



Land Use Committee Report

City of Newton

In City Council

Tuesday, March 23, 2021

Present: Councilors Lipof (Chair), Kelley, Greenberg, Lucas, Markiewicz, Downs, Bowman and Laredo; also Present: Councilor Malakie

City Staff Present: Senior Planner Katie Whewell, Senior Planner Michael Gleba

All Special Permit Plans, Plan Memoranda and Application Materials can be found at the following link <https://www.newtonma.gov/government/city-clerk/city-council/special-permits/-folder-1058>.

Presentations for each project can be found at the end of this report.

#314-20 **Petition to allow four 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 two structures, to allow a retaining wall in excess of 4' and to allow a driveway within ten feet of the side lot line 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 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved request to Withdraw without Prejudice 7-0 (Councilor Lipof not Voting)**

Note: The Committee reviewed the request to withdraw the petition without prejudice. Councilor Downs motioned to approve the withdrawal without prejudice which carried 7-0 (Councilor Lipof not voting).

#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 Approved 8-0; Public Hearing Closed 01/12/2021**

Note: At the Land Use Committee meeting on January 12, 2021, a public hearing was opened and closed. The Committee expressed concerns relative to the drainage at the meeting on January 12, but ultimately voted favorably to recommend approval to the full Council. During the Council meeting,

Councilors remained concerned, and the Chair recommended recommitting the item to Land Use for further review.

Senior Planner Michael Gleba presented updated to the petition as shown on the attached presentation. He noted that the plans have been revised to show additional retaining wall and fencing details. A vinyl fence will be located along the sides and back of the property with gravel between the top of the new wall and the new fence. Images of the proposed wall and fencing can be seen on the attached presentation. Mr. Gleba noted that the Engineering Department has issued a revised memo indicating that wall drainage, finish, grading and structure design will be addressed prior to issuance of a building permit. Additionally, the retaining wall will be subject to review by Inspectional Services. It was noted that the Engineering Department has no concerns relative to water runoff from the rear to the front of the lot.

The petitioners noted that that they are eager to install the wall, which has been professionally designed. Committee members were supportive of the revised plans. Councilors agreed that Engineering and ISD should review the final plans. The Committee thanked Associate City Engineer John Daghlian for attending the Committee meeting to respond to concerns. With that, the Committee voted unanimously in favor of a motion to approve from Councilor Downs.

The Committee adjourned at 8:15 pm.

Respectfully Submitted,

Richard Lipof, Chair

Department of Planning and Development

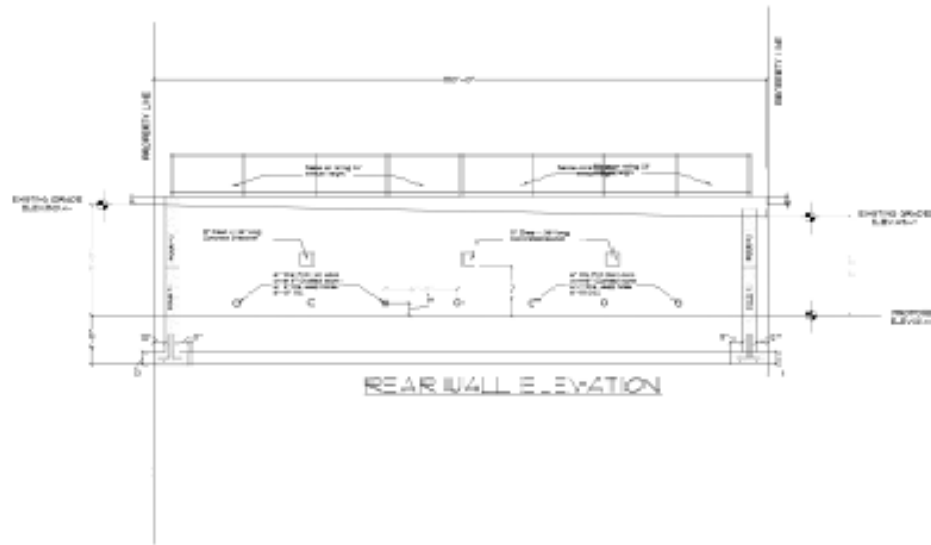


PETITION #552-20
17 WALLACE STREET
SPECIAL PERMIT/SITE PLAN
APPROVAL TO ALLOW A
RETAINING WALL IN
EXCESS OF FOUR FEET IN
HEIGHT WITHIN THE SIDE AND
REAR SETBACKS

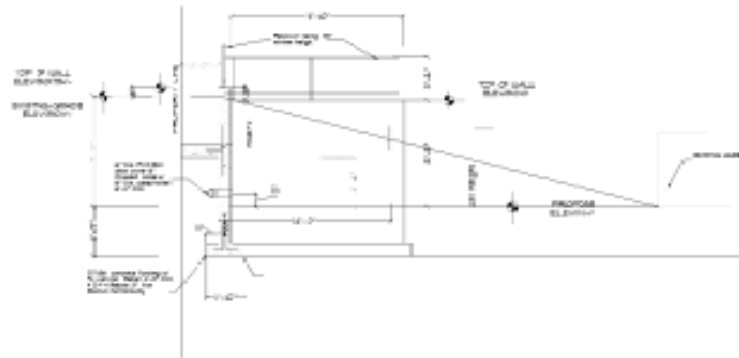
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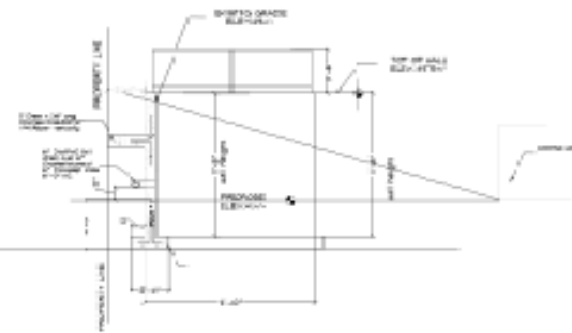
Wall detail- revised



