



Land Use Committee Report

City of Newton In City Council

Tuesday, February 2, 2021

Present: Councilors Lipof (Chair), Greenberg, Kelley, Markiewicz, Downs, Bowman, Laredo and one vacancy; also Present: Councilors Wright, Malakie and Danberg

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.

#30-21 **Petition to allow changes to the approved site plan at 2171 Commonwealth Avenue**
THEODOROS VENTOURIS AND ANGELINA VENTOURIS petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Orders #94-16 and #227-17 to substitute the previously approved site plan with an as-built site plan reflecting additional features which include changes to paving, landscaping, the addition of a paved patio area and additional stone pillars at 2171 Commonwealth Avenue, Ward 4, Auburndale, on land known as Section 41 Block 18 Lot 32A, containing approximately 20,952 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 7-0; Public Hearing Closed 02/02/2021**

Note: Attorneys Adam Schechter and Steve Buchbinder with law offices at Schlesinger and Buchbinder, 1200 Walnut Street represented the petitioners Theodoros and Angelina Ventouris. Atty. Schechter presented an overview of the petition to allow changes to the site plan approved by prior special permits at 2171 Commonwealth Avenue. Details of the presentation can be seen on the attached presentation. The 20,952 site in the SR3 zoning district abuts Lyons Park. The property was subject to a special permit in 2016 (#94-16) for the construction of a 1169 sq. ft. two-story rear addition including a four-car garage with second floor living space. Upon applying for a Certificate of Occupancy in 2017, features were shown on the as-built site plan that were not subject to the special permit review. The changes included changes to grading, construction of a retaining wall adjacent to the park and the construction of pillars on the southern and northeastern boundaries. Additionally, some landscaping and planting features on the 2016 plan were not shown on the 2017 plan. The petitioner applied for an amendment to the site plan to remedy the inconsistent 2017 plans which were approved by Special Permit order #227-17.

In 2019, the petitioner applied for a Certificate of Occupancy and the as-built plan reflected changes to the 2017 approved site plan. Ultimately, the petition was withdrawn without prejudice after concerns were raised by the Council. The proposed plan under petition #30-21 is the same as the 2019 plan. The petitioner is hoping to substitute the proposed site plan with the plan approved in 2017. The proposed

plan reflects the following changes; 26 additional stone pillars with associated fencing along the eastern and northern part of the property, 1000 additional paved driveway space, a paved patio along the western portion of the property constructed of pervious pavers and additional landscaping features. Atty. Schecter noted that the petitioner did obtain a fence permit to construct a wrought iron fence in 2017. He explained that the petitioner believed because he had a fence permit, he could construct the fence. Atty. Schecter confirmed that the changes to the landscaping, patio and driveway were at grade and would have been as a matter of right if it were not for the special permit site plan governing the site.

It was noted that there is a sewer easement across the property and there are some improvements over the easement (plantings and a portion of the fence; the retaining wall is close). Engineering, Planning and Law are aware of the improvements over the easement and approval of the petition would be subject to a license agreement with the City to maintain the improvements over the easement.

Atty. Buchbinder noted that the petitioner engaged an attorney in 2019. They have worked with Planning, Engineering and Law but understand that this is not the appropriate course of action. Atty. Buchbinder suggested that a possible remedy could be the removal of the 1000 sq. ft. of additional turnaround driveway area and the replacement of the asphalt with plantings and shrubs. The petitioner could submit a landscape plan for review by the Planning Department.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and proposed changes to the site as shown on the attached presentation. He confirmed that the drainage has been approved by Engineering and the wall has been approved by the City for its structural integrity.

The Public Hearing was Opened. No member of the public wished to speak. The Committee emphasized their concerns relative to the multiple iterations of changes to the site plan after approval of the special permit. The Committee noted that the petitioner was before the Committee in 2019 and questioned why the City has not pursued zoning enforcement in the interim. Mr. Gleba suggested that it is possible that Inspectional Services did not pursue zoning enforcement action because the petitioner was seeking to remedy the situation and has been in possession of a temporary Certificate of Occupancy. The Committee remained concerned relative to the lack of enforcement and suggested a discussion with the Commissioner of Inspectional Services may be appropriate.

Atty. Buchbinder confirmed that the fence permit specified a wrought iron fence, not masonry columns. They would not have been able to install the columns without a special permit. It was noted that in December 2019, ISD, Engineering, Planning and two Committee representatives walked the site. City staff confirmed that notwithstanding the need for a license agreement over the easement, the improvements are according to code, structurally intact and the drainage is appropriate. The Committee agreed that submission of a landscape plan and corresponding removal of the 1000 sq. ft. paved driveway area is appropriate.

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 Planning Department and Law Department work to draft conditions that a.) require the removal of the 1000 sq. ft. of paved area and replacement with a landscape plan to be reviewed by Planning prior to issuance of a final

Certificate of Occupancy and b.) require sign off from the Engineering Department that access to the City's easement with the license agreement.

With that, the Committee voted 7-0 in favor of approval.

#31-21 **Petition to extend nonconforming FAR and two-family use at 66-68 Warwick Road**
LEANA GAGLIARDI/FRANCESCO GAGLIARDI petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to enclose a second-floor porch, extending the nonconforming FAR and the nonconforming two-family use at 66-68 Warwick Road, Ward 3, West Newton, on land known as Section 31 Block 27 Lot 35, containing approximately 5,673 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 7-0; Public Hearing Closed 02/02/2021**

Note: The petitioners Ms. Leana Gagliardi and Francesco Gagliardi presented the request for a special permit petition to extend the nonconforming FAR and two-family use at 66-68 Warwick Road. Ms. Gagliardi presented the request to enclose a screened second-floor porch to preserve the existing structure. Ms. Gagliardi explained that because the existing screens are permeable, water penetrates and causes damage to the structure. She noted that this structure was recently removed and replaced. The proposed petition will allow the petitioners to install windows to ensure they can preserve the space.

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 increase .92 to .94 and represents an increase of approximately 135 sq. ft. She explained that the entire basement counts towards FAR. Ms. Whewell noted that although the petitioners do not intend to extend heat/utilities to the space, there is an increase in FAR due to the use of impervious materials.

The Public Hearing was Opened. No member of the public wished to speak. Councilor Kelley motioned to close the public hearing which carried unanimously. Councilor Kelley motioned to approve the petition. The Committee reviewed the draft findings and conditions as shown on the attached presentation and voted 7-0 in favor of approval.

#314-20 **Petition to allow single-family attached dwelling units at 23 Johnson Place**
CREATING HOMES LLC/MICHAEL LOHIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow ~~four~~ three single-family attached dwelling units in ~~one~~ structure, to allow a retaining wall in excess of 4' and to allow a driveway within ten feet of the side lot line, to allow a driveway within 10' of the side lot line and parking within 20' at 23 Johnson Place, Ward 4, Auburndale, on land known as Section 41 Block 7 Lot 14, containing approximately 16,767 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.4, 5.4.2.B, 6.2.3.B.2, 5.1.7.A, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Held 7-0; Public Hearing Continued**

Note: Mr. Michael Lohin presented an overview of the request to allow single-family attached dwelling units at 23 Johnson Place. Mr. Lohin explained that the petition has changed since the initial public hearing in response to concerns from Councilors and members of the community. The main concern expressed at the initial public hearing was relative to the density on-site. In response to this

concern, Mr. Lohin noted that the number of units has been reduced from 4 to 3 and the corresponding number of parking stalls from 8 to 6. Reducing the number of units has allowed an increase in the footprint, a redesign to allow at grade parking and the elimination of an 8' retaining wall. The revised plan rotated the building and allowed relocation of the driveway from the south to the north of the site, preventing travel further down the street. Mr. Lohin noted that in response to concerns relative to massing, the revised plans reflect a reduction in height by 1', and broken-up roofline with flat roofs over the first and second garage bays so that the structure appears as detached units from the street.

Mr. Lohin explained that the proposed plan includes changes to grade intended to minimize the slope and the amount of retention. There is a 4' retaining wall that returns into the existing grade gradually on the sides of the site. On the north side of the property, the retaining wall is 5.5' to account for retaining the driveway. Mr. Lohin reviewed the proposed landscape plan as shown on the attached presentation. The plan includes the tree removal and planting plan. Mr. Lohin explained that while some (dead and invasive) trees will be removed to accommodate the north side driveway, approximately 52 trees will be planted to shield the abutters. He noted that a portion of the rear yard will be landscaped with meadow grass in order to eliminate the need for heavy landscaping equipment.

