Lot Area: 14,120 square feet
Current use: Clubhouse for Knights of Columbus	Proposed use: 5-unit multi-family dwelling

BACKGROUND:

The property at 15 South Gate Park is improved with a clubhouse constructed in 1920 as a social club called The North Gate Club. The structure was sold in 1924 to the International Order of Odd Fellows, who operated it as a fraternal club until 1954, when it was sold to the Knights of Columbus. The Knights of Columbus operated it as a Fraternal Benevolent Association until 2014, when it was acquired by the current owner.

The property was originally 41,500 square feet. A 1946 variance for a subdivision created four house lots and the remaining 14,120 square foot subject property.

A clubhouse currently requires a special permit, however the use of the property predates this requirement, and is therefore a nonconforming use in the Single Residence 3 district. The applicant proposes to convert the existing clubhouse building into five residential units with six parking stalls garaged beneath the building and three surface stalls. One of the units will be universally accessible,

with an associated accessible parking stall. The units range in size from 450 square feet to 1,709 square feet.

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

- Zoning Review Application, prepared Terry Morris, attorney, dated 4/27/2015
- Existing conditions site plan, signed and stamped by Verne T. Porter, surveyor, dated 11/4/2014
- Photos
- Architectural drawings, signed and stamped by Ron Jarek, architect, dated 4/22/2015
 - Proposed basement floor plan
 - Proposed first floor plan
 - Proposed second floor plan
 - Proposed attic plan
 - Proposed roof plan
 - Proposed front elevation
 - Proposed right side elevation
 - Proposed left side elevation
 - Proposed rear elevation
 - Proposed cross section
 - Typical sections and details
 - Existing basement floor plan
 - Existing elevations

ADMINISTRATIVE DETERMINATIONS:

1. The property was the site of a social club, the North Gate Club, and then later the Knights of Columbus. A club or clubhouse requires a special permit in the SR3 district per Section 30-8(b)(5). The clubhouse use predates zoning, and is legally nonconforming.

The applicant intends to convert the existing structure into five residential units. A multi-family dwelling is not permitted in this district.

To convert the existing structure to a five-unit multi-family dwelling requires a special permit to change from one nonconforming use to another, per Section 30-21(b).

2. The five proposed dwelling units will require ten parking stalls per Section 30-19(d)(2), which requires two stalls for each dwelling unit. The applicant is proposing to create a basement level parking facility with six stalls and bicycle parking. Two surface stalls are proposed for the southern portion of the property, as well as one accessible surface stall on the north side for use by the accessible unit.

A total of nine parking stalls are proposed for the site, where ten are required. Given the relatively small size of the some of the units, a waiver of one stall is requested.

3. Section 30-19(g)(1) requires that no parking be located within any setback distances from a street or sidelines. The surface parking stalls proposed at the southern end of the property are within the front setback and require a special permit.

4. Section 30-24(f) details the inclusionary zoning provisions of the Ordinance. Section 30-24(f)(3) states that where a special permit is required for development, inclusionary units shall be provided equaling no fewer than 15% of the number of dwelling units added to development. The applicant is proposing 5 new dwelling units, which has an inclusionary zoning requirement of one unit. The applicant may provide one unit at 80% of the area median income per Section 30-24(f)(1)(b)ii), or may make a cash payment pursuant to Section 30-24(f)(4).

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-21(b)	To change a nonconforming clubhouse use to a multi-family use	S.P. per §30-24
§30-19(d)(2)	To waive one parking stall	S.P. per §30-24
§30-19(g)(1) §30-19(m)	To locate parking in a setback	S.P. per §30-24
§30-24(f)	Inclusionary Housing requirements	

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Alderman Mark Laredo, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 15 South Gate Park

Date: July 9, 2015

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

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

*Proposed Conditions Site Plan
15 South Gate Park
Newton, MA
Prepared by: Verne T. Porter, Jr., PLS
Dated: June 8, 2015*

Executive Summary:

The proposed project is a 5 unit attached dwelling with underground and surface parking located on a 14,120 square foot lot currently occupied by the Knights of Columbus Hall. The site is essentially all impervious except for a grassy area on the north side of the lot. No drainage study was submitted for review. The plan indicates a ramp sloped at 10% gradient down to the underground parking facility, given the sighting of the proposed building it appears that vehicle maneuvering into and out of the garage will be impractical. The driveway scales approximately 10' wide, which is not wide enough for two way traffic; so some sort of traffic signals will be needed to enter and exit the underground garage. The proposed retaining wall that is parallel to the ramp needs

grades and elevations as well as material specification. It is also unclear as to the clearance under the wood bridge crossing the ramp to the garage, sections and profiles and vehicle turning template plans are needed to demonstrate that this design actually works. More than likely the Fire Department will require a fire suppression system for the development, yet only a generic note for a single copper water service is labeled.

