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James Freas
Acting Director

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: October 9, 2015
MEETING DATE: October 13, 2015
TO: Land Use Committee of the Board of Aldermen
FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Stephen Pantalone, Senior Planner
CC: Petitioner

In response to questions raised at the Land Use Committee public hearing, and/or staff technical reviews, the Planning Department is providing the following information for the upcoming public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

PETITION #150-15

15 South Gate Park

Request for Special Permit/Site Plan Approval to Extend a Non-Conforming use to allow a four-unit multi-family dwelling and to allow parking within a setback.

The Land Use Committee (the "Committee") held a public hearing on July 14, 2015 and August 3, 2015, which was held open so that the petitioner could respond to questions/concerns that were raised in the Planning Department's memorandum and at the public hearing by the Committee.

Revisions to Plans

The petitioner provided a revised set of plans that includes the following changes:

- Reduction in the number of units from five to four through the elimination of the handicap accessible unit and the expansion of the remaining units;
- Elimination of the accessibility features on the site plan, including the handicap ramps;
- Additional access from the units to the garage level;
- Two standard parking stalls on the north side of the site where the former handicap stall and ramp were located, for a total of four at-grade parking stalls;
- Additional landscape area along the frontage in place of the former handicap ramp.

The petitioner also submitted a memo addressing a number of concerns raised by the Committee and the neighborhood (**ATTACHMENT A**).

Garage Signal

The petitioner is proposing to use the same signal system as was implemented with the special permit project at 244 Adams Street. A photo showing the signal at 244 Adams Street is attached to this memo (**ATTACHMENT B**). The signal will be activated anytime the garage door is opened, which will be controlled by a portable remote control. The signal will be silent and flashing and will stay on for as long as the garage door is open.

Engineering Division Memorandum

The Engineering Division reviewed the revised plans and provided an updated memorandum (**ATTACHMENT C**). The memorandum indicates that the petitioner will be required to provide additional details on the drainage system, ramp grading and vehicle turning movements into the garage prior to the issuance of a building permit, if the special permit is approved. Most of the items listed in the memorandum are standard requirements of the Engineering Division for projects of this size and scope.

Recommendation

The Planning Department continues to recommend **APPROVAL WITH CONDITIONS**.

ATTACHMENTS:

- Attachment A:** Memo from Petitioner dated September 21, 2015
- Attachment B:** Photos of proposed signal used at 244 Adams Street
- Attachment C:** Revised Engineering Memorandum

From the Law Office of Terrence P. Morris, Esq.

Memorandum

To: Dan Sexton, Sr. Planner
From: Terry Morris, Counsel for Anthony DePasquale
Date: September 21, 2015
Re: 15 South Gate Park

On November 15, 2014, my client, Tony DePasquale, project architect, Ron Jarek, and I met with you and other staff members at a Development Review Team (DRT) meeting to present several possible options for the preservation, restoration and residential reuse of the former Knights of Columbus Hall (a/k/a the North Gate Club). The presentation consisted of sketch schematics for 1 to 6 units, which included both surface and below-grade accessory parking. The main purpose of the meeting was to obtain staff advice on which of the schemes would best address the objectives of the city's Comprehensive Plan. Staff consensus was that the 5-unit plan with unit sizes ranging from 460 to 1600 sq. ft. with below-grade parking was the preferred option.

Based on that meeting the development team proceeded with plans for a 5-unit special permit project that was ultimately filed and presented to the Land Use Committee at public hearing on July 14th and also the subject of a neighborhood meeting on July 25, 2015. As a result of information received that meeting significant changes were made to the site plan and elevations. The hearing before the Land Use Committee was continued on August 4, 2015, at which there continued to be neighborhood opposition to the 5-unit plan, which plan included both an on-site affordable unit as well as an accessible unit. At that meeting it was made clear that the project could not support both an affordable unit and accessible unit unless the project contained 5 units. On August 16th in response to a neighbor outreach, my client met with a principal abutter during which the possibility of a four-unit plan was discussed. On August 30, 2015 my client received an email, on which the Land Use Committee was copied, signed by several neighbors firmly rejecting that possibility¹ for all of their previously stated reasons.

Nonetheless, in further concession to the neighbors, my client is moving forward with a 4-unit proposal because he strongly believes that the benefits of the plan meet many of the objectives found in the Comprehensive Plan. The units range in size from 1200 to 1700 sq. ft. with an average of 1500 sq. ft., well below the 2000-3000 sq. ft. units that have characterized attached dwelling petitions. One of the four (25%) units would still be reserved for an on-site affordable unit, exceeding the ordinance requirement of 15%. Parking in the garage has been redesigned to accommodate 7 spaces with greater maneuverability. This provides ratio of 2.75 cars per unit to accommodate visitor parking on-site. Three of the 4 units will have direct access to the garage, making parking more accessible. This has been accomplished in part, by installing a small roof on the rear of the building over a new stairway into the garage. With the elimination of the 5th unit, what was formerly a proposed doorway will once again become a window as it appeared in 1920.

¹ *"Neighbors were clear that at most 3-units could be acceptable. This position is firm."* Quote from 8/30/15 neighborhood email to Tony DePasquale et al.

