



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

#313-20
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: April 30, 2021
MEETING DATE: May 4, 2021
TO: Land Use Committee of the City Council
FROM: Barney S. Heath, Director of Planning and Development
Neil Cronin, Chief Planner for Current Planning
Katie Whewell, Senior Planner
CC: Petitioner

In response to issues raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming continued public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

PETITION #313-20

12 Hanson Road

Special Permit/Site Plan Approval to raze the existing single-family dwelling and construct a two-family dwelling, extending the nonconforming residential use, to allow alteration of a nonconforming side setback, and to allow a structure with 30' in height

The Land Use Committee (the "Committee") most recently held a public hearing on this petition on Tuesday December 1, 2020. The public hearing was held open for the petitioner to respond to questions and concerns raised in the Planning Department's memorandum and at the public hearing by the Committee as well as by members of the public. This memo reflects those issues and concerns, as well as revised materials submitted by the petitioner as of April 30, 2021.

Background

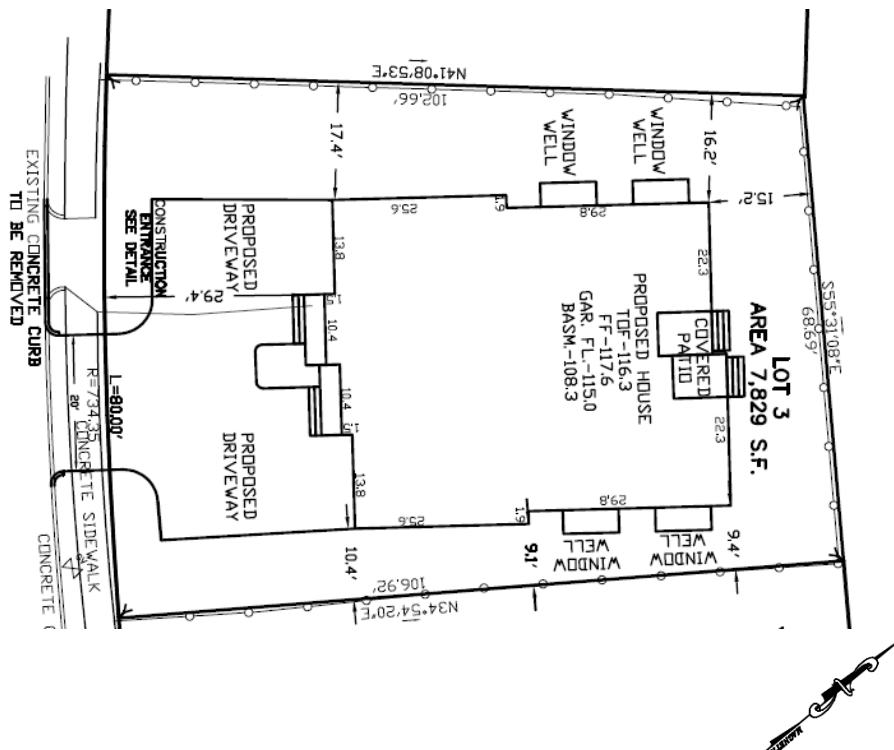
The subject property located at 12 Hanson Road consists of 7,829 square feet of land, improved with a single-family dwelling constructed in 1946. The property is located within the Business 1 (the "BU-1") zone in Oak Hill Park. Single-family dwellings are not allowed within the BU-1 zone; as such, the use is legal nonconforming. The petitioner proposes to raze the existing structure to construct a two-family dwelling. A two-family dwelling is also not allowed in the BU-1 zone; therefore, the petitioner requires a special permit to further extend the nonconforming residential use. The petitioner also requires a special permit to alter a nonconforming setback, allow a structure with more than two stories, and to the extent that stories and height are connected, to allow a structure with 30 feet in height.

In the Public Hearing Memorandum, the Planning Department expressed its concerns with the two proposed curb cuts, where one exists. The Planning Department recommended that the petitioner reconsider the additional curb cut and explore ways to consolidate curb cuts along the frontage to minimize disruptions to pedestrians and conflicts between vehicle and pedestrians. The petitioner submitted a revised site plan showing one proposed curb cut.