Mr. Lohin noted that there are 3 parking stalls proposed for the north lot line. The stalls are dimensionally compliant and located between planting beds to eliminate parking of additional cars on site. The AC condensers are currently located in the driveway space, on crushed stone and grass. Mr. Lohin stated that the only other location for the AC condensers is at the front of the units, adjacent to living space, which is not ideal. He confirmed that Deputy Fire Chief Jimenez has confirmed that the Fire Department can waive the driveway width as long as the structure is sprinklered and the driveway is on the same side as the road in order to attack fire from the front. The composite panel siding has been replaced with composite lap siding.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning photos and updates to the plans as shown on the attached presentation.

Public Comment

Liz Condagas, questioned how the parking was addressed in the new plans. She noted that every other site in the neighborhood has parking for 4-5 cars and stated that each of the units has the capacity for two cars. She expressed concerns that guests will be parking on-street, leaving no room for passage. Ms. Condagas expressed concern that the added number of cars will present a safety issue and suggested that there should be adequate guest parking on site. She stated that two units would be more appropriate for the site.

Ralph Torres, 41 Johnson Place, expressed concerns relative to the increase in number of cars on the already congested street. Mr. Torres noted that he would support a two-unit development.

John McNamara, 31 Tompkin Place, abuts the property on the south side, he remains concerned relative to the size of the proposed development as well as the number of added cars on site.

Mr. Fitzpatrick, Johnson Place, explained that he was going to remove a 4' retaining wall at the rear 23 Johnson Place. He requested details relative to the proposed wall, new fence and drainage at the back of the site. He noted that meadow grass can be attractive for small rodents.

Mr. Lohin noted that the runoff at the rear of the site will be carried to the front systems and will be maintained on site through natural landscaping. He stated that the runoff should be minimal and has been engineered to be maintained on site. He confirmed that the engineering design is subject to the City's review.

It was noted that a by-right alternative could include a two-family dwelling with an FAR of approximately .49. Committee members expressed support for the improvement on the proposed design but emphasized their remaining concern relative to the lot coverage. Councilors observed that the proposed units are large and noted that the size of the proposed units triggers some of the additional relief needed. As designed, the project includes elimination of a number of trees. The Committee noted that some of the trees to be removed are mature and useful for buffering sound from the pike as well as mitigating runoff. Mr. Lohin stated that it may be possible to maintain some of the mature trees but confirmed that there is a replacement plan that includes the planting of 52 new trees.

The Committee requested that the engineering reviews the turning radii to ensure that cars will not be backing out onto the street, carefully consider the location of the HVAC units, and the reorientation of the building so that it faces the street. With that Councilor Markiewicz motioned to hold the item which carried unanimously.

#29-21 Petition to allow single-family attached dwellings at 145 Warren Street

NORTON POINT WARREN STREET, LLC/CREH WARREN STREET D/B/A CIVICO petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwelling units, to reduce the required side setback, to increase allowed lot coverage, to allow a driveway within 10' of the side lot line and to allow retaining walls of four feet or more 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.

Action: **Land Use Held 7-0; Public Hearing Continued**

Note: Mr. Andrew Consigli and David Oliveri presented the request to allow single-family attached dwelling units at 145 Warren Street. Mr. Consigli presented details of the petition as shown on the attached presentation. Mr. Consigli noted the petition was submitted in 2019 and ultimately withdrawn due to concern from the neighborhood. He explained that the amended petition incorporates changes made in response to neighborhood concern and include; a reduction in the average unit size from 2900 sq. ft. to 2300 sq. ft., a reduction in size of the total project by 20% and the inclusion of two parking spaces for each unit.

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 confirmed that a new Zoning Review Memo will be issued detailing additional relief relative to parking in the setback. Ms. Whewell compared the petition with the petition as proposed in 2019. Additional changes to the petition include

the reduction from 3 to 2.5 stories, increase in the rear setback from 28.4' to 51.5', an increase in the height of the retaining wall in the side setback from 4' to 6.4', increased focus on ground level outdoor amenity space and decreases in floor area and unit sizes (FAR from .72 to .57 and reduction in square footage from 17000 sq. ft. to 13500 sq. ft.). Ms. Whewell noted that the Planning Department has requested additional information to confirm the unit sizes and FAR calculations. She noted that the in response to the Historic Commission's request that the design reflect the bungalow style of the existing historic home, the proposed development is lower and wider than it might otherwise be. This increase in footprint reflects 33.1% lot coverage where 25% is allowed. Ms. Whewell noted that due to the grade of the site, the rear presents as three stories and the front is one story. Turning templates for the garage and additional review on the stormwater plans are outstanding. The petitioner is scheduled to meet with the Conservation Commission on February 18, 2021.

The Public Hearing was Opened.

Mary Lee Belleville, 136 Warren Street, was not in favor of the 2019 petition. She noted that her concerns remain the same. She noted that while the developers are trying to align the project with increased density and transit-oriented development; the proposed units are luxury units which will not add to the housing stock. Ms. Belleville noted that the number of parking stalls is not consistent with a transit-oriented development and expressed concern that approval of the permit will set a precedent for other similarly sized lots in the neighborhood. Ms. Belleville suggested that more modestly sized units with one parking stall would be more appropriate in the neighborhood.

Clive Martin, 142 Warren Street, agreed with the comments made by Ms. Belleville. Mr. Martin noted that four units is too much for the lot and will be inconsistent with the quiet street. He explained that two cars per unit is too much and the units are too large. He believes it is a bad precedent to set on Warren Street. Mr. Martin noted that most of the neighborhood is opposed to the project.

Simon French, 47 Glen Avenue, emphasized the number of people opposed to the project and noted that only residents with similarly sized lots are supportive of the petition. He reiterated the comments by Ms. Belleville.

Jill Ruiz, 136 Warren Street, is opposed to more than two-units on the street. She expressed support for the comments made by Ms. Belleville.

Aiden Culhane, 47 Glen Avenue, aligns with the comments made by Ms. Belleville. She noted that Warren Street is a narrow, one-way street with limited parking. Ms. Culhane noted that people use the street for parking. She urged the developer to respect the historic nature of the house which was custom built for a musician and pioneer for womens rights. Ms. Culhane noted that the luxury condos will not support affordable housing or equity.

Barry Lipkin, 140 Warren Street, aligns with the comments made by Ms. Belleville. He noted that the proposed project does not fit in with the neighborhood and expressed concern to the impact on future development on the street.

Daniel Ozick, 131 Warren Street, reiterated the concerns voiced by other members of the neighborhood.

Amy Sermon, 168 Warren Street, stated that the proposed development does not fit in with the

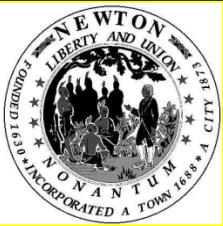
neighborhood. She noted that there is a parking problem on the street and stated that she is against the size of the project.

Committee Discussion

Ms. Whewell responded to questions from the Committee and confirmed that as a matter of right the petitioner could construct a two-family with an internal accessory apartment with an FAR of .40. If they met new lot setbacks they could get an FAR bonus to .42. Committee members noted that the by-right alternative is much smaller than the project which is proposed at an FAR of .57. A Councilor suggested that preservation of the existing historic house might not be feasible with a two-unit development. Committee members agreed that preservation of the existing historic house is a benefit. Councilors noted that the petitioner should consider the numbers of parking stalls, noting that the site is proximate to the MBTA green line. A Councilor suggested that the petitioner should review options with respect to preservation of trees and evaluate opportunities to plant sugar maples. With that, Councilor Bowman motioned to hold the item which carried unanimously.

