

DATE July 2, 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

30-15(r) Table 4, footnote 3 (reduce distance of house on rear lot to lot line in front to less than 30 feet but in no event no closer than 25 feet)

30-23 site plan approval

30-24 special permit

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

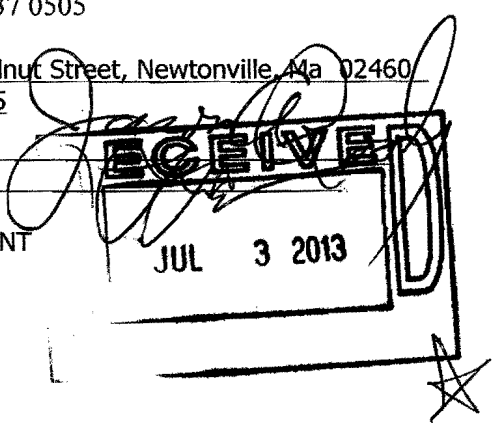
SIGNATURE 
Peter Fallon President -Tel. wk 781 237 0505

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

RECEIVED
Newton City Clerk
013 JUL -3 AM 11:48
David A. Olson, CMC
Newton, MA 02459


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RIDER-CONTINUATION SHEET

The 48,677 square foot lot will be subdivided so that the front lot has 19,322 square feet (original filing was 20,699 square feet) with 139.18 feet of frontage, and the rear 29,905 square feet (original filing was 28,530 square feet) with 139.18 feet (original was 135.47) 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 could 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 51.5 feet (original was 51.3 feet) to one side and 23 feet to the other side; and each is lower than maximum allowable 36 feet (front: 33.6 feet (was 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.

In addition, the petitioner has offered at a recent neighborhood meeting that he would agree to the following conditions: 1) pre-blasting surveys would include more than the minimum required by state law; 2) the size/strength of blasting charges would be half the maximum allowable under state law; and 3) once the two homes are constructed, the petitioner would meet on site with a representative of the City Planning Department and with each immediate abutter to determine the locations of trees to be planted for the purpose of providing proper screening for the benefit of that immediate abutter. These protections would not be available in a by-right situation, and indeed would have protected these abutters from the impacts they encountered from the by-right construction of the now abandoned foundation constructed by the prior owner.

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