



Land Use Committee Agenda

City of Newton In City Council

Tuesday, March 22, 2022

7:00 PM

The Land Use Committee will hold this meeting as a virtual meeting on Tuesday, March 22, 2022 at 7:00 pm. To view this meeting using Zoom use this link: <https://us02web.zoom.us/j/84810198672> or call 1-646-558-8656 and use the following Meeting ID: **848 1019 8672**

Note: Please see the attached requests for consistency rulings relative to the following special permits:

1. **Special Permit Board Order #244-20 for 280 Newtonville Avenue (Cabot Park Village).** The petitioner is seeking a consistency ruling to allow a change to the front orientation of the building to improve natural light and spacing on the site.
2. **Special Permit Board Order #176-19 for 1188 Chestnut Street.** The petitioner is seeking a consistency ruling to allow proposed changes to the front and back of the building to create a more interesting façade, and additions of 46" walls to adjust grade changes around the dwelling.

#177-22 Petition to allow an oversized internal accessory apartment and extend a nonconforming two-family use at 350 Cabot Street

PETER LEIS and JENNIFER STORO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to create an oversized internal accessory apartment within one of two dwelling units and further extend the nonconforming two-family dwelling use at 350 Cabot Street, Ward 2, Newton, on land known as Section 22 Block 19 Lot 05, containing approximately 12,594 sq.

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 6.7.1.D.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

#178-22 Petition to alter and extend a nonconforming residential use and extend a nonconforming side setback at 2-4 Auburndale Avenue

BERNARDO and LISA MARZILLI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to alter and extend a nonconforming residential use and construct a rear addition to the existing dwelling, to allow a 2.5 story building, to allow a building with 36' in height, and to further extend a nonconforming side setback at 2-4 Auburndale Avenue, Ward 3, on land known as Section 33 Block 23 Lot 13, containing approximately 11,702 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.4.1, 7.8.2.C.2, 4.1.2.B.3, 4.1.3 of the City of Newton Rev Zoning Ord, 2017.

Respectfully Submitted,

Richard A. Lipof, Chair

STEPHEN J. BUCHBINDER
ALAN J. SCHLESINGER
LEONARD M. DAVIDSON
A. MIRIAM JAFFE
SHERMAN H. STARR, JR.
JUDITH L. MELIDEO-PREBLE
BARBARA D. DALLIS
KATHRYN K. WINTERS
JULIE B. ROSS
KATHERINE BRAUCHER ADAMS
FRANKLIN J. SCHWARZER
ADAM M. SCHECTER

1200 WALNUT STREET
NEWTON, MASSACHUSETTS 02461-1267
TELEPHONE (617) 965-3500
FAX (617) 965-6824
www.sab-law.com

December 22, 2021

Mr. John Lojek
Commissioner of Inspectional Services
City of Newton
1000 Commonwealth Avenue
Newton MA 02459-1449

Re: Cabot Park Village – 280 Newtonville Ave
City Council Docket #244-20
Request for Consistency Ruling

Dear Commissioner Lojek:

The letter is to request your finding that certain changes to plans for an approved addition to Cabot Park Village at 280 Newtonville Ave are “consistent” with the plans approved on July 13, 2020 in City Council Docket # 244-20.

Background

On July 13, 2020 the City Council approved (22-0-2 absent)) Council Order #244-20 (the “Council Order”) a copy of which is attached as Exhibit A. The Council Order allowed an addition of 18 congregate housing units to the existing 100 unit Cabot Park Village project. As is customary the language of the special permit requires that the building be constructed “consistent with” the listed plans.

In the course of design development the project architect David Udelsman died, and the architecture has been transferred to Bechtel Frank and Erickson Architects who performed a full review of the planning. Upon such review the Architects have suggested, and the Owner has agreed, that the project could be improved by minor modifications to the plans which we hope you find to be consistent with the original plans.

Modifications

The modifications are shown schematically in 4 drawings attached as Exhibits B-1 through B-4. A summary of the changes is:

John Lojek
Commissioner of Inspectional Services
December 22, 2021

Page 2

- The angle of attachment of the addition to the building has been opened to 90°. At the time of the approval Councilors noted that the more shallow angle created some view and daylight issues for the existing units, and the revision will address that.
- The approved plan showed the new addition extending over the driveway as a porte-cochere. The revision brings the building to grade with more desirable programming space at the ground level while still providing a covered entry.
- The fifth floor addition has been reduced from 4 units to 2 removing approximately 1000 s.f. most of which has been added as common space on the ground floor. This could allow for a possible future roof deck or roof garden and reduces the massing of the addition.
- Gross square footage of the addition is slightly reduced from 19,950 gsf to 19,809 gsf.
- The setback from Norwood Avenue has been reduced from 23' to 21'.
- The ground floor has been reconfigured by re-allocating the floor area of the building from the fifth floor to the ground level and providing additional common space.
- Certain floor plans have been reconfigured within the interior spaces

Major elements of the project remain unchanged including:

- The project remains 18 units and 5 stories except for removal of a portion of the 5th floor
- The project retains an excess of parking
- The covered entry from the drop off has been relocated but remains as a single story
- All utilities and site engineering are the same except as necessitated for the relocated foundation

For your convenience of review I attach to this letter comparison floor plans of the first floor and bird's eye views of the permitted and proposed massing.

Also attached separately are the proposed revised plans in which comparison plans are shown on the last four pages of the plan set, after Sheet A-1.

On the First Floor Plan immediately after Sheet A-1 the floor plan cited in Council Order 244-20 is shown on the right and the proposed revision is on the left. You can see that rather than using the ground area for a drive-under of the addition that space is utilized for common tenant spaces. The square footage is in effect moved from the front of the 5th floor to grade. A new covered walkway is added to facilitate entry into the building.

John Lojek
Commissioner of Inspectional Services
December 22, 2021

Page 3

On the following sheet the comparison shows that within the envelope units now exist on the second floor and have been removed from the front of the fifth floor.

The last two sheets show two "bird's eye" views of the addition, the original at an acute angle off the building and the proposed at a 90° angle.

Dining Room Addition

As a separate matter we would ask that you review a proposed expansion of the dining room which is shown on the plans. This 795 s.f. addition at the rear of the building is essentially an infill of an existing "notch" in building adjacent to the swimming pool. A photo of the "notch" is attached as Exhibit B. This infill was not shown on the plans submitted to the City Council, but we believe it could be permitted as a "de minimis" expansion.

I understand that you had a preliminary discussion with Gerry Frank some time ago about the dining room addition, and I expect we could have sought the City Council approval for the addition at the same time as the additional units, but the permitting pre-dated Gerry's current involvement and wasn't considered at that time. We hope you will find that within the scope of the project in its entirety that the dining room addition is consistent with the issued Council Order or otherwise allowed as a minor adjustment.

Please let me know if we can provide you any further information or clarification for this request.

Very truly yours,



Alan J. Schlesinger

AJS:sjk

cc: Mr. Barney Heath
Jonah Temple, Esquire
Mr. Neil Cronin

Middlesex South Registry of Deeds
Electronically Recorded Document

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Recording Information

Document Number	: 144019
Document Type	: DECIS
Recorded Date	: August 21, 2020
Recorded Time	: 03:48:42 PM
Recorded Book and Page	: 75427 / 568
Number of Pages(including cover sheet)	: 9
Receipt Number	: 2508084
Recording Fee	: \$105.00

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.middlesexsouthregistry.com

#244-20 Cabot Park Village

#244-20
280 Newtonville Ave.

CITY CLERK
NEWTON, MA 02459

2020 JUL 15 PM 3:22

RECEIVED

CITY OF NEWTON

IN CITY COUNCIL

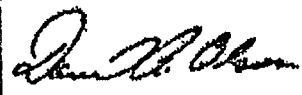
July 13, 2020

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 amend Special Permit Board Order #105-95 to construct a five-story addition with 18 new units and common accessory use space, extending the non-conforming structure to the extent necessary and to determine density and dimensional controls

as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

- 1) The Multi Residence 3 (MR3) zoned site is an appropriate location for the proposed expanded congregate care facility given the neighborhood's mix of residential, commercial, educational and recreational land uses and structures of varying scales and heights. (§7.3.3.C.1; §3.1.2.A.3)
- 2) The proposed expanded congregate care facility as designed will not adversely affect the neighborhood. (§7.3.3.C.2; §3.1.2.A.3)
- 3) The proposed expanded congregate care facility as designed will not create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3; §3.1.2.A.3)
- 4) Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4, §3.1.2.A.3)
- 5) The proposed expanded congregate care facility as designed will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood because the addition will have limited visibility from adjacent public ways, meet setback requirements and be screened by fencing and landscaping.
- 6) In accordance with City Ordinance Chapter 29, §§ 167-174, the Council finds that there is good cause, based in part on other mitigation and community benefits offered by the

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City Clerk of Newton, Mass.

#244-20 Cabot Park Village

#244-20

Page 2 of 8

petitioner, to waive 75% of the required infiltration/inflow mitigation for the Project. Therefore, the fee shall be reduced to \$40,009.00.

PETITION NUMBER: #244-20

PETITIONER: KRF-BSL Husky Cabot Park LLC

ADDRESS OF PETITIONER: 9 West 5th Street
Suite 4200
New York, NY

LOCATION: 280 Newtonville Avenue, on land known as Section 22, Block 7, Lot 48, containing approximately 146,435 square feet of land

OWNER: KRF-BSL Husky Cabot Park LLC

ADDRESS OF OWNER: 9 West 5th Street
Suite 4200
New York, NY

TO BE USED FOR: Congregate Living Facility

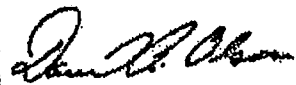
EXPLANATORY NOTES: Special permits per §7.3.3:
• to amend Special Permit #105-95
• to determine the density and dimensional controls (§3.2.2.A.3)
• Extension of non-conforming structure

ZONING: Multi Residence 3 (MR3)

The conditions set forth in the prior special permit for this property, Board Order #105-95 for special permit/site plan approval for 100 units of housing for the elderly in a congregate living facility, remain in full force and effect except as modified herein.

