



Land Use Committee Report

City of Newton In City Council

Tuesday, January 12, 2021

Present: Councilors Lipof (Chair), Kelley, Greenberg, Markiewicz, Bowman, Laredo, Malakie, Wright

City Staff Present: Chief Planner Neil Cronin, Senior Planner Katie Whewell, Senior Planner Michael Gleba

All Special Permit Plans, Plan Memoranda and Application Materials can be found at http://www.newtonma.gov/gov/aldermen/special_permits/current_special_permits.asp. Presentations for each project can be found at the end of this report.

#513-18(2) Request for Extension of Time to Exercise Special Permit #513-18 43 Kenwood Avenue
MARK AND MARTHA FISHMAN petition for a TWO-YEAR EXTENSION OF TIME to EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL to allow construction of a 161 sq. ft. second floor addition, in the existing footprint of the house, exceeding the maximum allowable FAR of at 43 Kenwood Avenue, Ward 6, Newton Centre, on land known as Section 64 Block 20 Lot 22, containing approximately 10,652 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Said Extension of Time to Run from November 19, 2019 to November 19, 2021. Ref: Sec. 7.3, 7.4, 7.8.2.C.2, 3.1.9 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 6-0

Note: The Committee expressed no concern relative to the request for an extension of time to exercise Special Permit #513-18 at 43 Kenwood Avenue. Councilor Markiewicz moved approval which carried 6-0.

#259-19(2) Request for Extension of Time to Exercise Special Permit #259-19 at 264 Pearl Street
BENEDETTO CAIRA, TRUSTEE petition for a ONE-YEAR EXTENSION OF TIME to EXERCISE by Special Permit Council Order #259-19 approved on December 2, 2019 to allow for the construction of three single-family attached dwelling units at 264 Pearl Street, Ward 1, Newton, on land known as Section 11 Block 14 Lot 10, containing approximately 14,608 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Said Extension of Time to Run from December 2, 2020 to December 2, 2021. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 5.4.2.B, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 6-0

Note: Atty. Laurance Lee, with offices of Rosenberg, Freedman and Lee, 246 Walnut Street, represented the petitioner, Benedetto Caira. Atty. Lee presented the request for an extension of time to exercise Special Permit #259-19 at 264 Pearl Street. He noted that the delay is due to COVID-19. The Committee expressed no concerns relative to the request and voted 6-0 in favor of a motion to approve the extension of time from Councilor Greenberg.

#521-20 **Petition to exceed FAR and allow oversized accessory apartment at 26 Gilbert Street**
BEATA SHAPIRO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to enclose a second-floor porch, over the garage, creating an oversized internal accessory apartment and creating an FAR of .64 where .58 is allowed and .58 exists at 26 Gilbert Street, Ward 4, West Newton, on land known as Section 33 Block 02 Lot 25, containing approximately 5,000 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 3.1.11, 6.7.1.D.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 6-0; Public Hearing Closed 01/12/2021**

Note: Ms. Beata Shapiro presented the request for a special permit petition to allow an oversized accessory apartment at 26 Gilbert Street. Ms. Shapiro noted that an accessory apartment will be located above an existing garage. She explained that the existing permit allows for an open deck. The proposed plans include enclosure of the deck space to create approximately 300 sq. ft. of additional habitable space.

Senior Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. Ms. Whewell provided a plan showing the space for the accessory apartment subject to the current building permit (highlighted in red on the attached presentation). The porch space to be enclosed (highlighted in blue) creates an FAR of .64 where .58 exists and .58 is allowed. With the proposed additional space, the accessory apartment measures 1133 sq. ft. representing 40% of the habitable area of the principal dwelling.

The public hearing was opened. No member of the public wished to speak. The Committee expressed support for the petition and shared no concerns. In response to questions from the Committee, Ms. Shapiro explained that the building code requires a second egress for the apartment. The second point of egress was originally intended to be located adjacent to the porch, but the space for the porch caused the size of the kitchen and internal space to shrink. The increase in square footage allows the interior spaces to remain functionally sized.

Councilor Markiewicz motioned to close the public hearing which carried unanimously. Councilor Markiewicz motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation and voted 6-0 in favor of approval.

#400-20 **Petition to exceed FAR and extend number of stories at 727 Centre Street**
ZAILI CHEN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct additions to the third story, extending the nonconforming number of stories and creating an FAR of .50 where .45 exists and .35 is allowed at 727 Centre Street, Ward 2, Newton, on land known as Section 13 Block 16 Lot 08, containing approximately 12,880 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2, 7.8.2.2 3.2.3, 1.5.4.G.2.b of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 6-0; Public Hearing Closed 11/10/2020**

Note: This petition was initially before the Land Use Committee on November 10, 2020. At the meeting on November 10, 2020 the Land Use Committee recommended approval of the petition. At the Council meeting on November 16, 2020, concern was raised relative to the design of the massing on the sides of the building. The petition was recommitted to the Land Use Committee. The petitioner met with

the Planning Department and submitted revised plans. Senior Planner Michael Gleba reviewed the requested relief, criteria for consideration, land use zoning and updated plans to extend the nonconforming number of stories and extend the FAR at 727 Centre Street. The petitioners redesigned the two additions on the sides of the home. Comparisons of the prior and proposed design can be seen in the attached presentation.

No member of the public wished to speak. The Committee expressed appreciation for the improvements to the design. The Committee noted that the project includes the change in the color of the trim in all of the windows from black to white. Councilor Greenberg motioned to approve the petition. The Committee reviewed the draft findings and conditions as shown in the attached presentation and voted 6-0 in favor of approval.

#522-20 Petition to retaining wall greater than 4' in the setback at 17 Wallace Street

ALI KIAPOUR petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a retaining wall in excess of four feet in height within the side and rear setbacks at 17 Wallace Street, Ward 8, Newton Highlands, on land known as Section 83 Block 34 Lot 18, containing approximately 5,000 sq. ft. in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approval Failed to Carry 3-0-3 (Councilors Greenberg, Kelley, Bowman abstaining)**

Note: The petitioner, Mr. Ali Kiapour presented the request for a special permit petition to allow retaining walls greater than 4' in the setback. Mr. Kiapour explained that the backyard was formerly lined with a wall composed of stone pieces which were not interlocked and did not provide any protection from erosion. He noted that the yard was sloped towards the front of the site and the house. After several episodes of heavy rain, the homeowners observed erosion of dirt and stones that rolled down the slope towards the house. To provide a safer, more functional space, the petitioner proposes to locate a retaining wall along the backyard as well as on the sides. The proposed retaining wall is 50' in length and ranges from 8'-12' depending on the slope of the lot. Mr. Kiapour confirmed that a railing will be located at the top of each wall and the wall will not exceed 2' above the soil at any point. The excavation necessary to regrade the backyard and install the lot has already been done.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning, proposed plans and photos of the site as seen on the attached presentation. Mr. Gleba noted that the Engineering Department would require that the walls will need to be constructed so that they can be climbed on.

The Public Hearing was Opened.

Konstantin Kandror, 21 Wallace Street, expressed no concerns relative to the project as long as there is no impact on their property.

Steve Pitrowski, Goddard Street, spoke in support of the petition and expressed no concerns provided the construction is compliant with the City's requirements.

The Chair explained that any construction at the site would be subject to approval of the structural integrity by Inspectional Services and the drainage plans by the Engineering Department. The Committee

noted that the excavation is at the petitioner's own risk. Committee members noted that the excavation required to accommodate the retaining wall is significant and questioned the safety of the conditions at present as well as post construction. Mr. Kiapour responded to concerns from the Committee and emphasized the intent to do the construction in accordance with the City's standards while ensuring the safety of the neighboring properties. He noted that the former conditions were unsafe, and the proposed conditions are intended to create usable space. He noted that he questioned whether the excavated site would be stable but noted that there have been several storms with heavy winds that have had no impact on the site. He stated that he has installed a camera to monitor the conditions at the site.

