



Setti D. Warren
Mayor

City of Newton, Massachusetts

Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

61-13
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089

www.newtonma.gov

Candace Havens
Director

Public Hearing Date:	March 19, 2013
Land Use Action Date:	May 21, 2013
Board of Aldermen Action Date:	June 3, 2013
90-Day Expiration Date:	June 17, 2013

DATE: March 15, 2013

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Eve Tapper, Chief Planner for Current Planning ET
Katy Hax Holmes, Senior Planner

SUBJECT: **Petition #61-13, STEPHEN EDSALL/MICHAEL J. CEDRONE** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct 4 attached dwellings in 2 buildings; waive the side setback requirements; and locate a driveway within 10 feet of the side lot line at 288 NEVADA STREET, Ward 1, on land known as SBL 14, 8, 11, containing approx. 50,227 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 30-24, 30-23, 30-9(b)(5)a) and 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.



288 Nevada Street

EXECUTIVE SUMMARY

The subject property consists of a 50,277 square foot lot improved with a single-family dwelling built in c.1890 that was converted to a two-family house in 1927. A carriage house from approximately the same period stands southeast of the house along the perimeter of the lot. The existing house is considered to be a 2 1/2-story residence. The four new residences will be two stories and 2777 square feet each, which includes the attached garage space. The petitioner is seeking to demolish the existing house and carriage house, which the Newton Historical Commission found to be Preferably Preserved and for which a Demolition Delay was imposed that expires on July 26, 2013.

The petitioner is seeking to construct a retaining wall between the new buildings and the adjacent wetland (Silver Lake), which will require re-grading and construction in an area designated as "Flowage Easement," and for which abandonment by the Board of Alderman must be sought if the easement has been recorded. The project is also located in an MR-1 zoning district, where single-family attached dwellings are allowed by special permit. Thirdly, the proposed driveway will be located 6.5 feet from the south side lot line where a ten-foot minimum is required. Lastly, Section 30-15, Table 1 requires 25 foot setbacks, and the project will be 22.5 and 22.8 feet respectively from the side lot lines.

The proposed new construction will be visible to abutters but will be in keeping with the single-structure appearance from the front of the lot. The two proposed buildings comply with required setbacks at the front and rear of the property, open space, and lot coverage, and represent a reduction in the number of stories.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Board should consider whether:

- The proposed use is appropriate in this location.
- The proposed replacement of the historic building and carriage house with four new attached residences will not adversely affect the neighborhood.
- The proposed location of the structures within the 25 foot setbacks and the driveway closer than ten feet from the side lot is appropriate because literal compliance with the requirements of the ordinance is impracticable due to the shape and topography of the lot.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located in Nonantum in a neighborhood that was developed around the turn of the 20th century. The property is adjacent to and just north of the former Silver Lake Cordage Company building, a Newton City Landmark. The neighborhood primarily

consists of historic worker cottages and multi-family houses. The site is within an area zoned Multi-Residence 1.

B. Site

The site consists of 50,227 square feet of land. The current assessor's map shows a house and detached garage on site, both of which are under Demolition Delay. The lot is level with the street at the front west side of the lot and gradually slopes down to a wetland at the rear. The main residence is a 2 1/2-story Colonial Revival-style house built circa 1890 of approximately 2,588 square feet. The garage is approximately 528 square feet.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The property is currently residential and the petitioners are maintaining the residential use, but are expanding the number of dwelling units with the proposed new construction.

B. Building and Site Design

The petitioners are proposing four new attached single-family dwellings arranged in a two and two configuration. They will be positioned front and back on the site, with a south-side driveway leading to a common paved area located between the two buildings. Four attached single-car garage doors also open onto this common area. The two buildings will be set on full foundations and will stand two stories in height. The side setbacks for the buildings on the lot will be less than 25' on either side due to the shape and topography of the lot. Due to the same constraints, the driveway is to be constructed 6.5' from the property line where 10' is required.

The proposed new construction will be visible to abutters but will be in keeping with the single-structure appearance from the front of the lot. The two proposed buildings comply with required setbacks at the front and rear of the property, open space, and lot coverage, and represent a reduction in the number of stories.

