



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: October 13, 2015
Land Use Action Date: November 3, 2015
Board of Aldermen Action Date: November 16, 2015
90-Day Expiration Date: January 4, 2016

DATE: October 9, 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 #192-15**, YURIY MATSKEVITCH, petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a NONCONFORMING STRUCTURE and USE to reconfigure an existing two-family dwelling into a one-family dwelling and construct a second unit to the rear of 403-405 PARKER STREET, Ward 8, Newton Centre, on land known as SBL 81, 31, 39 containing approximately 17,408 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(b) 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.



403-405 Parker Street

EXECUTIVE SUMMARY

The property at 403-405 Parker Street consists of 17,048 square feet of land, improved with a 2½-story two-family dwelling constructed in 1891. The use is nonconforming because it is located in a Single Residence 3 district. The petitioner is proposing to relocate the existing structure closer to the center of the site, to combine the existing two units into one unit, to construct an addition at the rear of the structure to be used for a new second unit, and to remove one of the two driveways. The petitioner is requesting a special permit to expand the nonconforming two-family dwelling.

The subject property is a narrow lot with 78 feet of frontage and a depth of 235 feet. The petitioner is proposing to use the depth of the lot to extend the existing structure towards the rear by approximately 80 feet. Portions of the building will be offset and will vary in height to help break up the mass of the structure. The Planning Department believes that the site plan and proposed building design will sufficiently mitigate the mass of the addition, and notes that the narrow lot limits the configuration of the building. The Planning Department has no concerns with the expansion of the nonconforming two-family dwelling use, as the larger units will have a negligible impact on traffic. The Newton Historical Commission (NHC) waived the demolition delay based on the proposed plans.

The petitioner should submit a landscape plan showing additional plantings, which will further mitigate the mass and bulk of the addition. There is existing vegetation along the rear property line and portions of the side property lines. The Planning Department suggests the petitioner plant additional vegetative screening, including a variety of deciduous and evergreen trees, along the southern side property line where there is no existing screening, and along the frontage of the site. The Planning Department also recommends a sight obscuring fence along side property lines where there is no existing fencing or screening.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The expanded two-family dwelling is not substantially more detrimental than the existing nonconforming two-family dwelling is to the neighborhood. (§30-21(b))
- The specific site is an appropriate location for the proposed addition. (§30-24(d)(1))
- The expanded two-family dwelling 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))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located on Parker Street between Parker Terrace and Roosevelt Road. The land uses in the surrounding neighborhood include 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 17,048 square feet of land, improved with a 2½-story, two-family dwelling constructed in 1891 and two driveways on either side of the dwelling. The site is narrow with only 78 feet of frontage and a depth of 235 feet. There is fencing and vegetation along portions of the side property lines and vegetation at the rear of the property. The site generally slopes down from the southwest corner to the northeast corner.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The land use will remain a two-family dwelling but the size of the structure will be substantially increased from to 2,386 square feet (.14 FAR) to 6,308 square feet (.37 FAR). The Planning Department has no concerns regarding the use of the site.

B. Building and Site Design

The petitioner is proposing to reconfigure the existing two-family dwelling to a single unit, and to relocate the structure (with a new foundation) towards the center of the site. The petitioner is also proposing to construct an addition to the rear of the existing structure that will consist of a two-car garage and additional living space for unit one, and the new second unit and its two-car garage. The materials will consist of cedar clapboard siding and architectural roof shingles. The parking on the south side of the site will be eliminated and the Planning Department recommends closing the respective curb cut.

The petitioner is mitigating the bulk and mass of the addition by incorporating jogs in sections of the building, including a porch in the second unit, and varying the roof height and orientation from the main portion of the dwelling units to the portion of the building over the garages. The Planning Department believes that these measures in combination with a robust landscaping plan will sufficiently mitigate the length of the addition. The Planning Department also notes that the petitioner is not seeking any relief from dimensional controls, which means the exact building could be constructed by right if it were a single-family dwelling.

C. Landscape Screening

The petitioner did not submit a landscape plan with their special permit application. While there is existing vegetative screening along the rear property line and portions of the side property the line, the Planning Department believes there is an opportunity to provide additional landscaping to further mitigate the mass of the addition. The Planning Department recommends a combination of deciduous and evergreen plantings along the south side property line, and along the property's frontage. The Planning Department also recommends the petitioner consider a sight obscuring fence along the north side property line and other property lines as necessary. The Planning Department recommends that the petitioner label the existing vegetation at the rear of the site on the plan so that its maintenance is required in the future.

