



Land Use Committee Report

City of Newton

In City Council

Tuesday, April 5, 2022

Present: Councilors Lipof (Chair), Kelley, Bowman, Greenberg, Markiewicz, Laredo and Lucas

Also Present: Councilors Ryan and Wright

Absent: Councilor Downs

City Staff Present: Senior Planner Michael Gleba, Senior Planner Katie Whewell Assistant City Solicitor Jonah Temple

All Special Permit Plans, Plan Memoranda and Application Materials can be found at the following link:

<https://www.newtonma.gov/government/city-clerk/city-council/special-permits/-folder-1058>.

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

#188-22 Petition to alter and extend a nonconforming residential use and for height and number of stories at 55 Colella Road

MICHAEL LOHIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 2.5 story two-unit dwelling in excess of 24', and to alter and extend the existing nonconforming residential use at 55 Colella Road, Ward 8, Newton Centre, on land known as Section 84 Block 15 Lot 01, containing approximately 7,541 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 Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Held 7-0; Public Hearing Continued**

Note: The petitioner, Mr. Michael Lohin, presented the request to raze the existing structure on the property and replace it with a two-family dwelling. Mr. Lohin presented the architectural plans which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/83227>.

The property is located within a Business Use 1 (BU1) district.

The petitioner detailed plan revisions made since the previous public hearing on 9/21/21 (Special Permit #297-21), as shown in the attached presentation.

The overall dimensions of the proposed dwelling were reduced to accommodate a 5 ft. buffer for the driveways and the proposed grade was adjusted to address flooding concerns noted at the previous public hearing.

Mr. Lohin explained that overall FAR for proposed design actually increased from the previous design, noting that because the grade of the property was dropped, the proposed basement is now exposed to a point where a portion of it has to be included in FAR.

Mr. Lohin noted that with regard to landscaping, nothing had change and proposed plantings remain the same.

Comparison properties on Hanson Road were displayed to illustrate how the proposed project relates in scale to neighborhood properties.

Senior Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown in the attached presentation. Ms. Whewell noted Planning's recommendation to the petitioner to consider ways to increase the currently proposed rear setback to be more contextual with the neighborhood. The proposed rear setback is 5.1 feet from a planned deck to the eastern property line. The property is located in a BU1 zone where the required setback is zero feet. The nearby Single Residence 3 zone requires 15 feet.

The Public Hearing was Opened.

Dunwei Wang, 6 Caldon Path, expressed concerns about traffic safety, noting that the corner of the property at Colella and Hanson is already a traffic hazard. With the addition of the proposed tree plantings this could create further traffic safety issues.

Barbara Chan, 621 Saw Mill Brook Parkway, echoed Mr. Wang's concerns. Is it possible to limit on-street parking?

It was noted that if there is a need for safety measures due to increased street parking, the appropriate venue to bring this issue before is the Traffic Council.

Several neighbors expressed concern about setting a precedent in the neighborhood of increasing multi-families like the proposed property, which will bring increasing density to the area.

It was noted that there are only 5 properties in this commercial zone that could be developed into multi-family use. When considering a special permit petition, the Committee looks at the by-right alternative, which here is Business Use. If the Committee were to deny this petition, the alternative could potentially be a commercial property with a much larger FAR.

Councilor Questions and Comments

This issue is one that the Committee/Council has seen before; but for the fact that this is zoned as business district, this is way over the FAR limit that the Committee would allow. It calls for the Council to revisit some of the zoning where the zoning doesn't match the properties that exist.

Committee members agreed that it was important to look at the by-right alternative when considering special permit requests.

It was noted that the size of this property is the same mass and size of many of the one-family new homes that are being built in Oak Hill Park.

Clarification was sought from the Planning Department regarding why zoning relief was removed from the previous petition brought before the Committee relative to this project.

Ms. Whewell noted both the Planning and Law departments conferred and concluded that the previous zoning relief was not the correct relief to associate with this project. The relief (as noted here) is to extend the nonconforming use. This is more consistent with other similar projects.

It was noted with regard to the proposed trees on the corner of the lot, the petitioner could consider planting single stem trees that don't block visibility.

Was there any attempt to save the large tree in the rear? Some large trees overhang quite a bit over development portion of the lot. There could be potential for pruning the trees back but the result would be removing essentially one-half of the tree.