The Committee expressed concerns relative to the impact of existing mature trees on abutting properties. Mr. Kiapour confirmed that he communicated his plans to the abutters and stated that he intends to take measures during construction to ensure the safety of the trees. He noted that over the course of the last three years, some trees have been removed after receiving unsafe evaluation. A Committee member noted that one of the photos submitted as part of the petition shows the removal of a tree on an abutting property. Mr. Kiapour noted that it was a stump that was removed on the abutting property.

Committee members shared concern relative to the drainage plan as well as maintenance of the land between the property line and the retaining wall/fence (approximately 2'). Mr. Kiapour stated that he is working with engineers to design a plan that will meet the Engineering Department's requirements. He noted that it is the intent to pour gravel between the fence and the property line. Committee members noted that even with gravel between the property line and the retaining wall, the space will be difficult to maintain and it will collect debris and water.

The Committee remained divided with respect to the petition and questioned whether the Engineering Department had a recommendation. Mr. Gleba explained that the construction is at the rear of the site, mainly impacting the subject parcel. He noted that this project is an engineering triggered project and as Engineering raised no concerns respecting drainage, the Planning Department has no concerns. Mr. Cronin added that the regrading of the lot does not impact the height or bulk of the structure. Mr. Gleba suggested that due to the proximity to the neighboring properties, the Committee can consider approval of the petition subject to approval of a final landscape plan.

It was noted that Wallace Street is impacted by sloping topography and the proposed retaining wall is a solution to create functional, safe, backyard space. Councilor Markiewicz motioned to close the public hearing which carried unanimously. Councilor Markiewicz motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation. The Committee asked that the draft Council order include a condition relative to maintenance of an appropriate safety fence on the subject property. With that, the Committee voted 3-0-3 in favor of approval (Councilors Greenberg, Kelley and Bowman).

#523-20 **Petition to allow increased lot coverage and decreased open space at 13 Prospect St**
KATHERINE JORDAN-QUERN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Variance #4-13 to allow the enclosure of first-level space to be used for additional living space, creating an FAR of .75 where .54 is required and .66 exists, further reducing the minimum open space and exceeding maximum lot coverage at 13 Prospect Street, Ward 3, West Newton, on land known as Section 33 Block 03 Lot 09 containing approximately 6,611 sq. ft. in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.2.3, 3.2.11, 7.8.2.C.2, 7.6 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 6-0; Public Hearing Closed 01/12/2021

Note: Atty. Peter Harrington, with law offices at Harrington and Martins, 505 Waltham Street, represented the petitioner Ms. Kathy Jordan-Quern. Atty. Harrington presented the request to allow increased lot coverage and decreased open space at 13 Prospect Street. The petitioner operates a home day care center for up to 10 children. The site, located in West Newton, is on densely populated street that terminates in a 10' wall blocking off the Mass Turnpike. The petitioner proposes to reduce open space and increase lot coverage in order to enclose a rear 313 sq. ft. patio. The patio is surrounded on either side by exterior walls of the house. The petitioner hopes to enclose this patio to create additional play space for the children. A separate, outdoor play space was recently added at the rear of the property. There will be no interruption to the outdoor play space. Atty. Harrington noted that an amendment to an existing variance was required to complete the project. The variance was approved subject to the approval of the special permit.

Senior Planner Katie Whewell reviewed the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. Ms. Whewell noted that the proposed addition will create an FAR of .72 where .66 exists and .54 is allowed. As a result of approval, the lot coverage will increase to 32.3% and the open space will decrease to 42.9%.

The Public hearing was opened. No member of the public wished to speak. Committee members were supportive of the proposed project, noting significant improvements to the site. Councilor Kelley motioned to close the public hearing which carried 6-0. Councilor Kelley motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation and voted 6-0 in favor of approval.

#14-20(2) Petition for free-standing sign at 287-289 Newtonville Avenue

POFCO, Inc. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a free-standing sign (3.75' high x 8' wide) and to amend the site plan approved by Special Permit Board Order #14-20 at 287-289 Newtonville Avenue, Ward, 2 Newtonville, on land known as Section 22 Block 01 Lots 17 and 13, containing approximately 72,643 sq. ft. of land in a district zoned MANUFACTURING and MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 5.2.3, 5.2.8, 5.2.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 6-0; Public Hearing Closed 01/12/2021

Note: Atty. Michael Peirce, with law offices at 60 Walnut Street, Wellesley, represented the petitioner POFCO, Inc. Atty. Peirce presented the request for a free-standing sign at 287-289 Newtonville Avenue. The petitioner obtained a special permit to build a parking facility at manufacturing building in February 2020. The petitioner now proposes to locate a free-standing sign at the corner of Albany and Newtonville Avenue to provide wayfinding for visitors to the site. Atty. Peirce noted that although the application requested a sign measuring 30 sq. ft., the petitioner has reduced the size of the proposed sign to 13.3' to more closely align with the neighborhood character. Atty. Peirce noted that the Urban Design Commission approved the sign but expressed concern to the colors of the sign and the impact with internal lighting. In response to UDC's concern, the petitioner shifted the lighting from internal to external. Atty. Peirce noted that the proposed sign will be set back from the curb and located with landscaping approved as a part of the February 2020 special permit. He stated that as the building is set back on the site, the sign will be instrumental for wayfinding.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. He confirmed that this order will be consolidated with the order approved in February 2020.

The Public Hearing was Opened. No member of the public wished to speak. The Committee expressed no concerns relative to the petition and noted that wayfinding is critical to minimizing visitors to the site turning around in nearby driveways, etc. Councilor Laredo motioned to close the public hearing which carried 6-0. Councilor Laredo motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation and voted 6-0 in favor of approval.

Respectfully Submitted,

Richard Lipof, Chair

Department of Planning and Development



PETITION #521-20
26 GILBERT STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO ALLOW AN
OVERSIZED ACCESSORY
APARTMENT AND EXCEED THE
FLOOR AREA RATIO

JANUARY 12, 2021



Requested Relief



Special Permit per §7.8.2.C.2 and §7.3.3 of the NZO to:

- Exceed the Floor Area Ratio (FAR) (§3.2.3)
- Allow an oversized internal accessory apartment (§6.7.1.D.2)

Criteria to Consider



When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the proposed oversized accessory apartment. (§6.7.1.D.2, §7.3.3.C.1)
- The proposed oversized accessory apartment will adversely affect the neighborhood. (§6.7.1.D.2, §7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§6.7.1.D.2, §7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§6.7.1.D.2, §7.3.3.C.4)
- The proposed increase in FAR from .58 to .64, where .58 is the maximum allowed as of right is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. (§3.2.3 and §7.3.3)

Aerial/GIS Map



Zoning

26 Gilbert Street

City of Newton,
Massachusetts

Zoning

-  Single Residence 2
-  Multi-Residence 1
-  Multi-Residence 3
-  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: January 08, 2021



Land Use

26 Gilbert Street

City of Newton,
Massachusetts

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Industrial
-  Open Space
-  Vacant Land