All drainage within the interior of the garage must be connected to the sanitary sewer yet there is nothing shown to reference this. Three curb cuts seems a bit excessive for one lot, the engineer of record should reconsider and consolidate the total number of curb cuts. Snow storage needs to be identified, how will trash & recycling be addressed?

In concert with the proposed cement concrete sidewalks and curbing pedestrian curb cuts (a.k.a. HP ramps) are needed at Adena Road and South Gate Park.



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.

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 on-site soil evaluation needs to be performed to obtain the seasonal high groundwater elevation, percolation rate in accordance to Title V. This information must be submitted with the drainage study. The locations of these tests need to be shown on the site plan and must be performed within 25-feet of a proposed system.
3. 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.
4. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the property owner(s).

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 man 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 main and the site then properly back filled. The Engineering Division must inspect this work; failure to having this work inspected may result in the delay of issuance of the Utility Connection Permit.
3. Use City of Newton Details in lieu of the details submitted they are in PDF format on the City's website.
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 videotaped after final installation is complete. Method of final inspection shall be determined solely by the construction inspector from the City Engineering Division. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***
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.

Water:

1. Fire flow testing is required for the proposed fire suppression system. 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. 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.
3. 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. Finalized utility connection plan reflecting the above changes that meets the minimal design standards of the City of Newton must be submitted for approval by the contractor of record with appropriate Bonds & Insurance. The Engineering Division makes no representations and assumes no responsibility for the design(s) in terms of suitability for the particular site conditions or of the functionality or performance of any items constructed in accordance with the design(s). The City of Newton assumes no liabilities for design assumption, error or omissions by the Engineer of Record.
2. 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*
3. All tree removal shall comply with the City's Tree Ordinance.
4. 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*

5. 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.*
6. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
7. 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.*
8. All site work being completed before a Certificate of Occupancy is requested. *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.



Setti D. Warren
Mayor

ATTACHMENT E

City of Newton, Massachusetts
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TDD/TTY
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James Freas
Acting Director

Newton Historical Commission Demolition Review Decision

Date: 6/23/15 Zoning & Dev. Review Project# 14080121

Address of structure: 15 South Gate Park

Type of building : Club house

If partial demolition, feature to be demolished is portions all sides

The building or structure:

is is not x in a National Register or local historic district not visible from a public way.

Is is not x on the National Register or eligible for listing.

is is not x importantly associated with historic person(s), events, or architectural or social history

is x is not historically or architecturally important for period, style, architect, builder, or context.

is is not x located within 150 feet of a historic district and contextually similar.

is **NOT HISTORIC** as defined by the Newton Demolition Delay Ordinance.

Demolition is not delayed and no further review is required.

is x **HISTORIC** as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

 APPROVES the proposed project based upon materials submitted see below for conditions (if any).

Demolition is not delayed, further staff review may be required.

x **DOES NOT APPROVE** and the project requires
Newton Historical Commission review (See below).

The Newton Historical Commission finds the building or structure:

is **NOT PREFERABLY PRESERVED**

Demolition is not delayed and no further review is required.

is x **PREFERABLY PRESERVED – (SEE BELOW).**

Delay of Demolition:

 is in effect until

x has been waived - see attached for conditions

Determination made by:

Please Note: if demolition does not occur within two years of the date of expiration of the demolition delay, the demolition will require a resubmittal to the Historical Commission for review and may result in another demolition delay.



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Press
 Candace Havens
 Director

Setti D. Warren
 Mayor

RECORD OF ACTION:

DATE: June 23, 2015

14080121

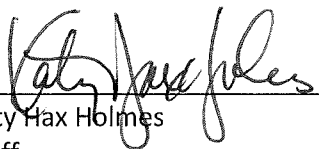
SUBJECT: 15 South Gate Park

At a scheduled meeting and public hearing on June 16, 2015 the Newton Historical Commission, by vote of 5-0:

RESOLVED to waive the demo delay on 15 South Gate Park and support the exterior design of the building, and approve the corrected materials list as promised by the architect; and that the Commission would like to see an improved design of the ramp system for the accessible unit, and prepare a proposed railing plan for the ramp.

Voting in the Affirmative: Voting in the Negative: Abstained:

- Nancy Grissom, Member
- Mark Armstrong, Member
- Jean Fulkerson, Member
- Jeff Templar, Member
- Ellen Klapper, Alternate



 Katy Hax Holmes
 Staff

Kholmes