Councilors expressed concern with the 5 ft setback off the deck, noting that this concern was flagged in the Planning memo.

Councilors questioned why the petitioner could not bring the setback from the deck within compliance with current setback requirements, noting this was new construction. When building new construction, the required setbacks should be respected.

It was noted as well that 5 feet also does not allow a lot of room for planting/landscaping.

It was noted that there are "No Parking" signs posted on the north side of Colella St. that are time-sensitive to the opening and closing of a nearby school. One possibility to address traffic concerns is to look into adding "No Parking from Here to Corner" signs as well.

Councilors were supportive of the proposed two-family house, noting it was in line with City goals and preferable to a large one-family house covering the entire lot.

It was noted that the fact that this type of property would bring an additional 2 cars to the neighborhood probably would not have a tremendous impact on traffic or parking issues that already exists.

Noting that there were several Councilors that would like to see the setback revisited and brought closer to residential setback requirements, the Chair requested a motion to hold. Councilor Kelley motioned to hold and continue the Public Hearing. The motion carried 7-0.

#189-22 **Petition to waive parking stalls and allow non-accessory parking at 858 Walnut Street**
858 WALNUT STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to waive parking stalls and allow single-level non-accessory parking at 858 Walnut Street, Ward 6, on land known as Section 64 Block 5 Lot 04, containing approximately 23,250 sq. ft. of land in a district zoned BUSINESS UNIT 2. Ref: Sec. 7.3.3, 7.4, 6.3.12.B.2.a, 5.1.4.A, 5.1.13, 4.4.1 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Held 7-0; Public Hearing Continued

Note: Dahlia Rudavsky presented the request on behalf of the petitioner to waive parking stalls and allow single-level non-accessory parking on the property. The proposed use requires a waiver of 5 parking spaces. To help meet the 5-car deficit that required by the zoning ordinance, the petitioner has entered into an arrangement with a neighboring tenant on the property (860-862 Walnut Street) to use their 5 dedicated spaces, which the business does not use on the weekends.

The petitioner is a religious organization of about 110 households. Typical religious service attendance is about 70 people. Many of the members live within one mile of the Minyan and would walk to services.

The religious use would operate only on Saturdays and religious holidays, which are fewer than 10 times a year. There is no current plan for weekday use by the congregation. Weekday use is anticipated to be minimal, and would consist of small groups of about 10-15 people, not a large congregation.

The petitioner has no current prospective tenants. They may consider other organizations needing office space.

Senior Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown in the attached presentation. Ms. Whewell noted the petition is separate from the religious use and is required because the property owner has an existing agreement with a neighboring Whole Foods Market for 39 parking stalls on site. To the extent it impacts this petition, the property owner requires this relief to have that agreement.

City Staff are unconcerned with the parking waiver and request to allow non-accessory parking. Transportation Division Staff suggested the petitioner communicate any present and future residential parking restrictions to its members.

The Public Hearing was Opened.

Bruce Horwitz, 76 Judith Road, expressed concern relative to overflow parking on residential streets in the neighborhood, noting that though there was an informational meeting, neighborhood concerns were not addressed in the petition. Mr. Horwitz would ask the petitioner to commit to some parking mitigation plans that addresses neighbor concerns.

Meda Turetsky (34 Brentwood Avenue), Howard Shulkin (24 Brentwood Avenue), and several neighbors expressed similar concerns.

Ms. Rudavsky noted to the extent overflow parking occurs, many of the congregational members live in the neighborhood and have indicated the congregation can park in front of their homes.

It was noted that both Brentwood and Judith Roads are narrow. Parking on both sides of these roads makes them unpassable.

Maura Sullivan, 19 Brentwood Avenue, and other neighbors expressed concern regarding supplemental use of the property by sub-tenants. Will the Minyan rent its space to other organizations? Will there be large gatherings resulting in overflow parking on weekdays?

Having a large open space enables it to be rented for many different things other than office use, or family gatherings. Considering some sort of limitation on the kinds of rent of leases or sub leases that that can be entered into would be appreciated.

Councilor Questions and Comments

Councilors were supportive of the petitioner's request, noting the importance of supporting a religious use.

