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MEMORANDUM

TO: LAND USE COMMITTEE OF THE BOARD OF ALDERMEN

FROM: CANDACE HAVENS, DIRECTOR OF PLANNING AND DEVELOPMENT
EVE TAPPER, CHIEF PLANNER FOR CURRENT PLANNING^{ET}
DEREK VALENTINE, SENIOR PLANNER

RE: INFORMATION FOR MAY 22, 2012 WORKING SESSION

DATE: MAY 18, 2012

CC: PETITIONERS
JOHN LOJEK, COMMISSIONER OF INSPECTIONAL SERVICES

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

PETITION #279-98(3)

14 ROLAND STREET

EXPANSION OF A STRUCTURE WHICH IS NONCONFORMING WITH RESPECT TO FRONT SETBACK.

The petitioner was originally authorized through Board Order #279-98 to add a second story to the structure as well as a covered entryway, which constituted an expansion of a structure which was nonconforming with respect to front setback. This special permit was later amended through Board Order #279-98(2) in May, 2011 to allow the addition of a garage and breezeway attachment within the front setback. After construction of the proposed garage, it was discovered that the architectural elevations were not consistent with the site plan and the project could not be built as proposed due to the topography of the site. The



petitioner has returned to this Committee to correct this condition and is now proposing a fully-enclosed connector between the garage and the house in lieu of the open breezeway that was

proposed. This latest proposal will result in a larger portion of the building within the front setback, and is an amendment to the prior special permits.

- **Retaining Walls.** Since the petitioner is no longer proposing retaining walls of greater than four feet within the front setback, she must withdraw the request for this relief. A letter to this effect has been submitted.
- **Sidewalk.** The petitioner is relocating one curb cut, which will impact the existing concrete sidewalk at two points along the street frontage. The entire sidewalk along the frontage is in poor condition. One condition of the prior special permit was that the petitioner replace the sidewalk. This condition should also be included in the current petition.

RECOMMENDATION: Approval with the findings and conditions listed in the attached draft Board Order (**ATTACHMENT A**).

ATTACHMENT A: Draft Board Order, 14 Roland Street

Attachment A

DRAFT
#279-98(3)CITY OF NEWTON
IN BOARD OF ALDERMEN
May 22, 2012

ORDERED:

That the Board, 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 Petition #279-98(3) to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL for an EXTENSION of a NONCONFORMING STRUCTURE. Petition #279-98(2), granted on 5/16/11, to connect the new garage to the existing nonconforming single-family dwelling with an enclosure at 14 ROLAND STREET, Ward 8, on land known as SBL 83, 33, 6, containing approximately 14,819 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sect. 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman Ted Hess-Mahan:

1. The extension of a nonconforming structure is not substantially more detrimental to the neighborhood than the existing nonconforming structure for the following reasons:
 - a. Many of the other homes in the neighborhood are legally nonconforming with respect to front lot line setback.
 - b. A mature wooded area provides natural screening between the site of the proposed expansion and the nearest neighboring property to the west.
 - c. Due to the severe slope of the property towards the rear, expansion of the structure within the front setback requires less disturbance of the natural topography of the site.
 - d. The repair of the deteriorating sidewalk as part of this proposal will improve the safety of pedestrians and is consistent with the conditions of the prior special permit on the property.

PETITION NUMBER: #279-98(3)

PETITIONER: Svetlana Ostrovskaya

LOCATION: 14 Roland Street, Section 83, Block 33, Lot 6 containing approximately 14,819 sq. ft. of land

OWNER: Svetlana Ostrovskaya

ADDRESS OF OWNER: 14 Roland Street, Newton, MA

TO BE USED FOR: Enclosed connector between the house and the garage

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Section 30-24 for issuance of a special permit, 30-23 for site plan approval, 30-21(a)(2)(b) and 30-21(b) to extend a legally nonconforming structure and amendments to Board Order #279-98(2).

ZONING: Single Residence 3 District

Approved subject to the following conditions:

1. The petitioner shall close the curb cut closest to the western property line and replace the sidewalk along the entire frontage of the property.
2. 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:
 - “Proposed Garage, 14 Roland Street in Newton, Mass.,” dated February 26, 2010, revised March 21, 2012 signed and stamped by Frank Iebba, Professional Engineer.
 - Architectural drawings as follows “Ostrovskaya Residence,” neither stamped nor signed and dated January 27, 2012:
 - “A-1, Mudroom Addition First Floor Plan”
 - “A-2, Proposed Roof Plan”
 - “A-3, Mudroom Addition Front Elevation”
 - “A-4, Mudroom Addition Rear Elevation”

- “A-5, Mudroom Addition Left and Right Elevations”
3. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioner has:
 - a. recorded a certified copy of this Board Order for the approved Special Permit/Site Plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. filed a copy of such recorded Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #2.
 - d. submitted a construction management plan for review by the Director of Planning and Development and the City Engineer.
 4. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #2.
 - b. submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in paper and digital format.
 - c. closed the curb cut closest to the western property line and replaced the sidewalk along the entire frontage of the property in accordance with City of Newton standards.
 5. The Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the garage constructed subject to this special permit prior to installation of the sidewalk and closure of the curb cut referenced in Condition #1 provided 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 improvements to ensure their completion