



#264-19

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

Ruthanne Fuller
Mayor

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	September 5, 2019
Land Use Action Date:	November 12, 2019
City Council Action Date:	November 18, 2019
90-Day Expiration Date:	December 4, 2019

DATE: August 30, 2019

TO: City Council

FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Katie Whewell, Planning Associate

SUBJECT: **Petition #264-19**, for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #479-14 to allow modifications to the approved site plan at 29 Kewadin Road, Ward 5, Waban, on land known as Section 55 Block 51 Lot 9, containing approximately 13,400 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4 of the City of Newton Rev Zoning Ord, 2017.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



29 Kewadin Road

EXECUTIVE SUMMARY

The subject property located at 29 Kewadin Road contains a 13,461 square foot lot in the Single Residence 2 (SR-2) zone in Waban. The site is improved with a single-family residence constructed in 1929. The petitioners are seeking to construct a new one-car attached garage with an addition above. The proposed garage and addition require an amendment to Special Permit #479-14, which granted relief for the petitioners to construct a dormer wider than 50% of the length of the story below, in order to update the plans that are referenced in the Order.

As designed, the proposed attached garage and addition meets all dimensional standards, setbacks, and is not higher than the existing structure. The proposed garage and addition are consistent with the size and scale of the other attached garages with additions above in this neighborhood. Due to this, the Planning Department is unconcerned with the proposed project that amends Special Permit #479-14.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed attached garage and addition. (§7.3.3.C.1)
- The proposed attached garage and addition will adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed attached garage and addition will create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

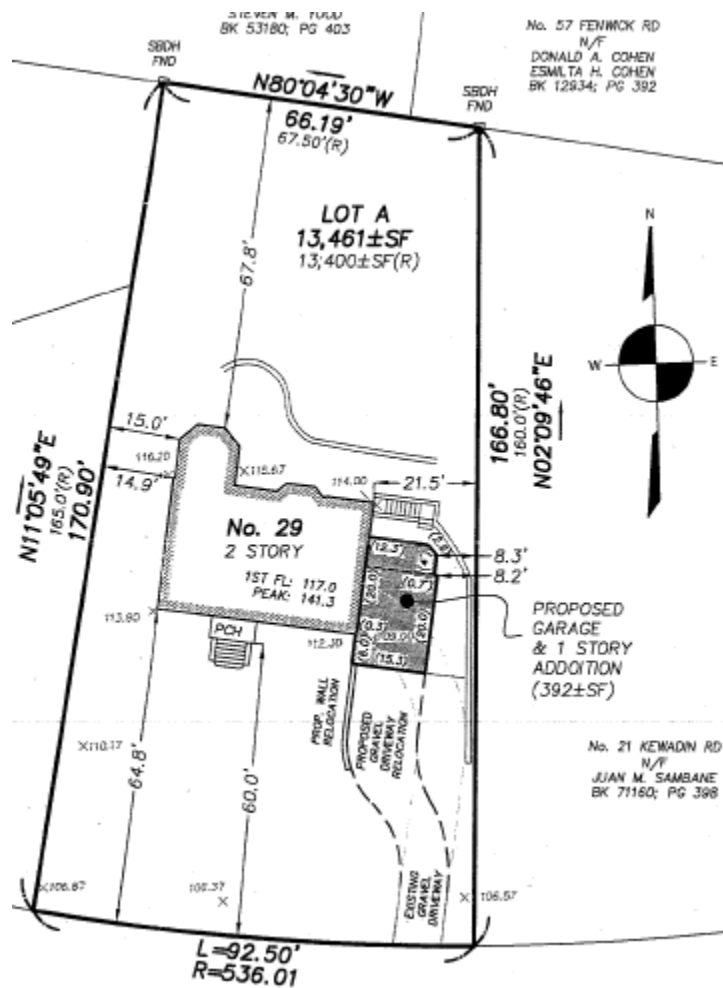
A. Neighborhood and Zoning

The subject property is located on Kewadin Road in the SR-2 zone in Waban. The surrounding neighborhood is also zoned SR-2 with public use along Quinobequin Road (**Attachment A**). The land use of adjacent properties is also single-family residential (**Attachment B**). The neighborhood and surrounding area have a multitude of uses. Several of the homes in the neighborhood have attached garages with additions above.