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. Engineering plans entitled "Proposed Site Plan Documents for Benchmark Senior Living, Proposed Development, Map #22, Block #7, Lot #48, 280 Newtonville Avenue, City of Newton, Middlesex County, Massachusetts," prepared by Bohler Engineering, signed

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 City Clerk of Newton, Mass.

#244-20 Cabot Park Village

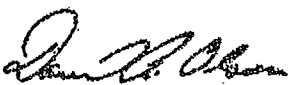
and stamped by J.M. Johnson, Registered Professional Engineer, consisting of the following sheets dated April 13, 2020, as revised through June 19, 2020:

- i. Cover Sheet (C-101)
 - ii. General Notes Sheet (C-102)
 - iii. Demolition Plan & Erosion Control (C-201)
 - iv. Site Layout Plan (C-301)
 - v. Grading and Drainage Plan (C-401)
 - vi. Landscape Plan (C-601) (note: signed and stamped by Matthew Mirva, Registered Landscape Architect)
 - vii. Landscape Notes and Details (C-602)
 - viii. Detail Sheet (C-701)
- b. A site plan entitled "Partial Boundary & Topographic Survey, Benchmark Senior Living, Proposed Development, Map 22, Block 7, Lot 48, 280 Newtonville Avenue, City of Newton, South Middlesex County, Commonwealth of Massachusetts," prepared by Control Point Associates, Inc., signed and stamped by Gerry L. Holbright, Professional land Surveyor, dated March 31, 2020
- c. Architectural plans entitled "Benchmark Senior Living Cabot Park Village," prepared by Udelsman Associates, consisting of the following sheets dated April 10, 2020:
- i. Schematic Floor Plans (A1);
 - ii. Proposed Addition Elevations (A2)
2. In accordance with the City's Inclusionary Zoning Ordinance, §5.11.4, three (3) of the residential units in the new multi-family structure shall be made available to households earning at or below 80% of Area Median Income (AMI), as designated by the U.S. Department of Housing and Urban Development, adjusted for household size for the Boston-Cambridge-Quincy, MA-NH HMFA (the "Inclusionary Units"). The AMI used for establishing rent and income limits for the Inclusionary Units must average no more than 65% AMI.
3. The Petitioner, the Project, and the Inclusionary Units shall comply with all applicable provisions of the City's Inclusionary Zoning Ordinance, §5.11, in effect as of the date of this Special Permit/Site Plan Approval, regardless of whether such requirements are set forth herein.
4. The bedroom mix of the Inclusionary Units shall be equal to the bedroom mix of the market-rate units in the Project. The proposed mix of the Inclusionary Units is:

	1BR	2BR	Total
Inclusionary Units	1	2	3
Total Units	8	10	18

The final bedroom mix shall be reviewed and approved by the Director of Planning and

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City Clerk of Newton, Mass.

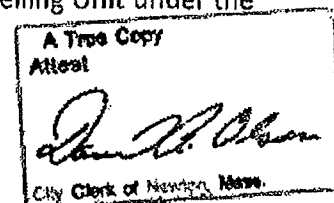
#244-20 Cabot Park Village

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Page 4 of 8

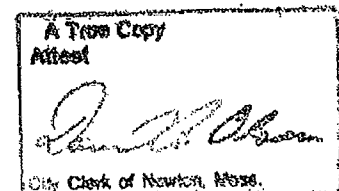
Development prior to the issuance of a building permit for the Project.

5. Monthly housing costs (inclusive of rent, utility costs for heat, water, hot water and electricity, 1 parking space and access to all amenities offered to tenants in the building), must not exceed 30% of the applicable household income limit for that Inclusionary Unit and shall be consistent with Inclusionary Zoning Ordinance, § 5.11.4.D.1.
6. For the initial lottery, 70% of the Inclusionary Units shall be designated as Local Preference units, as permitted and defined by the Massachusetts Department of Housing and Community Development (DHCD).
7. Prior to the issuance of any building permits for the vertical construction of the Project, the Petitioner shall provide an updated Inclusionary Housing Plan and Affirmative Fair Marketing and Resident Selection Plan (AFHMP) for review and approval by the Director of Planning and Development in accordance with §5.11.8 of the Inclusionary Zoning Ordinance. The Inclusionary Housing Plan and Affirmative Fair Housing Marketing and Resident Selection Plan must meet the requirements of DHCD's guidelines for Affirmative Fair Housing Marketing and Resident Selection and be consistent with §5.11.8. of the Inclusionary Zoning Ordinance. In accordance with DHCD's current guidelines, the units will be affirmatively marketed and leased through a lottery.
8. Prior to the issuance of any temporary or final occupancy certificates for the Project, the Petitioner, the City, and DHCD will enter into a Regulatory Agreement and Declaration of Restrictive Covenants, in a form approved by the City of Newton Law Department, which will establish the affordability restriction for the Inclusionary Units in perpetuity.
9. To the extent permitted by applicable regulations of DHCD, the Inclusionary Units shall be eligible for inclusion on the State's Subsidized Housing Inventory (SHI) as Local Action Units through DHCD's Local Initiative Program.
10. The Inclusionary Units shall be designed and constructed subject to the provisions of the Inclusionary Zoning Ordinance, §5.11.7.
11. Inclusionary Units, and their associated parking spaces, shall be proportionally distributed throughout the Project and be sited in no less desirable locations than the market-rate units, and the locations of such units and parking spaces shall be reviewed and approved by the Director of Planning and Development prior to the issuance of a building permit for the Project.
12. No residential unit or building shall be constructed to contain or be marketed and/or sold as containing more bedrooms than the number of bedrooms indicated for said unit in the plans referenced in Condition #1.
13. Any room that meets the minimum dimensional and egress requirements to be considered a bedroom under the state building code and Title 5 regulations shall be counted as a bedroom for purposes of determining the required bedroom mix of the Inclusionary Units in accordance with the Inclusionary Zoning Ordinance.
14. Any guest suites or temporary housing that meet the definition of a Dwelling Unit under the



Zoning Ordinance shall be counted as a bedroom for purposes of calculating the Project's inclusionary zoning requirement.

15. Regarding the existing affordable units: a Regulatory Agreement/Deed Restriction (the "City Regulatory Agreement"), in a form approved by the City Law Department, shall be entered into by the Petitioner and the City, and shall be executed and recorded prior to expiration of the deed restriction for the existing 20 affordable units in 2036. The City Regulatory Agreement shall remain effective for so long as the Project exists. The Petitioner shall enter into the City Regulatory Agreement to continue such restrictions and the terms of the City Regulatory Agreement shall be consistent with the terms of this Special Permit /Site Plan Approval and with the customary terms of the City's Regulatory Agreements. At a minimum, the City Regulatory Agreement shall require that the existing 20 affordable units: (i) remain affordable in perpetuity for the life of the Project; (ii) be affordable and rented to low and moderate income households with annual gross incomes at or below 50% AMI; and (iii) annual monitoring and reporting to ensure compliance. The City Regulatory Agreement shall constitute a restrictive covenant and shall be recorded against the Property and shall be enforceable by the City. Compliance with this condition is only required if this Special Permit /Site Plan Approval is exercised.
16. The petitioner shall comply with the City's Tree Preservation Ordinance.
17. The Petitioner shall make a payment in the amount of \$40,009 to the City for infrastructure improvements for inflow and infiltration (I&I). Payments shall be made prior to the issuance of a building permit (other than a demolition permit) for the Project.
18. The Petitioner shall pay the sum of \$120,027 for improvements to Cabot Park prior to issuance of any certificate of occupancy (temporary or final) for the first dwelling unit in the Project.
19. Prior to the issuance of any Building Permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall provide 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 the petitioner and recorded at the Middlesex South District Registry of Deeds. A copy of the recorded O&M shall be filed with the Engineering Division of Public Works, the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.
20. Prior to the issuance of any building permit for the Project, the petitioner shall provide a Final Site Plan (which shall indicate the location of adequate snow storage area(s) or identify a suitable alternative for snow removal) for review and approval by the Department of Planning.
21. The petitioner shall be responsible for securing and paying for any and all police details that may be necessary for traffic control throughout the construction process as required by the Police Chief.
22. No building permit for the construction of the Project shall be issued pursuant to this Special Permit/Site Plan approval until the Petitioner has:

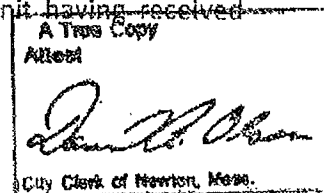


#244-20 Cabot Park Village

#244-20

Page 6 of 8

- a. Recorded a certified copy of this Council order with the Middlesex South Registry of Deeds.
 - b. Filed a copy of such recorded Council order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Department of Planning and Development that confirms the final building permit plans and façade elevations are consistent with plans approved in Condition #1.
 - d. Submitted a final Inclusionary Housing Plan for review and approval by the Director of Planning and Development that is certified as compliant by the Director of Planning and Development with the information required to be included in such Plan pursuant to §5.11.9. of the Zoning Ordinance.
 - e. Submitted final engineering, utility, and drainage plans, and an Operations and Maintenance plan for Stormwater Management, for review and approval by the City Engineer. A statement certifying such approvals shall have been filed with the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.
 - f. Submitted a final plan of land, to the Engineering Division of Public Works.
 - g. Submitted a final Construction Management Plan (CMP) for review and approval by the Commissioner of Inspectional Services in consultation with the Director of Planning and Development, the Fire Department, the Commissioner of Public Works, the City Engineer, and the Director of Transportation. At a minimum, it must address the following: staging site for construction materials and equipment, parking for construction workers vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of the general contractor. It shall also address anticipated dewatering during construction, site safety & stability, siltation & dust control and noise impact to abutters.
 - h. Submitted the payment to the city required under Condition #17.
23. The Petitioner shall be responsible for repairing any and all damage to public ways and property caused by any construction vehicles. All repair work shall be done prior to the issuance of a final Certificate of Occupancy, unless the Commissioner of Public Works determines that the damage to the public way is so extensive that it limits the use of the public way. In such case the repair work must be initiated within one month of the Commissioner making such determination and shall be conducted consistent with City Construction Standards, and shall be completed within an appropriate time frame, as determined by the Commissioner.
24. The Inclusionary Units shall be constructed and made available for occupancy concurrently with the market rate units; further, for every three market rate unit(s) that may receive a Certificate of Occupancy there shall be at least one Inclusionary Unit having received Certificates of Occupancy.



