



Setti D. Warren  
Mayor

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

#431-16

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

Barney Heath  
Director

**PUBLIC HEARING/WORKING SESSION MEMORANDUM**

**DATE:** March 24, 2017  
**MEETING DATE:** March 28, 2017  
**TO:** Land Use Committee of the City Council  
**FROM:** Barney Heath, Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning  
Michael Gleba, Senior Planner  
**CC:** Petitioner

In response to questions raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming public hearing/working session. This information is supplemental to staff analysis previously provided at the Land Use Committee public hearing.

**PETITION #431-16**

**377 Langley Road**

Request for Special Permit/Site Plan Approval to allow three attached single-family dwellings, reduce frontage requirements for attached single family dwellings, reduce side setback requirements, allow parking within 20' of a side lot line and a driveway within 10' of a side lot line at 377 Langley Road.

The Land Use Committee (the "Committee") held a public hearing on January 26, 2017. The petitioner has stated that meetings were held with several owners of units within the condominium property that abuts the subject property to the south on February 4, 11, and 15, 2017. This memo reflects revised plans and additional information submitted by the petitioner as of March 23, 2017, as addressed to the Planning Department.

This project involves the proposed construction of three attached single-family dwellings on the property, requiring a special permit to allow three attached single-family dwellings, reduce frontage and side setback requirements, as well as to allow retaining walls four feet or higher in setbacks, parking within 20 feet of a side lot line and a driveway within 10 feet of a side lot line. The petitioner has proposed the following modifications to the project:

**Structure**

The structure's footprint has been slightly reduced and the floor area has been lowered by 684 square feet, from 10,938 to 10,254 square feet. The NZO does not establish FAR requirements for

single family attached dwellings, but the Planning Department notes that this change would slightly reduce the proposed project's floor area ratio (FAR) from 0.46 to 0.44. (As noted in the Department's public hearing memorandum for comparison, by right single- and two- family structures on a similarly sized lot in an MR1 district would be limited to an FAR of 0.39.)

As the number of units in the proposal has not been reduced, its lot area per unit remains at 7,846 square feet.

### **Setbacks**

The originally proposed side setbacks were 9.4 feet (right) and 8.3 feet (left), each considerably less than the required 25 feet. In the revised proposal the right setback has been diminished even further to only 8.0 feet. While the Planning Department noted in its public hearing memorandum that it was not particularly concerned with that setback as it is adjacent to another property owned by the applicant and part of the common scheme for them and an additional adjacent property, it is nevertheless somewhat surprised to see it reduced further.

This was perhaps done to provide a larger left setback adjacent to the abutting 18-unit condominium property. However the increase to that setback is only approximately 4.5 feet, to 12.8 feet, and it remains well below the required 25 feet.

### **Lot Coverage & Open Space**

The revised site plan's lot coverage is 19.5%, a slight reduction from the original proposal's 20%, but it remains well below the maximum 30% allowed. The amount of open space on the lot would rise slightly under the revised proposal, from 57.7% to 58.6%, remaining above the required 50%.

### **Retaining Walls**

The retaining wall system for the site has been redesigned in several ways.

The wall along the southern property line has been shortened by approximately 85 feet by pulling it back into the property so it now has a length of approximately 51 feet. Additional retaining walls perpendicular to both that property line and the dwelling are now proposed, serving to "terrace" the left side yard with several levels that step down eight feet from front to rear.

This change would reduce the profile of the wall system facing the abutting property to the south to approximately 5-6 feet, depending on location (with it being lower than that property's existing retaining wall and adjacent parking lot by approximately 2.5 feet) and mitigates the previously proposed condition of a section of wall being approximately 12 feet higher than the adjacent property.

The Planning Department notes that the current proposal appears to show a small section of new retaining wall connecting the proposed system to an existing wall on the abutting property. As this small section seems to be located on that abutting property, the Planning Department notes that - if this is indeed the case- there would likely need to be some agreement with that property's owners to allow its installation. As such, the Planning Department recommends that such an agreement be provided to the Department before the issuance of a building permit, and this be made a condition of any special permit for this proposal.

The rear retaining wall system, which will retain its previously planned height, has been shortened in length by approximately 30 feet, from 95 to 65 feet, and modified to include tree wells that should allow for the preservation of several mature trees.

Revised drawings were delivered to review by the Engineering Division on March 23. Its updated report notes that portions of the proposed sewer do not meet the Utilities Division's minimum 2% slope standards, additional details of the proposed retaining walls are needed, and that the retaining walls greater than 4-feet high will need safety fencing along the perimeter.

### **Parking & Circulation**

The petitioner's initial submission included three parking spaces within 20 feet of the left (south) side lot line. Revised site plans submitted by the petitioner include the removal of these spaces. The Planning Department supports this change as it is consistent with a recommendation made in its public hearing memorandum on this petition and will eliminate the need for the zoning relief sought for said stalls.

The petitioner has also submitted a revised site plan relocating the proposed driveway several feet further to the north. As this would move it away from a driveway serving the property abutting to the south and should eliminate the need for the requested zoning relief to place the driveway within 10 feet of a lot line, the Planning Department is supportive of this change.

As stated in its public hearing memorandum, since part the driveway system will be within a proposed access easement area located on portions of both the subject property and the adjacent 373 Langley Road, the Planning Department continues to recommend that in the event the current petition is approved, before any building permit is issued an easement agreement establishing the rights to such shared use be recorded at the Registry of Deeds and that this be made a condition of any such approval.

### **Landscaping**

The Planning Department's public hearing memorandum noted a lack of landscaping along much of the property's property lines in the original landscape plan and suggested that additional landscaping be installed, especially to better screen the proposed structure from the property abutting to the south. The petitioner has submitted a revised landscape plan showing additional trees along the left (south) property line as well as to the rear of the proposed structure. The Planning Department is supportive of these changes but notes that while the plan indicates the number and species of trees to be added, it does not clearly indicate the type of trees proposed at each location. The Planning Department recommends that the Landscape Plan be modified to address this so as to ensure adequate, year-round screening.

### **SUMMARY**

The Planning Department continues to believe that, as designed, the project is somewhat inappropriate for the site given the proposed structure's size, dimensions and location on the lot. The Department therefore continues to suggest that the proposed dwelling be further modified, perhaps reconfigured and/or reduced in size by either eliminating one unit or, in the alternative, further reducing the size(s) of one or more units. Such a modification, appropriately designed, could allow the project to both not require relief from the side setback requirements and be more in line with the allowed FAR for a by-right development of the site.