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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	February 2, 2021
Land Use Action Date:	April 6, 2021
City Council Action Date:	April 19, 2021
90-Day Expiration Date:	May 2, 2021

DATE: January 29, 2021

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Neil Cronin, Chief Planner for Current Planning
Katie Whewell, Senior Planner

SUBJECT: **Petition #29-21**, for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwellings in two buildings with the following dimensional waivers: reduced side setbacks, increase in the allowed lot coverage, to allow a driveway within ten feet of the side lot line and to allow retaining walls greater than 4 feet in height within a setback at 145 Warren Street, Ward 6, Newton Centre, on land known as Section 61 Block 39 Lot 10, containing approximately 23,399 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2, 5.4.2.B of Chapter 30 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.



145 Warren Street

The petitioner submitted revised plans on January 27, 2021. The revised plans will be reviewed by the Chief Zoning Code Official and the next Zoning Review Memorandum will include any relief contained in these plans.

The petitioner requires additional relief under §5.1.8 to waive the required driveway width for parking facilities containing over five stalls. The petitioner will need to submit an amended application requesting this relief following the issuance of a revised Zoning Review Memorandum.

EXECUTIVE SUMMARY

The property located at 145 Warren Street consists of a 23,399 square foot lot in the Multi Residence 1 (“MR-1”) zone in Newton Centre. The lot is improved with a single-story, single-family bungalow style dwelling constructed in 1916, referred to as the William L. Church House and is listed on the National Register of Historic Places. The petitioner is seeking to construct three additional dwelling units on site, resulting in four single-family attached dwellings. The design requires special permits for: four single-family attached dwellings, a reduction in the required side setbacks, increased lot coverage, to allow a driveway within ten feet of the side lot line, and to allow retaining wall of four feet or more in height within a setback.

The petition is the result of the Newton Historical Commission (the “NHC”) 2018 demolition review of the single-family home at 145 Warren Street. The additions seek to maintain the architectural integrity and reflect the bungalow style home. The Warren Street neighborhood has several two-family residential uses and the site’s proximity to transit makes it an appropriate location for the three additional units proposed. Planning Staff has concerns regarding the location of the retaining wall within close proximity to side setback and whether the wall as proposed will allow for property screening and potential construction impact to the abutter. Staff also requests the petitioner provide more information on the unit sizes, the floor area ratio (the “FAR”), turning templates, and landscaping as stated in this memorandum.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed four single-family attached dwellings. (§7.3.3.C.1)
- The specific site is an appropriate location for the proposed retaining wall greater than four feet in height within the side setback. (§7.3.3.C.1)
- The proposed four single-family attached dwellings will adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed single-family attached dwelling 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)
- Literal compliance with the dimensional standards for the side setback, lot coverage and a driveway located within ten feet of the side lot line, is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§3.2.4, §6.2.3.B.2)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

