

SPECIAL PERMIT APPLICATION

TO THE NEWTON CITY COUNCIL

The undersigned hereby makes application for permit to erect and use, to alter and use, or to make such uses as may be hereinafter specified of a building or buildings at the location and for the purpose hereinafter specified under the provisions of Chapter 30 of the Revised Ordinances, 2015, as amended, or any other sections

PLEASE REFERENCE SECTIONS OF THE ORDINANCES FROM WHICH RELIEF IS REQUESTED:

Relief is requested from §5.4.2.B to allow a system of retaining walls exceeding four feet in height within the front and side setbacks by special permit pursuant to §7.3.3

- PETITION FOR:** Special Permit/Site Plan Approval
 Extension of Non-conforming Use and/or Structure
 Site Plan Approval

STREET 21 Louise Road WARD 8

SECTION(S) 82 BLOCK(S) 004 LOT(S) 0085

APPROXIMATE SQUARE FOOTAGE (of property) 10,298 ZONED MR1

TO BE USED FOR: A second tier of retaining wall that will result in a series of retaining walls that in total will exceed four feet of height within the front/side setback.


CONSTRUCTION:

EXPLANATORY REMARKS: A Special Permit is necessary to provide a functional yard, as the proposed retaining wall is the only way to mitigate the extreme grade that encumbers the frontage of the property and create usable and functional green space.

Please see attached history of property as it relates to the current grading and the requested Special Permit.

The undersigned agree to comply with the requirements of the Zoning Ordinance and rules of the Land Use Committee of the City Council in connection with this application.

PETITIONER (PRINT) Andrew Goldberg

SIGNATURE 

ADDRESS 68 Reservoir Ave. Newton, MA 02467

TELEPHONE (617) 834-4321 Email andrew@curraghdobbin.com

~~ATTORNEY~~ **Architect:** Mark Sangiolo

ADDRESS _____

TELEPHONE (617) 272-5402 Email archit@comcast.net

PROPERTY OWNER HG Chestnut Hill LLC

ADDRESS 15 Union Street, Suite 3, Boston, MA 02108

TELEPHONE (617) 834-4321 Email andrew@curraghdobbin.com

SIGNATURE OF OWNER 

Planning & Development
Department Endorsement

ATTACHMENT TO SPECIAL PERMIT APPLICATION

History of 21 Louise Road's extreme grading along frontage and the current need for a new retaining Wall.

The site/parcel, located at 21 Louise Road, soon to become 21/25 Louise Road, was originally known as 153 Florence Street. At that time, the parcel consisted of over six acres and a single-family home, built in the early 20th Century facing Florence Street. This was the original house in area, predating Louise Road. In the 1953, as part of a series of property transactions, 153 Florence Street was combined with other parcels to create Louise Road and the multi-family (MR1) housing district surrounding it. The existing house was "carved out" to create a subdivision, retaining only slightly more than ten-thousand square feet of its original six acres. While still facing Florence Street, access to the house was moved to Louise Road and its address was re-designated 21 Louise Road. While the parcel retained a sliver of land (approximately one-hundred and fifty feet long) with ten feet of frontage to Florence Street, between two newly created residential lots, pedestrian access from Florence Street to the house was no longer possible due to the changes in grading resulting from the subdivision of the original lot.

After the establishment of the subdivision and Louise Road, the property retained only a small amount useable land, due to the change of access from Florence Street to Louise Road. The ability to use the parcel's remaining land was further complicated by the steep grading from the existing house to the newly created street, as to provide for a manageable and level grade for the construction of the new multifamily homes on the newly created subdivision.* All of the changes to provide for the subdivision have resulted in the property's frontage beginning at one of the lowest grades and ending at one of the highest elevations on Louise Road. A Retaining wall and berm with tall stairway from Louise Road to the house was likely created at this time to mitigate and provide street access due to the extreme grade difference resulting from the creation of Louise Road.

The single-family home discussed above was demolished in the Summer of 2020. Currently, construction of new multi-family house on the site is underway, which will bring the property's use in line with rest of the surrounding neighborhood. What remains of the existing retaining wall, located in setback, incorporates a stairway that has a top elevation from sidewalk grade that is equal to or greater than that of the proposed retaining wall that would also replace the stairway.** The topography of the parcel resulting from the 1953 subdivision, as described above, and the resulting grading from both the subdivision and the excavation that was necessitated by the need to install a sewer line to Florence Street, has left the parcel without any meaningful level open space for one of the units; and, due to the vast grade variation, the existing large hill that was already not the most athletically pleasing remains as such.