Respectfully Submitted,

Richard Lipof, Chair



2171 Commonwealth Avenue Land Use Hearing February 2, 2021

Aerial View of Property



2016 Plan

GENERAL NOTES:

- NO EXCAVATION IS ALLOWED WITHIN ANY CITY RIGHT OF WAY BETWEEN NOVEMBER 15TH AND APRIL 15TH. IF AN EMERGENCY EXISTS OR THERE ARE EXTENUATING CIRCUMSTANCES, APPLICANT MAY SEEK PERMISSION FOR SUCH WORK FROM THE CITY DPW COMMISSIONER VIA THE CITY ENGINEER. IF PERMISSION IS GRANTED, SPECIAL CONSTRUCTION STANDARDS WILL BE APPLIED, APPLICANT OR APPLICANT'S REPRESENTATIVE MUST CONTACT THE CITY OF NEWTON ENGINEERING DEPARTMENT PRIOR TO START OF WORK FOR CLARIFICATION.
- THE EXISTING WATER & SEWER SERVICES SHALL BE CUT AND CAPPED AT THE MAINS AND BE COMPLETELY REMOVED FROM THE SITE AND PROPERLY BACKFILLED. THE ENGINEERING DIVISION MUST INSPECT THIS WORK; FAILURE TO HAVING THIS WORK INSPECTED MAY RESULT IN THE DELAY OF THE ISSUANCE OF THE UTILITY CONNECTION PERMIT.
- AS OF JANUARY 1, 2009, ALL TRENCH EXCAVATION CONTRACTORS SHALL COMPLY WITH MGL CH 82A, TRENCH EXCAVATION SAFETY REQUIREMENTS, TO PROTECT THE GENERAL PUBLIC FROM UNAUTHORIZED ACCESS TO UNATTENDED TRENCHES. TRENCH EXCAVATION PERMIT REQUIRED, THIS APPLIES TO ALL TRENCHES ON PUBLIC AND PRIVATE PROPERTY.
- THE APPLICANT WILL HAVE TO APPLY FOR STREET OPENING, UTILITY CONNECTION AND AN INSTALL CURB & SIDEWALK PERMIT WITH THE DPW PRIOR TO START OF WORK.
- AFTER ALL ENGINEERING PERMITS ARE OBTAINED, THE CONTRACTOR NEEDS TO NOTIFY THE ENGINEERING DIVISION 48HRS IN ADVANCE AND SCHEDULE AN APPOINTMENT TO HAVE THE WATER, DRAINAGE & SEWER SERVICES INSPECTED. THE SYSTEM & UTILITIES MUST BE FULLY EXPOSED FOR THE INSPECTOR. ONCE THE INSPECTOR IS SATISFIED, THE SYSTEM & UTILITIES MAY THEN BE BACKFILLED.
- WITH THE EXCEPTION OF GAS SERVICES, ALL UTILITY TRENCHES WITHIN THE CITY OF NEWTON RIGHT OF WAY WILL BE BACKFILLED WITH TYPE I (EXCAVATABLE) CONTROLLED DENSITY FILL, AS SPECIFIED BY THE CITY OF NEWTON ENGINEERING SPECIFICATIONS.
- PRIOR TO THE ISSUANCE OF AN OCCUPANCY PERMIT, AN AS-BUILT PLAN SHALL BE SUBMITTED TO THE ENGINEERING DIVISION IN BOTH DIGITAL FORMAT AND IN HARD COPY. THE PLAN MUST SHOW ALL UTILITIES AND DRAINAGE (UTILIZING SWING TIES), ANY EASEMENTS AND FINAL GRADING.
- IF ENGINEERING DIVISION ACCEPTANCE IS REQUESTED PRIOR TO ALL SITE WORK BEING COMPLETED, THE APPLICANT WILL BE REQUIRED TO POST A CERTIFIED BANK CHECK IN THE AMOUNT TO COVER THE REMAINING WORK. THE CITY ENGINEER SHALL DETERMINE THE VALUE OF THE UNCOMPLETED WORK.
- THE NEW SEWER SERVICES AND STRUCTURES WILL NEED TO BE PRESSURE TESTED AS FEASIBLE PRIOR TO ACCEPTANCE. THE PROPOSED SEWER LINE THAT CANNOT BE TESTED SHALL BE VIDEO TAPED AND SUBMITTED TO THE INSPECTOR.
- EXISTING TIMBER RETENTION WALLS ALONG PROPERTY LINES TO BE REMOVED AND REPLACED. NEW CONCRETE BLOCK RETENTION WALLS TO BE BUILT ACCORDING TO MANUFACTURING SPECIFICATIONS AND REINFORCED AS REQUIRED. RETENTION WALL ALONG PROPERTY LINE TO BE NO GREATER THAN 3'11" IN HEIGHT.

ZONING

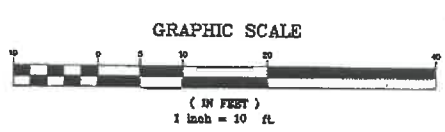
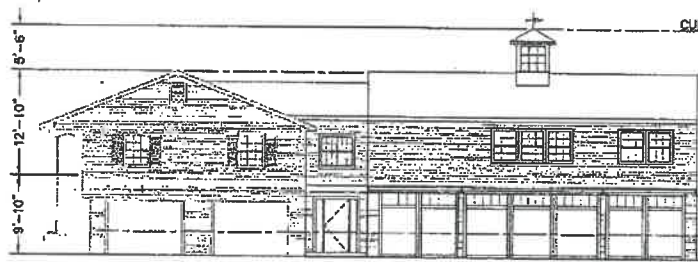
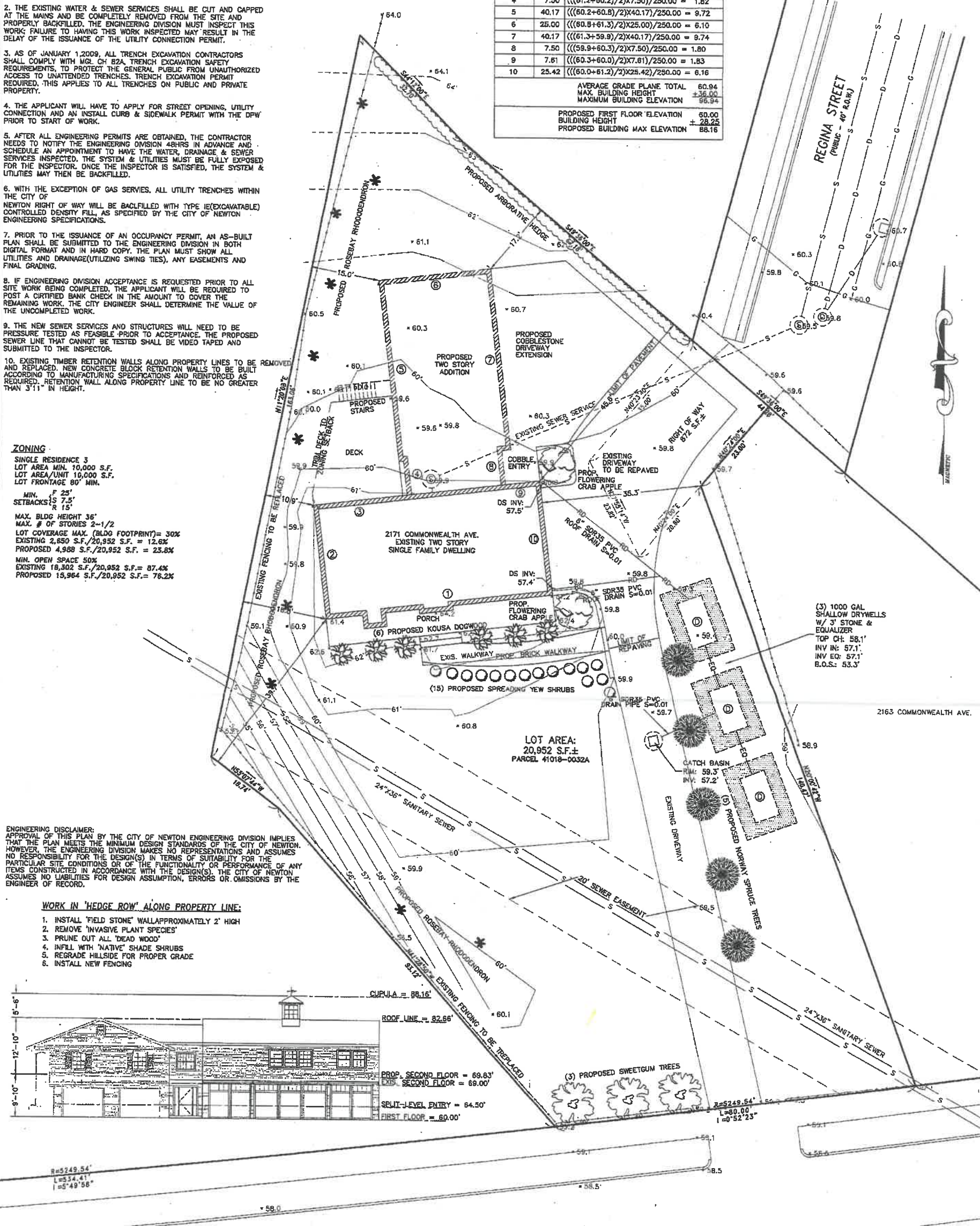
SINGLE RESIDENCE 3
 LOT AREA MIN. 10,000 S.F.
 LOT AREA / UNIT 10,000 S.F.
 LOT FRONTAGE 80' MIN.
 MIN. F 25'
 SETBACKS S 7.5'
 R 15'
 MAX. BLDG HEIGHT 36'
 MAX. # OF STORIES 2-1/2
 LOT COVERAGE MAX. (BLDG FOOTPRINT) = 30%
 EXISTING 2,850 S.F./20,952 S.F. = 12.6%
 PROPOSED 4,988 S.F./20,952 S.F. = 23.8%
 MIN. OPEN SPACE 50%
 EXISTING 18,302 S.F./20,952 S.F. = 87.4%
 PROPOSED 15,964 S.F./20,952 S.F. = 76.2%

