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**#23-22**  
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**Barney S. Heath**  
Director

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## PUBLIC HEARING/WORKING SESSION MEMORANDUM

**DATE:** January 21, 2022  
**MEETING DATE:** January 25, 2022  
**TO:** Land Use Committee of the City Council  
**FROM:** Barney S. Heath, Director of Planning and Development  
Neil Cronin, Chief Planner for Current Planning  
Michael Gleba, Senior Planner  
**CC:** Petitioner

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

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### **PETITION #23-22**

**961 Walnut Street**

**Petition #23-22** for SPECIAL PERMIT/SITE PLAN APPROVAL ~~to allow a garage accommodating more than three vehicles with a ground floor area exceeding 700 sq ft,~~ to raze the existing dwelling and construct a new single family dwelling on the same foundation and allow an oversized dormer at **961 Walnut**, Ward 6, Newton, on land known as Section 52 Block 14 Lot 01, containing approximately 1588 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 7.8.2.C.2, 3.2.11, 1.5.4.G.2.b of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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The Land Use Committee (the "Committee") held a public hearing on January 7, 2022 on this petition. This memo reflects additional information addressed to the Planning Department as of January 20, 2022.

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### **BACKGROUND**

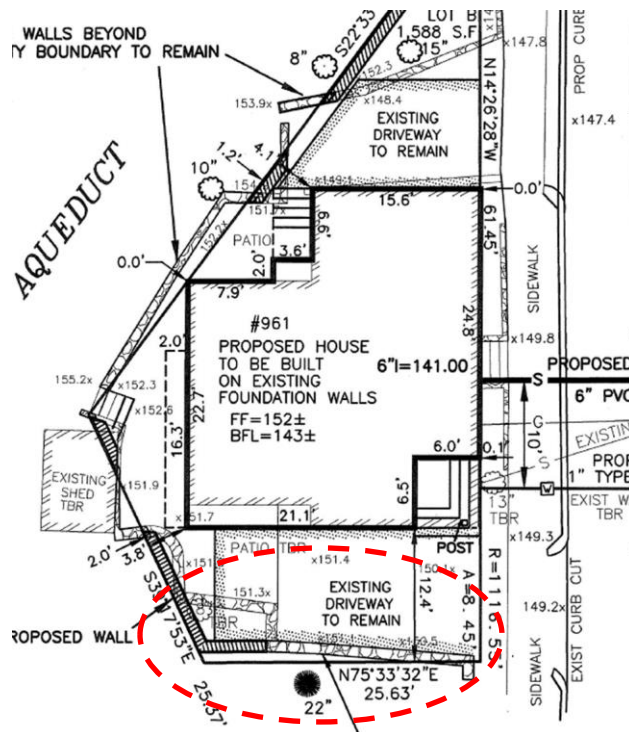
The subject property at 961 Walnut Street consists of a 1,588 square foot lot in a Multi Residence 1 (MR1) district is improved with a 2 ½ story, 21.9 feet high, 1,744 square foot single-family dwelling constructed in 1875. The property is abutted on the two rear boundaries by the Sudbury Aqueduct.

The petitioner proposes to replace the existing single-family dwelling with a new single-family dwelling on the existing foundation. As designed, the proposed construction requires several zoning reliefs.

**UPDATE**

***Site Design***

In response to comments made at the previous public hearing the petitioner has had discussions with an abutter and has modified the site plan to preserve more of the existing retaining wall on the left (south) side of the property in the vicinity of a tree on the abutting property to the south. The Planning Department has requested that the petitioner provide measurements of the distances between the left property line and the preserved and proposed retaining wall sections on that side.



***Revised (1/20/2022) site plan (Detail, modified area indicated)***

**ATTACHMENT(S)**

**Attachment A**

**DRAFT Council Order**

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the 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 a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a nonconforming front setback (§3.2.3, §7.8.2.C.2); further extend nonconforming floor area ratio (FAR)(§3.2.3, 3.2.11, §7.8.2.C.2); further increase nonconforming lot coverage (§3.2.3, §7.8.2.C.2); further decrease nonconforming open space (§3.2.3, §7.8.2.C.2); and allow an oversized dormer (§1.5.4.G.2.b), as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

- the site in a Multi Residence 1 (MR1) zoning district is an appropriate location for the proposed dwelling as designed, including an oversized dormer and increased floor area ratio (FAR), given the property's previous use as a single-family dwelling and the area's predominantly residential use (§7.3.3.C.1)
- the proposed dwelling as designed, including an oversized dormer and increased floor area ratio (FAR) will not adversely affect the neighborhood given the small increase in the footprint of the dwelling and required setbacks are not being reduced (§7.3.3.C.2)
- the proposed dwelling as designed, including an oversized dormer and increased floor area ratio (FAR) will not create a nuisance or serious hazard to vehicles or pedestrians as the parcel's two curb cuts are existing (§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)
- the proposed project, as designed with an extended nonconforming front setback; further increased nonconforming lot coverage; further decreased nonconforming open space (§3.2.3, §7.8.2.C.2); and further extended nonconforming floor area ratio (FAR), would not be substantially more detrimental than the existing nonconforming use to the neighborhood, given the reuse of the existing foundation and the parcel is abutted on several sides by aqueduct corridor property (§7.8.2.C.2)

PETITION NUMBER: #23-22

PETITIONER: Oscar Escobar/PropertyVelopment LLC

LOCATION: 961 Walnut Street, Section 52, Block 14, Lot 1, containing approximately 1,588 square feet of land

OWNER: PropertyVelopment LLC

ADDRESS OF OWNER: 432 America Boulevard  
Ashland, MA 01721

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to allow:

- extend a nonconforming front setback (§3.2.3, §7.8.2.C.2)
- further extend nonconforming floor area ratio (FAR)(§3.2.3, 3.2.11, §7.8.2.C.2)
- further increase nonconforming lot coverage (§3.2.3, §7.8.2.C.2)
- further decrease nonconforming open space (§3.2.3, §7.8.2.C.2)
- allow an oversized dormer (§1.5.4.G.2.b)

ZONING: Multi Residence 1 (MR1)

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 the following plans:
  - a. a site plan entitled "Site Plan of Land in Newton, MA, 961 Walnut Street," dated June 4, 2021 as revised through **January 20, 2022**, prepared by Everett M. Brooks Co., signed and stamped by Michael S. Kosmo, Registered Professional Engineer on September 2, 2021, and Bruce Bradford, Professional Land Surveyor, **January 20, 2022**
  - b. a set of architectural drawings entitled "961 Walnut Street, Newton Ma" prepared by Michael Huller Architects, dated August 23, 2021, signed and stamped by Michael Huller, Registered Architect, consisting of the following sheets:
    - i. First Floor Plan
    - ii. Second Floor Plan

- iii. Attic Floor Plan
  - iv. Front Elevation
  - v. Right Elevation
  - vi. Rear Elevation
  - vii. Left Elevation
2. 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 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. 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.
  - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No Final Inspection and/or Occupancy Permit for the buildings 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. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement from the Engineering Division of the Department of Public Works certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.
  - c. 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.