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Barney S. Heath
Director

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: June 4, 2021
MEETING DATE: June 8, 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 #29-21

145 Warren Street

Special Permit/Site Plan Approval to allow four single-family attached dwellings with dimensional waivers, retaining walls greater than four feet in height, dimensional waivers for parking facilities with over five stalls and to waive one parking stall.

The Land Use Committee (the "Committee") held a public hearing on this petition on Tuesday, April 6, 2021. 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 2, 2021.

Background

The subject property located at 145 Warren Street consists of 23,399 square feet, and is improved with a single-story, single-family bungalow style dwelling constructed in 1916. The dwelling is referred to as the William L. Church House and is listed on the National Register of Historic Places. The property is located within the Multi Residence 1 (the "MR-1") zone in Newton Centre. The petitioner proposes to demolish a portion of the structure and construct an additional three dwelling units. The project requires special permit relief for single-family attached dwelling units with reduced side setbacks, increased lot coverage, a driveway within ten feet of the side lot line, to allow for reduced driveway width, and to allow retaining walls greater than four feet in height within the setbacks. Following the

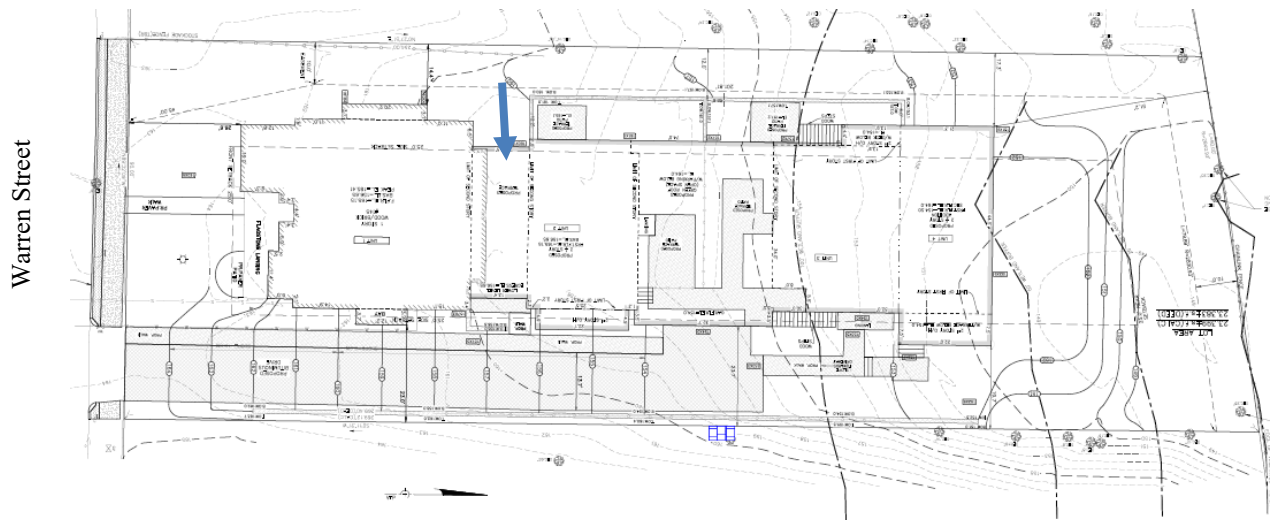
April 6th hearing, the petitioner submitted revised plans indicating a break in the massing between Units 1 and 2 and applied for a waiver of one parking stall. The additional relief has been applied for, noticed, and advertised. A revised zoning review memorandum was issued (**Attachment A**).

Revised Plans

Following the April 6, 2021 public hearing, the petitioner submitted revised plans indicating a break in the massing between Units 1 and 2, as well as one less parking stall in the shared garage. While the revision of the structure does not constitute additional relief, the reduction in one parking stall requires additional relief to waive one parking stall, resulting in seven stalls, where eight is required.

The revised plans indicate a break in the massing between Units 1 and 2. Instead, a patio between Units 1 and 2 is proposed and is intended for the exclusive use of Unit 1. The petitioner is still proposing a lower-level connection from Unit 1 to Unit 2 via a laundry room in Unit 1 and a mud room in Unit 2.