C. Parking and Circulation

The petitioners are retaining similar access to the property by keeping a driveway on the south side of the lot. The driveway will lead to a parking area located between the two proposed buildings to enable access to four garage door openings that will be minimally visible from a public way.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance): The Zoning Review Memorandum, (**SEE ATTACHMENT "A"**), provides an analysis of the proposal with regard to zoning. The petitioner is requesting a special permit for relief of three provisions of the zoning code: Section 30-9(b)(5)(a), to allow single-family attached dwellings on this MR-1 site; Section 30-9(b)(5)(a) and 30-9(b)(5)(b), to allow the driveway to be located 6.5 feet from the side lot line; Section 30-15, Table 1 and Section 30-9(b)(5)(b), to allow a reduction in side yard setbacks for the proposed structures. Site plan approval is also required under Section 30-23 and 30-24(a). The petitioner may also need to seek an abandonment ruling

from the Board of Aldermen regarding the flowage easement at the rear of the site.

- B. Engineering Review: The petitioners are increasing the impervious surfaces on site by more than 400 square feet or 4% of the lot area. The Engineering Division requires a drainage plan for the site before a review can be completed and the project can be approved.
- C. Newton Historical Commission: The Newton Historical Commission reviewed the proposed project in July 2012 and found the historic building and carriage house to be Preferably Preserved. A one-year Demolition Delay was imposed on the property, which expires July 26, 2013.
- D. Conservation Commission: The rear of the property is a bordered vegetative wetland regulated by the Wetlands Protection Act, which constitutes the remains of Silver Lake ("The Lake"). An Order of Conditions submitted with the application gives approval for the overall construction on the lot, including a retaining wall between the buildings and the wetland area. Since a portion of the area to be re-graded and the retaining wall is located in an area designated "Flowage Easement," the Order of Conditions contains a condition that "No work shall take place within the flowage easement shown on the Plan of Record prior to such time as the Newton Board of Aldermen shall vote to abandon that portion of the easement, if it is determined the easement is of record." The applicant needs to determine if the easement has been recorded, and if so, needs to seek abandonment of said easement by the Board of Aldermen.
- E. Fire Department: At 15 feet in width, with an adjoining three-foot-wide sidewalk, the proposed driveway on the site meets the minimum recommended width for Fire Department access to the property. This department also requested that the rear two buildings on the site have sprinklers and that a fire hydrant be installed on the property. The property owners have agreed to do so.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum the petitioner is seeking the following approvals or relief:

- Section 30-9(b)(5)(a), to allow single-family attached dwellings
- Section 30-9(b)(5)(a) and 30-9(b)(5)(b), to allow the driveway to be located 6.5 feet from the side lot line
- Section 30-15 Table 1 and 30-9(b)(5)(b), to allow a reduction in side yard setbacks for proposed structures
- Section 30-23 and 30-24(a), Site Plan Approval

VI. PETITIONERS' RESPONSIBILITIES

The petitioner's plans are considered to be complete at this time, with the exception of a drainage plan for the Engineering Division.

ATTACHMENTS

- Attachment A:** Zoning Review Memorandum
- Attachment B:** Aerial View
- Attachment C:** Zoning Map
- Attachment D:** Land Use Map



Setti D. Warren
Mayor

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

ATTACHMENT A

Telephone
617-113
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: February 8, 2013

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Eve Tapper, Chief Planner for Current Planning

ET

Cc: G. Michael Peirce, Attorney
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to construct four (4) single-family attached dwellings (two groups of two).

Applicant: Stephan Edsall	
Site: 288 Nevada Street	SBL: 14008 0011
Zoning: MR-1	Lot Area: 50,227
Current use: Two-family residence	Proposed use: Four attached dwellings

BACKGROUND:

The property at 288 Nevada Street consists of a lot totaling 50,227 square feet improved with an existing two-family dwelling constructed in 1890, which is in disrepair. The applicant proposes to demolish the existing structure and to construct four attached dwellings in two sets of two.