#244-20 Cabot Park Village

#244-20

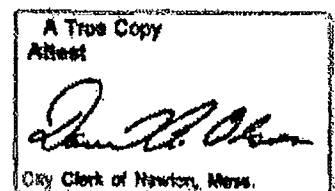
Page 7 of 8

25. No final occupancy permit for the use covered by this Special Permit/Site Plan Approval shall be issued until the Petitioner has:
- Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect and civil engineer certifying compliance with Condition #1.
 - Submitted to the Department of Inspectional Services, the Department of Planning and Development, and the Engineering Division final as-built survey plans in paper and digital format.
 - 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.
 - 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 and fencing consistent with the plans referenced in Condition 1.
 - Made the payment to the City required under Condition #18.
 - Submitted to the Law Department copies of fully executed Regulatory Agreements and Affordable Housing Restriction for all Inclusionary Units, in accordance with Condition #8.
 - Provided evidence satisfactory to the Law Department that the Regulatory Agreements for all Inclusionary Units have been recorded at the Southern Middlesex District Registry of Deeds, as appropriate.
27. Notwithstanding the provisions of Condition #26 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building prior to installation of required on-site landscaping/exterior hardscape improvements required per the approved plans. Prior, however, to issuance of any temporary certificate of occupancy pursuant to this condition, the Commissioner of Inspectional Services shall require that the Petitioner first file a bond, letter of credit, cash or other security in the form satisfactory to the Law Department in an amount not less than 135% of the value of the aforementioned remaining improvements.
28. All on-site landscaping associated with this Special Permit/Site Plan Approval shall be installed and maintained in good condition. Any plant material that becomes diseased and/or dies shall be replaced on an annual basis with similar material.

Under Suspension of Rules

Readings Waived and Approved

22 Yeas 0 Nays 2 Absent (Councilors Ciccone and Kalis)

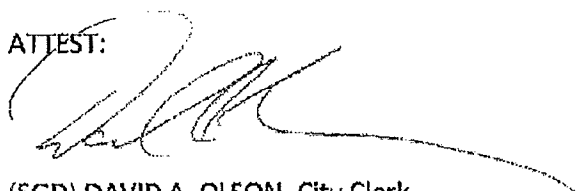


#244-20 Cabot Park Village

#244-20
Page 8 of 8

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on July 15, 2020. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

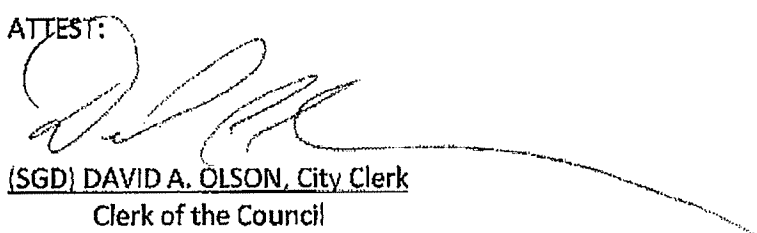
ATTEST:



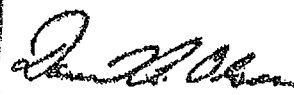
(SGD) DAVID A. OLSON, City Clerk
Clerk of the City Council

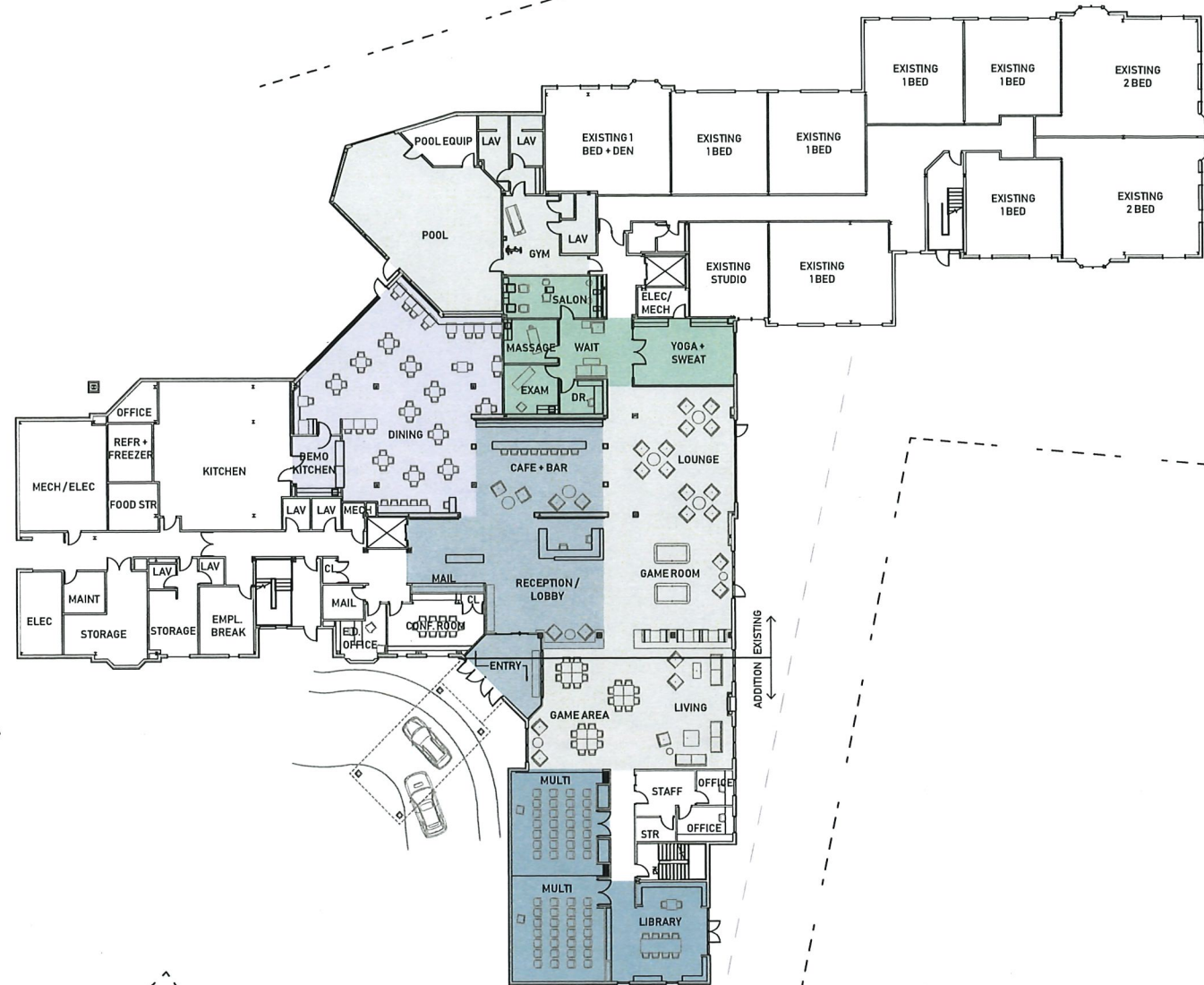
I, David A. Olson, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on July 15, 2020 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

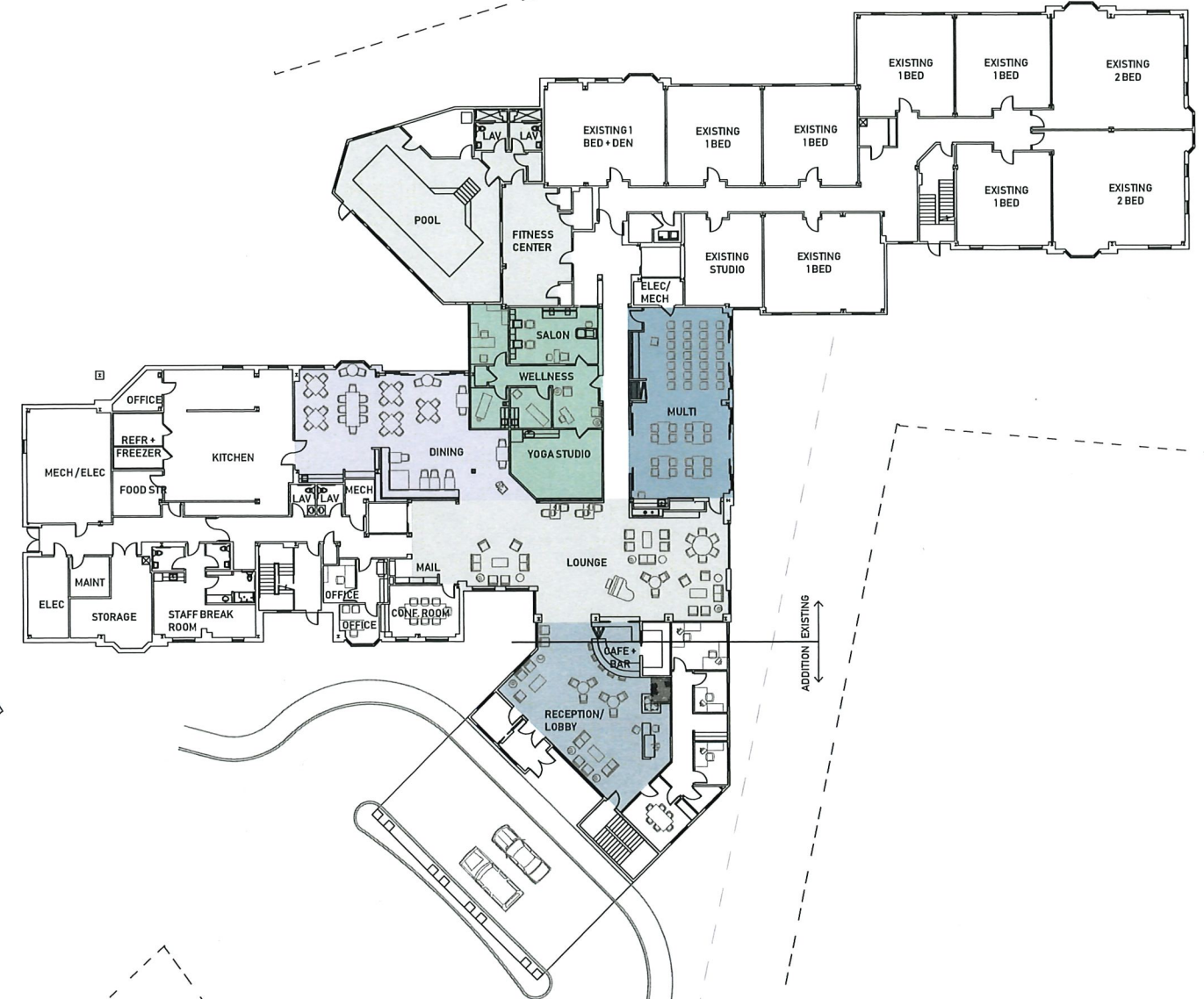


(SGD) DAVID A. OLSON, City Clerk
Clerk of the Council

A True Copy
Attest

City Clerk of Newton, Mass.