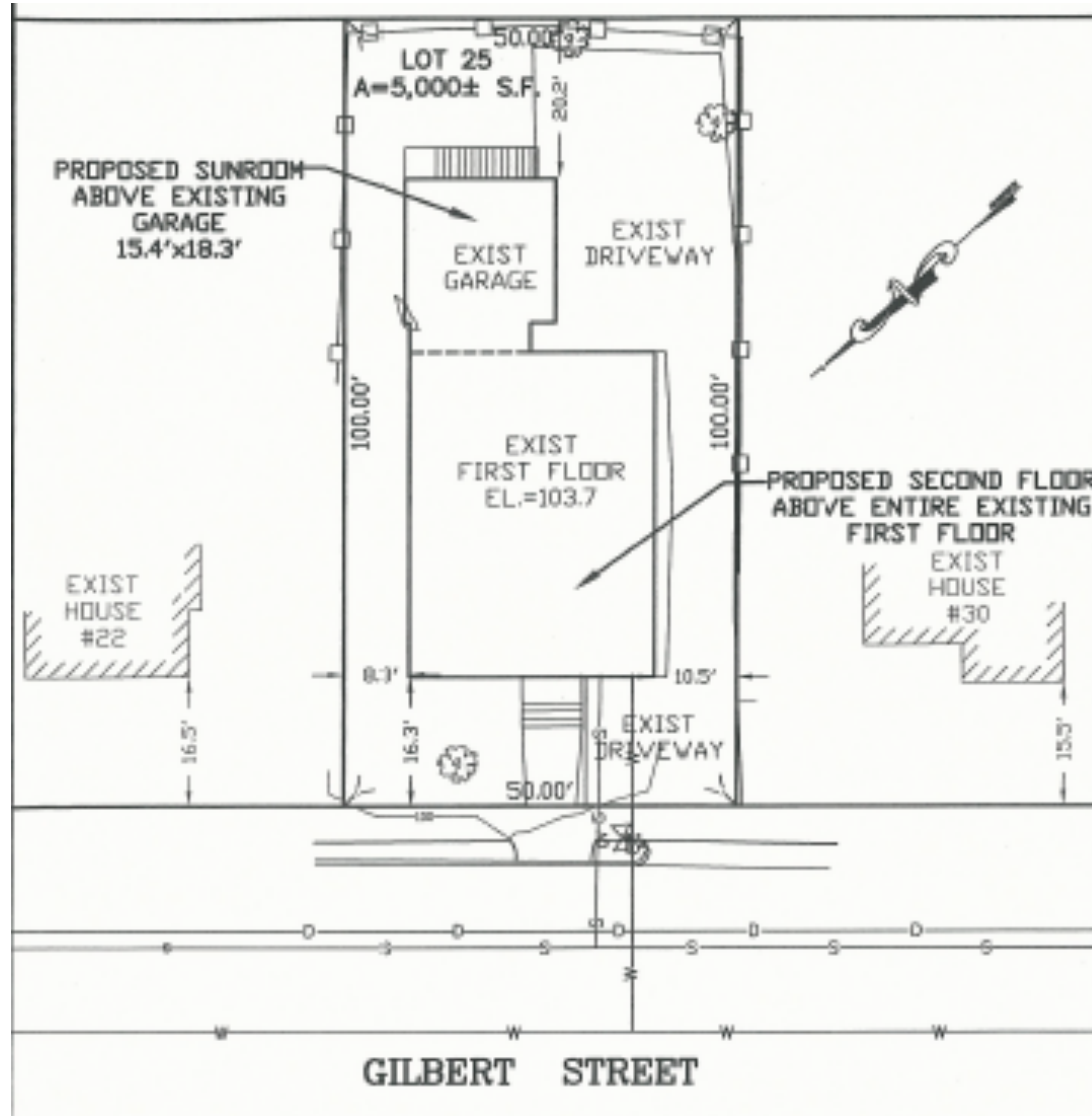


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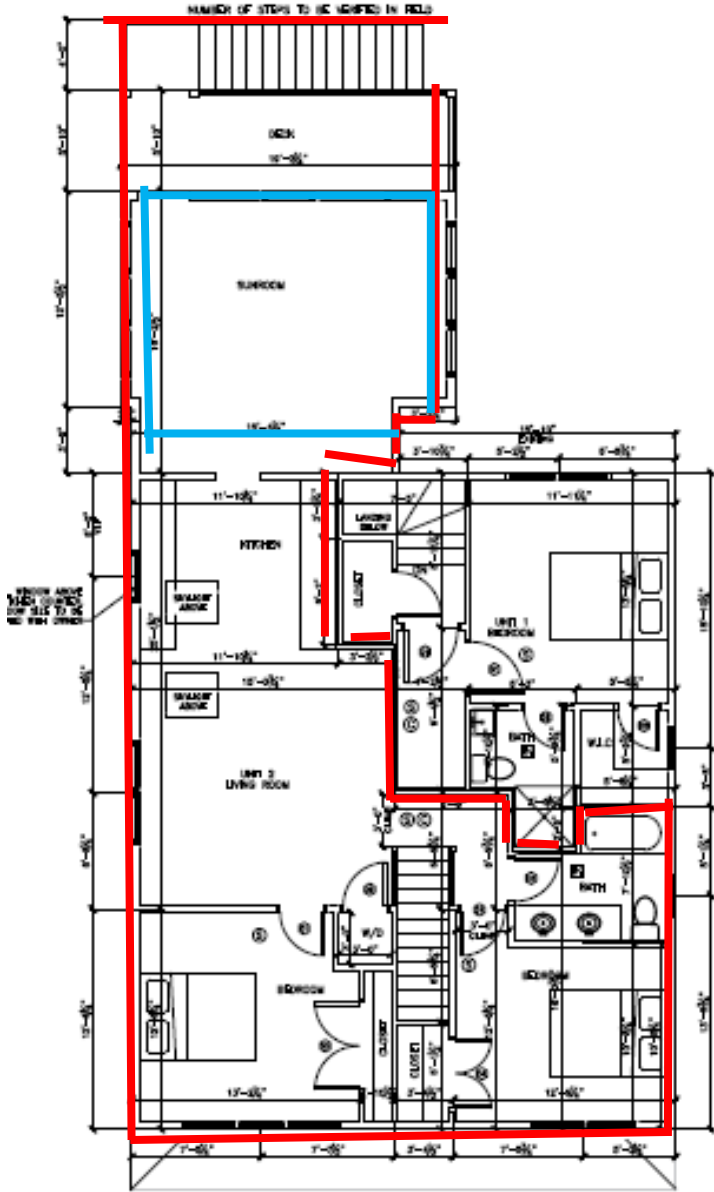
CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruben R. Filler
GIS Administrator - Douglas Greenfield



Proposed Site Plan



Proposed Second Floor Floorplan



- Accessory Apartment
- Addition



Existing Left Elevation



Proposed Left Elevation

Proposed Findings



- The site is an appropriate location for the proposed oversized accessory apartment due to its location within the existing dwelling's footprint. (§6.7.1.D.2, §7.3.3.C.1)
- The proposed oversized accessory apartment will not adversely affect the neighborhood due to neighboring structures consisting of two stories on similarly sized lots. (§6.7.1.D.2, §7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians the site complies with the zoning ordinance regarding driveway width and the number of parking stalls. (§6.7.1.D.2, §7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved because all parking will be contained on site. (§6.7.1.D.2,, §7.3.3.C.4)
- The proposed increase in FAR from .58 to .64, where .58 is the maximum allowed as of right is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood because there are neighboring structures consisting of two stories on similarly sized lots. (§ 3.2.3 and §7.3.3)

Proposed Conditions



1. Plan Referencing Condition.
2. Standard Building Permit Condition.
3. Standard Final Inspection/Certificate of Occupancy Condition.
4. Accessory Apartment Conditions

Department of Planning and Development



PETITION #400-20

727 CENTRE STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO CONSTRUCT
ADDITIONS TO THE THIRD
STORY, EXTENDING THE
NONCONFORMING NUMBER OF
STORIES AND CREATING AN FAR
OF .50 WHERE .45 EXISTS AND
.35 IS ALLOWED

JANUARY 12, 2021



Requested Relief



Special permit per §7.3.3 to:

- further extend nonconforming FAR (§3.1.3, §3.1.9, §7.8.2.C.2)
- further extend a nonconforming 3.5 story structure (§3.1.3, §7.8.2.C.2)

Criteria to Consider



When reviewing the requested special permits the Council should consider whether:

- The proposed increase of the nonconforming FAR from 0.45 to 0.50 where 0.35 is the maximum allowed by right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. (§3.1.9.A.2)
- The proposed increase of the nonconforming FAR from 0.45 to 0.50 where 0.35 is the maximum allowed by right, will not be substantially more detrimental than the existing nonconforming structure to the neighborhood (§7.8.2.C.2)
- The proposed extension of the nonconforming 3 ½ story dwelling will not be substantially more detrimental than the existing nonconforming structure to the neighborhood (§7.8.2.C.2)