ENGINEERING DISCLAIMER:
 APPROVAL OF THIS PLAN BY THE CITY OF NEWTON ENGINEERING DIVISION IMPLIES THAT THE PLAN MEETS THE MINIMUM DESIGN STANDARDS OF THE CITY OF NEWTON. HOWEVER, THE ENGINEERING DIVISION MAKES NO REPRESENTATIONS AND ASSUMES NO RESPONSIBILITY FOR THE DESIGN(S) IN TERMS OF SUITABILITY FOR THE PARTICULAR SITE CONDITIONS OR OF THE FUNCTIONALITY OR PERFORMANCE OF ANY ITEMS CONSTRUCTED IN ACCORDANCE WITH THE DESIGN(S). THE CITY OF NEWTON ASSUMES NO LIABILITIES FOR DESIGN ASSUMPTION, ERRORS OR OMISSIONS BY THE ENGINEER OF RECORD.

WORK IN 'HEDGE ROW' ALONG PROPERTY LINE:

- INSTALL 'FIELD STONE' WALL APPROXIMATELY 2' HIGH
- REMOVE 'INVASIVE PLANT SPECIES'
- PRUNE OUT ALL 'DEAD WOOD'
- INFILL WITH 'NATIVE' SHADE SHRUBS
- REGRADE HILLSIDE FOR PROPER GRADE
- INSTALL NEW FENCING

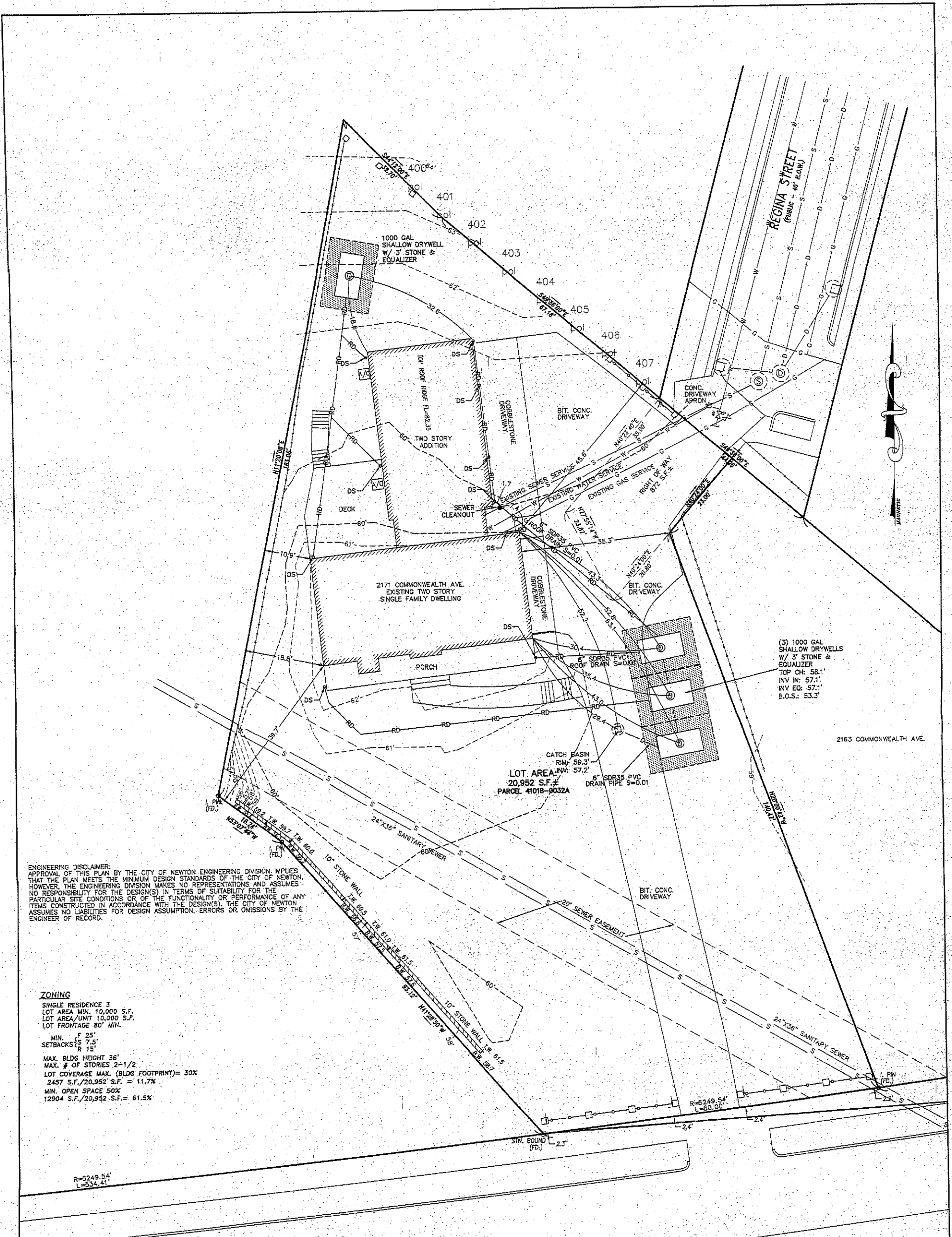
AVERAGE GRADE PLANE CALCULATION		
SEGMENT	LENGTH	GRADE PLANE FORMULA
1	50.42	$\frac{((61.2+61.4)/2) \times 50.42}{250.00} = 12.36$
2	25.42	$\frac{((61.4+62.1)/2) \times 25.42}{250.00} = 6.28$
3	20.80	$\frac{((62.1+61.2)/2) \times 20.80}{250.00} = 5.13$
4	7.50	$\frac{((61.2+60.2)/2) \times 7.50}{250.00} = 1.82$
5	40.17	$\frac{((60.2+60.8)/2) \times 40.17}{250.00} = 9.72$
6	25.00	$\frac{((60.8+61.3)/2) \times 25.00}{250.00} = 6.10$
7	40.17	$\frac{((61.3+59.9)/2) \times 40.17}{250.00} = 9.74$
8	7.50	$\frac{((59.9+60.3)/2) \times 7.50}{250.00} = 1.80$
9	7.61	$\frac{((60.3+60.0)/2) \times 7.61}{250.00} = 1.83$
10	25.42	$\frac{((60.0+61.2)/2) \times 25.42}{250.00} = 6.16$
		AVERAGE GRADE PLANE TOTAL 60.94
		MAX. BUILDING HEIGHT ±36.00
		MAXIMUM BUILDING ELEVATION 96.94
		PROPOSED FIRST FLOOR ELEVATION 60.00
		BUILDING HEIGHT ±28.25
		PROPOSED BUILDING MAX ELEVATION 88.16



BRUCE P. STONER
 12191
Bruce Stoner
BRUCE P. STONER
 12191
Bruce Stoner

PROPOSED SITE PLAN
2171 COMMONWEALTH AVE.
NEWTON, MA
FOR
TED VANTOURIS
CIVIL ENVIRONMENTAL CONSULTANTS
 8 OAK STREET PEABODY, MA 01960 978-531-1191
 SHEET NO: 2 OF 3
 DATE: 2/17/2016 JOB: 3578
 REV: 2/18/2016, 3/1/2016
 DRAWN BY: C.R.L. 4/27/2016

2017 Plan



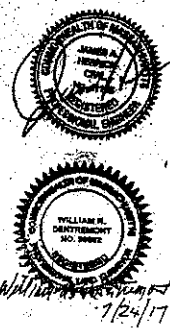
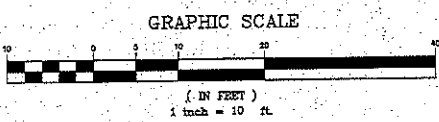
ENGINEERING DISCLAIMER:
 APPROVAL OF THIS PLAN BY THE CITY OF NEWTON ENGINEERING DIVISION IMPLIES THAT THE PLAN MEETS THE MINIMUM DESIGN STANDARDS OF THE CITY OF NEWTON. HOWEVER, THE ENGINEERING DIVISION MAKES NO REPRESENTATIONS AND ASSUMES NO RESPONSIBILITY FOR THE DESIGN(S) IN TERMS OF SUITABILITY FOR THE PARTICULAR SITE CONDITIONS OR OF THE FUNCTIONALITY OR PERFORMANCE OF ANY ITEMS CONSTRUCTED IN ACCORDANCE WITH THE DESIGN(S). THE CITY OF NEWTON ASSUMES NO LIABILITIES FOR DESIGN ASSUMPTION, ERRORS OR OMISSIONS BY THE ENGINEER OF RECORD.