PROPOSED
FIRST FLOOR PLAN



PERMITTED
FIRST FLOOR PLAN



Proposed Conditions



Permitted Conditions

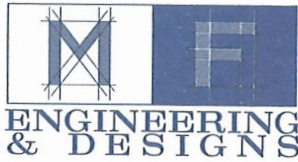


Proposed Conditions



Permitted Conditions





#176-19

RECEIVED
INSPECTIONAL SERVICES
NEWTON, MA

2022 JAN 18 AM 11:29

Structural Engineering • Building Design • Civil Engineering • Management Services

January 4, 2022

Mr. John Lojek – Building Commissioner
City of Newton
1000 Commonwealth Ave.
2nd Floor
Newton MA, 02459

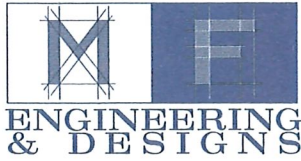
RE: 1188 CHESTNUT ST

Dear Mr. Lojek,

This a request letter for consistency determination for the approved Special Permit 176-19:

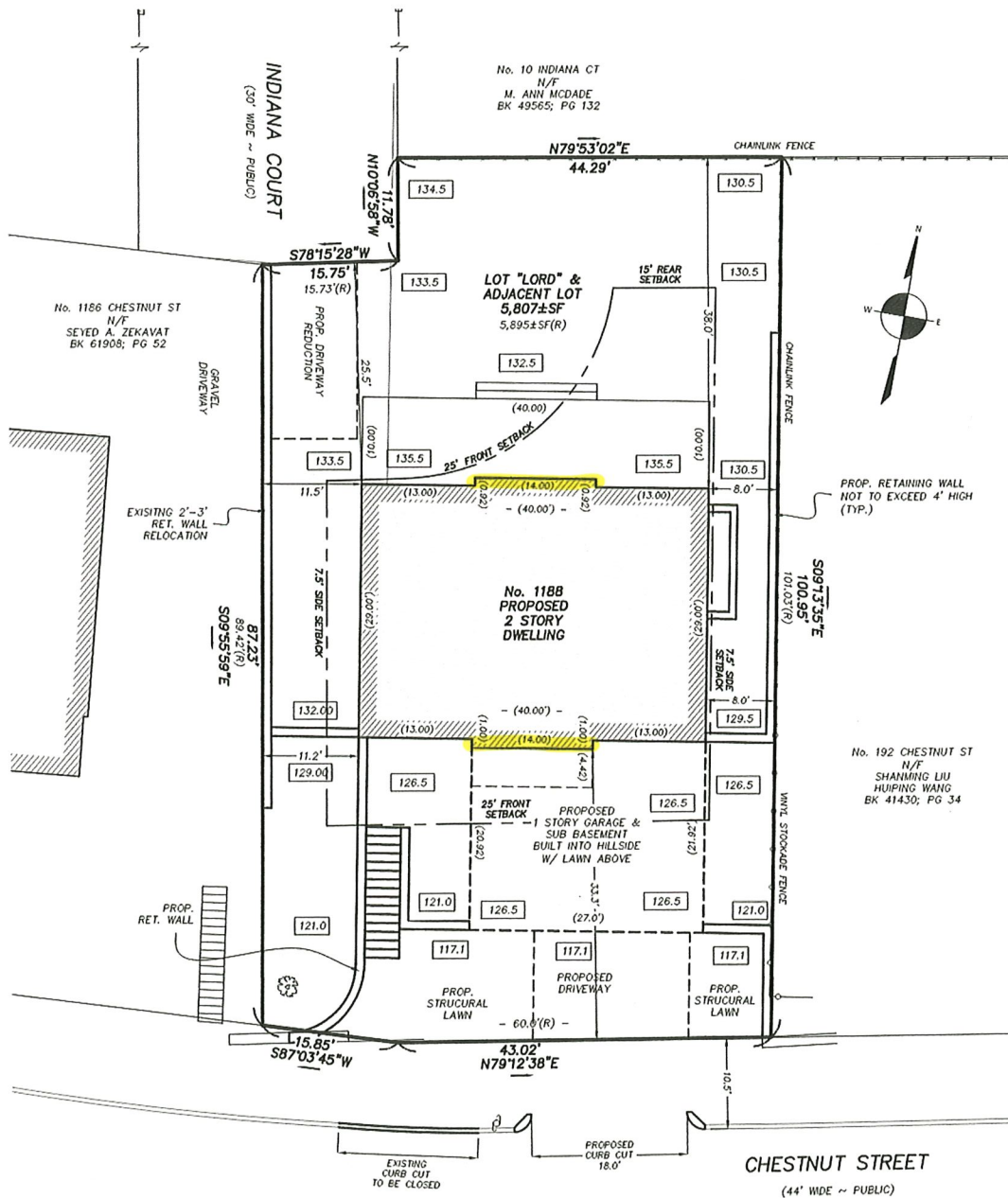
Attached is the reference ZBA decision:

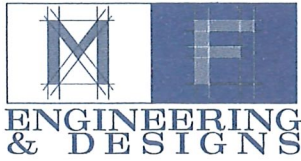
1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. Certified Plot Plan, prepared by Boston Survey, Inc., signed and stamped by George C. Collins, Professional Land Surveyor, dated August 6, 2019.
 - b. Architectural Plans, unsigned and unstamped, consisting of the following nine (9) sheets:
 - i. Proposed Site Plan, dated March 14, 2019 Revised July 15, 2019
 - ii. Isometric Plan, dated March 14, 2019 Revised July 15, 2019
 - iii. Garage and Basement Plans, dated March 14, 2019 Revised July 15, 2019
 - iv. Proposed First and Second Floor Plans, dated March 14, 2019 Revised July 15, 2019
 - v. Front Elevation, dated March 14, 2019 Revised July 15, 2019
 - vi. West and North Elevations, dated March 14, 2019 Revised July 15, 2019
 - vii. Section, dated March 14, 2019 Revised July 15, 2019
 - viii. Average Grade Plane Worksheet
 - ix. Floor Area Ration Calculation
 - c. The architectural plans referenced in subparagraph “b” above shall be revised to correspond with the approved site plan referenced in subparagraph “a” above.



Structural Engineering • Building Design • Civil Engineering • Management Services

Below is revised Plot Plan, we added two 12" bump out to the building (front and back) to create a more interesting facade. The modification is within allowed setbacks. The remaining plot plan is essentially the same with additions of short walls (46") to adjust grade changes around the building.

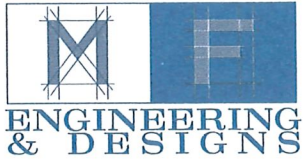




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Attached is the submitted conceptual façade listed on the special permit decision

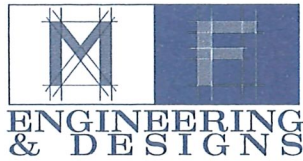




Structural Engineering • Building Design • Civil Engineering • Management Services

Attached is our proposal for the front elevation. We are maintaining the overall height and dimensions, by using different collar, siding materials and window dimensions we created a more appealing building facade.



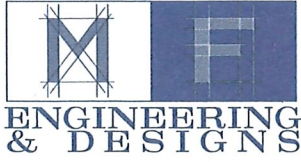


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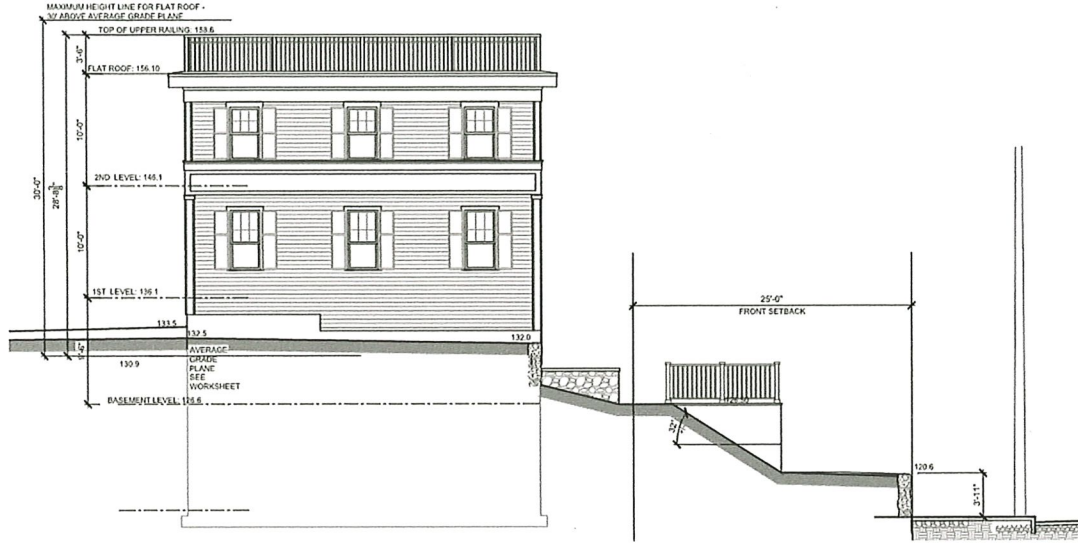
The basic changes are we reduced the number of windows and introduced one-foot bump out to create a more interesting façade.

The overall dimensions are the same. We plan to use brick veneer to cover garage front wall and basement walkout, everything else will be hardie plank and azek trim. We are not proposing any structure on the roof or solar panels protruding above roof height.