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 extend a nonconforming two-family use in a Single Residence 3 zoning district.

B. Engineering Review

The Engineering Division Memorandum, (**ATTACHMENT D**), provides an analysis of the proposal with regard to engineering issues. The memorandum notes that the site plan shows on site drainage improvements but that no drainage report was provided. The drainage report and final details can be provided prior to the issuance of a building permit, if the special permit is approved.

C. Newton Historical Commission Review

The Newton Historical Commission reviewed and approved the proposed plans after finding the existing structure preferably preserved (**ATTACHMENT E**).

V. PETITIONER'S RESPONSIBILITIES

The petitioner should submit a detailed landscape plan, including the type and size of the proposed plantings.



ATTACHMENTS:

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

Land Use Map 403-405 Parker Street

*City of Newton,
Massachusetts*

Legend

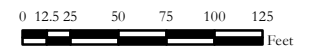
-  Single Family Residential
-  Multi-Family Residential

ATTACHMENT A

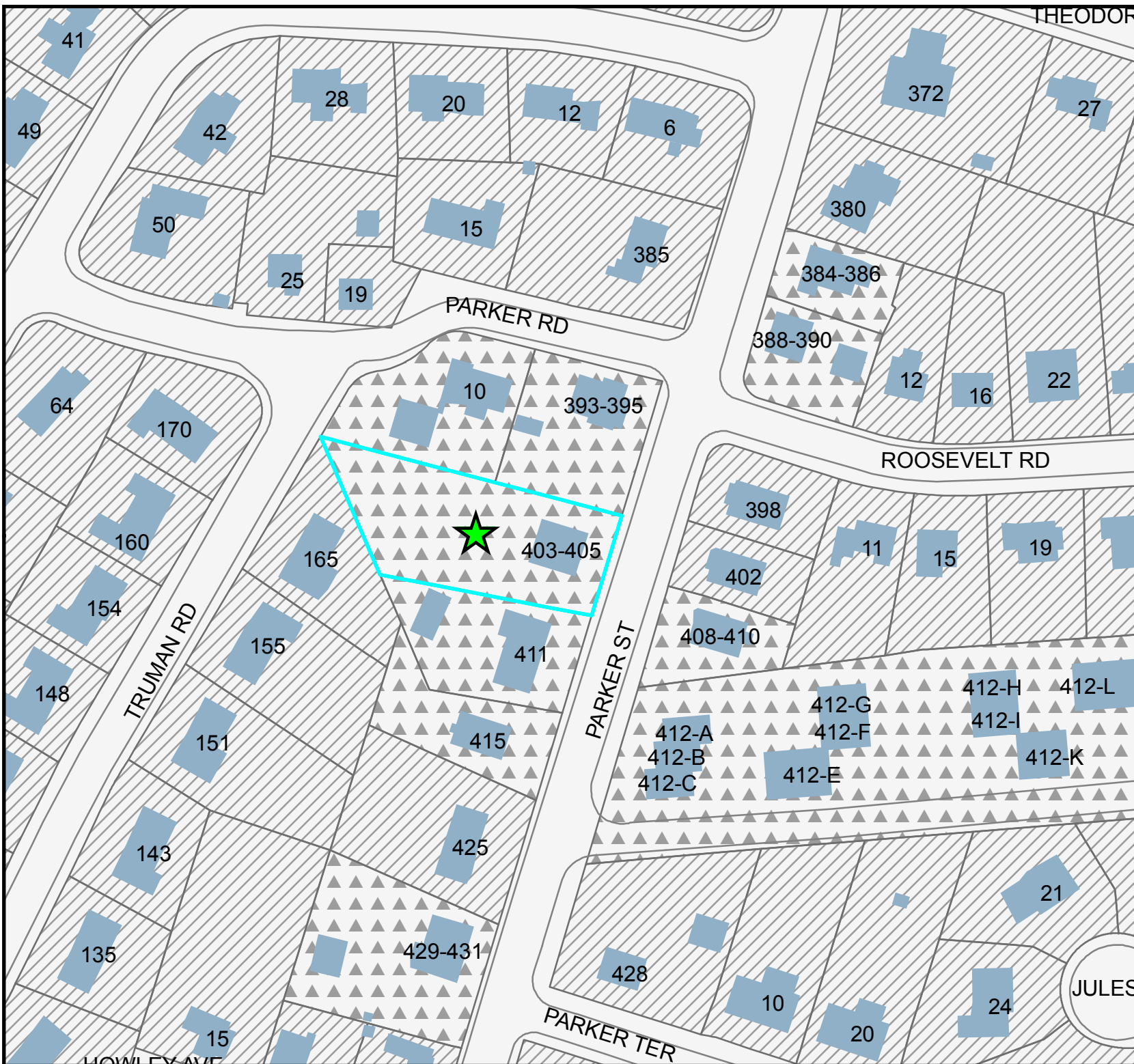


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: September 17, 2015



Zoning Map 403-405 Parker Street

*City of Newton,
Massachusetts*

Legend

 Single Residence 3

ATTACHMENT B

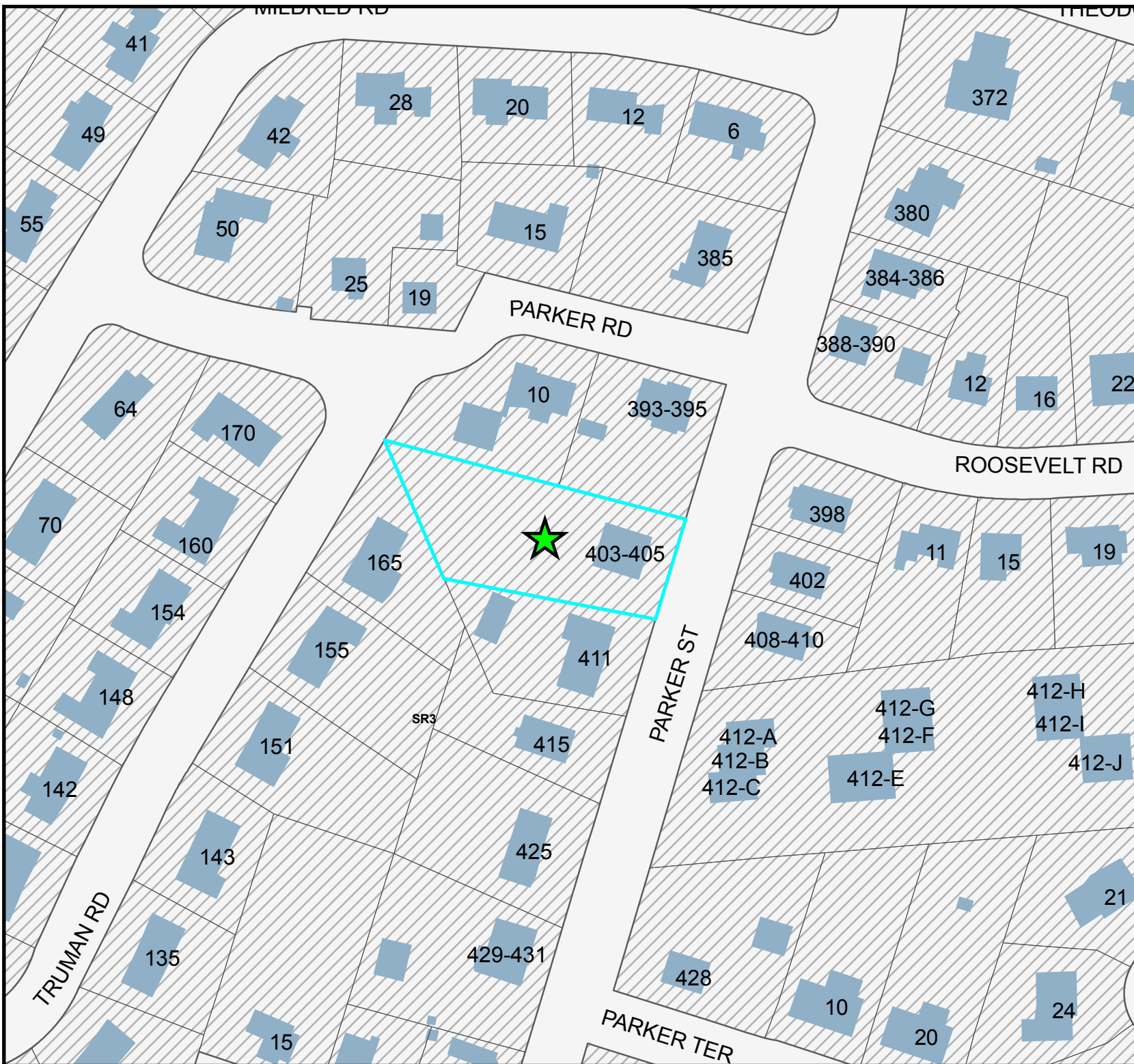


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

0 12.5 25 50 75 100 125
Feet

Map Date: September 17, 2015





Setti D. Warren
Mayor

ATTACHMENT C

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

City of Newton, Massachusetts Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: August 4, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Terrence Morris, Attorney
Wiremill LLC, Applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to extend a nonconforming two-family use in a Single Residence 3 district