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

- Zoning Review Application, prepared by G. Michael Peirce, Attorney, submitted 1/22/13
- Zoning Analysis, prepared by G. Michael Peirce, Attorney, submitted 1/22/13
- Order of Conditions, DEP #239-673, dated 1/4/13
- Application for Demolition Review, submitted by G. Michael Peirce, dated 7/11/12
- Flowage Easement agreement, City of Newton Board of Aldermen, dated 8/10/81
- Zoning Plan, signed and stamped by Verne T. Porter, Land Surveyor, dated 1/4/13
- Area plan of land, signed and stamped by Verne T. Porter, Land Surveyor, dated 1/4/13
- Topographic Site Plan, signed and stamped by Verne T. Porter, Land Surveyor, dated 1/4/13
- Detail Sheet, signed and stamped by Verne T. Porter, Land Surveyor, dated 1/4/13
- Architectural Plans and Elevations, created by Construction Design Services, dated 11/26/12
 - Concept Elevations (3)
 - Building Orientation

- Rear Unit Plan – Conceptual First Floor
- Rear Unit Plan – Conceptual Second Floor

ADMINISTRATIVE DETERMINATIONS:

1. At the rear of the property is a bordering vegetated wetland regulated by the WPA, which is the remains of Silver Lake. An Order of Conditions submitted with the application gives approval for the overall construction on the lot, including a retaining wall between the buildings and the wetland area. Since a portion of the area to be re-graded and the retaining wall is located in an area designated “Flowage Easement”, the Order contains a condition that “No work shall take place within the flowage easement shown on the Plan of Record prior to such time as the Newton Board of Aldermen shall vote to abandon that portion of the easement, if it is determined the easement is of record.” The applicant needs to determine if the easement has been recorded, and if so, needs to seek abandonment of said easement by the Board of Aldermen.

2. The subject property is located in the MR-1 zoning district. The applicant is proposing four single-family attached dwelling units on a 50,227 square foot lot. Section 30-9(b)(5) of the Newton Zoning Ordinance allows single-family attached dwellings in one or more groups provided that the applicant obtains a special permit from the Board of Aldermen.

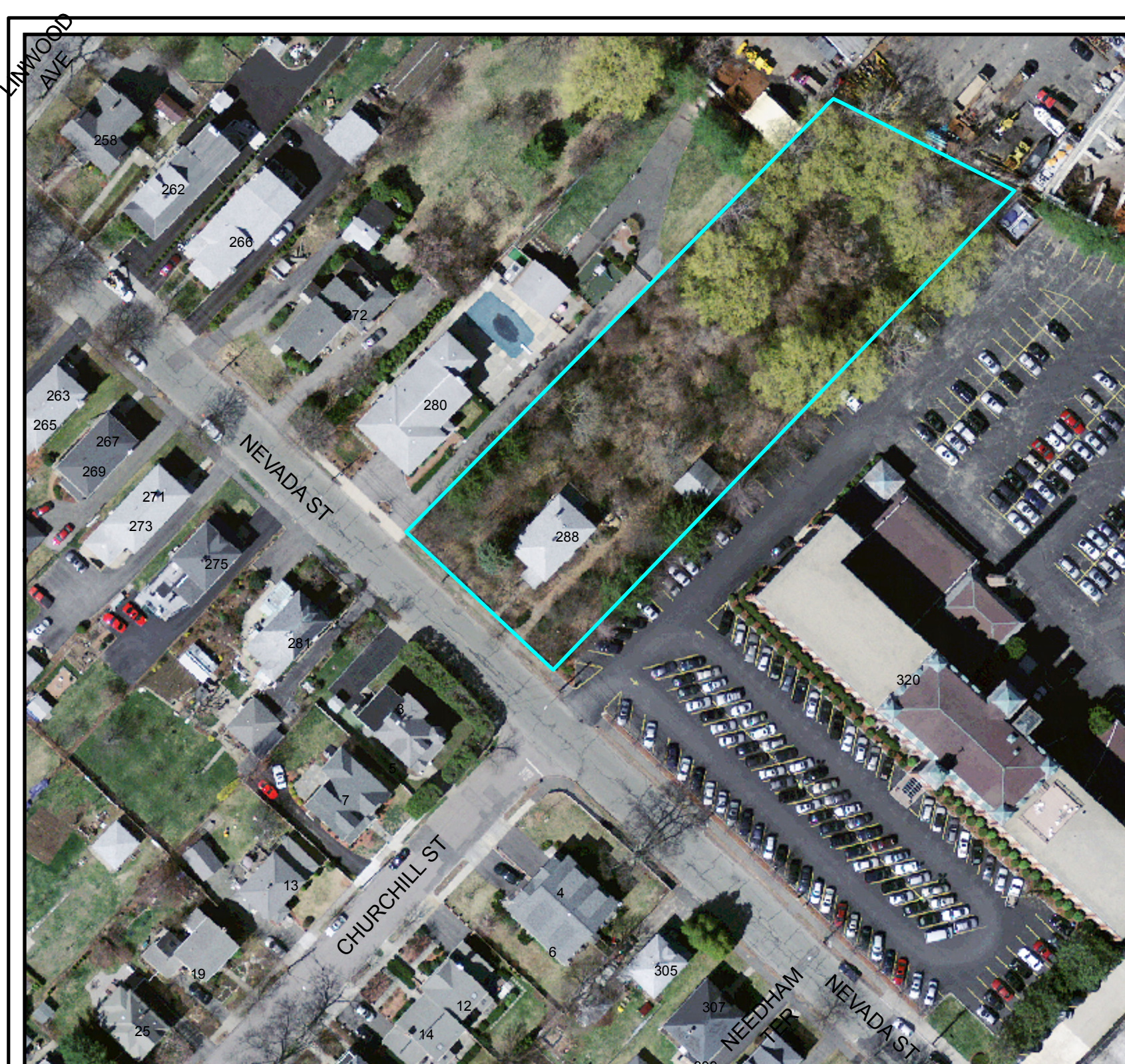
3. Section 30-9(b)(5)(a) states that no driveway shall be located within ten (10) feet of the side or rear lot line. The applicant proposes to locate the driveway 6.5 feet from the south side lot line. To build the driveway as proposed, the applicant would need a special permit from the Board of Aldermen per Section 30-9(b)(5)(b).