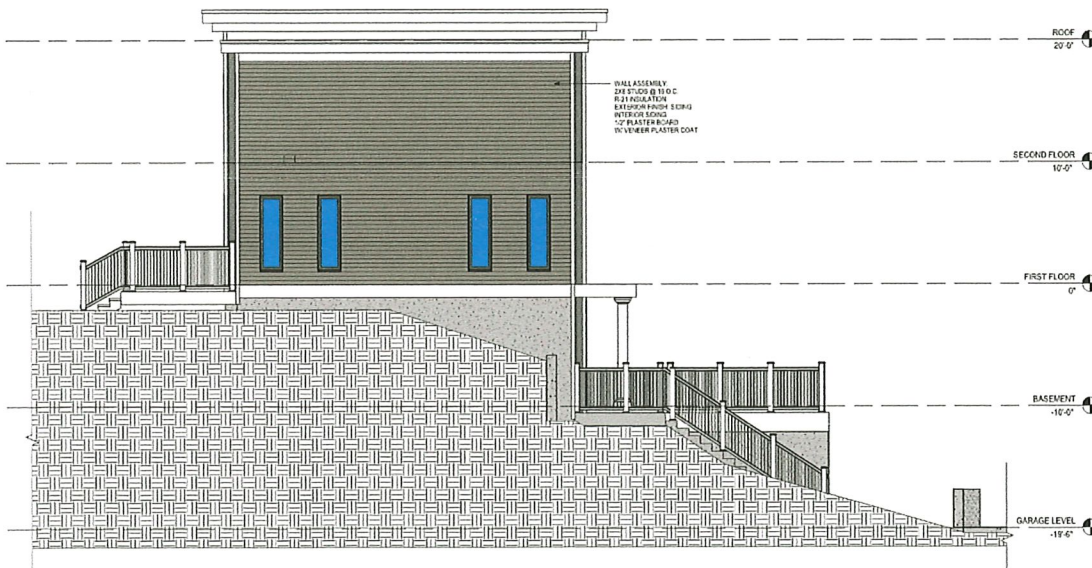


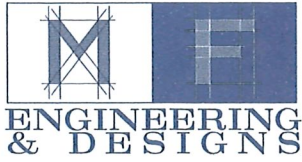
Structural Engineering • Building Design • Civil Engineering • Management Services

Approved side elevation

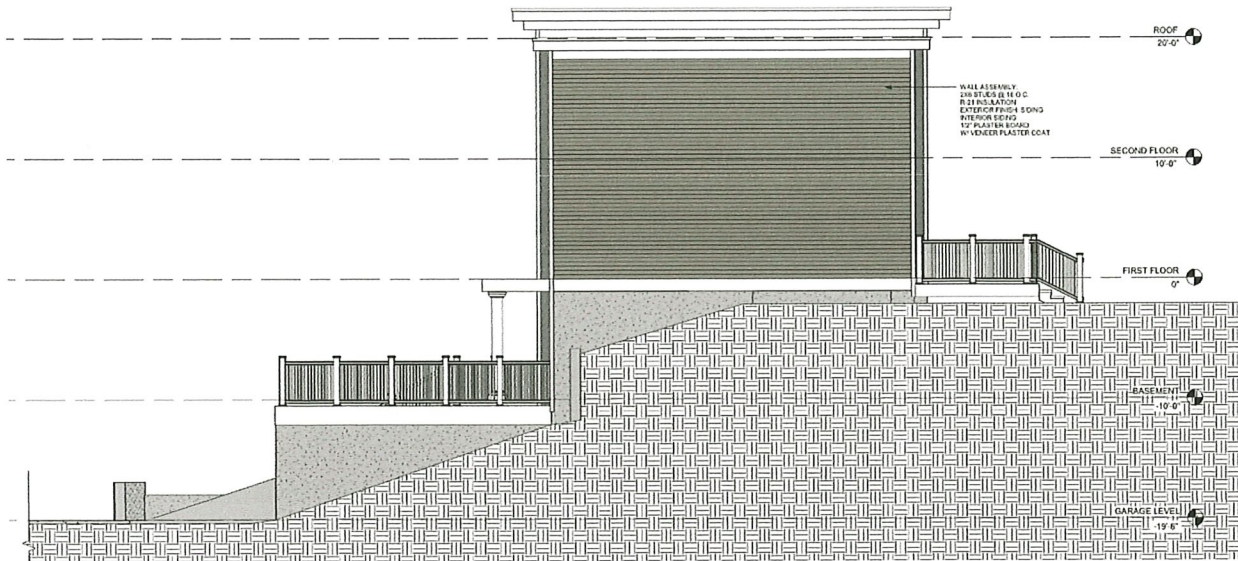


Our Side Elevation Proposal, reduce the number of windows on the two side elevations to maintain privacy to abutting properties.

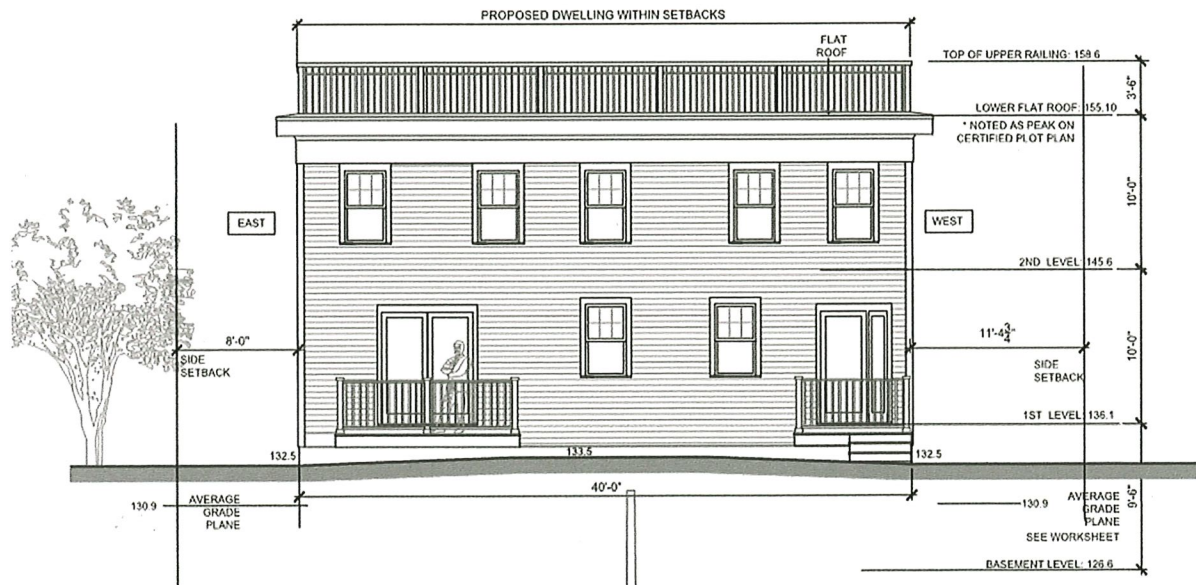


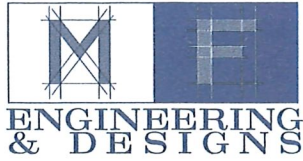


Structural Engineering • Building Design • Civil Engineering • Management Services



Approved Rear Elevation

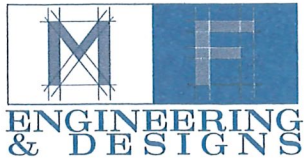




Structural Engineering • Building Design • Civil Engineering • Management Services

Our Rear Elevation Proposal, focus on the use of the backyard with a large deck extending from side to side of the house and two large doors connecting the house to the backyard and the central window





Structural Engineering • Building Design • Civil Engineering • Management Services

The main change from the approved plans is the number and size of windows, we are maintaining height, overall shape and dimensions, average grade, and FAR of the house.

Attached is a full set of plans and a building permit application for your review.


If you have any questions do not hesitate to contact me.

Sincerely,

Carlos Ferreira

2

#176-19


 2021 00260180
 Bk: 79259 Pg: 548 Doc: DECIS
 Page: 1 of 2 12/01/2021 10:34 AM

#176-19(3)

RECEIVED
 ORDERED: DEC 13 PM 1:26
 CITY CLERK
 NEWTON, MA 02459

CITY OF NEWTON

CITY COUNCIL

June 21, 2021

RECEIVED
 Newton City Clerk
 2021 JUN 23 AM 9:08

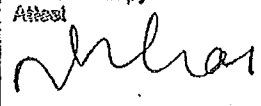
That the Council, finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good and without substantially derogating from the intent or purpose of the Zoning Ordinance, hereby grants a ONE (1) YEAR EXTENSION OF TIME IN WHICH TO EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL #176-19 granted on August 12, 2019 to August 12, 2022.

PETITION NUMBER: #176-19
 PETITIONER: Tara Pottebaum and Doug Rooney
 LOCATION: 1188 Chestnut Street, on land known as Section 51, Block 40, Lot 22, containing approximately 5,807 square feet of land
 OWNER: Tara Pottebaum and Doug Rooney *deed: 68528/142*
 ADDRESS OF OWNER: 12 Swetts Court
 Watertown, MA 02472
 TO BE USED FOR: Single-Family Dwelling and Two-Stall Garage
 CONSTRUCTION: Wood frame
 EXPLANATORY NOTES: §3.2.3 and §7.8.2.C.2 to further extend a nonconforming front setback; §5.1.7.A and §5.1.13 to allow a parking stall within the front setback
 ZONING: Multi Residence 1 district

1. No building permit shall be issued in pursuance of Special Permit/Site Plan Approval #176-19 until:

- a. The Petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a certified copy of this Council Order granting this one

return to: Patricia Ferreira
 966 Hyde Park Ave. # 303 - Boston, MA 02136

A True Copy
 Attest

 City Clerk of Newton, Mass

year extension of time to August 12, 2022 with the appropriate reference to the book and page of the Petitioner's title deed or notice of lease endorsed thereon.

- b. A certified copy of such recorded notice shall have been filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.

Under Suspension of Rules
Readings Waived and Extension of Time Approved
23 Yeas 0 Nays 1 Absent (Councilor Norton)

The undersigned hereby certifies that the foregoing copy of the decision of the City Council granting an EXTENSION OF TIME to August 12, 2022 IN WHICH TO EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL #176-19 is a true accurate copy of said decision.