Mr. Temple noted that as a religious protected use, there is no ability to deny the use. It's a question of reasonable regulation.

Councilors noted their appreciation of the concerns of the neighbors.

There are many uses across the city for athletic events/games, Catholic mass, etc., that frequently rely on overflow parking on residential streets to accommodate regular use. It's part of living in a neighborhood with parks and facilities where people gather.

It was noted there are 22 parking spots along Walnut St between Commonwealth Ave and Homer St, which is a short walk from the property.

It would seem that sub-tenant agreements should limit parking to what is available on the property during the weekdays.

Councilors discussed whether the neighborhood and Minyan would benefit from a neighborhood liaison committee for a limited duration of time. This provides a mechanism for people to talk to one another, and can often make communications very conducive.

Committee members and Mr. Temple discussed revisions to the Council Order which would include limiting parking for entities or sub-tenants using the property to on-site available parking. An additional recommendation to consider providing for a neighborhood liaison group was made.

Councilor Bowman motioned to hold and continue the Public Hearing. The motion carried 7-0.

#190-22 Petition to construct additions and a retaining wall and allow an oversized dormer at 20 Morton Street

BRIAN AND SHANA HICKEY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze a detached garage and construct additions exceeding FAR, to allow an oversized dormer, and to allow a retaining wall exceeding 4 feet within the setback at 20 Morton Street, Ward 2, Newton, on land known as Section 13 Block 27 Lot 01, containing approximately 15,064 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 1.5.4.G.2.b, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0; Public Hearing Closed 4/5/22

Note: Architect Peter Sachs and Mr. Frederico Arellano of Peter Sachs Architecture and Design presented the request to construct additions including an oversized dormer, and a retaining wall on the

subject property. Mr. Arellano presented the architectural plans which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/83229>.

The Newton Historic Commission supported the design of the project. The project was vetted with neighbors and letters of support were received.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown in the attached presentation. Mr. Gleba noted there would not be a need for the retaining walls within the setback if the extra paved area were to be removed, per the Planning Department memo.

The Public Hearing was Opened.

Dan Gruen, 183 Mill Street, inquired whether there were renderings drawn up showing what the overall effect will be looking up from Mill Street. Mr. Gruen additionally noted that moving the curb cut could also create a safety concern as Morton St is quite steep in that area.

Land Surveyor Joe Porter, of VTP Associates noted that there would be a 15-20 ft. buffer of vegetation between the retaining wall and Mill Street. The petitioners intend to add screening plantings as well along the Mill Street side of the retaining wall.

Other neighbors (Dana Benjamin-Allen, Andy and Eliana Vidan, 47 Morton Street, Cynthia Clark, 36 Morton Street) noted support for the petition and the proposed design of the house.

Councilor Questions and Comments

Clarification was sought regarding the net resulting impervious asphalt surface with the removal/replacement of the driveway.

There will be a net increase of about 200 square ft. of asphalt.

Councilors sought clarification on the highest point of the wall and the materials it being used to construct it. From Mill St, the wall tapers from 6 feet to 2 feet. The wall will be made of materials that have texture, to break down any feeling of scale.

Councilor Lucas motioned to close the Public Hearing and approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation. Committee members discussed adding a landscaping plan condition to the Council Order. The Committee voted in favor of approval 7-0.

#191-22 Petition to extend nonconforming FAR at 52 Oldham Road

ATISH AND ROLI CHOUDHURY KUMAR petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story rear addition and enclose below an existing porch, further extending nonconforming FAR at 52 Oldham Road, Ward 3, Newton, on land known as Section 32 Block 24 Lot 43, containing approximately 11,639 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0; Public Hearing Closed 4/5/22

Note: Architect Peter Sachs and Mr. Frederico Arellano of Peter Sachs Architecture and Design presented the request to construct a two-story rear addition and enclose area below an existing porch, adding floor area to the basement and first floor above. Mr. Arellano presented the architectural plans which can be found at the following link: <https://www.newtonma.gov/home/showpublisheddocument/83231>.

The proposed plans have been cleared by the Conservation Commission, and several neighbors have submitted letters supporting the project.

Mr. Sachs noted that the petitioners are working with Land Surveyor Joe Porter of VTP Associates to put in mitigation measures to handle residual water on the hillside part of the site.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown in the attached presentation.