B. Site

The site consists of approximately 13,461 square feet of land and is improved with a

two-story brick single-family dwelling constructed in 1929. The site has access to Kewadin Road via an unpaved driveway that leads up to an attached garage at the basement level. The principal dwelling currently meets all setback requirements and dimensional standards. There are two retaining walls, one at the eastern property line that curves around the driveway to the rear of the dwelling and the other directly behind the dwelling. The site has an upward slope from the front to the rear of the lot. There is mature landscaping to the rear of the site as well as along the side lot lines.



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

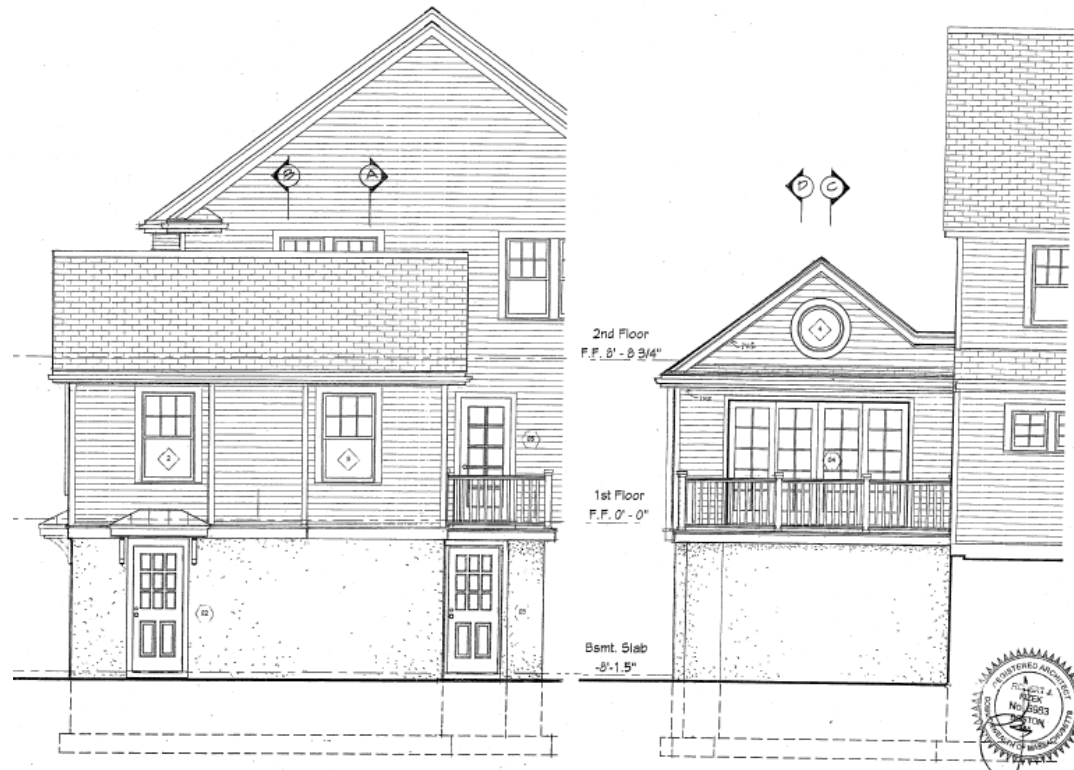
The principal use of the site is and will remain single-family.

B. Building and Site Design

The petitioners are seeking to construct an attached one car garage and one-story addition where the existing driveway ends adjacent to the dwelling. The design of the proposed project will be complementary to the existing façade of the dwelling. The proposed garage bay and first floor addition will add approximately 702 square feet to the dwelling. The proposed garage space is approximately 392 square feet and the first-floor addition is approximately 312 square feet. This brings the floor area ratio to .26 from .20, where .35 is the maximum allowed by right. The proposed garage and addition have a height of 17 feet and 6 inches from the average grade of the property. The proposed garage and addition would decrease the side setback at the eastern property line from 21.5 feet to 8.3 feet, where 7.5 is minimum allowed. The front setback is approximately 60 feet from the right of way when using the existing landing for context, however, the front property line has a slight curve. The proposed addition and garage does not appear to alter that front setback. The petitioners are proposing to construct any new segments of the driveway with gravel.