ZONING

SINGLE RESIDENCE 3
 LOT AREA MIN. 10,000 S.F.
 LOT AREA/UNIT 10,000 S.F.
 LOT FRONTAGE 80' MIN.
 MIN. F 25'
 SETBACKS S 7.5'
 R 15'
 MAX. BLDG HEIGHT 36'
 MAX. # OF STORIES 2-1/2
 LOT COVERAGE MAX. (BLDG FOOTPRINT)= 30%
 2457 S.F./20,952 S.F. = 11.7%
 MIN. OPEN SPACE 50%
 12904 S.F./20,952 S.F. = 61.5%

COMMONWEALTH AVENUE
 (PUBLIC - 120'± R.O.W.)

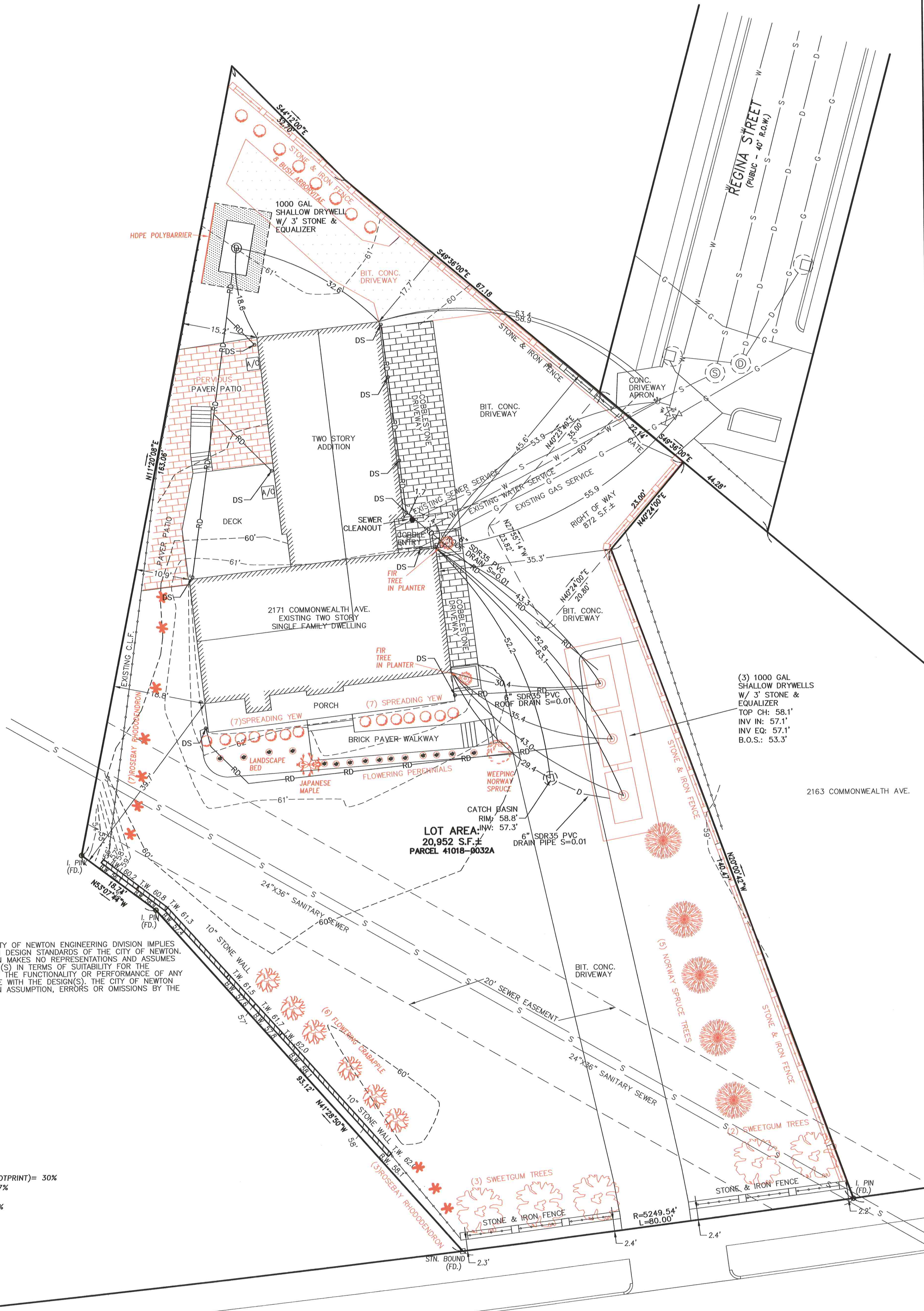
I HEREBY CERTIFY THAT THE STRUCTURES & BUILDING SHOWN HEREON ARE AS ACTUALLY FIELD LOCATED BY INSTRUMENT SURVEY ON 5/23/17 & ON 7/7/17.



ADJUST STONE WALL HEIGHTS		K.J.B. 7/24/2017	
AS-BUILT SITE PLAN 2171 COMMONWEALTH AVE. NEWTON, MA FOR TED VENTOURIS			
CIVIL ENVIRONMENTAL CONSULTANTS 8 OAK STREET PEABODY, MA 01960 978-531-1191			
SHEET NO:	2 OF 3	DATE: 5/24/2017	JOB: 3578
		REV: 7/10/2017	DRAWN BY: C.R.L.

2020 Plan

NOTE: COLORED ITEMS(RED) ON PLAN
ON PLAN ARE SITE ITEMS ADDED POST 7/24/2017



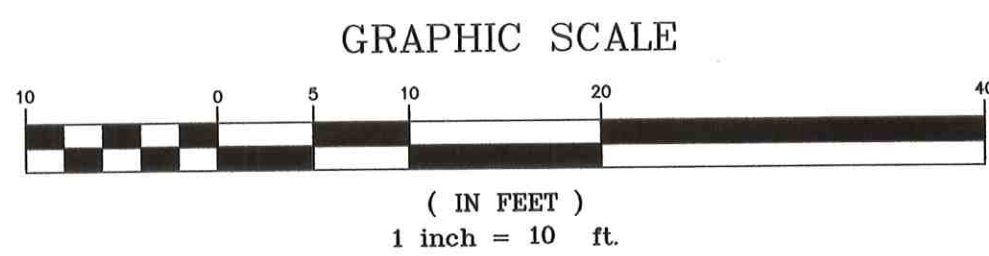
ENGINEERING DISCLAIMER:
APPROVAL OF THIS PLAN BY THE CITY OF NEWTON ENGINEERING DIVISION IMPLIES THAT THE PLAN MEETS THE MINIMUM DESIGN STANDARDS OF THE CITY OF NEWTON. HOWEVER, THE ENGINEERING DIVISION MAKES NO REPRESENTATIONS AND ASSUMES NO RESPONSIBILITY FOR THE DESIGN(S) IN TERMS OF SUITABILITY FOR THE PARTICULAR SITE CONDITIONS OR OF THE FUNCTIONALITY OR PERFORMANCE OF ANY ITEMS CONSTRUCTED IN ACCORDANCE WITH THE DESIGN(S). THE CITY OF NEWTON ASSUMES NO LIABILITIES FOR DESIGN ASSUMPTION, ERRORS OR OMISSIONS BY THE ENGINEER OF RECORD.

ZONING

SINGLE RESIDENCE 3
 LOT AREA MIN. 10,000 S.F.
 LOT AREA/UNIT 10,000 S.F.
 LOT FRONTAGE 80' MIN.
 MIN. F 30'
 SETBACKS S 10'
 R 15'
 MAX. BLDG HEIGHT 36'
 MAX. # OF STORIES 2-1/2
 LOT COVERAGE MAX. (BLDG FOOTPRINT)= 30%
 2457 S.F./20,952 S.F. = 11.7%
 MIN. OPEN SPACE 50%
 12904 S.F./20,952 S.F. = 61.5%

R=5249.54'
L=534.41'

COMMONWEALTH AVENUE
(PUBLIC - 120'± R.O.W.)