Elevations- Front: Existing; Original & Current



Elevations- Cabot St: Existing; Original & Current



Perspectives Front: Existing; Original & Current



Proposed Findings



1. The proposed increase of the nonconforming floor area ratio (FAR) from 0.45 to 0.50 where 0.35 is the maximum allowed by right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood given the locations of the additional 622 square foot increase in floor area above existing living space in two additions on either side of the dwelling, and because the height of the dwelling would not be increased (§3.1.9.A.2);
2. The proposed increase of the nonconforming floor area ratio (FAR) from 0.45 to 0.50 where 0.35 is the maximum allowed by right, will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood as the dwelling's footprint would be unchanged, and the bulk of the additional 622 square feet in floor area would be located above existing living space on either side of the dwelling and not increase the height of the dwelling (§7.8.2.C.2)
3. The proposed extension of the nonconforming 3 ½ story dwelling will not be substantially more detrimental than the existing nonconforming structure to the neighborhood as the dwelling's footprint would be unchanged, and the bulk of the additional 622 square feet in floor area would be located above existing living space on either side of the dwelling and not increase the height of the dwelling (§7.8.2.C.2)

Proposed Conditions



1. *Plan Referencing Condition*

- *Note:*

- *August 20, 2020 site plan*
- *November 9, 2020 Floor Area Ratio (FAR) Worksheet*
- *“Proposed” drawings as “Revised 11/25/2020”*

1. *Standard Building Permit Condition.*

2. *Standard Final Inspection/Certificate of Occupancy Condition.*

Department of Planning and Development



PETITION #552-20
17 WALLACE STREET
SPECIAL PERMIT/SITE PLAN
APPROVAL TO ALLOW A
RETAINING WALL IN
EXCESS OF FOUR FEET IN
HEIGHT WITHIN THE SIDE AND
REAR SETBACKS

JANUARY 12, 2021



Requested Relief



Special permit per §7.3.3 to:

- allow a retaining wall exceeding four feet in height within a setback (§3.4.2.B)

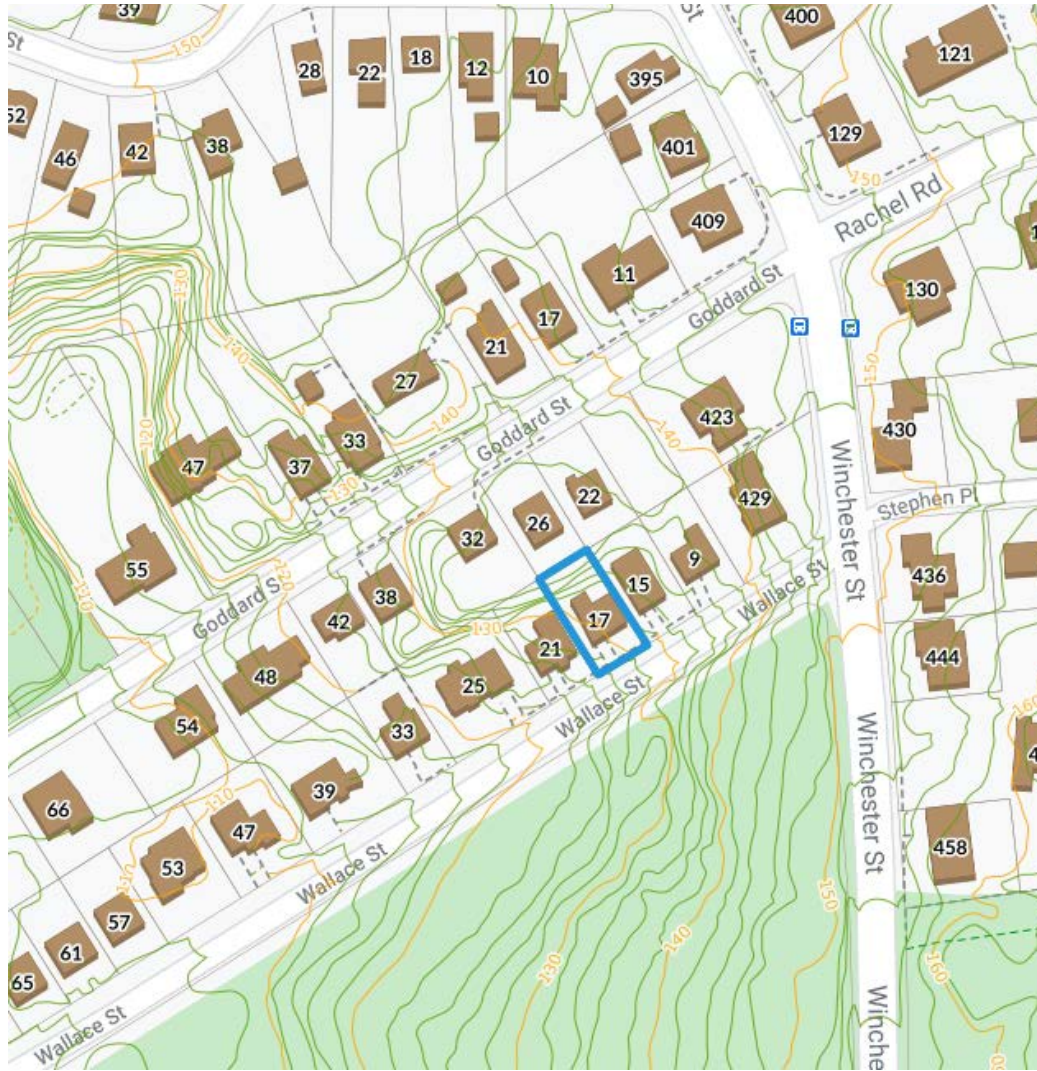
Criteria to Consider



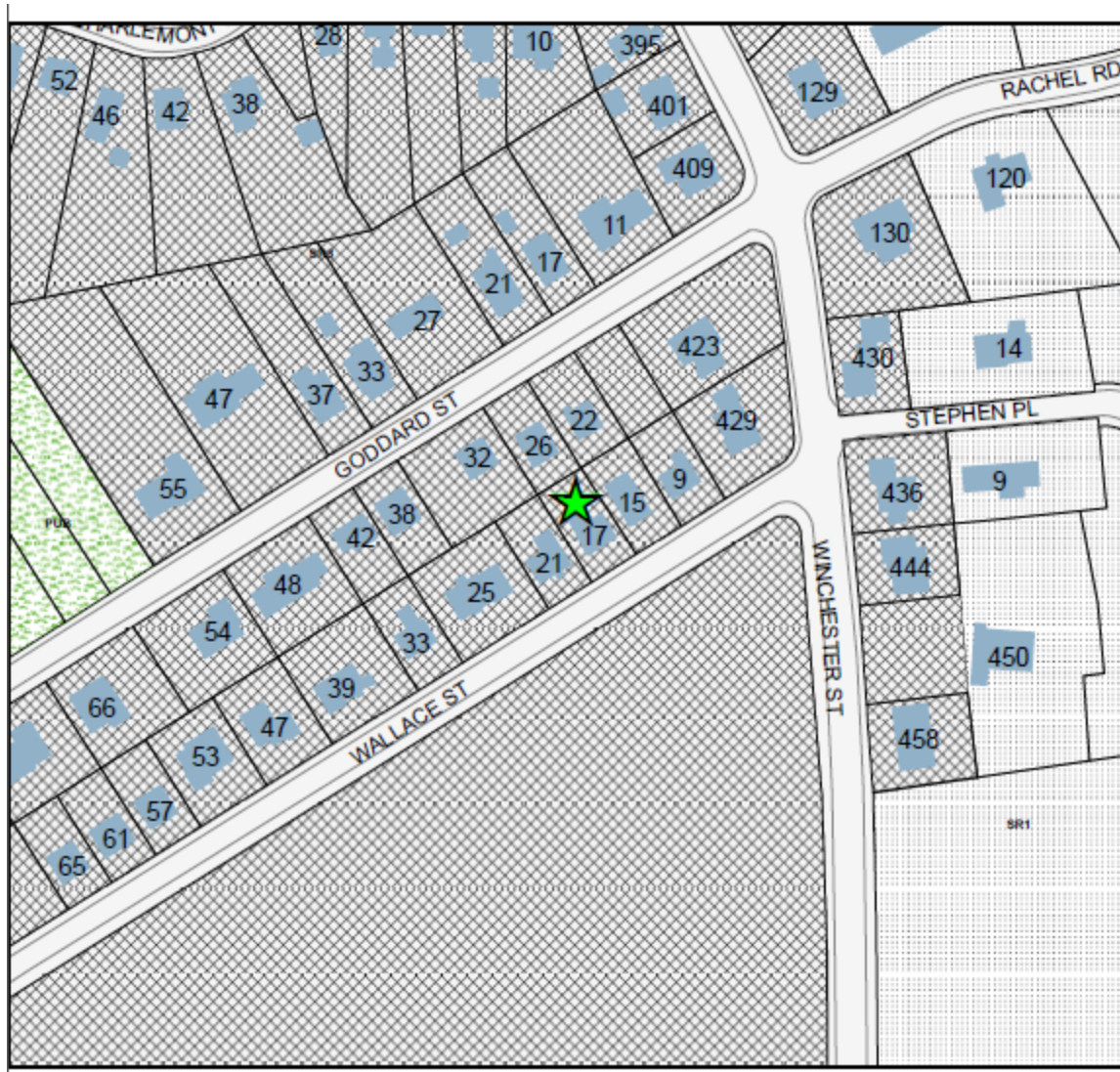
When reviewing the requested special permits the Council should consider whether:

- The specific site is an appropriate location for the proposed retaining walls in excess of four feet in height within setbacks in a Single Residence 3 (SR3) district (§7.3.3.C.1)
- The proposed retaining walls in excess of four feet in height within a setback will adversely affect the neighborhood (§7.3.3.C.2)
- The proposed retaining walls in excess of four feet in height within a setback 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)

AERIAL/GIS MAP



Zoning






ATTACHMENT B

Zoning

17 Wallace St.

*City of Newton,
Massachusetts*

Legend

-  Single Residence 1
-  Single Residence 3
-  Public Use



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

0 12.5 25 37.5 50 62.5 75 87.5 100 112.5 125 137.5 150 162.5
Feet

Map Date: January 07, 2021

Land Use



ATTACHMENT A





Land Use

17 Wallace St.

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Golf Course
-  Open Space
-  Vacant Land



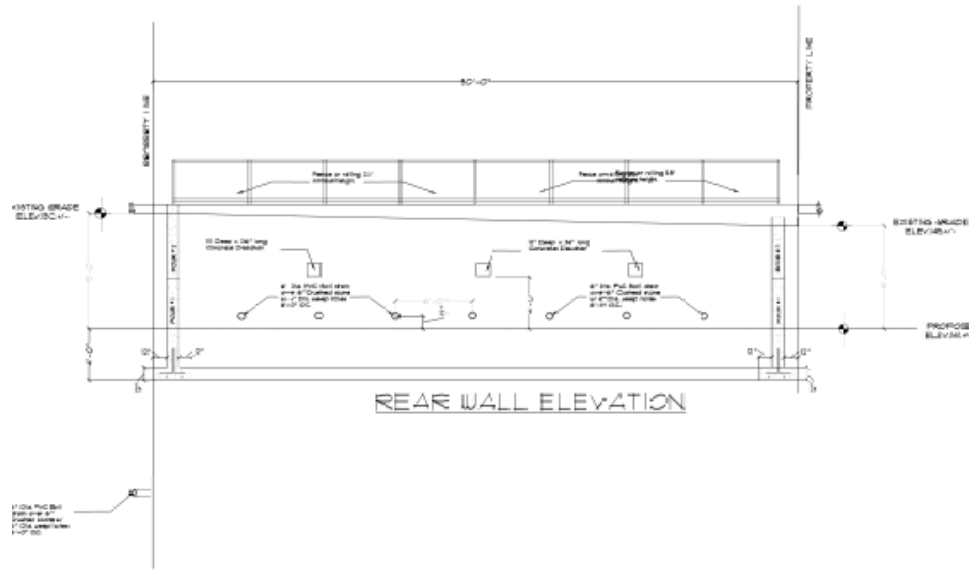
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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

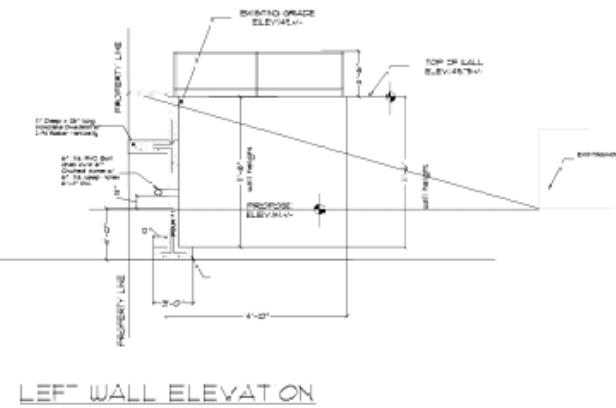
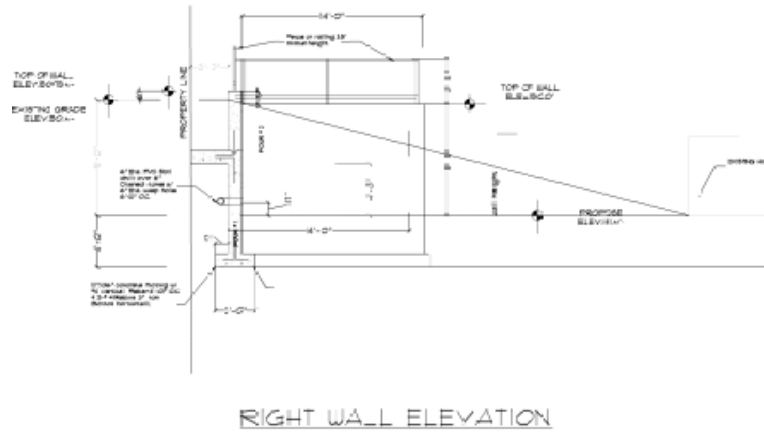
0 12.500 50 75 100 125 150 175
Feet

Map Date: January 07, 2021

Wall detail



INSTALLATION NOTE:
 SET TO BE SUBMITTED IN TWO POINTS:
 POINT #1 & POINT #2
 After POINT #1 allow to cure and
 break'll concrete with POINT #2



Photos



Photos



Photos



Proposed Findings



1. The specific site in a Single Residence 3 (SR3) district is an appropriate location for retaining wall in excess of four feet in height within the rear and side setbacks to assist in soil stabilization given the grades of adjacent properties and (§7.3.3.C.1)
2. The retaining wall in excess of four feet in height within a setback will not adversely affect the neighborhood (§7.3.3.C.2)
3. The retaining wall in excess of four feet in height within a setback will not create a nuisance or serious hazard to vehicles or pedestrians (§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)

Proposed Conditions



1. *Plan Referencing Condition*
2. *Standard Building Permit Condition.*
3. *Standard Final Inspection/Certificate of Occupancy Condition.*

Department of Planning and Development



PETITION #523-20
13 PROSPECT STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO INCREASE THE
NONCONFORMING FLOOR AREA
RATIO

JANUARY 12, 2021



Requested Relief



Special Permit per §7.8.2.C.2 and §7.3.3 of the NZO to:

- Increase the nonconforming floor area ratio (§3.2.3, § 3.2.11, §7.8.2.C.2)

Criteria to Consider



When reviewing this request, the Council should consider whether:

- The proposed increase in the nonconforming FAR from .54 to .72, where .66 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.1.9, and §7.8.2.C.2)
- The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.9 and §7.8.2.C.2)

Aerial/GIS Map



ATTACHMENT B

Zoning

13 Prospect Street

*City of Newton,
Massachusetts*

Zoning

-  Single Residence 2
-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 2
-  Manufacturing
-  Public Use



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

0 25 50 75 100 125
Feet

Map Date: January 05, 2005



ATTACHMENT C

Land Use

13 Prospect Street

City of Newton,
Massachusetts

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Industrial
-  Open Space
-  Private Educational
-  Nonprofit Organizations
-  Vacant Land