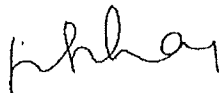
ATTEST:



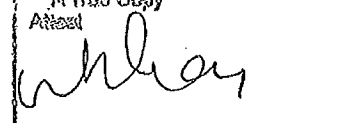
(SGD) NADIA H KHAN
Acting Clerk of the City Council

I, Nadia H Khan, as the Acting Clerk of the City Council and keeper of its records and as the Acting City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on June 21, 2021 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) NADIA H KHAN
Acting Clerk of the City Council

A True Copy
Attest


#176-19
1188 Chestnut Street

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 a nonconforming front setback from 4.4 feet to 12.3 feet, and to allow a second parking stall within the front setback as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The proposed extension of the nonconforming front setback is not substantially more detrimental than the existing setback is to the neighborhood because the proposed garage is set farther back from the street than the existing garage, improving the existing condition. (§3.1.3 and §7.8.2.C.2).
2. Literal compliance with the requirement that only one parking stall be located within the front setback is impracticable due to the grade of the lot (§3.1.9 and §7.3.3).

PETITION NUMBER: #176-19

PETITIONER: Tara Pottebaum and Doug Rooney

LOCATION: 1188 Chestnut Street, on land known as Section 51, Block 40, Lot 22, containing approximately 8,807 square feet of land

OWNER: Tara Pottebaum and Doug Rooney

ADDRESS OF OWNER: 12 Swetts Court
Watertown, MA 02472

TO BE USED FOR: Single-Family Dwelling and Two-Stall Garage

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.2.3 and §7.8.2.C.2 to further extend a nonconforming front setback; §5.1.7.A and §5.1.13 to allow a parking stall within the front setback

ZONING: Multi Residence 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. Certified Plot Plan, prepared by Boston Survey, Inc., signed and stamped by George C. Collins, Professional Land Surveyor, dated July 15, 2019.
 - b. Architectural Plans, unsigned and unstamped, consisting of the following nine (9) sheets:
 - i. Proposed Site Plan, dated March 14, 2019 Revised July 15, 2019
 - ii. Isometric Plan, dated March 14, 2019 Revised July 15, 2019
 - iii. Garage and Basement Plans, dated March 14, 2019 Revised July 15, 2019
 - iv. Proposed First and Second Floor Plans, dated March 14, 2019 Revised July 15, 2019
 - v. Front Elevation, dated March 14, 2019 Revised July 15, 2019
 - vi. West and North Elevations, dated March 14, 2019 Revised July 15, 2019
 - vii. Section, dated March 14, 2019 Revised July 15, 2019
 - viii. Average Grade Plane Worksheet
 - ix. Floor Area Ration Calculation
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. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - 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 Council 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.

4. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or a 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 professional land surveyor.



Ruthanne Fuller
Mayor

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

#176-19

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

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	June 18, 2019
Land Use Action Date:	August 13, 2019
City Council Action Date:	September 3, 2019
90-Day Expiration Date:	September 16, 2019

DATE: June 14, 2019

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Neil Cronin, Senior Planner

SUBJECT: **Petition #176-19**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to further extend a nonconforming front setback from 4.4 feet to 4.1 feet, where 25 feet is the minimum allowed, and to allow a parking stall within the front setback and within five feet of a street, at **1188 Chestnut Street**, Ward 5, Upper Falls, on land known as SBL 51, 40, 22 containing approximately 5,807 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. §3.2.3, §5.1.7.A, §5.1.13, §7.8.2.C.2, and §7.4, of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing that the Land Use Committee of the City Council can consider at a subsequent working session.



1188 Chestnut Street

EXECUTIVE SUMMARY

The subject property located at 1188 Chestnut Street consists of a 5,807 square foot lot in the Multi Residence 1 (the "MR-1") zone in Upper Falls. The property was formerly improved with a single-family dwelling which was razed in 2017; only a one-car detached garage remains. The detached garage has a nonconforming front setback of 4.4 feet, where 25 feet is the minimum allowed. The petitioners are seeking to add a second bay to the garage, thereby extending the nonconforming front setback to 4.1 feet and to construct a single-family attached dwelling. The second bay adds a second parking stall within the front setback and within five feet of a street, requiring a special permit. As a result, the petitioners require special permits to further extend the nonconforming front setback from 4.4 feet to 4.1 feet, and to allow a parking stall within the front setback and within five feet of the street.

The subject property has a steep slope that makes building on the site difficult. However, the Planning Department does not support the special permits to enlarge the garage. Staff believes the enlarged garage, combined with the short setback from Chestnut Street, will create a safety concern due to limited visibility. The Planning Department suggests that the petitioners consider alternatives for parking on site.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the City Council should consider whether:

- The proposed extension of the nonconforming front setback is substantially more detrimental than the existing nonconforming setback is to the neighborhood. (§3.2.3 and §7.8.2.C.2)
- Literal compliance with the parking requirements is impracticable due to the nature of the use, or the location, size, width, 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 (§5.1.7.A and §5.1.13)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

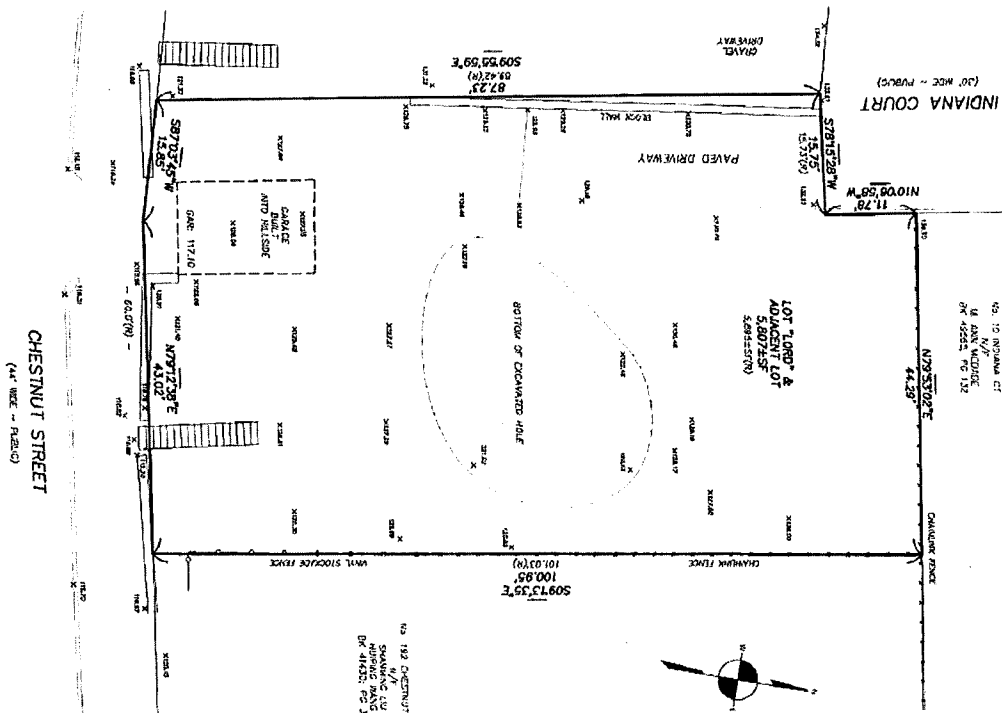
The subject property is located on Chestnut Street in the MR-1 zone in Upper Falls. The properties to the north are located within the MR-1 zone and are improved with single-family uses. The properties to the south and to the east are located within a variety of zones from the Public Use, the Business 1 and 2 zones, and the Manufacturing zones. These parcels contain several different uses which comprise the

Upper Falls Village Center (Attachments A & B).

B. Site

The site consists of 5,807 square feet of land, improved with a one-car detached garage. The grade of the lot slopes up significantly from the front (south) of the lot to the rear (north) such that the rear of the site lies approximately 14 feet above the grade of Chestnut Street. Due to this condition, an approximately three-foot tall retaining wall exists along the Chestnut Street frontage. The rear of the lot has access to Indiana Court via a driveway long enough to park one vehicle. The lot is overgrown with wild brush.

Existing Site Plan



III. PROJECT DESCRIPTION AND ANALYSIS

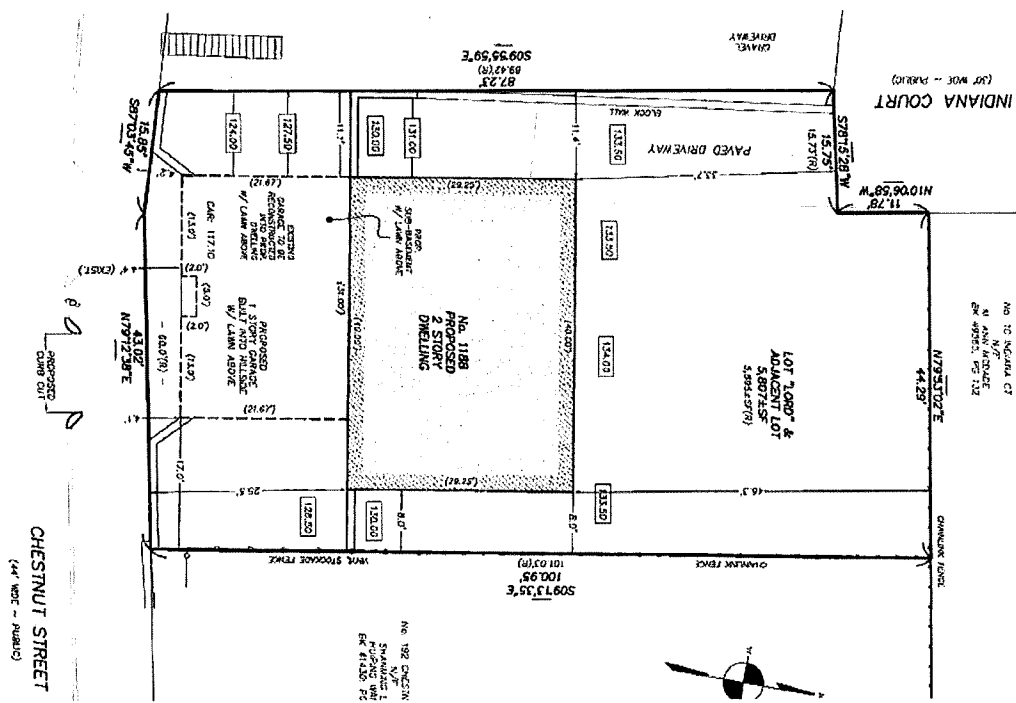
A. Land Use

The principal use of the site is and will remain a single-family residence.