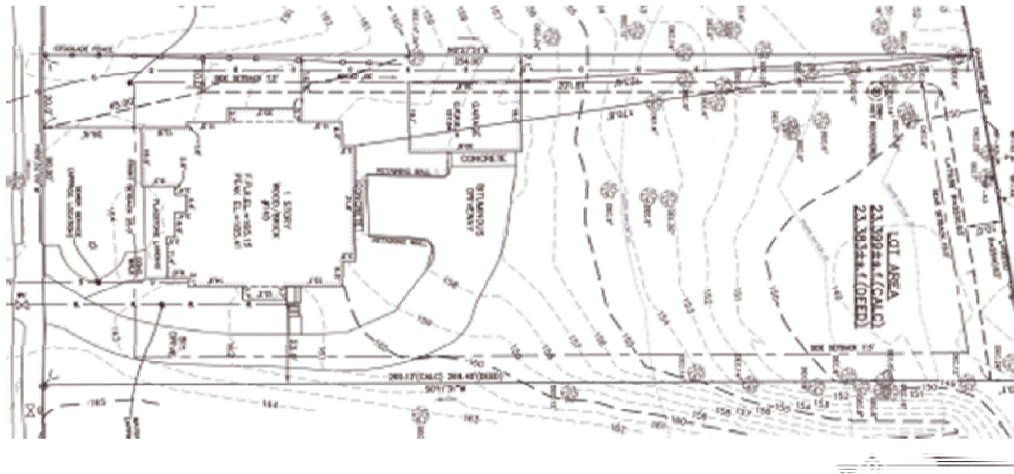
A. Neighborhood and Zoning

The subject property is located on Warren Street in the MR-1 zone in Newton Centre. The MR-1 zone encompasses the immediate area and many of the neighborhoods south of Warren Street. There are a mix of zones north of the site separated by the Massachusetts Bay Transportation Authority (MBTA) tracks including Business 2, Single Residence 2, and Multi Residence 2 zones (**Attachment A**). The rear of the property abuts the MBTA Green Line and is within a quarter mile walk of the Newton Centre MBTA station. Warren Street consists of predominantly two-family residential uses (**Attachment B**).

B. Site

The site consists of 23,399 square feet of land and is improved with a single-family dwelling constructed in 1916 and an accessory building. There is one curb cut along the frontage that leads to driveway running along the eastern property line. The dwelling is 14.4 feet from the western property line, 23 feet from the eastern property line. and 170.8 feet from the rear property line. The site has a downward slope of approximately 15 feet from the front to the rear of the site. There is mature landscaping at the front of the site that screens much of the front façade. There is also mature landscaping along the east and west boundaries.

Warren Street



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

If approved, the principal use of the site will change from a single-family use to a multi-family use, with a total of four single-family attached dwellings.

B. Building Design

The petitioner is proposing a total of four dwelling units in one structure that is connected via an underground garage with a combination of landscaping and terraced patio space above. To maintain the architectural integrity of the historic structure, the Newton Historical Commission requested the design reflect the bungalow style. This resulted in a design for the single-family attached dwellings that is lower and wider in scale.

As the proposed single-family attached dwellings are considered one structure, the height of the structure is 30.05 feet. Unit 1 maintains the existing house and Unit 2 is connected at the rear of Unit 1 and where the property begins to slope downwards allowing for the basement to be partially exposed. Units 1 and 2 are connected to Units 3 and 4 by a one-story garage with a semi green roof, which serves as a courtyard between Units 2 and 3. Units 2 and 3 consist of 2.5 stories due to the grade leveling off and further exposing of the lower level. This leveling of the grade renders the basement of Units 3 and 4 as the first story. The structure will present as one story from the front elevation, and three stories as the site slopes downwards into the site towards the rear property line. From the western and eastern elevations, the structure presents as two separate structures breaking up the façade so as not to appear as one continuous wall.

FAR is not a dimensional standard applicable to single-family attached dwellings. The

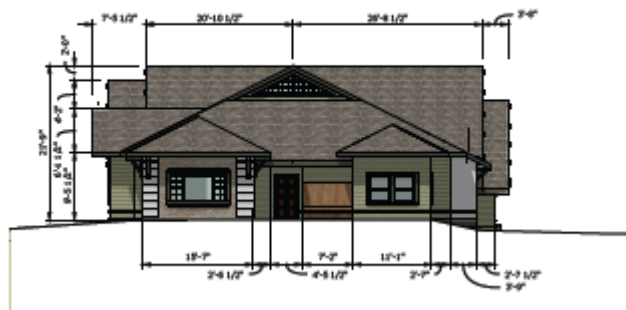
petitioner submitted a FAR worksheet indicating the FAR is .53. However, staff suggests the petitioner provide more information to confirm. The maximum allowed FAR is .40 with the option of obtaining the bonus of .02 for utilizing new lot setbacks.

The petitioner is proposing a total of four units that range from 2,566 square feet to 3,147 square feet. Unit 1 accounts for the existing house. The petitioner should confirm the gross square footage of each unit.