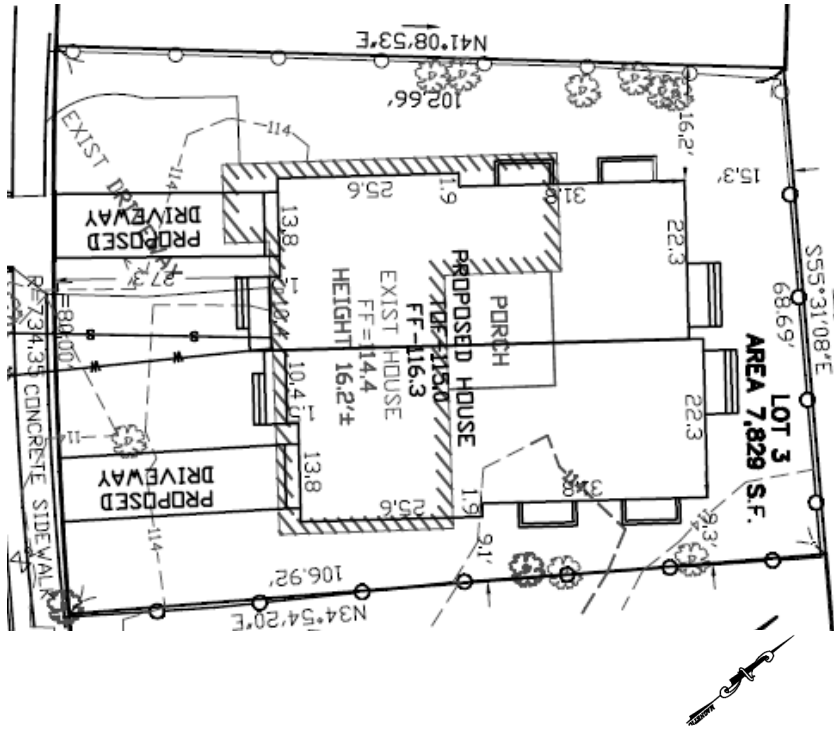
Revised Site Plan

The Petitioner submitted revised plans that show a consolidated curb cut. The Planning Department previously encouraged the petitioner to explore ways to consolidate the curb cut, so there is not an additional curb cut along Hanson Road for this property. The petitioner submitted plans with the same building design showing a consolidated curb cut and access. Two-family dwellings with garages tend to result in a design with two curb cuts along the frontage or one wider curb cut with more paving as a shared access for the two garages of the proposed two-family dwelling. The petitioner also submitted a revised landscaping plan showing the additional paving and less landscaping proposed in the front yard due to the reconfiguration of the driveway and access to the two garages.

Revised Proposed Site Plan April 2021



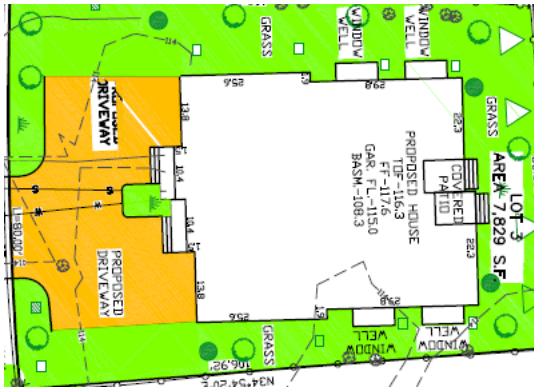
Initial Filing Site Plan 2020



Initial Filing Landscape Plan



Proposed Landscape Plan



Parking Requirements for By Right Uses in the Business 1 zone

Due to the site's location in a business zone, members of the Council requested the Planning Department compare parking requirements of an as of right use for the site. The Planning Department used the footprint of the proposed two-family dwelling as a basis for a hypothetical business use. Using the footprint of 2,171 square feet, the following uses would be allowed as of right and provided are

the parking requirements for each use. The parking requirement for the two-family dwelling is four stalls.