Applicant: Wiremill LLC	
Site: 403-405 Parker Street	SBL: 81031 0039
Zoning: SR-3	Lot Area: 17,048 square feet
Current use: Two-family dwelling	Proposed use: No change

BACKGROUND:

The property at 403-405 Parker Street consists of a 17,048 square foot lot improved with a two-family residence constructed circa 1891 in the Single Residence 3 zoning district. The structure is two and one-half stories. The applicants propose to reconfigure the existing structure into one unit, and add a second unit to the rear. The two units will be connected by two two-car garages with living space above.

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

- Zoning Review Application, prepared Terrence P. Morris, attorney, dated 7/6/2015
- Plot Plan, prepared by Boston Survey, Inc, dated 5/9/2015
- Architectural Plans, prepared by RAV & Associates, Inc, dated 4/30/2015
 - Existing floor plans
 - Proposed floor plans
 - Existing elevations
 - Proposed elevations

ADMINISTRATIVE DETERMINATIONS:

1. The property is located in the Single Residence 3 zoning district. Creating additional living space extends the nonconforming two-family use, and requires a special permit pursuant to Section 30-21(b).

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	17,048 square feet	No change
Frontage	70 feet	79 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	31.4 feet 20.2 feet N/A	No change 15.3 29.9 feet
Max Number of Stories	2.5	2.5	No change
FAR	.40 (.38+.02 bonus)	.14	.37
Max Lot Coverage	30%	6.7%	20.5%
Min. Open Space	50%	83.7%	61.1%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-21(b)	To extend a nonconforming two-family use in a Single Residence 3 zoning district	S.P. per §30-24

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 – 403-405 Parker Street

Date: September 3, 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:

*Site Plan
403-405 Parker Street
Newton, MA
Prepared by: RAV & Associates, Inc.
Dated: 7-1-'15*

Executive Summary:

The proposed plan indicates that the existing two-family dwelling will be relocated on the site with a new foundation; and a new 2.5 story two-family unit is to be built with new water, sewer and on site drainage improvements. The existing driveway will be closed and a new one will be located towards the northern property line, and the sidewalk along the entire frontage will be replaced. The plan shows on site drainage improvements via a collection and infiltration units, however; no drainage report was available at the time of this review.

Drainage:

1. A drainage analysis needs to be performed based on the City of Newton's 100-year storm event of 6.6-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 additional on-site test pit needs to be performed for the proposed drainage system along the southern property line as this system is over 25-feet from the test pit performed at the front of the lot.
3. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to 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 infiltration units, catch basins, and pipes are the sole responsibility of the property owner(s).

Construction Management:

- 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.

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. The existing water & sewer services to the building shall be cut and capped from the main and be completely removed from the site then properly back filled with Controlled Density Fill (CDF Excavatable Type I-E). 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.
2. 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.
3. 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.***
4. 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. 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.
2. 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. All trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility 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*
4. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
6. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
7. All site work must be completed before a Certificate of Occupancy is issued. *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

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

ATTACHMENT E

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov
Frees
~~Candace Havens~~
Director

Newton Historical Commission Demolition Review Decision

Date: 6/23/15 Zoning & Dev. Review Project# 14080047

Address of structure: 403-405 Parker Street

Type of building : House

If partial demolition, feature to be demolished is rear facade

The building or structure:

- is is not in a National Register or local historic district not visible from a public way.
- Is is not on the National Register or eligible for listing.
- is is not importantly associated with historic person(s), events, or architectural or social history
- is is not historically or architecturally important for period, style, architect, builder, or context.
- is is not 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 **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.

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

Delay of Demolition:

is in effect until _____

has been waived - see attached for conditions

Determination made by:

Setti D. Warren

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.



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
Fries
~~Candace Havers~~
Director

RECORD OF ACTION:

DATE: June 23, 2015

14110047

SUBJECT: 403-405 Parker Street

At a scheduled meeting and public hearing on June 16, 2015 the Newton Historical Commission, by vote of 6-0:

RESOLVED to waive the demo delay on 403-405 Parker Street based on the revised plans as submitted.

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

- Nancy Grissom, Member
- Mark Armstrong, Member
- Jean Fulkerson, Member
- Jeff Templer, Member
- Peter Dimond, Member
- Ellen Klapper, Alternate

Katy Hax Holmes
Staff

Kholmes