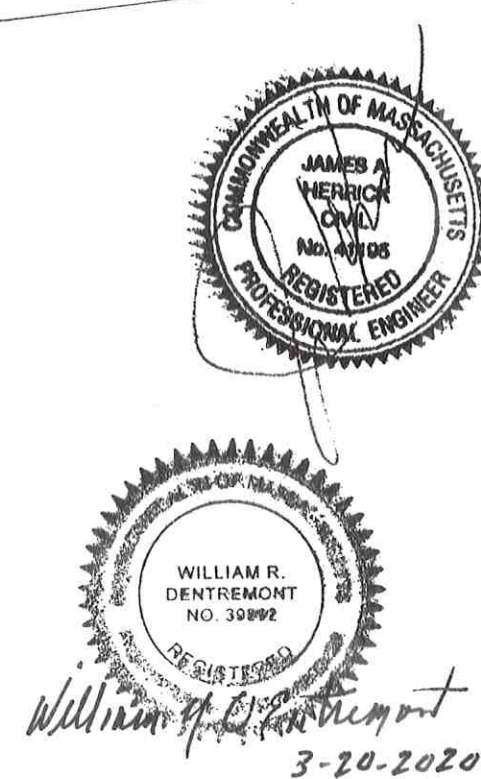
△ COLORED CHANGES SINCE 7/24/17 REVISION	L.J.B.	3/20/2020
△ REVISE LANDSCAPE ELEMENTS	L.J.B.	4/24/2019
△ REVISE ORIENTATION OF MAIN DRYWELL INFILTRATION SYSTEM	L.J.B.	3/5/2019
△ ADJUST STONE WALL HEIGHTS, ADDED STONE FENCE ALONG PROP. LINE	W.R.D./C.R.L.	11/1/2018
△ ADJUST STONE WALL HEIGHTS	L.J.B.	7/24/2017

AS-BUILT SITE PLAN
 2171 COMMONWEALTH AVE.
 NEWTON, MA
 FOR
 TED VENTOURIS

CIVIL ENVIRONMENTAL CONSULTANTS
 8 OAK STREET PEABODY, MA 01960 978-531-1191

SHEET NO: 1 OF 1

DATE: 5/24/2017 JOB: 3578
 DRAWN BY: C.R.L.



Zoning Relief

Ordinance	Relief Requested
7.3.3	Special Permit Review
7.4	Site Plan Approval

Department of Planning and Development



PETITION #31-21

66-68 WARWICK ROAD

SPECIAL PERMIT/SITE PLAN
APPROVAL TO INCREASE THE
NONCONFORMING FLOOR AREA
RATIO, AND FURTHER EXTEND
THE NONCONFORMING TWO-
FAMILY USE

FEBRUARY 2, 2021



Requested Relief



Special Permits per §7.3.3, 7.8.2.C.2 of the Newton Zoning Ordinance to:

- Further extend a nonconforming two-family use (§3.4.1, §7.8.2.C.2);
- To increase the nonconforming FAR (§3.1.3, §3.1.9 §7.8.2.C.2)

Criteria to Consider



When reviewing this request, the Council should consider whether:

- The proposed extension of the nonconforming two-family use will be substantially more detrimental than the existing nonconforming two-family use is to the neighborhood (§3.4.1, §7.8.2.C.2);
- The proposed increase in the nonconforming FAR from .92 to .94 where .48 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).

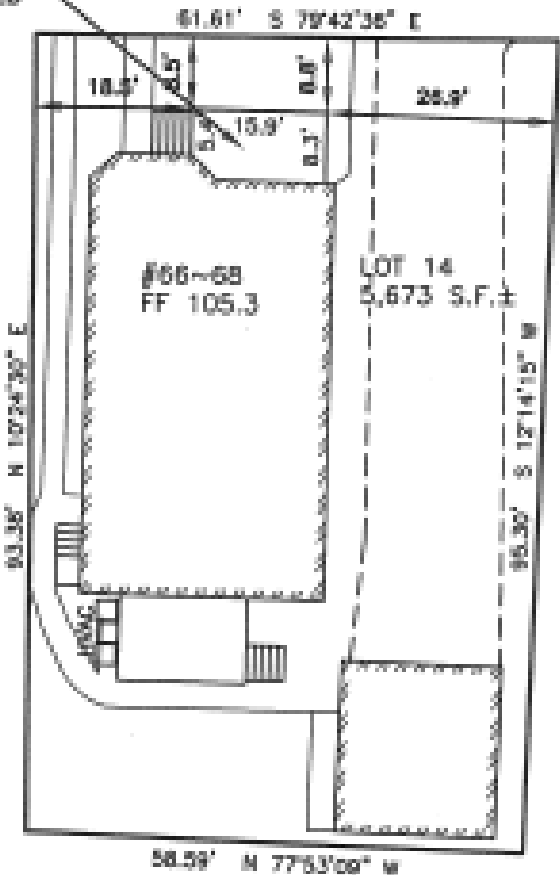
Aerial/GIS Map



Site Plan

EXISTING
2nd FLOOR
PORCH TO
BE ENCLOSED

WARWICK ROAD





Proposed Findings



1. The proposed extension of the nonconforming two-family dwelling will not be substantially more detrimental than the existing nonconforming two-family dwelling is to the neighborhood *because the increase of the FAR is within the footprint of the structure* (§3.4.1, §7.8.2.C.2);
2. The proposed increase in the nonconforming FAR from .92 to .94 where .48 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 increase of the FAR is within the footprint of the structure* (§3.1.9, and §7.8.2.C.2).
3. The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood *because the front façade is not being significantly altered* (§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 #29-21 145 WARREN STREET

TO ALLOW FOUR SINGLE-FAMILY
ATTACHED DWELLINGS, REDUCED SIDE
SETBACKS, INCREASE THE ALLOWED
LOT COVERAGE, ALLOW A DRIVEWAY
WITHIN TEN FEET OF THE SIDE LOT
LINE AND TO ALLOW RETAINING WALLS
GREATER THAN 4' WITHIN A SETBACK

FEBRUARY 2, 2021



Requested Relief



Special Permit per §7.3.3 of the NZO to:

- Allow four single-family attached dwellings (§3.4.1)
- Reduce the required side setbacks (§3.2.4)
- Exceed lot coverage (§3.2.4)
- Allow a driveway within 10 feet of the side lot line. (§6.2.3.B.2)
- Allow a retaining wall of four feet or more in height within the side setback (§5.4.2.B)
- *Additional relief required due to the parking facility with over 5 stalls*

2019 Petition and Current Petition



- Reduced from 3 to **2.5 stories**
- Increased rear setback from 28.4 feet to **51.1 ft**
- Retaining wall within side setback increased from 4 ft to **6.4 ft**
 - Due to reduction in scale of structure and improved rear setback
- Focus on ground level outdoor amenity spaces.
- Decrease in floor area and unit sizes
 - Total square footage reduced from ~17,000 sf to ~**13,500 sf**
 - FAR Reduced from .72 to **.57***

*Planning requested clarification on unit sizes and whether this is gross floor area or FAR. Planning will continue to work with the Petitioner to confirm calculation of Unit sized and FAR.