Elevations:





The Planning Department is unconcerned with the garage and proposed addition because it will be well screened and several homes in the neighborhood have attached garages with space above. The proposed attached garage is consistent with the size and scale of the neighboring homes and garages and meetings all zoning dimensional requirements.

C. Parking and Circulation

The petitioners are proposing to construct an attached one car garage and relocate the driveway to align with the proposed garage's door.

D. Landscaping

A landscape plan is not required with this petition.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The petitioner is seeking the following relief:

- §3.1.3 and §7.3.3 of Section 30, to amend Special Permit #479-14 to allow an attached garage and one-story addition.

B. Engineering Review

This petition does not meet the minimum threshold for Engineering Review.

C. Historic Preservation Review

The project was approved administratively on June 19, 2019 with review of final construction plans required.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Council Order 479-14
Attachment B: Zoning Map
Attachment C: Land Use Map
Attachment D: DRAFT Council Order

30



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#479-14

CITY OF NEWTON
IN BOARD OF ALDERMEN

January 20, 2015

RECEIVED
2015 JAN 29 PM 4:11
City of Newton, Mass.

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 SPECIAL PERMIT/SITE PLAN to allow a dormer wider than 50% of the length of the story below, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Alderman Marc Laredo:

1. The proposed addition, which extends an existing dormer by approximately 11.5 feet for a total width of 29.5 feet and will enlarge the attic floor by approximately 85 square feet, is appropriate for the existing structure and the surrounding residential neighborhood. (§30-24d(1))
2. The proposed dormer located on the rear and side elevations of the house will not adversely affect the neighborhood. (§30-24d(2))

PETITION NUMBER: #479-14

PETITIONER: Daniel & Brenda Kostyk

LOCATION: 29 Kewadin Road, Waban, on land known as SBL 55, 51, 9, containing approximately 13,400 sf of land

OWNER: Daniel & Brenda Kostyk *deed: 48475-87*

ADDRESS OF OWNER: 29 Kewadin Road, Newton, MA 02468

TO BE USED FOR: Single-family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §30-15(t) to allow the construction of a dormer larger than 50% of the exterior wall below.

ZONING: Single Residence 2 District

A True Copy
Attest
[Signature]
City Clerk of Newton, Mass.

Approved subject to the following conditions: --

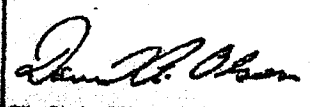
1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. Certified Plot Plan for 29 Kewadin Road, Newton, MA, signed and stamped by George C. Collins, Professional Land Surveyor, dated October 24, 2014.
 - b. Architectural Plan Set for 29 Kewadin Road, Newton, MA, signed and stamped by Robert Fizek, dated October 28, 2014, and includes the following seven (7) sheets:
 - o Cover Page, sheet A-0;
 - o Third Floor Plan, sheet A-1;
 - o Roof Plan, sheet A-2;
 - o South Elevation, A-3;
 - o West Elevation, A-4;
 - o North Elevation, A-5; and
 - o East Elevation, A-6;
2. 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 #1.
3. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect and registered engineer certifying compliance with Condition #1.
 - b. Obtained a written statement from the Planning Department that confirms the addition has been constructed consistent with plans approved in Condition #1.

Under Suspension of Rules

Readings Waived and Approved

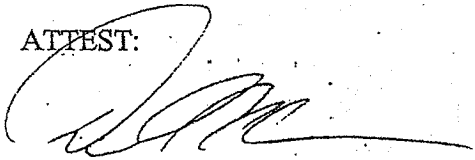
20 yeas 0 nays 4 absent (Aldermen Baker, Cote, Gentile, and Sangiolo)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on January 29, 2015. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the

A True Copy
Attest

City Clerk of Newton, Mass.

decision have been filed with the City Clerk.