Proposed Site Plan



Proposed Eastern Elevation



The petitioner confirmed that the existing house’s exterior will not be changing, and they will be maintaining the tiled hip roof, and only adding on to the lower level, as pictured above.

Unit Size and Floor Area Ratio

With the break between Units 1 and 2, the project’s floor area ratio (“FAR”) is reduced from .61 to .58, representing 13,358 square feet of floor area. This translates to a reduction of approximately 766 square feet from the 2020 filing. In the revised plans, 346 square feet was eliminated from the first floor, 660 square feet was eliminated from the second floor, and 50 square feet was added to Unit 2 at the half story above the second floor.

Revised Unit Sizes

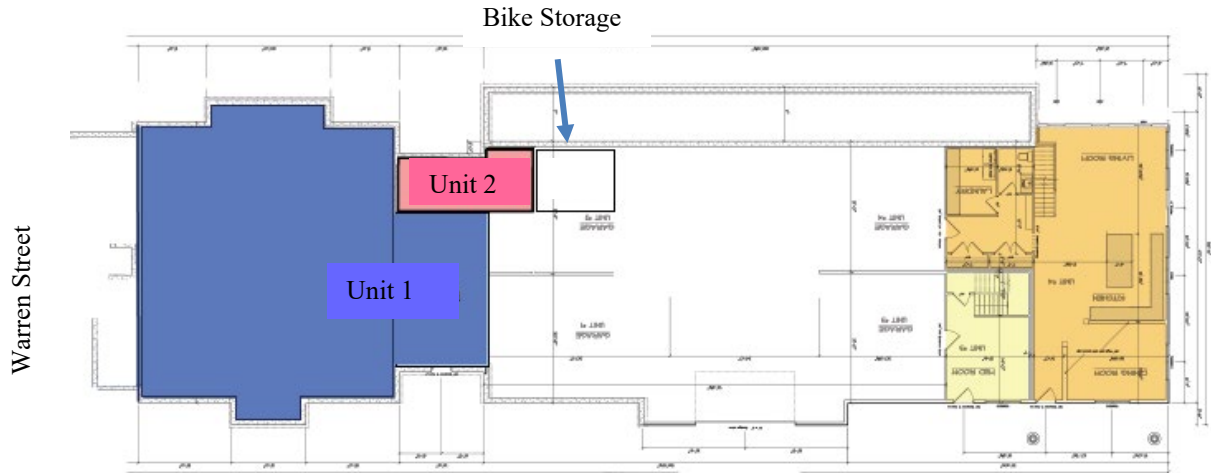
	December 2020		April 2021	
Unit 1	4,496 square feet	3 bedrooms	4,250 square feet	3 bedrooms
Unit 2	2,470 square feet	3 bedrooms	1,860 square feet	2 bedrooms
Unit 3	2,140 square feet	3 bedrooms	2,140 square feet	3 bedrooms
Unit 4	2,450 square feet	3 bedrooms	2,450 square feet	3 bedrooms
FAR	.61		.58	

While FAR is not a dimensional standard applicable to single family attached dwelling, the petitioner submitted a revised FAR worksheet indicating the proposed FAR of the project is .58 with 13,358 square feet of floor area. For comparison, a by-right two-family structure in the MR-1 zoning district would have an FAR of .4 with the option of obtaining the bonus of .02 for utilizing new lot setbacks. A two-family structure with an FAR of .4 would consist of 9,360 square feet of floor area and if utilizing the bonus, would consist of 9,828 square feet of floor area.

Parking Waiver

The revised plans include a reduction in one parking stall for Unit 2, all other units will have two parking stalls. The petitioner is proposing bike storage for all units instead of the eighth parking space. The petitioner stated that the bike storage will be constructed in a way in that it cannot be used for an additional parking stall.