Historic



- May 3, 2018 – Newton Historical Commission meeting; existing structure deemed “Preferably Preserved”
- April 30, 2019 - Special Permit application submitted by 145 Warren St. LLC
- ***October 26, 2019 – 18-month demolition delay expires.***
- December 10, 2019 – Special Permit application withdrawn
- June 11, 2020 – Partial demo permit issued to 145 Warren St. LLC
- June 18, 2020 – Norton Point Warren St. purchases property which includes partial demolition permit from 145 Warren St. LLC
- December 2020 – Special Permit application submitted for current petition

Due to the expiration of the imposed demolition delay period and the issuance of a partial demolition permit, *a portion of the existing structure can be demolished.*

Special Permit Criteria



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 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 setbacks, 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)

AERIAL



ATTACHMENT A

Zoning

145 Warren Street

*City of Newton,
Massachusetts*

Legend

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

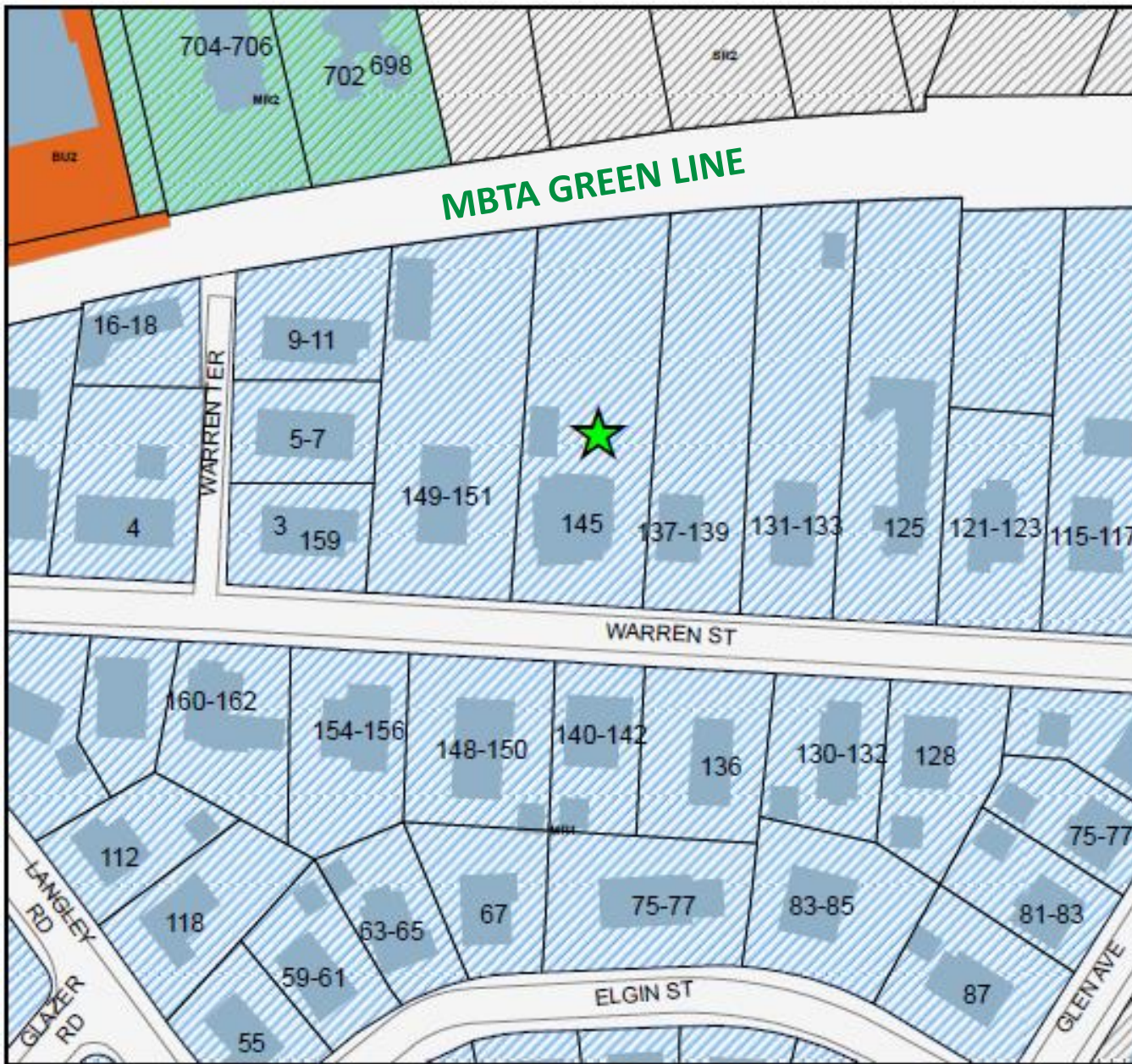


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date January 27, 2021



ATTACHMENT B





Land Use