4. Section 30-15, Table 1 requires 25 foot side setbacks. As proposed, the structures are 22.5 feet and 22.8 feet from the side lot lines. To construct the project as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-9(b)(5)(b).

Zone MR-1	Required	Existing	Proposed
Lot Size	15,000 square feet	50,277 square feet	No change
Lot area per unit	4,000 square feet	25,138.5 square feet	12,556 square feet
Frontage	80 feet	125 feet	No change
Setbacks			
• Front	25 feet	NA as the existing structure will be demolished	28.2 feet
• Side (left)	25 feet		22.8 feet
• Side (right)	25 feet		22.5 feet
• Rear	25 feet		221.3 feet
FAR	NA		.25
Building Height	36 feet		31.56/34.42 feet
Max number of stories	2.5		2
Max building lot coverage	25%		14.3%
Min amount of open space	50%		78.8%
Parking stalls/dwelling units	8 spaces (2 per unit)		8

5. The existing two-family dwelling, built approximately in 1890, with changes in the 1920's and 1950's, is subject to Section 22-44, *Demolition Delay* provisions that apply to buildings over 50 years old. The Historical Commission reviewed the demolition application on July 26, 2012 and determined that the existing dwelling was "Preferably preserved" and placed a one-year demolition delay on the structure until July 26, 2013.
6. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§30-9(b)(5)(a)	Allow single-family attached dwellings	S.P. per §30-24
§30-15, Table 1, §30-9(b)(5)(a) and §30-9(b)(5)(b)	Allow driveway to be located 6.5 feet from the side lot line	S.P. per §30-24
§30-15, Table 1, §30-9(b)(5)(b)	Allow a reduction in side yard setback for proposed structures	S.P. per §30-24
§30-23, §30-24(a)	Site Plan Approval	S.P. per §30-24



61-13
Aerial Map
288 Nevada Street
City of Newton,
Massachusetts

Legend

Street Names

Zoning

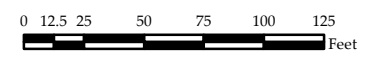
- SR2
- Surface Water
- Property Boundaries