First Floor/Garage Plan



ATTACHMENTS:

- Attachment A:** Revised Zoning Review Memorandum
- Attachment B:** DRAFT Council Order



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ZONING REVIEW MEMORANDUM

Date: April 21, 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. Section 5.1.4 requires two parking stalls per dwelling unit. The petitioner proposes to construct parking for the units in a garage below the living space accommodating seven stalls, where eight is required. A special permit per section 5.1.13 is required to waive one parking stall.
6. Per section 5.1.8.B.3 requires one accessible parking stall for parking facilities with 6-25 stalls. The proposed facility will have seven stalls requiring one accessible parking stall, necessitating a waiver from this provision per section 5.1.13.
7. Section 5.1.8.D. 1 requires a driveway width of 20 feet for two-way traffic. The proposed driveway is 18 feet wide at its narrowest, requiring a waiver per section 5.1.13.
8. 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	No change
• 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%	53%
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
§5.1.4 §5.1.13	To waive one parking stall	S.P. per §7.3.3
§5.1.8.B.3 §5.1.13	To waive the requirement for one accessible parking stall	S.P. per §7.3.3
§5.1.8.D. 1 §5.1.13	To allow for a reduced driveway width	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

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 allow four single-family attached dwellings with exceptions to dimensional requirements for side setbacks and lot coverage, retaining walls four feet or more in height within a setback, to allow a driveway within ten feet of the side lot line, to allow for a reduced driveway width, and to waive one parking stall as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the proposed four single-family attached dwellings because such use is allowed within the Multi-Residence 1 zone and the site has the required lot area. (§7.3.3.C.1)
2. The proposed four single-family attached dwellings will not adversely affect the neighborhood due to the proposed building design that preserves the historic structure and locates the additional massing to the rear. (§7.3.3.C.2)
3. The proposed single-family attached dwellings will not create a nuisance or serious hazard to vehicles or pedestrians because the driveway location is being maintained. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved.
5. The specific site is an appropriate location for the proposed retaining wall greater than four feet within the side setback due to the downward slope of the site and to accommodate the driveway along the property line. (§7.3.3.C.1)
6. The specific site is an appropriate location for the waiver of one parking stall because it is in close proximity to Newton Centre Village Center. (§7.3.3.C.1)
7. Literal compliance with the dimensional standards for the side setback, lot coverage, a driveway located within ten feet of the side lot line, and reduced driveway width is in the public interest because the building design preserves a historic structure and the site design utilizes the existing driveway. (§3.2.4, §6.2.3.B.2)
8. Literal compliance with the required number of parking stalls is in the public interest because the site is located within one half mile of transit, and secure, indoor bicycle parking is being

provided in lieu of one parking stall. (§3.2.4, §6.2.3.B.2)

PETITION NUMBER: #29-21

PETITIONER: 145 Warren CREH, LLC AND Norton Point Warren Street, LLC

LOCATION: 145 Warren Street, Ward 6, on land known as Section 61, Block 39, Lot 10, containing approximately 23,399 sq. ft. of land

OWNER: 145 Warren CREH, LLC AND Norton Point Warren Street, LLC

ADDRESS OF OWNER: 12 Morse Lane
Natick MA 01760

TO BE USED FOR: Four single-family attached dwellings

EXPLANATORY NOTES: Special permit as per §7.3.3 to allow four attached single-family dwellings in a Multi-Residence 1 (MR1) zoning district (§3.4.1); reduce the side setback requirement (§3.2.4); allow increased lot coverage (§3.2.4); allow retaining walls of four feet or more in height within a setback (§5.4.2.B); allow a driveway within ten feet of the side lot line (§6.2.3.B.2); allow reduced driveway width for parking facilities over five stalls (§5.1.8.D.1); and to waive one parking stall (§5.1.4)

ZONING: Multi-Residence 1 (MR1) 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. A set of plans prepared by VTP Associates, Inc., signed and stamped by Joseph R. Porter, Professional Land Surveyor, and Mark Besio, Professional Engineer:
 - i. "Zoning Plan, Newton, Massachusetts, Showing Proposed Conditions at #145 Warren Street," dated November 4, 2020, Revised: May 12, 2021
 - ii. "Grading, Drainage and Utility Plan, Showing Proposed Conditions at #145 Warren Street," dated November 4, 2020, Revised: January 20, 2021
 - iii. "Detail -1, Showing Proposed Conditions at #145 Warren Street," dated November 4, 2020, Revised: January 20, 2021
 - iv. "Detail -2, Showing Proposed Conditions at #145 Warren Street," dated November 4, 2020, Revised: January 20, 2021