The Public Hearing was Opened. No member of the public wished to speak.

Councilor Kelley motioned to close the Public Hearing and approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation. The Committee voted in favor of approval 7-0.

#161-22 Petition to allow retaining wall in excess of 4 feet and to exceed FAR at 26 Magnolia Avenue

JOHN ARONE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a new dwelling with retaining walls along the sides and rear of the property exceeding 4' in height at 26 Magnolia Avenue, Ward 7, Newton, on land known as Section 72 Block 39 Lot 23, containing approximately 15,787 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 5.4.2.B of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0; Public Hearing Closed 4/5/22

Note: This public hearing was continued from the 3/8/22 Land Use public hearing. The Chair noted that in response to questions raised at the previous hearing, a site visit was conducted on 3/27/22 and resolution was reached on outstanding issues.

The petitioner John B. Arone, and Mr. Daniel Arone of Arone Brothers Development, Waltham, MA, presented a summary of a request to construct a new dwelling and retaining walls at 26 Magnolia Avenue. The presentation can be found at the following link:

<https://www.newtonma.gov/home/showpublisheddocument/83235/637852673141329521>.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown in the attached presentation.

Penny Benjamin, 20 Magnolia Road, expressed appreciation for the project and noted she felt more confident in the project after the time the petitioner took to walk through and explain the site plans with her.

Seeing no member of the public who wished to speak, Councilor Laredo motioned to close the public hearing which carried unanimously. Councilor Laredo motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation and voted 7-0 in favor of approval.

#255-22 Appointment to the 275 Grove Street, Building 3 Liaison Committee

PRESIDENT ALBRIGHT appointing the following individuals to the 275 Grove Street, Building 3 Liaison Committee as established in Condition 45 of Special Permit #33-21(3) granted on November 15, 2021 to Alexandria Real Estate Equities Inc. for a mixed-use development with laboratory, research and development facilities at 275 Grove Street in Ward 4:

Neighborhood representative: Bruce McVittie, 11 Norumbega Court

Action: Land Use Approved 7-0

Note: Councilor Markiewicz motioned to approve the appointment, which carried unanimously 7-0.

The Committee adjourned at 10:18 p.m.

Respectfully Submitted,

Richard Lipof, Chair

Department of Planning and Development



**PETITION #188-22
55 COLELLA ROAD**

**SPECIAL PERMIT/SITE PLAN
APPROVAL TO ALTER AND EXTEND
THE NONCONFORMING RES. USE
TO A TWO-UNIT RESIDENTIAL USE,
AND ALLOW A 2.5 STORY
STRUCTURE WITH A HEIGHT OF
28.6'**

APRIL 5, 2022



Requested Relief



Special Permit per §7.3.3 of the NZO to:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§4.4.1 §7.8.2.C.2	Request to alter and extend a nonconforming residential use	S.P. per §7.3.3
§4.1.2.B.3 §4.1.3	To allow a 2.5 story structure with 28.6 feet in height	S.P. per §7.3.3

Since 2021 hearing:

- Eliminated relief for parking within 5 feet of the street
- Further clarification on residential use relief

Criteria to Consider



When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed two-unit structure with a height of 28.6 feet and two and a half stories (§7.3.3.C.1, §4.1.2.B.3, §4.1.3, §4.4.1).
- The proposed two-unit structure with a height of 28.6 feet and two and a half stories will adversely affect the neighborhood (§7.3.3.C.2, §4.1.2.B.3, §4.1.3, §4.4.1).
- There will be a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3, §4.1.2.B.3, §4.1.3, §4.4.1).
- Access to the sites over streets is appropriate for the types and number of vehicles involved (§7.3.3.C.4, §4.1.2.B.3, §4.1.3, §4.4.1).
- The proposed nonconforming residential use will be substantially more detrimental than the existing nonconforming residential use is to the neighborhood (§4.1.3, §4.4.1, §7.8.2.C.2).