Table I. Parking Calculation for Allowed Uses in BU-1 zone

Use	Parking Requirement Formula	Parking Calculation
Bank	1 per 300 sf + 1 per every 3 employees	8 stalls + 1 per every 3 employees
Dry Cleaning	1 per 300 sf + 1 per every 3 employees	8 stalls + 1 per every 3 employees
Health Club	1 per 150 sf + 1 per every 3 employees	14 stalls + 1 per every 3 employees
Office	1 per 250 sf up to 20,000 sf	9 stalls
Medical Office	1 per 300 sf + 1 per every 3 employees in any lab or pharmacy in building	8 stalls + 1 per every 3 employees in any lab or pharmacy in building
Personal Service	1 per 300 sf + 1 per every 3 employees	8 stalls + 1 per every 3 employees
Retail Sales	1 per 300 sf + 1 per every 3 employees	8 stalls + 1 per every 3 employees

Window Wells as Egress

A concern with the window well was raised about whether it is adequate egress for bedrooms in the basement. Planning reviewed the plans with Inspectional Services, who confirmed the window wells associated with the bedrooms are an acceptable means of egress. The type and design of the window wells would need to meet specific standards outlined in the building code. However, the revised plans indicate that space that were previously bedrooms as an office showing the window wells remaining. If there is a bedroom in the basement, the bedroom needs a separate egress, if there is no bedroom, then one form of egress is acceptable for the basement.

ATTACHMENTS:

Attachment A: DRAFT Council Order

CITY OF NEWTON
IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to further extend the nonconforming residential use in a Business 1 zone, alter a nonconforming side setback, and allow a structure with 30 feet in height as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The site is an appropriate location for the proposed two family structure because the proposed two family structure meets the lot area per unit for the Business 1 zone (§7.3.3.C.1, §4.1.3).
2. The proposed two family structure will not adversely affect the neighborhood because the proposed structure is under the maximum allowed FAR, and meets the lot area per unit for the Business 1 zone (§7.3.3.C.2, §4.1.3).
3. There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3, §4.1.3).
4. Access to the sites over streets is appropriate for the types and number of vehicles involved (§7.3.3.C.4, §4.1.3).
5. The proposed nonconforming residential use will not be substantially more detrimental than the existing nonconforming use is to the neighborhood because the surrounding neighborhood consists of a mix of uses, including single and multifamily residential uses (§4.1.3, §4.4.1, §7.8.2.C.2).
6. The proposed alteration of a nonconforming setback will not be substantially more detrimental than the existing nonconforming setback is to the neighborhood because the nonconforming setback is improving and increasing by more than one foot (§4.1.3, §4.4.1, §7.8.2.C.2.)

PETITION NUMBER: #313-20

PETITIONER: Esther Dezube

LOCATION: 12 Hanson Road, on land known as Section 84, Block 15, Lot 03, containing approximately 7,829 square feet of land

OWNER: 12 Hanson Road LLC

ADDRESS OF OWNER: 109 Meadowbrook Road
Newton, MA 02459

TO BE USED FOR: Two-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §4.4.1, and §7.8.2.C.2, to further extend the nonconforming residential use; §4.1.3, and §7.8.2.C.2 to alter a nonconforming setback, and §4.1.3, and §7.3.3 to allow a structure measuring 30 feet in height

ZONING: Business 1 district

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. Proposed Site Plan, 12 Hanson Road, signed and stamped by Matthew Belski, Professional Land Surveyor, dated March 5, 2021.
 - b. Architectural Plans and Elevations, prepared by RAV & Assoc., Inc., unsigned and unstamped, dated February 28, 2020 revised February 28, 2020 consisting of four (4) sheets.
2. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
3. Prior to the issuance of any building permit for the Project, the petitioner shall provide a landscape plan for review and approval by the Director of Planning and Development.
4. Prior to the issuance of any temporary occupancy certificates for the Project, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management, should such a system be required, to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be recorded by the petitioner at the Middlesex South District Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
5. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:

- a. Recorded a certified copy of this council order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
 - d. Engineering approval.
5. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a registered architect and professional land surveyor certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - c. Provided a recorded copy of the O&M Plan in accordance with Condition #3 above.
 - d. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.