INSTALLER NOTE:
SEE FOR FINISHED FLOOR GRADE
PAGE # 3 PAGE 11
SEE PAGE 1, 11 AND 12 FOR
WALL CONNECTION TO FLOOR



RIGHT WALL ELEVATION

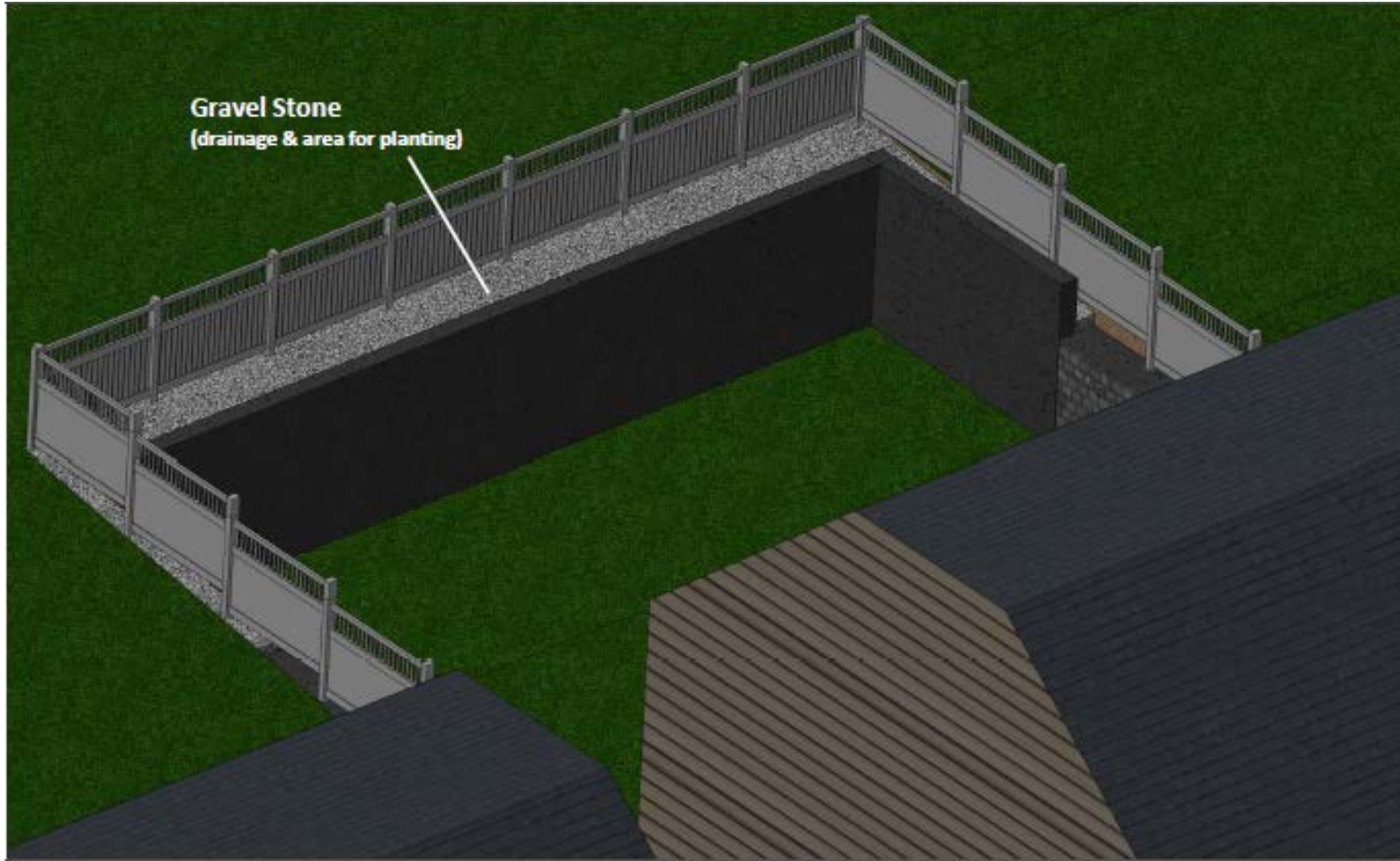


LEFT WALL ELEVATION

Plans- revised



Plans- revised



Engineering issues



- Engineering Division memo-
 - “wall drainage, finish, grading and structural design,” would be addressed at the time of a building permit application.
 - retaining wall construction are also subject to review and approval by ISD
- Engineering Division not concerned about runoff traveling from the rear to the front of the lot (rear lawn area would be expected to absorb and retain such runoff)
- ISD has indicated it would accept plans signed and stamped by an architect

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.*