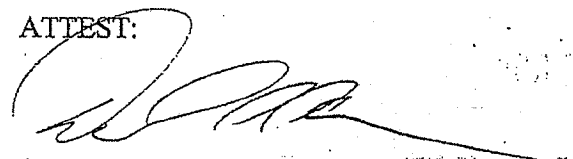
ATTEST:



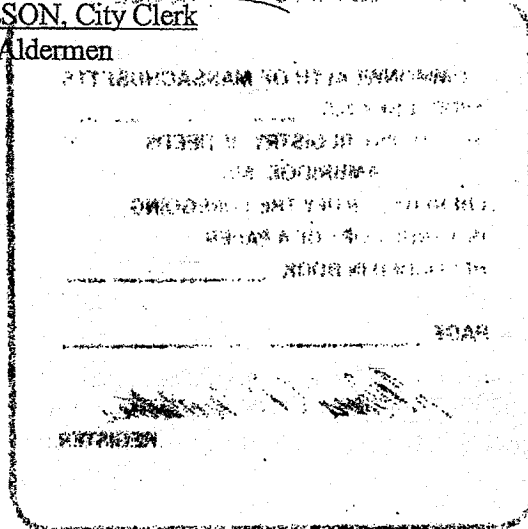
(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen

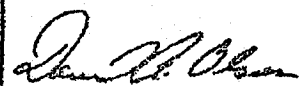
I, David A. Olson, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on 1/31 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen



A True Copy
Attest

City Clerk of Newton, Mass.