The proposed retaining wall is the only way to create usable green space for these homes. Accordingly, the proposed wall will create benefit for neighborhood, as it will replace an unsightly berm that had few options to manicure with newly created landscaped space. As depicted in the proposed designs, the wall is tiered, at the cost of some level space, to create a pleasing design instead of a monolithic wall. As no other property in the subdivision is encumbered by grading so extreme that it renders the property unusable and, based on the history of the property, it would be a hardship if the property was not permitted some accommodation to mitigate the awkward grading of the parcel that resulted from the creation of a subdivision almost three quarters of a century ago.

The proposed retaining wall would be in line with the surrounding mixed-use area, comprised of many multi-family dwelling and apartment buildings, as wells as some of the city's largest retail locations. An abutting property has high retaining wall that is possibly in the side setback, and there are many large retaining walls in areas such as adjacent to Chestnut Hill Square and the Lifestyle Center (Formerly the Atrium) as well as many other nearby Commercial and Residential Developments, some greater than four feet within a setback.

* This is likely why as part of the subdivision, the property retained the sliver of property with frontage to Florence Street for future needs such as utility access; the sewer connection on Louise Road is a minimum of twenty-five feet below grade at the location where it would need to be tied in and would require a dead-end street to be shut down to traffic for multiple days in order to create the necessary access.

** A conforming portion of the retaining wall has been removed by necessity to facilitate construction of the new house and the establishment of a sewer line from Florence Street to the property, which formally had its own septic system.

CITY OF NEWTON

INSTRUCTIONS FOR FILING APPLICATIONS FOR PERMITS UNDER THE ZONING LAW (CHAPTER 30)

1. The Inspectional Services Department determines whether a special permit is necessary.
2. If a special permit is necessary, the Petitioner meets with the Planning & Development Department to discuss the petition and the requirements for his/her particular petition; an application and instructions for filing a special permit petition may be obtained from the Planning Department or the Clerk of the City Council.
3. Upon completion of the application and required plans, Petitioner returns to the Department of Planning & Development for approval and endorsement of application, after which it may be filed with the Clerk of the Council's office with a filing fee (please see below.)

THE FOLLOWING MUST BE INCLUDED WHEN FILING

1. Four (4) copies of the completed petition.
2. Site Plans: Fifteen (15) sets (11"x17"). These plans must be accurately drawn at a scale of 1" = 40' or 1" = 20' and contain the stamp of a Registered Engineer or a Land Surveyor. Such site plan shall show on the petitioned lot or lots (where applicable) "...all existing and proposed buildings, structures, parking stalls, aisles, driveway openings, driveways, service areas and other open uses, all facilities for sewage, refuse and other waste disposal, water, electrical and telephone facilities, surface water drainage, topography and all landscape features such as fences, walls, planting areas, including quantity, type and size of plant materials, walks, lighting facilities and free-standing signs." Plans shall include Petitioner's name, date of plan, scale and name of person drawing the same. Plans must show boundary lines and lot areas of lots and adjacent to Petitioner's lot, as well as the location of any and all buildings."
3. Where applicable, architectural rendering showing building elevations, facade treatment, and typical floor plans illustrating unit types for residential use, or proposed interior layout for commercial or other uses.
4. A copy of site plan as described above must be filed with the City Engineer, and when applicable, the Fire Department, at the time of presentation to the Clerk of the Council of the application and accompanying plans.

FEES (REFERENCE SEC.17-3 - MADE PAYABLE TO THE CITY OF NEWTON)

- | | |
|---|---------|
| (1) Special Permits and/or Site Plan Approval; Extension of non-conforming use/structure: | |
| a. Residential Districts | \$350 |
| plus \$100 for each new residential unit proposed with max of | \$2,500 |
| b. Business, Mixed Use and Manufacturing Districts | \$750 |
| c. Accessory Apartments | \$250 |
| d. Signs (all districts) | \$350 |
| (2) Change of zone petitions | \$350 |
| (3) Offers for City-owned land (all Districts) | \$250 |
| (4) Application for Administrative Site Plan Review (Planning Department) | \$350 |