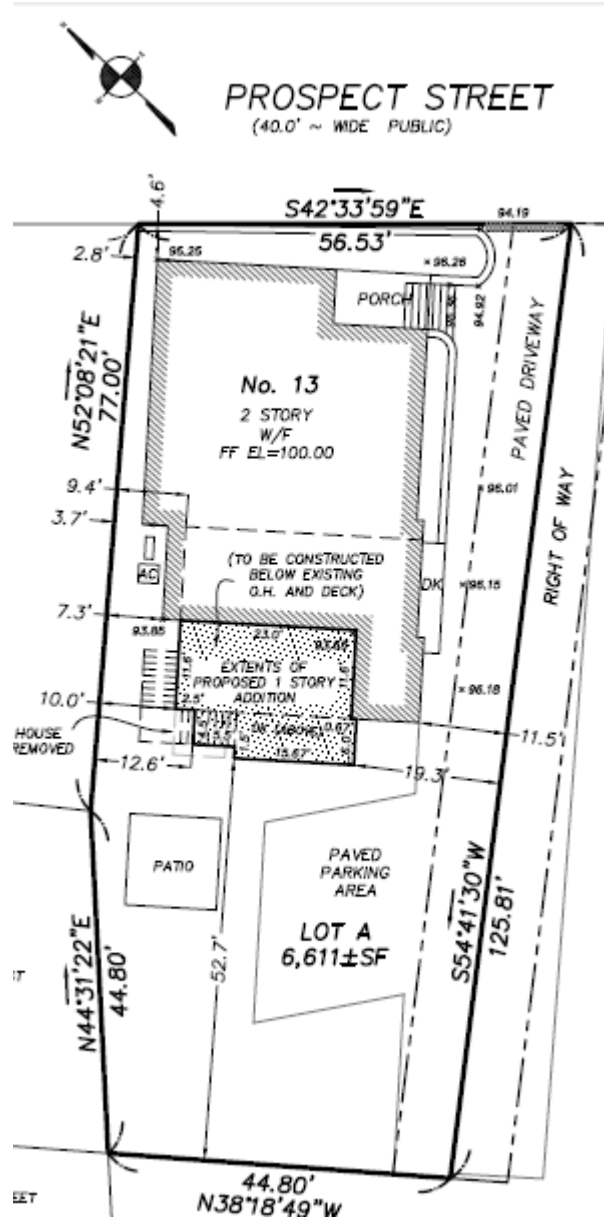
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CITY OF NEWTON, MASSACHUSETTS
Mayor - Katherine Fisher
GIS Administrator - Douglas Owen-Gold



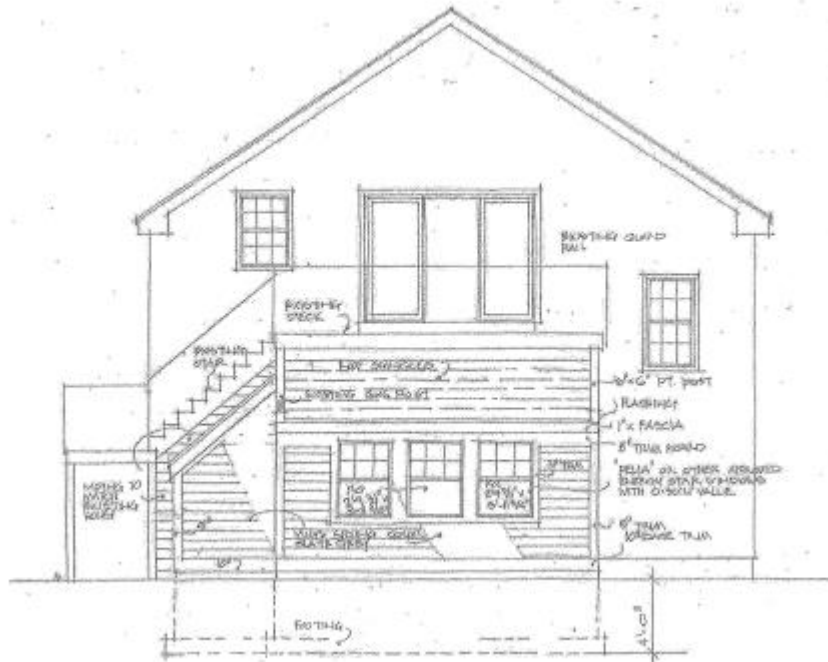
Proposed Site Plan

Governed by Variance #04-13 which allowed dimensional waivers, including lot overage above 30% and open space below 50%.



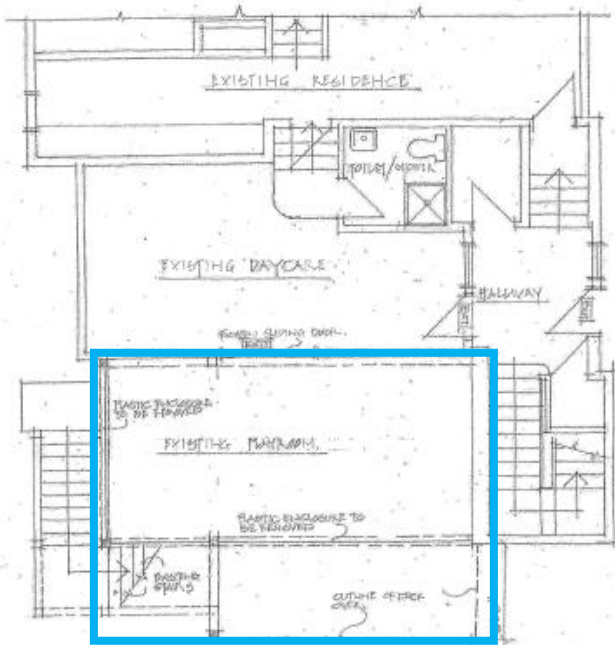


Existing Rear Elevation



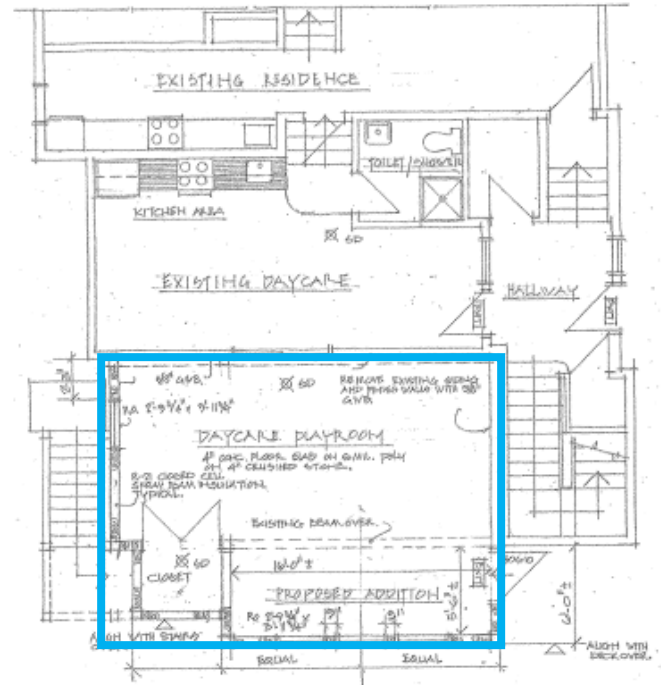
Proposed Rear Elevation

Existing Floorplan



1 Existing Floor Plan
1/4" = 1'-0"

Proposed Floorplan



3 Proposed Floor Plan
1/4" = 1'-0"

Proposed Findings



1. The proposed increase in the nonconforming FAR from .54 to .72, where .66 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood because the proposed addition is to the rear and limited to the first floor of the structure (§3.1.9, and §7.8.2.C.2)
2. The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the addition the proposed addition is within the footprint of the existing structure. (§3.1.9 and §7.8.2.C.2)

Proposed Conditions



1. Plan Referencing Condition.
2. Standard Building Permit Condition.
3. Standard Final Inspection/Certificate of Occupancy Condition.