ATTACHMENT B

Zoning

29 Kewadin Road

*City of Newton,
Massachusetts*

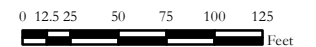
Legend

-  Single Residence 2
-  Public Use

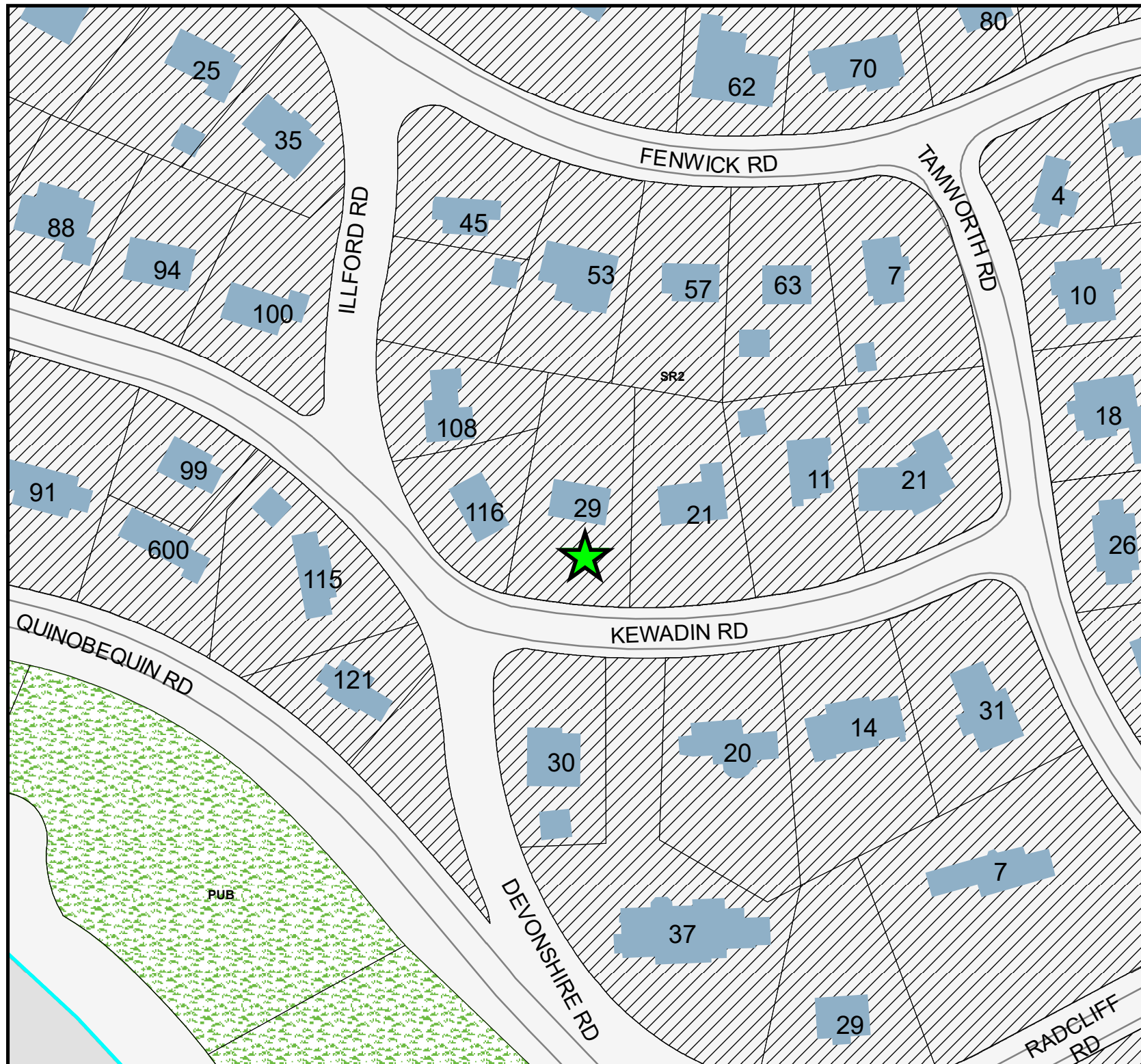


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: August 19, 2019



ATTACHMENT C



Land Use

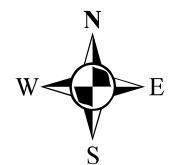
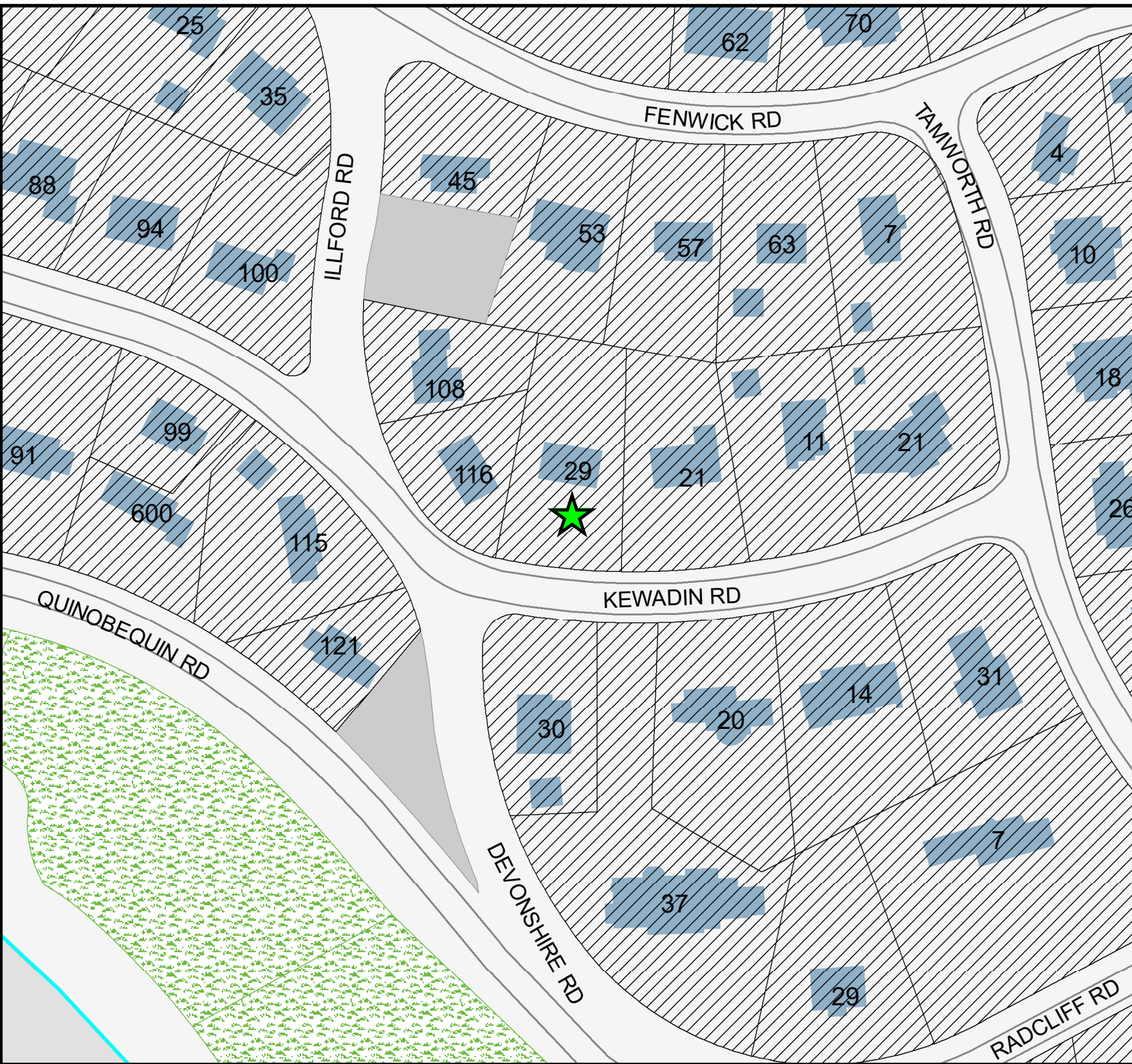
29 Kewadin Road