Table 1 Proposed Unit Sizes, 145 Warren Street

	Unit 1	Unit 2	Unit 3	Unit 4
First Floor	200	160	290	1,300
Second Floor	2,350	1610	1,200	1,150
Third Floor	0	700	650	0
Garage	597	443	426	386
Total	<i>3,147 sq. ft.</i>	<i>2,913 sq. ft.</i>	<i>2,566 sq. ft.</i>	<i>2,836 sq. ft.</i>

Proposed Front Elevation



Proposed Side Elevation – East



C. Site Design

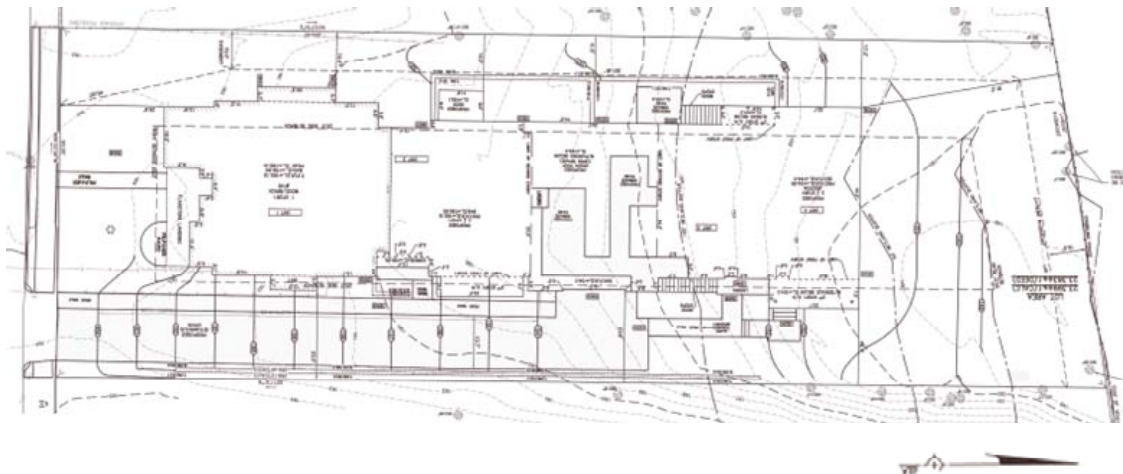
The petitioner is proposing to retain the existing site design by constructing to the rear of the structure and extending the driveway. The Newton Zoning Ordinance (“the Ordinance”) states that the single-family attached dwellings building type require a minimum of 25-foot setbacks. The proposed side setback is 19.7 feet, where 23 feet exists, and 17.3 feet from the western property line, where 14.4 feet exists; the structure complies with the front and rear setbacks.

Due to efforts to complement the existing structure, the design is lower and wider in scale, therefore requiring relief to increase allowed lot coverage from 12.9% to 33.1% where 25% is the maximum allowed. For reference an as of right single- or two-family dwelling would be limited to 30%.

Due to the 15-foot grade change from the front to the rear, the project features retaining walls to create level space for the rear units, outdoor amenities, and driveways. The retaining walls proposed along the western side of the structure create level space for Unit 2’s deck and Unit 3’s patio, reaching a maximum height of 3.9 feet at the end of Unit 2’s deck. The retaining wall proposed along the eastern property line to create level ground for the driveway starts at the front of the site with a height of 1.7 feet, increases to four feet and reaches a maximum height of 6.4 feet at the entrance to the garage. The Planning Department is concerned with this wall because it is close to the property line. The Planning Department questions whether the point where the wall reaches a height of 6.4 feet can be reduced and the petitioner should confirm that the space between the wall and the property line can accommodate the proposed plantings. While the Engineering Division has not reviewed the petition at the issuance of this memo, the Inspectional Services Department confirmed that a three-foot tall safety fence atop the wall will likely be required.

The site has a proposed lot area per unit of 5,850 square feet, greater than the 4,000 square feet required. Considering 24 properties on both Warren Street and Warren Terrace, the lot area per unit ranges from 2,404 square feet to 13,333 square feet. The median lot area per unit is 5,198 square feet and the average is 6,107 square feet. These figures are both comparable with the proposed lot area per unit of 5,850 square feet.

Warren Street



D. Parking and Circulation

The petitioner is proposing to move the curb cut to the east along the frontage. The driveway will be extended to provide access to the shared lower-level parking facility and has a width of 13.7 feet with an adjacent walkway. The petitioner should confirm the width of the proposed curb cut as well as the proposed walkway. The driveway configuration requires relief for a driveway within ten feet of the side property line at the eastern boundary.