B. Site Design

The petitioners are proposing to extend the garage to the east by approximately 18 feet to allow for a second garage bay. Due to the bend in the street, the front setback will be reduced from 4.4 feet to 4.1 feet. There is a utility pole along the site's frontage that will require the petitioner to install a second curb cut to provide access to the second garage bay. This additional curb cut will render much of the frontage a driveway opening. The remaining frontage, approximately 33 feet, will be improved with retaining walls that sit directly behind the sidewalk. The site will be terraced such that the roof of the garage will be a "green roof" that will serve as open space. This level area also contains retaining walls in the form of planters. The petitioner should confirm that these planters are not four feet in height because of their location within the front setback. The petitioner is not proposing any changes to the lawn area at the rear of the site.

Proposed Site Plan



The Planning Department believes that the extended nonconforming front setback will create a safety concern. The property is located on a bend in the street that, when combined with the short distance from the sidewalk, will result in limited visibility for vehicles backing out of the site onto Chestnut Street. The Planning Department recognizes that this condition exists with the existing one-car garage but believes that

the condition should not be increased with an additional parking stall.

Staff also recognizes that the property at 1186 Chestnut Street features a two-car garage close to the street and features a similar topographical condition. These two properties are outliers when compared with other properties in the immediate area due to their location along Chestnut Street and to their slope. However, the subject property is different from the property at 1188 Chestnut Street because the subject property has a large area at the rear of the site, close to Indiana Court, which may allow for parking, and the current vacant site allows for design flexibility. The Planning Department does not believe that the topographical condition should result in a safety concern and suggests that the petitioners consider alternatives for parking on site, including providing access from Indiana Court.

C. Building Design

The petitioners are proposing to construct a two-story dwelling approximately 25 feet from the front lot line. The dwelling will feature a symmetrical façade and a flat roof with a widow's walk and will be an example of Contemporary Federalist architecture. Due to the grading of the site, the dwelling contains two basements and two stories. However, when viewing the dwelling from Chestnut Street, it appears to contain four stories. The grading of the site is illustrated by the fact that the height of the dwelling is approximately 30 feet, but the ridge of the dwelling is approximately 39 feet above the grade of the sidewalk. The dwelling complies with the dimensional standards of a single-family dwelling in the MR-1 zone.

Proposed Chestnut Street Elevation



D. Parking and Circulation

The petitioners are proposing to enlarge the existing garage to allow for a second parking stall within the front setback and within five feet of a street. As stated above, the Planning Department is concerned that the enlarged garage will create a safety concern and does not support the relief necessary to enlarge it.

E. Landscaping and Screening

A landscape plan is not required with this petition.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance)

The Zoning Review Memorandum (the "Memorandum") provides an analysis of the proposal regarding zoning (**Attachment C**). Based on the Memorandum, the petitioner is seeking the following relief:

- §3.2.3, and §7.8.2.C.2 of section 30, to further extend a nonconforming front setback.
- §5.1.7.A and §5.1.13 of Section 30, to allow parking within the front setback and within five feet of a street.

The Memorandum suggested that relief be sought to exceed the floor area ratio (the "FAR") because the proposed FAR is nine square feet less than the maximum allowed. However, the Commissioner of Inspectional Services has determined that the petitioners cannot seek relief that is not shown in the submitted plans. As such, the petitioners should withdraw their request to exceed the FAR.

B. Engineering Review

Associate City Engineer, John Daghlian, reviewed this petition for conformance with the City of Newton Engineering Standards (**Attachment D**). Mr. Daghlian suggests that the petitioner move the two retaining walls away from the sidewalk by at least one foot and that crushed stone be installed to ensure that the sidewalk is not damaged from freeze-thaw cycles. Additionally, Mr. Daghlian suggests that drainage structures be installed to accommodate the stormwater from the dwelling and from the detached garage.

C. Newton Historical Commission Review

This petition does not meet the minimum threshold for review from the Newton Historical Commission.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.








ATTACHMENTS:

- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** DRAFT Order

Attachment A Zoning Map Chestnut St., 1188

*City of Newton,
Massachusetts*

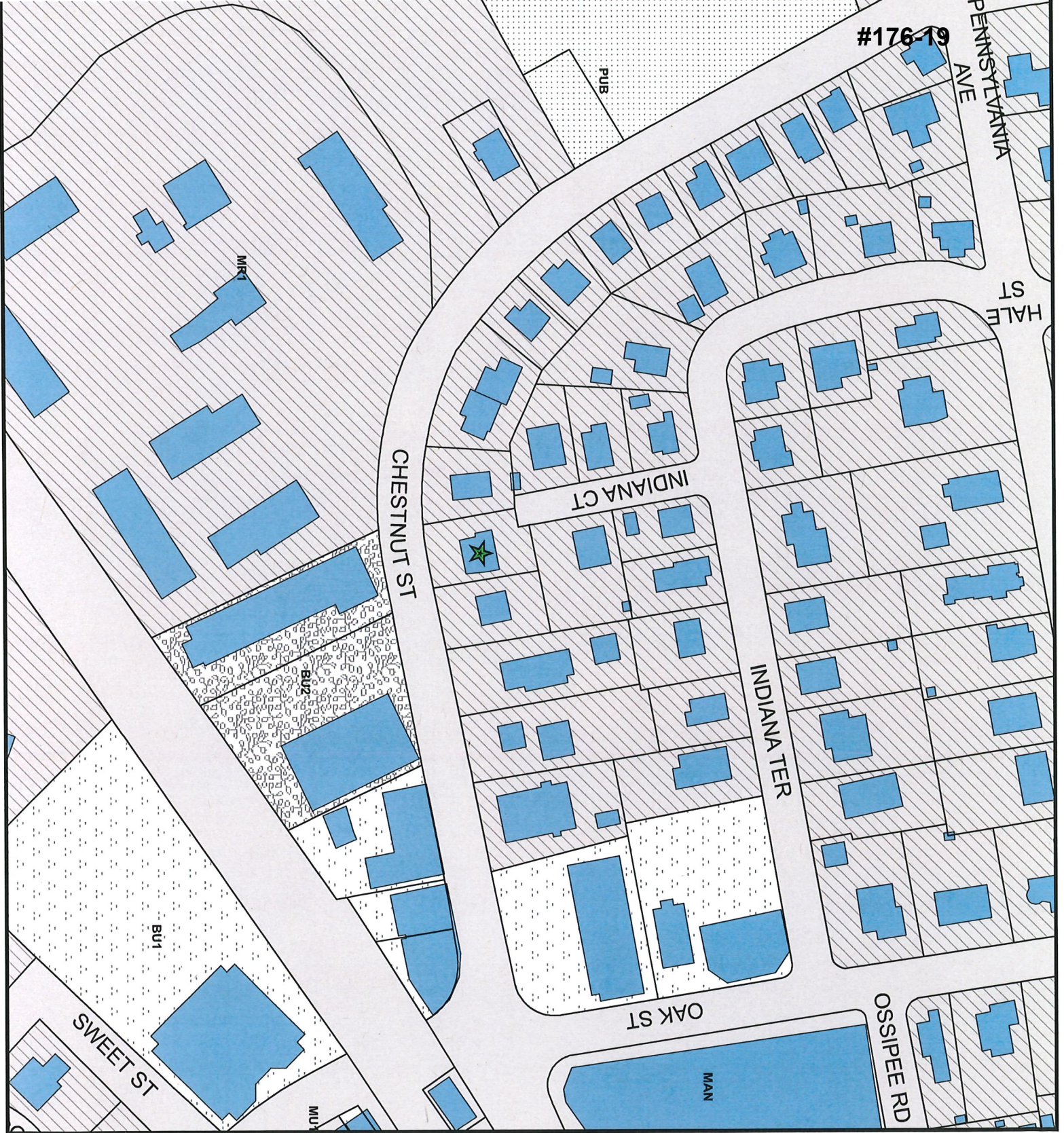
Legend

-  Multi-Residence 1
-  Business 1
-  Business 2
-  Public Use
-  Building Outlines
-  Surface Water
-  Property Boundaries