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

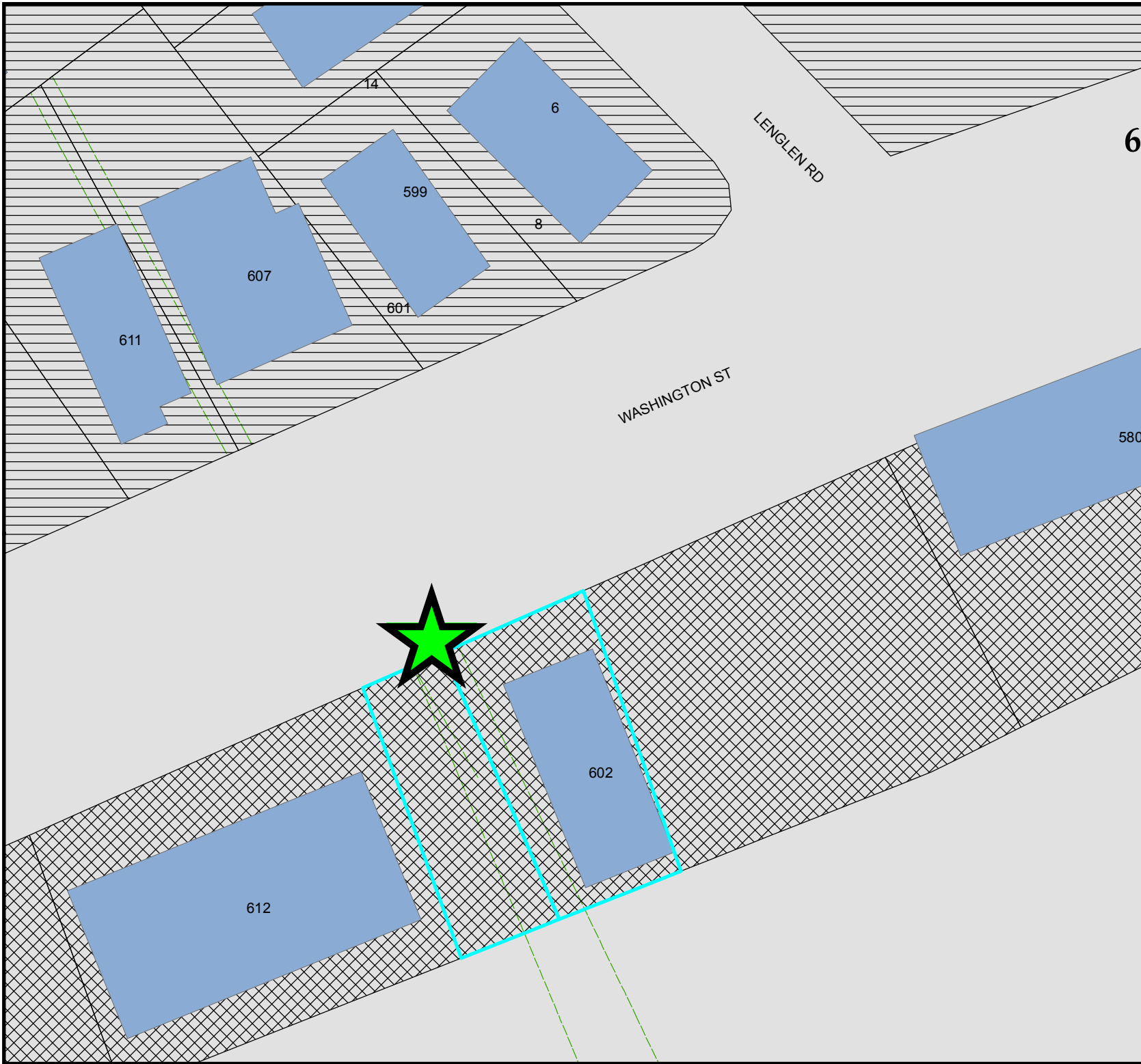


Map Date: March 15, 2013





61-13

Zoning Map 602 Washington St.

*City of Newton,
Massachusetts*



Legend

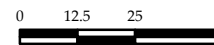
-  Multi-Residence 2
-  Business 2
-  Building Outlines
-  Surface Water



ATTACHMENT "C"

The information on this map is derived from a Geographic Information System. The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for their intended purpose. City departments will not be held responsible for approving applications based solely on this map.

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



Map Date: March 2011







61-13

Land Use Map 288 Nevada St.

*City of Newton,
Massachusetts*

Legend

Land Use

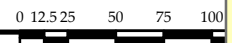
-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Industrial
-  Building Outlines
-  Surface Water



ATTACHMENT "D"

The information on this map is provided by the City of Newton's Geographic Information System. The City of Newton cannot guarantee the accuracy of the information. Each user of this map is responsible for determining its suitability for their intended purpose. City departments will not approve applications based solely on this map.

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



Map Date: March 2011