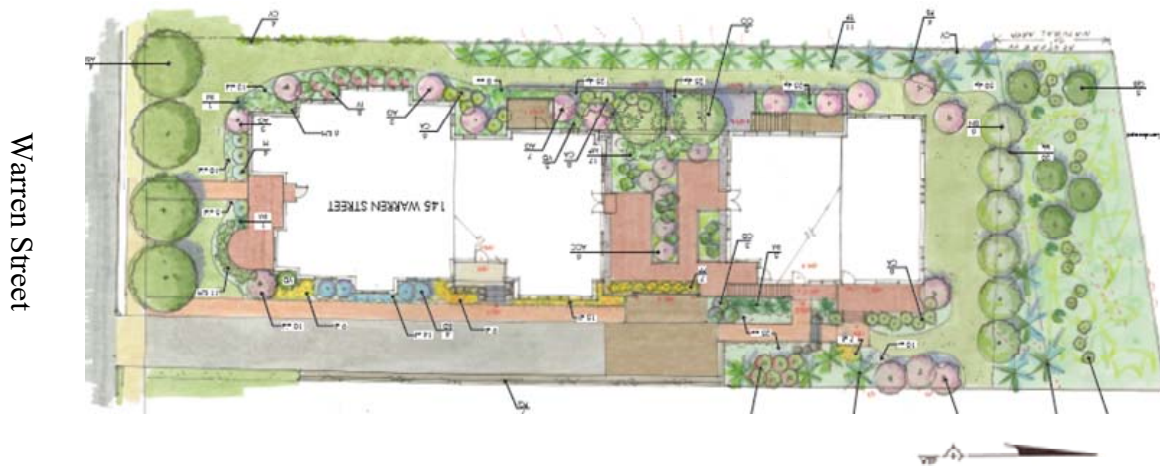
The petitioner requires additional relief under section §5.1.8 for the design of parking facilities over five stalls. As the proposed parking consists of eight stalls, the facility falls under the standards of §5.1.8. The section requires that entrance and exit driveways be 20 feet wide for two-way use. The petitioner is proposing an entrance and exit driveway with a width of 13.7 feet and additional space for a walkway at the same grade of the driveway. Once the requirements of §5.1.8 are fully reviewed, a new zoning review memorandum will be issued.

The lower-level parking garage has designated space for two cars per unit. The petitioner provided a garage plan with turning templates currently under review by the Engineering Division.

E. Landscaping

The petitioner provided a revised landscape plan on January 27, 2020. The petitioner is proposing screening in the form of green giant cedar trees along the western property line and a combination of shrubs and trees at the rear of the site. No screening is proposing along the driveway due to the proposed retaining wall along the side property line at the eastern boundary. While there is a caliper inch replacement plan, there is no analysis of the caliper inches to be removed. The petitioner should provide an update at the public hearing as well as a revised landscape plan with caliper inch analysis including landscaping to be removed. The

petitioner will be required to comply with the Tree Preservation Ordinance and will be conditioned in a final Council Order, should the petition be approved.



IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal regarding zoning. Based on the Zoning Review Memorandum, the petitioner is seeking the following relief:

- §3.4.1 and §7.3.3 of Section 30, to allow single-family attached dwellings.
- §3.2.4 and §7.3.3 of Section 30, to reduce the side setbacks
- §3.2.4 and §7.3.3 of Section 30, to exceed lot coverage
- §6.2.3.B.2 and §7.3.3 of Section 30, to allow a driveway within 10 feet of the side lot line
- §5.4.2.B and §7.3.3 of Section 30, to allow retaining wall of four feet or more in height within a setback.

B. Engineering Review

This petition is currently under review by the Engineering Division.

C. Conservation Commission

The petitioner is scheduled to appear before the Conservation Commission on February 8, 2021 due to its location within the buffer zone of a wetland resource area.

D. Historic Preservation Review

The structure is on the National Register of Historic Places. At the July 13, 2018

meeting of the Newton Historical Commission (NHC), NHC waived the demolition delay, as such the petitioner can demolish the structure.