Aerial/GIS Map






ATTACHMENT A

Zoning

55 Colella Road

City of Newton,
Massachusetts

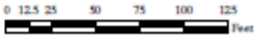
Zoning

-  Single Residence 2
-  Single Residence 3
-  Business 1



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
GIS Administrator - Douglas Greenfield



Map Date: September 08, 2021



ATTACHMENT B




Land Use

55 Colella Road

City of Newton,
Massachusetts

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Nonprofit Organizations

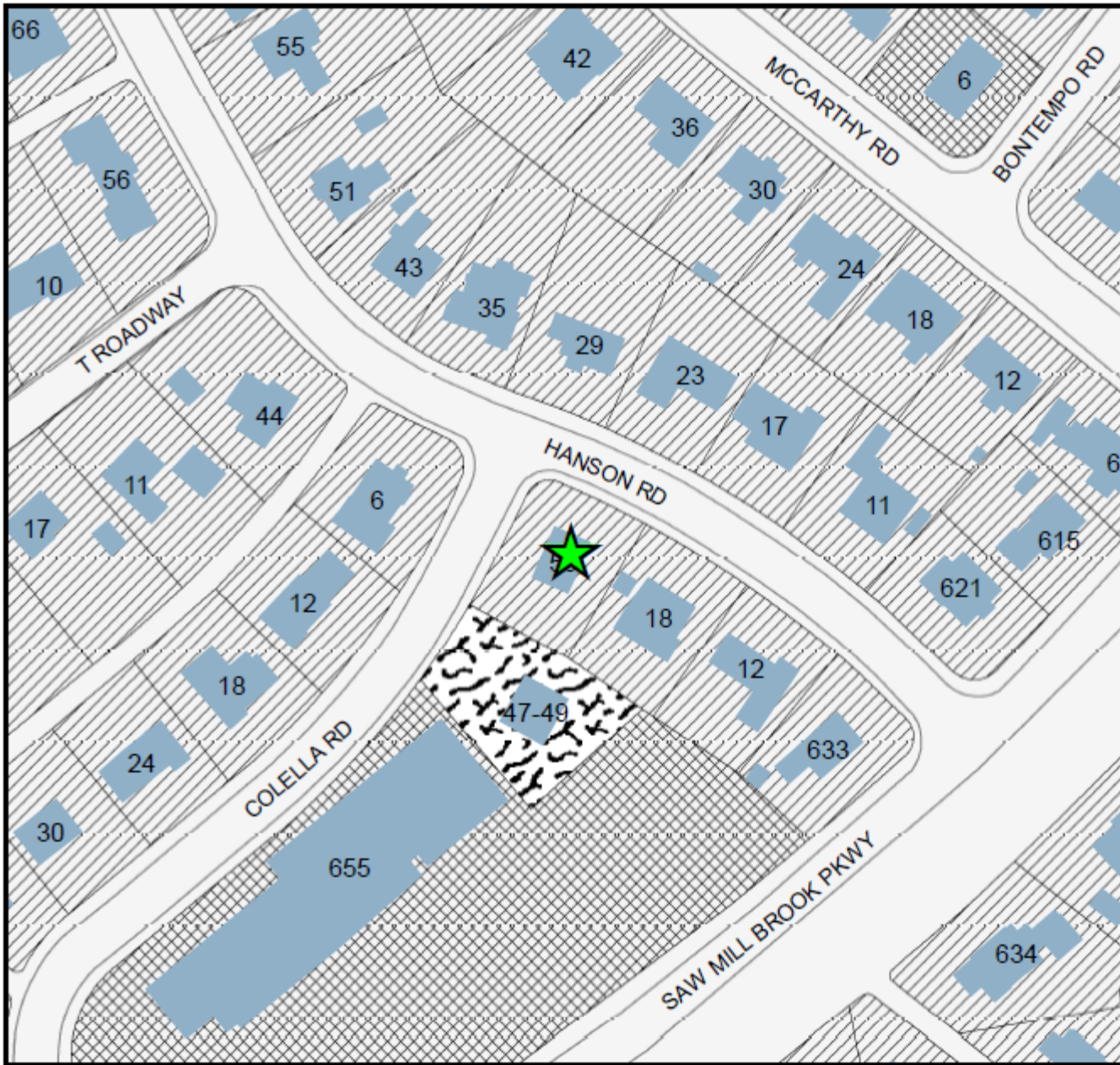


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: September 08, 2021



Proposed Front Elevations



COLELLA ROAD ELEVATION



HANSON ROAD ELEVATION

Proposed Side and Rear Elevations



REAR ELEVATION



SIDE ELEVATION

Proposed Landscape Plan



Proposed Findings



1. The specific site is an appropriate location for the proposed two-unit structure with a height of 28.6 feet and two and a half stories because the project meets the required lot area per unit, and there are similar two and half story structures as well as structures containing two or more units nearby on Hanson Road and Colella Road (§7.3.3.C.1, §4.1.2.B.3, §4.1.3, §4.4.1).
2. The proposed two-unit structure with a height of 28.6 feet and two and a half stories will not adversely affect the neighborhood because the neighborhood consists of a mix of housing types, uses, and styles (§7.3.3.C.2, §4.1.2.B.3, §4.1.3, §4.4.1).
3. There will not be a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3, §4.1.2.B.3, §4.1.3, §4.4.1).
4. Access to the sites over streets is appropriate for the types and number of vehicles involved (§7.3.3.C.4, §4.1.2.B.3, §4.1.3, §4.4.1).
5. The proposed nonconforming residential use will not be substantially more detrimental than the existing nonconforming residential use is to the neighborhood because the neighborhood contains a mix of uses as well as two and a half story structures (§4.1.3, §4.4.1, §7.8.2.C.2).

Proposed Conditions



1. Plan Referencing Condition.
2. Standard Building Permit Condition.
3. Tree Ordinance Compliance.
4. Standard Pest/Rodent Control Condition.
5. Standard Construction Management Plan Condition.
6. O&M Condition
7. Standard Occupancy Permit

Department of Planning and Development



PETITION #189-22

858 WALNUT STREET

**SPECIAL PERMIT/SITE PLAN
APPROVAL TO WAIVE FIVE
PARKING STALLS AND
ALLOW SINGLE-LEVEL NON-
ACCESSORY PARKING**

APRIL 5, 2022



Requested Relief



Zoning Relief Required

Ordinance		Action Required