*City of Newton,
Massachusetts*

Legend

Land Use

-  Single Family Residential
-  Open Space



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: August 19, 2019

29 Kewadin Road
#264-19

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, 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 SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit 479-14 as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The specific site is an appropriate location for the amendment to Special Permit #479-14 because the proposed garage and addition because the project meets all dimensional standard of the Newton Zoning Ordinance. (§7.3.3.C.1)
2. The proposed amendment to Special Permit #479-14 will not adversely affect the neighborhood because there are several other homes in the neighborhood with similar attached garaged and one story additions. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians by amending Special Permit #479-14. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

PETITION NUMBER: #264-19

PETITIONER: Dan and Brenda Kostyk

LOCATION: 29 Kewadin Road, on land known as Section 55 Block 51 Lot 9, containing approximately 13,400 sq. ft. of land

OWNER: Dan and Brenda Kostyk

ADDRESS OF OWNER: 29 Kewadin Road
Newton, MA 02468

TO BE USED FOR: Attached garage and one story addition

CONSTRUCTION: Brick

EXPLANATORY NOTE: §7.3.3 to amend Special Permit #479-14.

ZONING: Single Residence 2

All prior Special Permits for this site remain in full force and effect, including the conditions set forth in Council Order #479-14, except as modified below.

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with:
 - a. Certified Plot Plan located at 29 Kewadin Road C-1.1, signed and stamped by George C. Collins, Professional Land Surveyor, dated May 7, 2019
 - b. Architectural Plans, signed and stamped by Robert J. Fizek, dated May 30, 2019 consisting of the following sheets:
 - i. Front Elevation, A-5
 - ii. Side and Rear Elevation, A-6
 - iii. Section A.A, A-7
 - iv. Section B.B, A-8
 - v. Section C.C, A-9
 - vi. Section D.D. A-10
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Director of Planning and Development, City of Newton Fire Department, Department of Planning and Development, Department of Engineering, and Department of Inspectional Services.
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 #1.
 - d. Received approval from the applicable Departments in accordance with Condition #2 above.
4. No Final Inspection/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 an architect and land surveyor certifying compliance with Condition #1.
- b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by an architect and licensed land surveyor including the as built floor area ratio of the structure.
- c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.
- d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Engineering Division of Public Works a statement from the Department of Planning and Development approving, consistent with the approved Final Landscape Plan, the final location, number and type of plant materials and final landscape features.