Department of Planning and Development



PETITION #14-20(2)
287-289 NEWTONVILLE AVE.

SPECIAL PERMIT/SITE PLAN
APPROVAL TO ALLOW A FREE-
STANDING SIGN (3.75' HIGH X
8' WIDE) AND TO AMEND THE
SITE PLAN APPROVED BY
SPECIAL PERMIT ORDER #14-
20

JANUARY 12, 2021



Requested Relief



Special permit per §7.3.3 to:

- ~~allow parking accessory to a manufacturing use in a residential district (§5.1.6.C)~~
- ~~allow parking in the front and side setback (§3.2.3, §5.1.8.A.1, §5.1.13)~~
- ~~waive interior landscaping requirements (§5.1.9.B, §5.1.13)~~
- ~~waive the lighting requirements (§5.1.10, §5.1.13)~~

Criteria to Consider



When reviewing the requested special permits the Council should consider whether

- The specific site is an appropriate location for the proposed free-standing sign (§7.3.3.1)
- The proposed free-standing sign will not adversely affect the neighborhood (§7.3.3.2)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.3)
- There will be no nuisance or serious hazard to vehicles or pedestrians associated with the proposed free-standing sign (§7.3.3.4)
- Whether allowing the requested sign is in the public interest (§5.2.13.A)

Zoning



ATTACHMENT B

Zoning

287-289

Newtonville Ave.

*City of Newton,
Massachusetts*

Legend

- Multi-Residence 1
- Multi-Residence 3
- Business 2
- Manufacturing
- Public Use



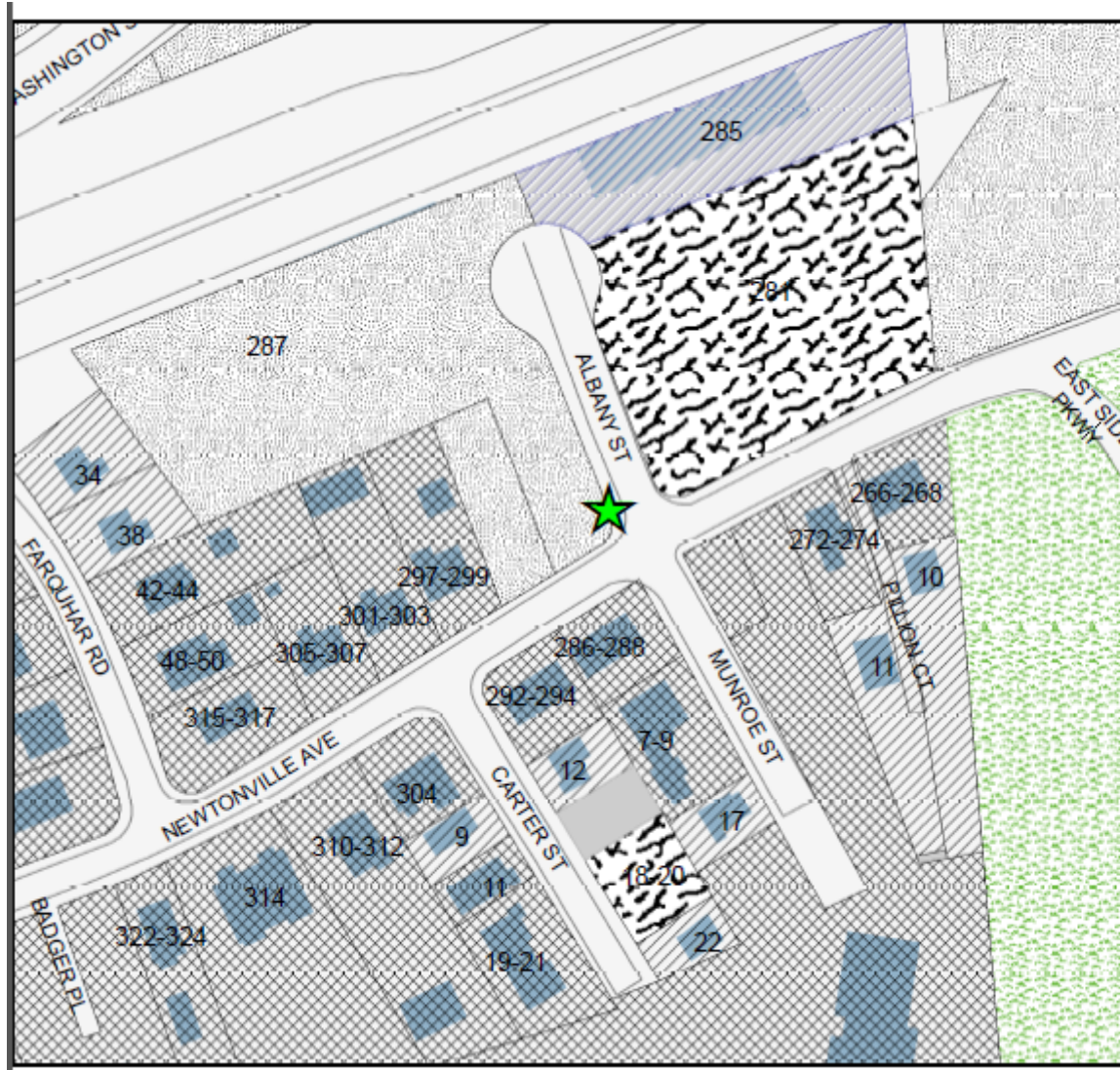
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CITY OF NEWTON, MASSACHUSETTS
Mayor - Barbara Fuller
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125
Feet

Map Date: January 08, 2021

Land Use



ATTACHMENT A

Land Use

287-289

Newtonville Ave.

City of Newton,
Massachusetts

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Industrial
-  Open Space
-  Nonprofit Organizations
-  Vacant Land



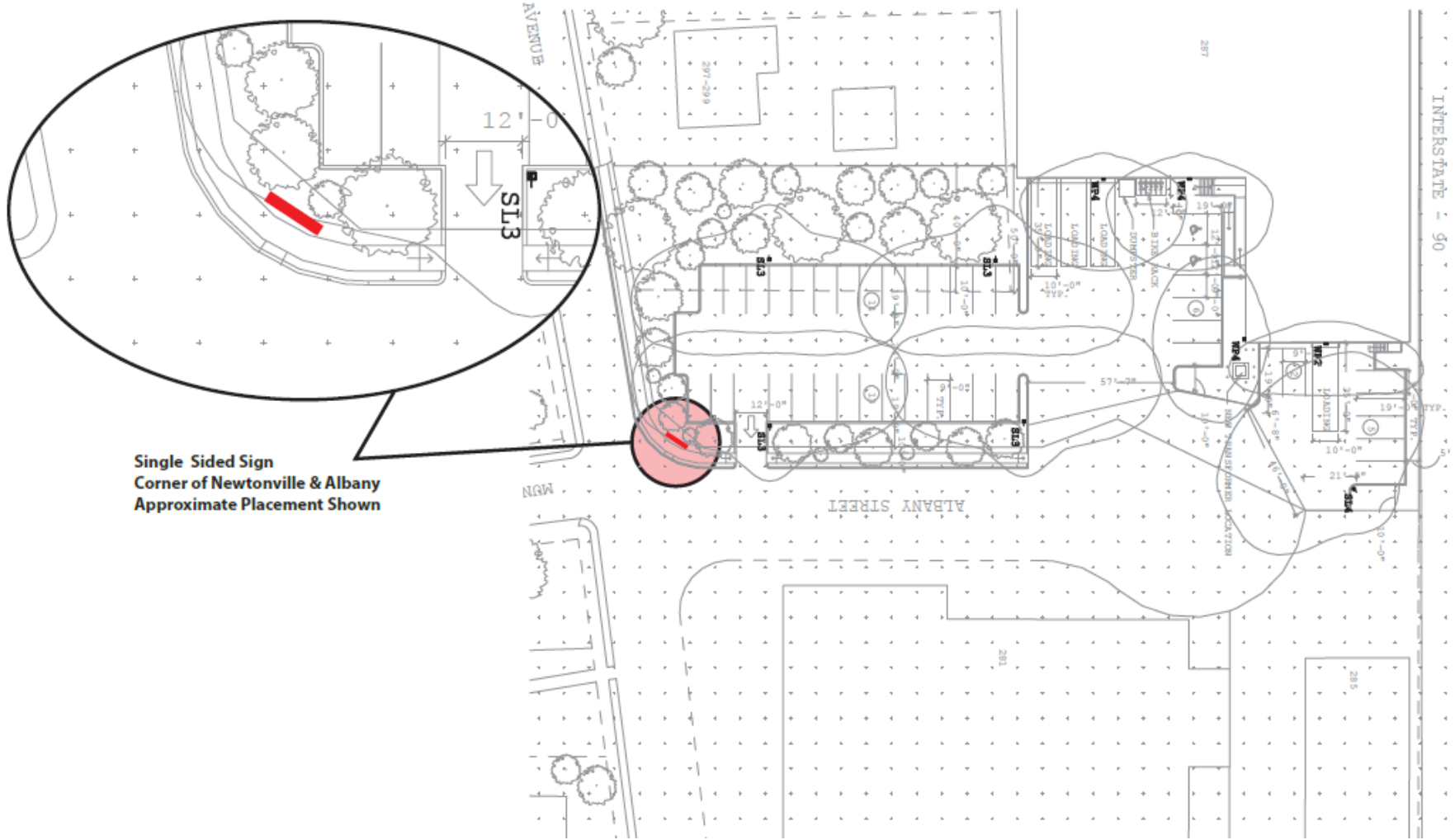
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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125
Feet