§6.3.12.B.1 §7.5.2	To review a religious institution use	A.S.P.R. per §7.5.2
§6.3.12.B.2.a §5.1.4.A §5.1.13	To waive 5 parking stalls	S.P. per §7.3.3
§4.4.1	To allow single-level non-accessory parking	S.P. per §7.3.3

Criteria to Consider



When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the five-stall parking waiver and single-level non-accessory parking (§7.3.3.C.1).
- The five-stall parking waiver and single-level non-accessory parking will adversely affect the neighborhood (§7.3.3.C.2).
- There will be nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3); and
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).
- Compliance with the required number of parking stalls 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. (§5.1.13)

AERIAL/GIS MAP



Site Layout



Proposed Findings



1. The specific site is an appropriate location for the five-stall parking waiver and single-level non-accessory parking because the religious use operates when other uses on-site are closed and the single-level, non-accessory parking agreement has been in existence for over 30 years. (§7.3.3.C.1).
2. The five-stall parking waiver and single-level non-accessory parking will not adversely affect the neighborhood because the use does not create additional parking demand during peak weekday hours, and the single-level, non-accessory parking agreement has been in existence for over 30 years (§7.3.3.C.2).
3. There will not be a nuisance or serious hazard to vehicles or pedestrians because the driveway locations are being maintained (§7.3.3.C.3); and
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the site is not being altered. (§7.3.3.C.4).
5. A waiver of five parking stalls is in the public interest because the use does not create additional parking demand during peak weekday hours. (§5.1.13)

Proposed Conditions



1. Plan Referencing
2. Standard building permit condition
3. The parking waiver of five stalls shall only apply to the religious use, any change in use seeking to use the parking waiver, requires an amendment to this Council Order. Any change in ownership shall require the petitioner contact the Planning Department to ensure the site operations still justify the granted relief.
4. Standard Occupancy Condition

Department of Planning and Development



**PETITION #190-22
20 MORTON STREET**

**SPECIAL PERMIT/SITE PLAN
APPROVAL TO RAZE A DETACHED
GARAGE AND CONSTRUCT
ADDITIONS EXCEEDING FAR, TO
ALLOW AN OVERSIZED DORMER,
AND TO ALLOW A RETAINING
WALL EXCEEDING 4 FEET
WITHIN THE SETBACK**