V. PETITIONER'S RESPONSIBILITIES

The petitioner should respond to the issues raised in this memorandum and other questions raised at the public hearing, as necessary. Written responses to all significant issues should be provided for analysis by the Planning Department prior to being scheduled for additional public hearings. The Planning Department will prepare an updated memo prior to any future public hearings.

ATTACHMENTS:

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

ATTACHMENT A

Zoning

145 Warren Street

City of Newton,
Massachusetts

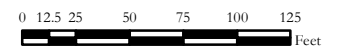
Legend

-  Single Residence 2
-  Multi-Residence 1
-  Multi-Residence 2
-  Business 2

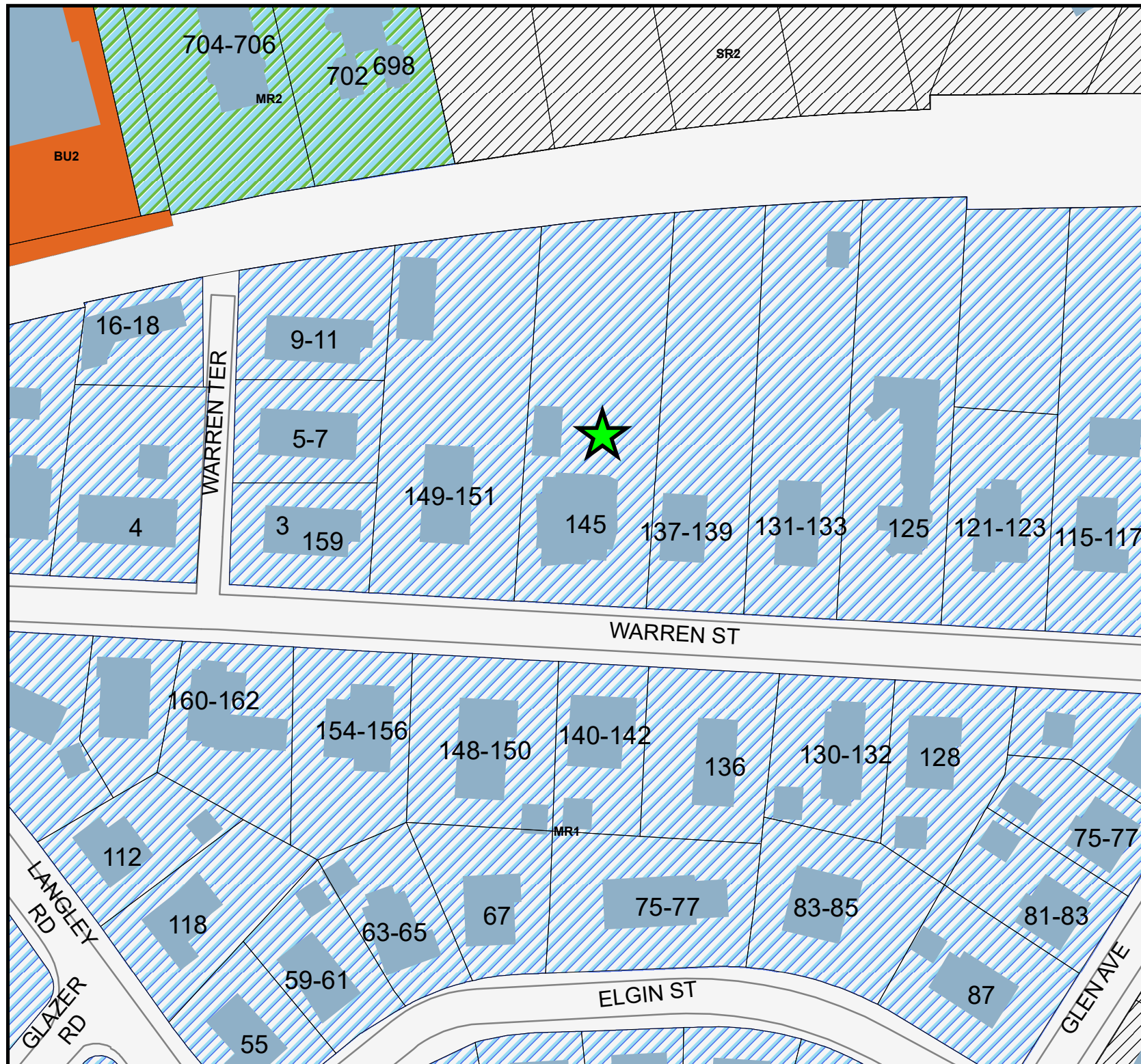


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: January 27, 2021



ATTACHMENT B




Land Use

145 Warren Street

*City of Newton,
Massachusetts*

Legend

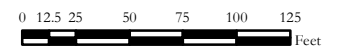
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Vacant Land