In addition there are several critical, and in some cases erroneous, comments made by the neighbors that have been addressed by the new plans:

1. *“Too many units also results in too many entry doors, steps and walkways...”*

Response: the revised elevations show only two² entry doors, steps and walkways on the front of the building with the entry way for Unit 3 on the left side of the building, giving the front face of the building the appearance of a two-family house. The need for the proposed retaining wall along the back of sidewalk, opposite the northeast corner of the building has been eliminated.

2. *“...and too much parking on the property and street.”*

Response: This criticism contains an inherent contradiction. Provision of more parking on-site has long been recognized as one of the better solutions to the scarcity of on-street spaces. This also ignores the fact that almost 50% of the site is currently an uncontrolled parking lot. Neighbors have been critical about the underground garage asserting that residents would park on the street for short term trips. The revised site plan provides two surface parking spaces on either side of the building readily accessible to units on each side of the building, for visitor parking and/or short-term resident trips.

3. *“The lot size of 14,120 square feet is too small for more than 3 units when compared to the average # of units (1.72) on the average lot size in the neighborhood (7,284).”*

Response: The average neighborhood lot size of 7,284 sq. ft. cited by the neighbors represents only the 8 properties that are located on the south side of North Gate Park. If one includes all of the 38 properties on both sides of North and South Gate Park, the average lot size is 6,952 sq. ft. In any event, the subject site contains 14,120 sq. ft., which given the historical subdivision of the block on which it is situated, is the functional equivalent of two 7,060 square-foot lots. Had the parcel been subdivided in a manner consistent with the rest of the block we would be looking at two 2-family houses each on its own 7,060 sq. ft. lot. Accordingly, the reduction of the project to four (4) units more closely parallels the density on the subject block and the neighborhood as a whole.

4. *“We strongly oppose the underground parking garage and our safety and nuisance concerns have not been addressed in your new proposal. While moving the ramped driveway from busier North Gate Park helped with that side of the project, the problem was swapped to the South Gate Park side.”*

Response: The perceived “problem” with the driveway entrance on North Gate Park centered on its proximity to the intersection of Adena Road and North Gate Park and the “busier” volume of cars using North Gate Park as a cut-through. There is no such “problem” (i.e., conflict nor volume) on South Gate Park because the preconditions for the purported “problem swap” do not exist.

² Units 2 and 4 share a common entry.

5. *"Introduction of an underground parking garage and one-way, sloped, 8% graded driveway crossing a sidewalk into the street is an unnecessary danger that must be rejected."
"This proposed 8% graded driveway opens on a blind, curved, busy section of South Gate Park narrowed by on-street parking."*

Response: (1) The placement of parking beneath the building has consistently been accepted as a means of increasing open space, creating a superior site plan and aesthetically pleasing setting. As a result in this case the open space is doubled from 29% to 58 %; (2) There currently is no sidewalk to cross. One of the principal contributions to pedestrian safety is my client's installation of a sidewalk along the entire street frontage where none exists; (3) At the point where the driveway crosses the 'new' sidewalk, the slope is only 4% (which in relative terms is practically flat). This was done purposefully to provide full visibility for cars exiting the garage. On the near side, any pedestrian/auto approaching from the east has nothing to impede its view, while westbound cars are fully visible in their travel lane furthest from the entrance.

6. *"Moreover, 244 Adams Street and 244 California Street are in sections zoned for commercial businesses. 15 South Gate Park is in a zoned single-family residential neighborhood."*

Response: These projects are being cited in an effort to undermine the safety of the proposed garage. It should be pointed that Adams Street and California Street carry far greater volumes of traffic, where, if there were serious safety concerns, they would be more likely to have materialized. There is no record of any accidents or complaints at either location. While zoned for commercial use, there are a significant number of residences on both streets, which is one reason why residential projects were approved at those locations. Simply put, if below grade parking can work in high-volume traffic areas, all the more reason why it should be able to function quite well in a relatively quieter neighborhood where sight-lines, lesser volume and speed of traffic create more favorable conditions.

As one can see we have reached an impasse with certain of the neighbors, most of whom reside on Adena Road. Therefore we will be requesting that the Land Use Committee take action at its earliest available meeting on the proposal as it has been modified and is being presented. Once you have an opportunity to review the plans, should you have any constructive comments or recommendations, please advise. Thank you.





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: October 6, 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
Revised: September 17, 2015*

Executive Summary:

The proposed project is a 4 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 the access ramps are sloped at 8% & 4% respectively down gradient to the underground parking facility, this cannot be confirmed without the proposed grades; to clarify this, proposed finished grades are needed along the top, and bottom of the ramp. The driveway scales approximately 10' wide, which is not wide enough for two way traffic; traffic signals

have been added at the entrance and exit the underground garage to accommodate safe passage. The proposed retaining wall that is parallel to the ramp needs grades and elevations as well as material specification; and will need a safety fence per Building Code.

An automobile turning template plans is needed on the engineered scaled site plan to demonstrate that this design actually works; the drawing on sheet A-2a just shows a generic vehicle without turning radius. The movements should be for entering and exiting the garage as well as within the garage.

The fire suppression system for the development shows a generic note for a water service; the size needs to be determined via a fire flow test on the two closest fire hydrants and hydraulic calculations based on current fire codes.

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).
5. Trench drains are needed at the two proposed driveways to capture the runoff before it sheets off to the public road.

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 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*
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.