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TRANSMITTAL MEMORANDUM

RECEIVED
Newton City Clerk
2013 JUN 10 PM 4: 22
David A. Olson, Clerk
Newton, MA 02459

To: Alexandra Ananth, Senior Planner
Linda Finucane, Office of the Clerk of the Board of Aldermen
John Daghlian, Associate Engineer

From: Jason A. Rosenberg
Date: June 10, 2013
Subject: 131 Otis Street – Application for Special Permit

Enclosed please find
Enclosed please find for each of you in the number of sets marked herein the application and materials for the filing of Fallon Development, Inc. for a special permit rear lot subdivision at 131 Otis Street, Ward 2.

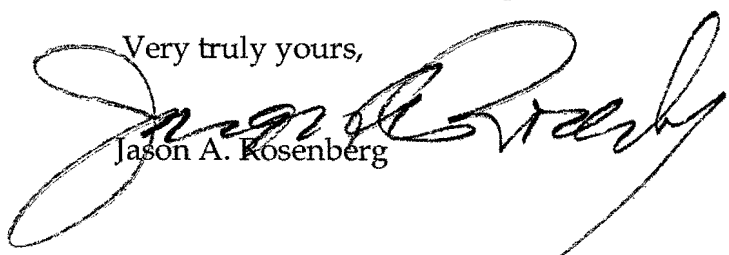
- Planning: one 11x17 set and CD, and plan stamped by Fire Dept.;
- Clerk's Office: one large set of plans, fifteen 11x17 sets, and CD;
Three signed applications, and
Filing fee of \$350.00; and
- Engineering: One large set of plans with application

Note: Fire Department has already reviewed and stamped the site plan.

I request that this matter be placed for a public hearing for July 9, 2013.

Please call if you have any questions.

Very truly yours,



Jason A. Rosenberg

JAR:arj
Enclosures
CC Peter Fallon
Chairman Theodore Hess-Mahan
Aldermen Susan Albright, Marcia Johnson, and Stephen Linsky

DATE June 10, 2013

TO THE HONORABLE BOARD OF ALDERMEN, CITY OF NEWTON:

The undersigned hereby makes application for permit to erect and use, to alter and use, or to make such uses as may be hereinafter specified of a building or buildings at the location and for the purpose hereinafter specified under the provisions of Chapter 30 of the Revised Ordinances, 1995, as amended or any other sections (**PLEASE REFERENCE SECTIONS**):

- 30-15(r) Rear lot subdivision**
- 30-23 site plan approval**
- 30-24 special permit**

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PETITION FOR: Special Permit/Site Plan Approval **XX**
Extension of Non-conforming Use and/or Structure **N/A**

STREET/WARD # 131 Otis Street, Ward 2

SECTION(S) BLOCK(S) LOT(S) sect 24 block 12 lot 16 (Ward 2)

APPROXIMATE SQUARE FOOTAGE 48,677 square feet

TO BE USED FOR: rear lot subdivision allowing a proposed new single family house on front lot with frontage on Otis Street, and a new single family house on rear lot using as its "frontage" the width of the rear lot line of the front lot.

CONSTRUCTION: Wood, stone, concrete foundations

EXPLANATORY REMARKS: Proposal for two new single-family homes with the front house having required frontage on Otis street and the second home on a rear lot subdivision. The rear house is designed to resemble what might once have been the carriage house, and is lower and smaller than required.

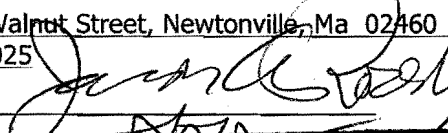
The prior owner of the property waited for the 1 year demolition delay to expire; then demolished the long-standing building on the site; then obtained a permit for a very large home; and constructed the foundation. After commencing to erect a few stud walls, the prior owner abandoned the project and left the site as it presently is. The Applicant proposes to remove the foundation and structures on the property and build the two houses under the requested special permit. See Continuation Sheet for additional explanatory remarks

LAND IS LOCATED IN SINGLE 2 Residence ZONED DISTRICT.