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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: January 27, 2021

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Norton Point Warren Street LLC
David Oliveri, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to allow four single-family attached dwellings

Applicant: Norton Point Warren Street LLC	
Site: 145 Warren Street	SBL: 61039 0010
Zoning: MR1	Lot Area: 23,399 square feet
Current use: Single-family dwelling	Proposed use: Four single-family attached dwellings

BACKGROUND:

The property at 145 Warren Street consists of 23,399 square feet and is improved with a single-family dwelling built in 1916 and a detached accessory building in the MR1 zoning district.

The petitioners propose to add one unit directly to the back rear of the existing dwelling, and construct two additional units behind them. The front and rear units are connected by a ground level shared garage with a courtyard space above it.

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

- Zoning Review Application, prepared by David Oliveri, dated 11/9/2020
- Elevations and sections, signed and stamped by Andrew Consigli, architect, dated 11/9/2020
- Zoning Plan, signed and stamped by Joseph R. Porter, surveyor, dated 11/4/2020

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners propose to construct four single-family attached dwellings in the Multi Residence 1 zoning district. Per section 3.4.1, a special permit is required to construct attached dwellings in the MR1 district.
2. Section 3.2.4 requires a 25-foot setback for attached dwellings. The petitioners intend to preserve the existing historically significant single-family dwelling and make rear additions. The existing structure does not meet the 25-foot side setback requirement with setbacks of 14.4 feet on the westerly side and 23 feet on the easterly side. The proposed additions result in a decrease of the western side setback to 17.3 feet and the eastern side setback to 18.6 feet. Section 3.2.4 allows the City Council to grant exceptions to the dimensional standards of the section if it is determined that literal compliance is impractical due to the nature of the use, or the location, size, frontage, depth, shape or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features.
3. The proposed additions result in a lot coverage of 33.6%, which exceeds the allowable 25% per section 3.2.4 requiring a waiver.
4. The petitioners propose to utilize and extend the existing driveway along the eastern property line to serve all four units which is less than 10 feet from the boundary. Per section 6.2.3.B.2, no driveway may be located within 10 feet of a side or rear lot line. requiring a waiver.
5. Retaining walls are proposed at the eastern and western property boundaries, as well as directly behind the proposed rear addition. The eastern and western walls are located within the required 25-foot setback. The eastern wall reaches a maximum height of 6 feet and the western has a maximum height of four feet. Per section 5.4.2.B, a retaining wall four feet or more in height in the setback requires a special permit.

MR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	23,399 square feet	No change
Frontage	80 feet	90 feet	No change
Setbacks			
• Front	25 feet	26.6 feet	No change
• Side	25 feet	14.4 feet	17.3 feet
• Side	25 feet	23 feet	18.6 feet
• Rear	25 feet	170.8 feet	51.1 feet
Building Height	36 feet	24.34 feet	29.42 feet
Max Number of Stories	2.5 (3 by special permit)	1	2.5
Lot Coverage	25%	12.9%	33.6%
Open Space	50%	77.2%	51.9%
Lot Area Per Unit	4,000 square feet	23,399 square feet	5,850 square feet

See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Requested Relief</i>	<i>Action Required</i>
§3.4.1	To allow attached single-family dwellings	S.P. per §7.3.3
§3.2.4	To reduce required side setback	S.P. per §7.3.3
§3.2.4	To increase allowed lot coverage	S.P. per §7.3.3
§6.2.3.B.2	To allow a driveway within 10 feet of the side lot line	S.P. per §7.3.3
§5.4.2.B	To allow retaining walls of four feet or more in height within a setback	S.P. per §7.3.3