Map Date: January 08, 2021

Site Plan- proposed sign location



Single Sided Sign
Corner of Newtonville & Albany
Approximate Placement Shown

Original design

Project: 0820_07 Peabody Office-Newtonville Signage

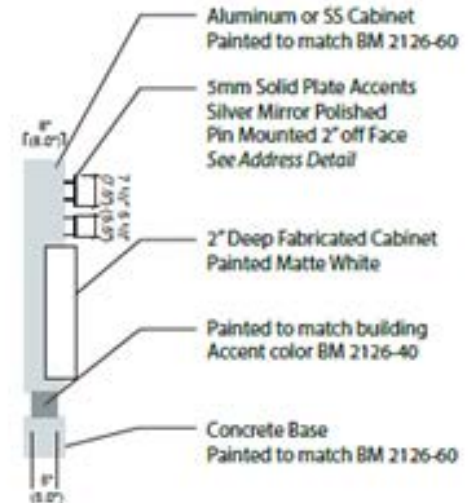
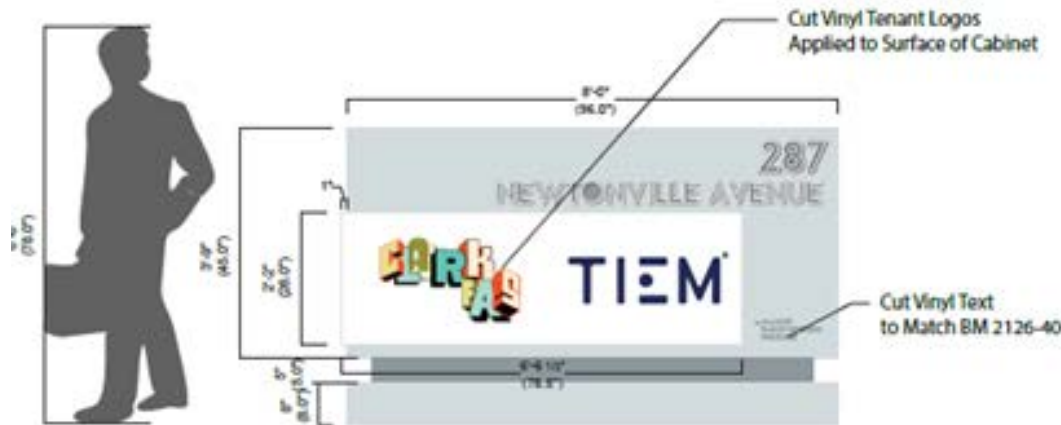


Address Detail:
 Stencil Cut Letters
 Backed with Solid Plate
 Painted to match BM 2126-40

5mm Solid Plate Accents
 Silver Mirror Polished
 Pin Mounted 2" off Face



External Up Lighting



Modified design- received 1/12/2021

Project: 0820_07 Peabody Office-Newtonville Signage

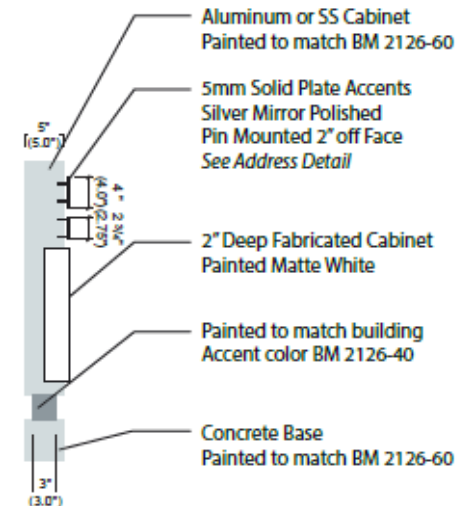
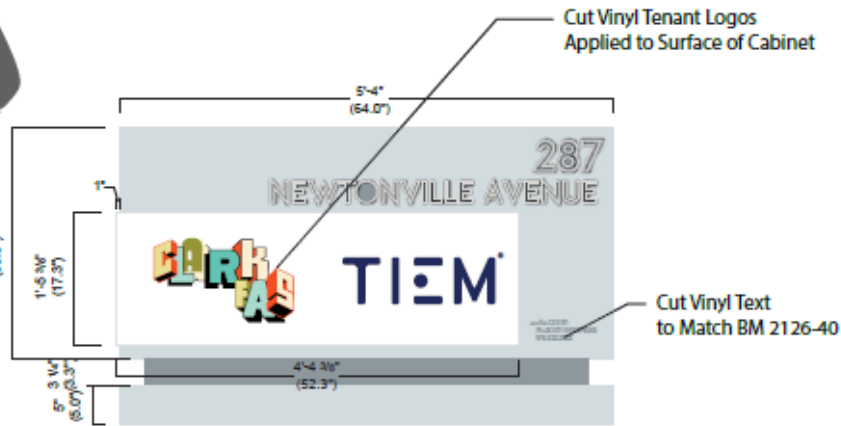
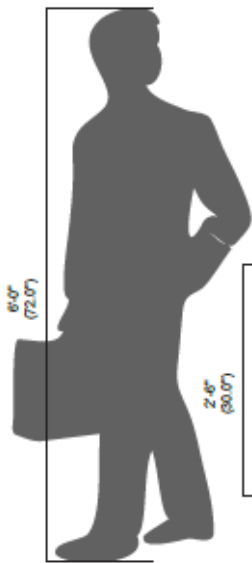


Address Detail:
 Stencil Cut Letters
 Backed with Solid Plate
 Painted to match BM 2126-40

5mm Solid Plate Accents
 Silver Mirror Polished
 Pin Mounted 2" off Face



External Up Lighting



Photos



Photos



Proposed Findings



1. The specific site is an appropriate location for the proposed free-standing sign as it provides directional assistance to drivers travelling to occupants of the site (§7.3.3.1)
2. The proposed free-standing sign will not adversely affect the neighborhood (§7.3.3.2)
3. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.3)
4. There will be no nuisance or serious hazard to vehicles or pedestrians associated with the proposed free-standing sign (§7.3.3.4)
5. Given the location of the commercial structure on the lot and its distance from Newtonville Avenue, the installation of the proposed free-standing sign is in the public interest as it provides directional assistance to drivers travelling to the site (§5.2.13.A)

Proposed Conditions



- *Amend Special Permit #14-20(2)*
- Plan Referencing Condition
- Standard Building Permit Condition
- *Standard Final Inspection/Certificate of Occupancy Condition*