- b. Architectural plans entitled “145 Warren Street Newton Center” prepared by Civico Development, dated February 24, 2021, Revised April 13, 2021 signed and stamped by Andrew Consigli, Registered Architect:
 - i. Lower Level Plan (A1);
 - ii. Street Level Plan (A2);
 - iii. Upper Level Plan (A3).
 - iv. Elevations (Sides) (A4)
 - v. Elevations (Rear) (A5)
 - c. Proposed Front Elevation titled “Preserving and bringing back Historic features” prepared by Civico, showing the Front Elevation including door to be restored, sign to be restored, clay tile roof to remain, singles to be scraped and repainted, windows to be restored, and brick to be repointed, Page 6
 - d. Landscape Plan entitled “Illustrative Planting Plan” prepared by Verdant, dated January 25, 2021, signed and stamped by Blair Hines, Registered Landscape Architect.
2. The petitioner shall preserve the existing proportions, substrate and architectural details that contribute to the historic significance of the original structure including but not limited to all exterior walls, roof structure, and window openings.
 3. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Director of Planning and Development, City of Newton Fire Department, Department of Planning and Development, City Engineer, and Department of Inspectional Services.
 4. Prior to the issuance of a Building Permit, the petitioner shall provide a final design for a standby generator on site and implement such design to the satisfaction of the City Engineer.
 5. Prior to the issuance of a Building Permit, the petitioner shall conduct a closed-circuit television inspection of the City’s drainpipe on site and provide an electronic copy of such inspection to the Commissioner of Public Works.
 6. The petitioner shall comply with the Tree Preservation Ordinance.
 7. Prior to the issuance of any building permit for the Project the Petitioner shall submit a Construction Management Plan (CMP) for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer. The Construction Management Plan shall be consistent and not in conflict with relevant conditions of this Order and shall include, but not be limited to, the following provisions:
 - a. 24-hour contact information for the general contractor of the project.
 - b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and from 8:00 a.m. to 7:00 p.m. on Saturdays. No construction is permitted on Sundays, or holidays except in emergencies, and only with prior approval from the Mayor.
 - c. The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones.
 - d. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for construction and delivery vehicles, and location of any security fencing.

- e. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - f. Proposed methods of noise and vibration control, in accordance with the City of Newton's Ordinances. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.
 - g. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.
 - h. A plan for rodent control prior to demolition, during demolition, and during construction.
 - i. The CMP shall also address the following:
 - safety precautions;
 - anticipated dewatering during construction;
 - site safety and stability;
 - impacts on abutting properties.
8. 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 Order for the approved Special Permit/Site Plan Approval 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. Provided a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
 - d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - e. Provided a Final Landscape Plan showing compliance with the Tree Preservation Ordinance and all new plantings, for review and approval by the Director of Planning and Development.
 - f. Provided a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, and recorded at the Registry of Deeds for the Southern District of Middlesex County. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
 - g. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.

- h. Filed with the City Clerk, Inspectional Services, and the Planning Department a statement from the Newton Historical Commission approving the final plans.
9. Prior to the issuance of any occupancy certificate, the petitioner shall conduct a closed-circuit television inspection of the City's drainpipe on site and provide an electronic copy of such inspection to the Commissioner of Public Works.
10. No 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 a statement by a registered architect certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services and the Department of Planning and Development a final as-built survey plan in paper and digital format.
 - c. Filed with the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that all engineering details for the project site have been constructed to standards of the City of Newton Public Works Department.
 - d. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number, and type of plant materials, final landscape features, fencing, and parking areas.
11. Notwithstanding the provisions of Condition #9 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the site prior to installation of final landscaping, fencing, and/or benches provided that the Petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining site work to secure installation of such landscaping, fencing, signage and parking areas. This condition shall not apply to the public footpath.
12. The project shall be constructed in accordance with the Order of Conditions issued by the Conservation Commission and must seek approval from the Conservation Commission for any changes to the approved work.