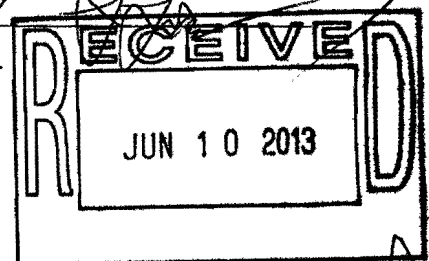
The undersigned agree to comply with the requirements of the Zoning Ordinance and rules of the Land Use Committee of the Board of Aldermen in connection with this application.

PETITIONER & OWNER Fallon Development Inc; 171 Reservoir St, Needham, MA 02494

SIGNATURE 
Peter Fallon President -Tel. wk 781 237 0505

ATTORNEY OF RECORD Attorney Jason A. Rosenberg, 246 Walnut Street, Newtonville, Ma 02460
Tel 617-964-7000 Fax 617-964-4025
By its Attorney, Jason A. Rosenberg 
By its Attorney, Laurance SL Lee

PLANNING DEPARTMENT ENDORSEMENT



RIDER-CONTINUATION SHEET

The 48,677 square foot lot will be subdivided so that the front lot has 20,699 square feet with 139.18 feet of frontage, and the rear 28,530 square feet with 135.47 feet of lot width measured along the rear lot line of the front lot. Access to the rear lot will be via a separate driveway conforming to the requirements of the Newton Zoning Ordinances. The separate driveways were due to the changes in the topographical grades. The property, SR2 zoned, is at the western edge of the SR2 district. To the west of the property is an SR1 district with parcels ranging from 37,000 square feet to over an acre to acre and one-half.

Approval of the rear lot subdivision is an opportunity to create a controlled transition between the acre-plus homes in the adjoining SR1 district (uphill to the site) and the smaller more typical homes for an SR2 district on the eastern or downhill side of the property. It is also an opportunity to enhance the streetscape, and to avoid what otherwise might be by-right construction of a very large and intrusive single-family house on the aggregate parcel. The land is as large as the adjoining parcels uphill on Otis and as the immediate rear abutter's. Those uphill from the land are zoned SR1, but the downhill homes are zoned SR2 and are on significantly smaller lots on Otis Street and Birch Hill Road.

A by-right house on the SR2 zoned land could have gross floor area of 16,063 gross square feet (FAR of 0.33), and could be as close as 15 feet to the immediate downhill neighbors' lot lines at 19 and 33 Birch Hill, and at 123 Otis Street, and be as tall as 36 feet! Such a by-right development would not have any permanent controls binding the developer and successive owners as to design and size of the home, landscaping, trees, and fencing; and would be allowed to have such noise-generating amenities as a tennis court and swimming pool, each of which could be as close as 15 feet to the side and rear lot lines.

In contrast, each of the proposed two houses is further from the lot lines than the by-right house required (front house: 19.7 feet to one side and 45.4 feet to the other; rear house 51.3 feet to one side and 23 feet to the other side; and each is lower than maximum allowable 36 feet (front: 33.8 feet and rear: 27.2 feet). Most significantly, the designs and sizes of the homes will be locked in and bind successor owners. So too landscaping and fencing to screen the abutters views will be permanent and must be kept up and replaced as needed. And the site plan is also locked in. This means that any such additional structures, e.g., a swimming pool or tennis court could not be built unless the Board of Aldermen approved- and the neighbors would have notice and an opportunity to voice their opinions.

The proposed new home in the rear is designed to appear as a converted carriage house with significantly less bulk and height than the front home. The proposed home at the rear is over 80 feet from the rear of the front home and much of the rear home is directly behind the front home. The house in the rear is also designed to be more narrow so that its view from abutters along the sides is reduced. The existing streetscape would not be significantly changed. The distances from the proposed house to adjoining houses and structures, which are not part of applicant's property, meet or exceed the rear lot subdivision table.

As designed and proposed, the petitioner believes that the proposal will serve the public convenience.