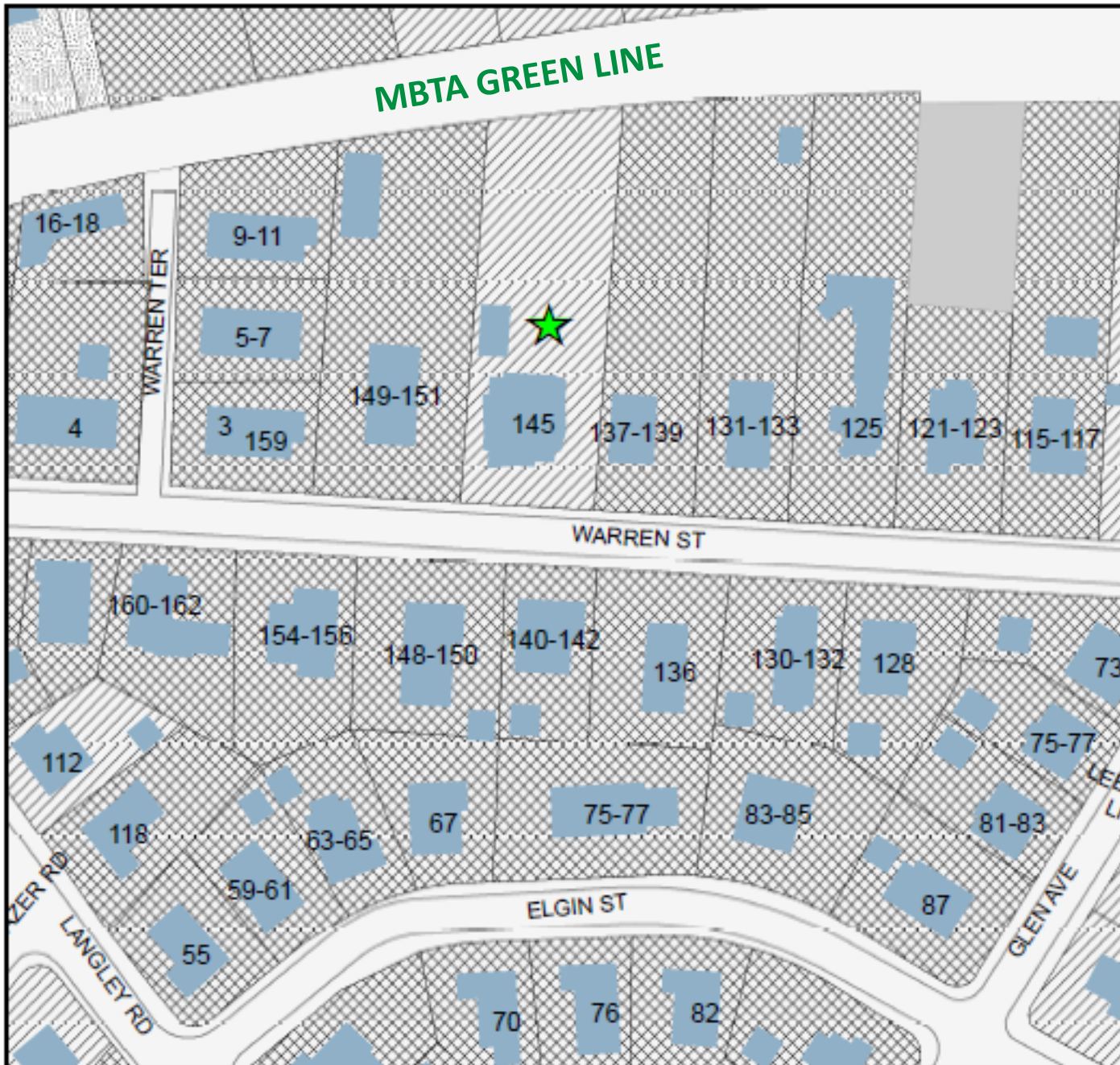
145 Warren Street

*City of Newton,
Massachusetts*

Legend

Land Use

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



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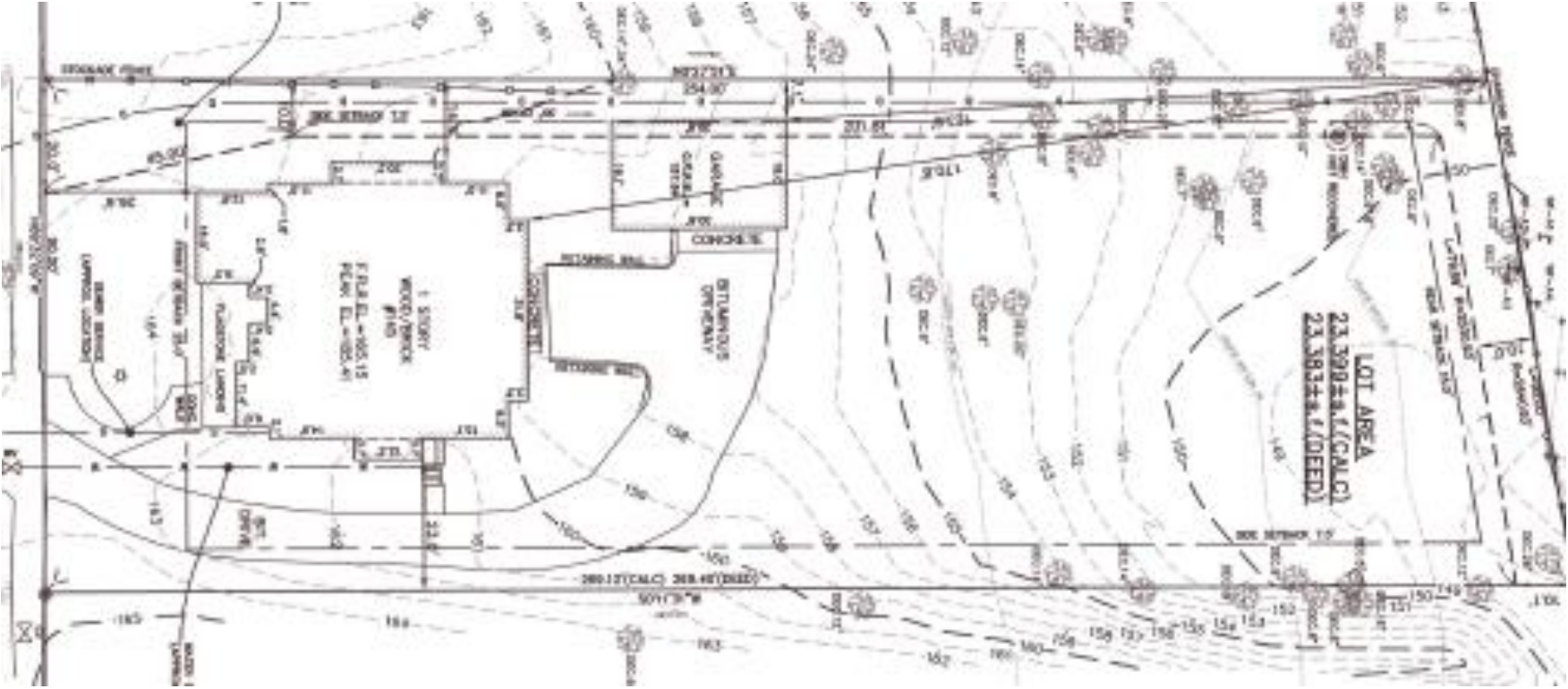
CITY OF NEWTON, MASSACHUSETTS
Mayor - Barbara Fuller
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Existing Conditions

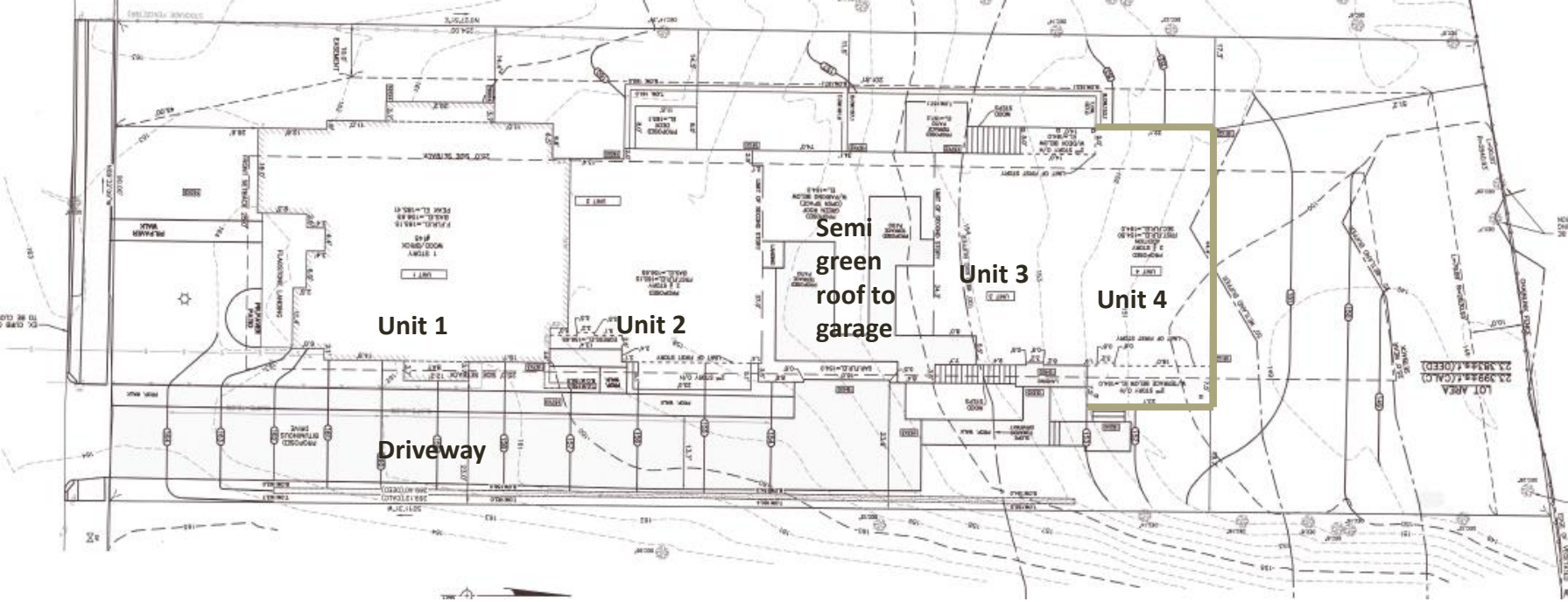


WARREN ST.



Proposed Site Plan

WARREN ST.



Proposed Unit Sizes

	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	3,147 sq. ft.	2,913 sq. ft.	2,566 sq. ft.	2,836 sq. ft.

Elevations

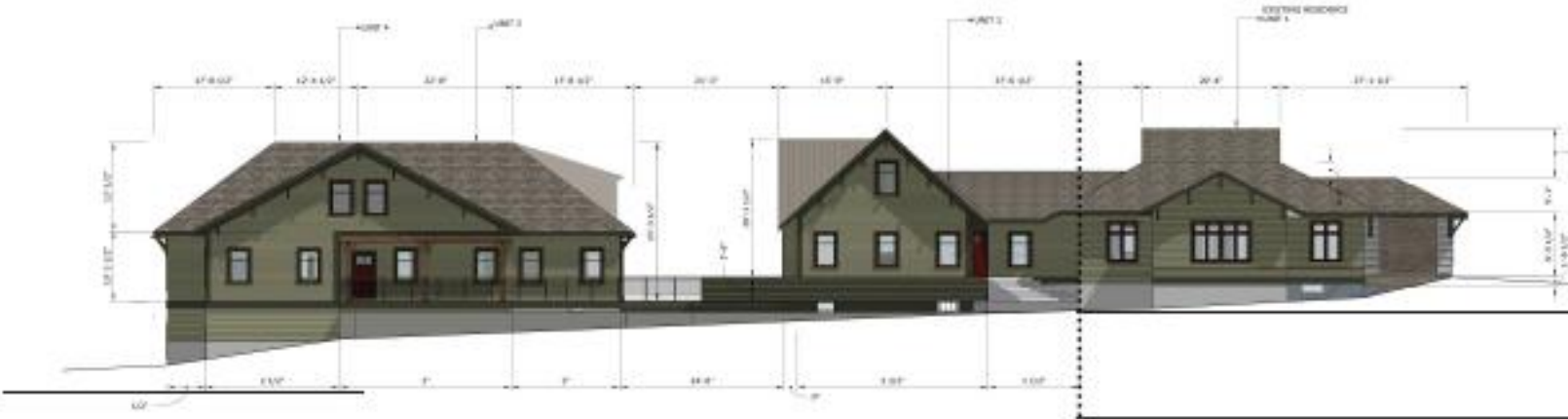


C-Front Elevation (Existing House)



D-Back Elevation (Raised Courtyard)

Elevations



A-Side Elevation (opposite Driveway)



Outstanding Information



Additional Information Requested

- Confirmation of unit sizes and FAR, Planning will continue to work with the Petitioner and ISD.
- Petition is under review by Engineering Division.
 - Stormwater
 - Turning Templates
- Petitioner is on the docket with Conservation Commission for February 18, 2021.

Planning Concerns

- Height of proposed retaining wall at 6.4' within side setback and whether site can accommodate screening at that location.