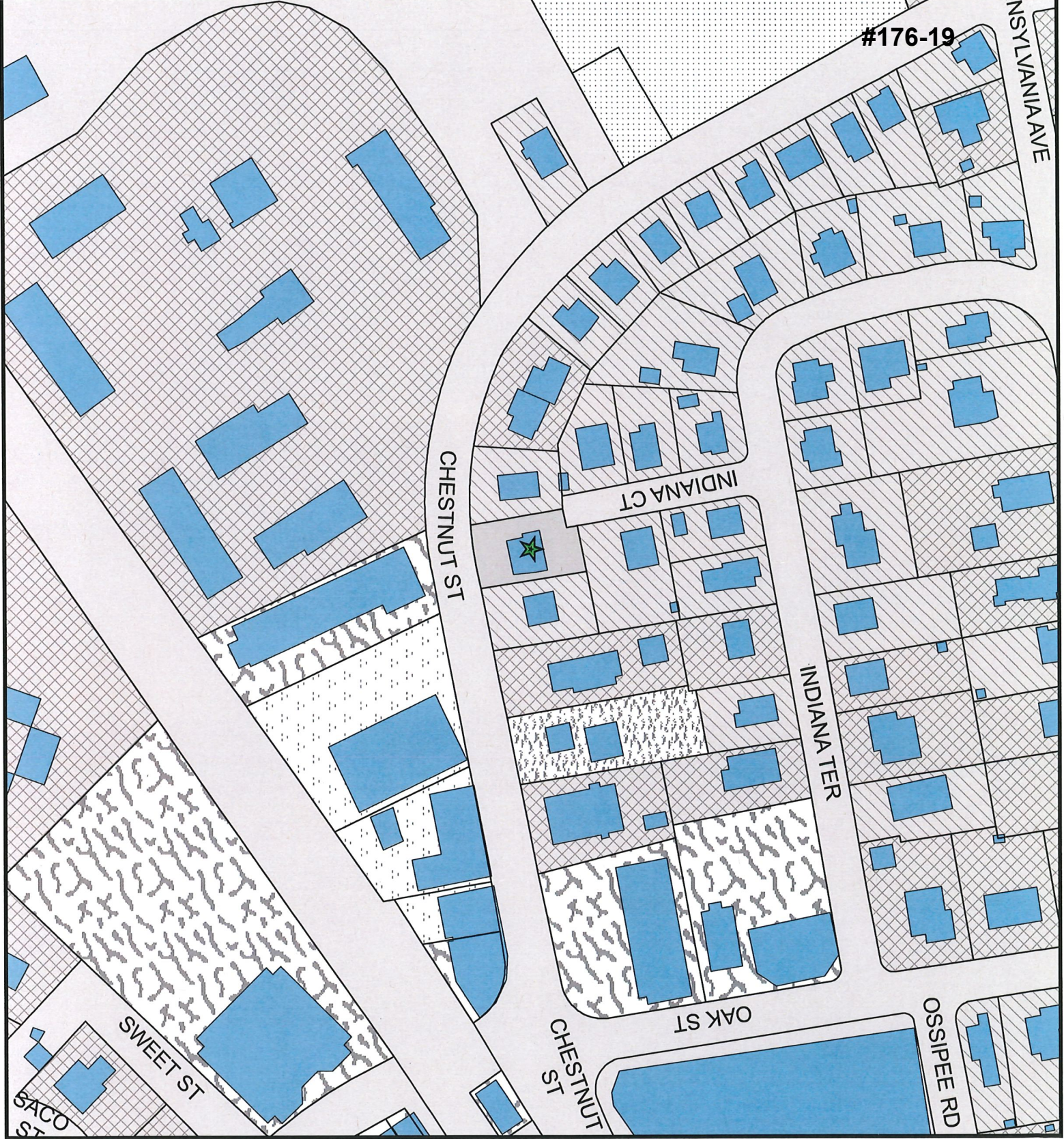
The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller



#176-19

NSYLVANIA AVE



Attachment B
Land Use Map
Chestnut St., 1188

City of Newton,
Massachusetts

Legend

	Land Use
	Single Family Residential
	Multi-Family Residential
	Commercial
	Mixed Use
	Open Space
	Nonprofit Organizations
	Vacant Land
	Building Outlines
	Surface Water
	Property Boundaries



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
 Mayor - Ruthanne Fuller



- Zoning Review Application, prepared David Geffen, submitted 3/21/2019
- Certified Plot Plan (existing), signed and stamped by George C. Collins, surveyor, dated 9/18/2018
- Certified Plot Plan (proposed), signed and stamped by George C. Collins, surveyor, dated 2/7/2019
- Architectural plans and elevations, prepared by David Geffen Const. Co. LLC, dated 3/14/2019

The following review is based on plans and materials submitted to date as noted below.

The property at 1188 Chestnut Street consists of a 5,807 square foot lot which is currently vacant except for a detached single-car garage structure built into the front hillside within 4.4 feet of the street. The previously existing single-family dwelling was razed. The lot has a significant front to back upward slope. The petitioners intend to construct an addition to the existing garage to accommodate two cars, and to construct a single-family dwelling. The garage and dwelling will have a subterranean connection. To enlarge the garage requires a special permit to extend the nonconforming front setback and to waive certain parking requirements.

BACKGROUND:

Applicant: Tara Potter and Doug Rooney	
Site: 1188 Chestnut Street	SBL: 51040 0022
Zoning: MRI1	Lot Area: 5,807 square feet
Current use: Single-family dwelling	Proposed use: No change

RE: Request to extend a nonconforming front setback to expand a detached garage structure and to allow parking within the front setback and within five feet of the street

CC: Tara Potter and Doug Rooney, Applicants
 David Geffen, David Geffen Const. Co. LLC
 Barney S. Heath, Director of Planning and Development
 Jonah Temple, Assistant City Solicitor

From: Jane Santososso, Chief Zoning Code Official
 Jennifer Cairra, Chief Planner for Current Planning

To: John Lojek, Commissioner of Inspectional Services

Date: May 15, 2019

ZONING REVIEW MEMORANDUM

Ruthanne Fuller
Mayor



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

Barney S. Heath
Director

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

ADMINISTRATIVE DETERMINATIONS:

1. The existing nonconforming one-car detached garage is located 4.4 feet from the street, where 25 feet is the required setback per section 3.2.3. The petitioners intend to construct a second bay on the existing structure, further extending the nonconforming front setback to 4.1 feet. To further extend the nonconforming front setback requires a special permit per section 7.8.2.C.2.
2. The petitioner is seeking to enlarge the existing detached garage to accommodate two cars. Per section 5.1.7.A, no more than one parking stall may be located in the front setback, and no parking may be located within five feet of the street. The proposed additional parking bay places a second parking stall within the front setback, and an additional stall within five feet of the street. To construct the structure as proposed within the front setback and five feet of the street requires a special permit per section 5.1.7.A and 5.1.13.
3. The petitioner proposes to enlarge the existing detached garage structure and to construct a subterranean connection to the dwelling. Per a determination by the Commissioner of Inspectional Services, a subterranean connection does not render the garage attached and would still be considered a detached structure.
4. Due to the existing sloped topography, the garage is considered a sub-basement by Inspectional Services. The dwelling's first level is considered the basement as per the average grade calculation. As such, the dwelling is considered to have two stories with a basement and a sub-basement.

MR1 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	5,807 square feet	No change
Frontage	70 feet	60 feet	No change
Setbacks - Principal			
• Front	25 feet	N/A	25.5 feet
• Side	12.5 feet	N/A	8 feet
• Rear	25 feet	N/A	33.7 feet
Setbacks – Accessory			
• Front	25 feet	4.4 feet	4.1 feet
• Side	5 feet	11 feet	No change
• Rear	5 feet	62.95 feet	No change
Height	30 feet (flat roof)	N/A	28.67 feet
Stories	2.5	N/A	2
FAR	.56	N/A	
Max Lot Coverage	30%	N/A	20.1%
Min. Open Space	50%	N/A	69.2%

1. See "Zoning Relief Summary" below:

Zoning Relief Required

<i>Ordinance</i>		<i>Action</i> #176-19 #176-19
§3.2.3 §7.8.2.C.2	Request to further extend a nonconforming front setback	S.P. per §7.3.3
§5.1.7.A §5.1.13	Request to allow parking within the front setback and five feet of the street	S.P. per §7.3.3

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Council Gregory Schwartz, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 1188 Chestnut Street

Date: June 13, 2019

CC: Barney Heath, Director of Planning
Jennifer Caira, Chief Planner
Lou Taverna, PE City Engineer
Nadia Khan, Committee Clerk
Neil Cronin, Sr. Planner

In reference to the above site, I have the following comments for a plan entitled:

*Proposed Garage Expansion to Existing Nonconforming small 1 car Garage
1188 Chestnut Street Upper Falls
Newton, MA*

*Prepared by: David Geffen Construction
Dated: 3-14-'19*

&

*Certified Plot Plan 1188 Chestnut Street Newton, MA
Prepared by: George Collins, PLS
Dated: 2-7-'19*

Executive Summary:

The plans submitted were not stamped by a Registered Professional Engineer. The project entails the demolition of an existing dwelling and construction of a new three (3) story dwelling and underground garage. The plans do not have any existing or proposed utilities, additionally; retaining walls are shown with no detail nor clear definition of heights, drainage or design.

Sight distance exiting the site appears to be limited at best as the property is on a curved portion of the road, if this permit is approved the applicant should install a convex mirror across the street to assist the homeowners exiting from the driveway a safer egress. As an alternate the applicant should consider relocating the garage on the upper level of the lot off Indiana Terrace for safer access and one level access rather than multiple stairs between the garage level and living quarters.

The proposed driveways do not have any dimensions, nor proposed grading of the driveway aprons and sidewalk is also missing.

A stormwater collection and infiltration system is needed for the new development, it is the policy of the DPW that 100% of the impervious surface be captured and infiltrated on site to the maximum practical extent. Various details are missing that need to be incorporated. The proposed "green-roof" should be designed with an underdrain to relieve excess water that can pond and accumulate on the flat roof, the underdrain should be connected to an overflow or downspout that directs the excess water to an on-site infiltration system. Additionally, the retaining walls proposed adjacent to the sidewalk should be pulled back about a foot and a crushed stone trench should be installed to receive water that weeps from behind the walls to prevent any potential icing on the sidewalk during freeze-thaw cycles.

Drainage:

1. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
2. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the property owner(s).

Environmental:

Are there any existing underground oil or fuel tanks, are they to be removed, if they have been evidence should be submitted to the Newton Fire Department, and Newton Board of Health.

Sewer:

1. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the main and the site then properly back filled. The Engineering Division must inspect this work; failure to having this work inspected may result in the delay of issuance of the Utility Connection Permit.
2. With the exception of natural gas service(s), all utility trenches with the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E, detail is available in the City of Newton Construction Standards Detail Book.
3. All new sewer service and/or structures shall be pressure tested or videotaped after final installation is complete. Method of final inspection shall be determined solely by the construction inspector from the City Engineering Division. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer. *This note must be added to the final approved plans.*
4. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer.

Water:

1. All water connections shall be chlorinated & pressure tested in accordance to AWWA and the City of Newton Construction Standards and Specifications prior to opening the connection to existing pipes.
2. Approval of the final configuration of the water service(s) shall be determined by the Utilities Division, the engineer of record should submit a plan to the Director of Utilities for approval

General:

1. All trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility in question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
4. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
6. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading, improvements and limits of restoration work. The plan shall also include profiles of the various new utilities, indicating rim & invert elevations, slopes of pipes, pipe material, and swing ties from permanent building corners. ***This note must be incorporated onto the final contract plans.***
7. All site work including trench restoration must be completed before a Certificate of Occupancy is issued. *This note must be incorporated onto the site plan.*
8. If any changes from the original approved design plan that are required due to unforeseen site conditions, the engineer of record shall submit a revised design & stamped and submitted for review and approval prior to continuing construction.

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.