APRIL 5, 2022

Requested Relief



Special permit per §7.3.3 to:

- exceed FAR (§3.1.3; §3.1.9)
- allow an oversized dormer (§1.5.4.G.2.b)
- allow a retaining wall exceeding 4 ft in the setback (§5.4.2.B)

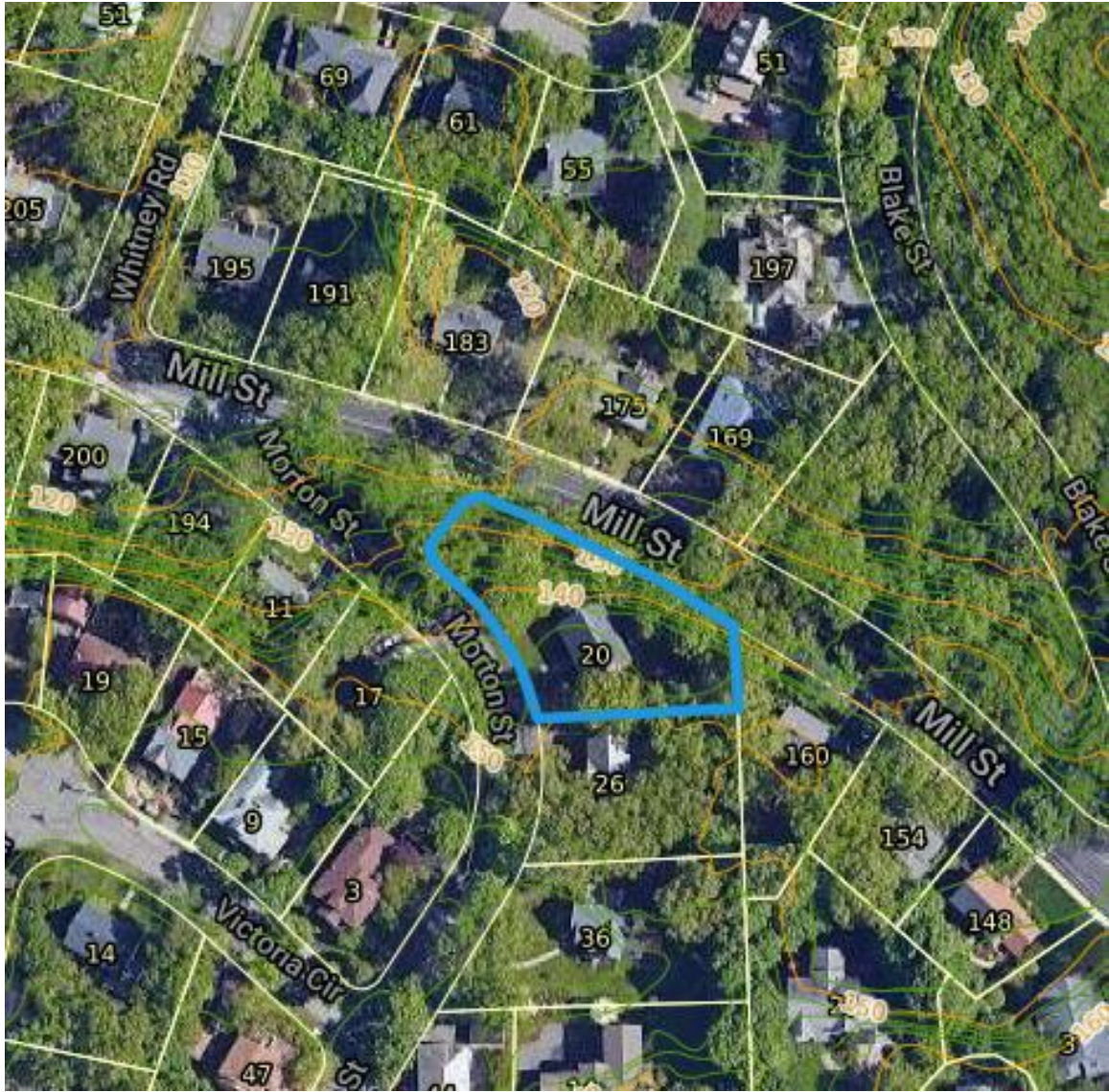
Criteria to Consider



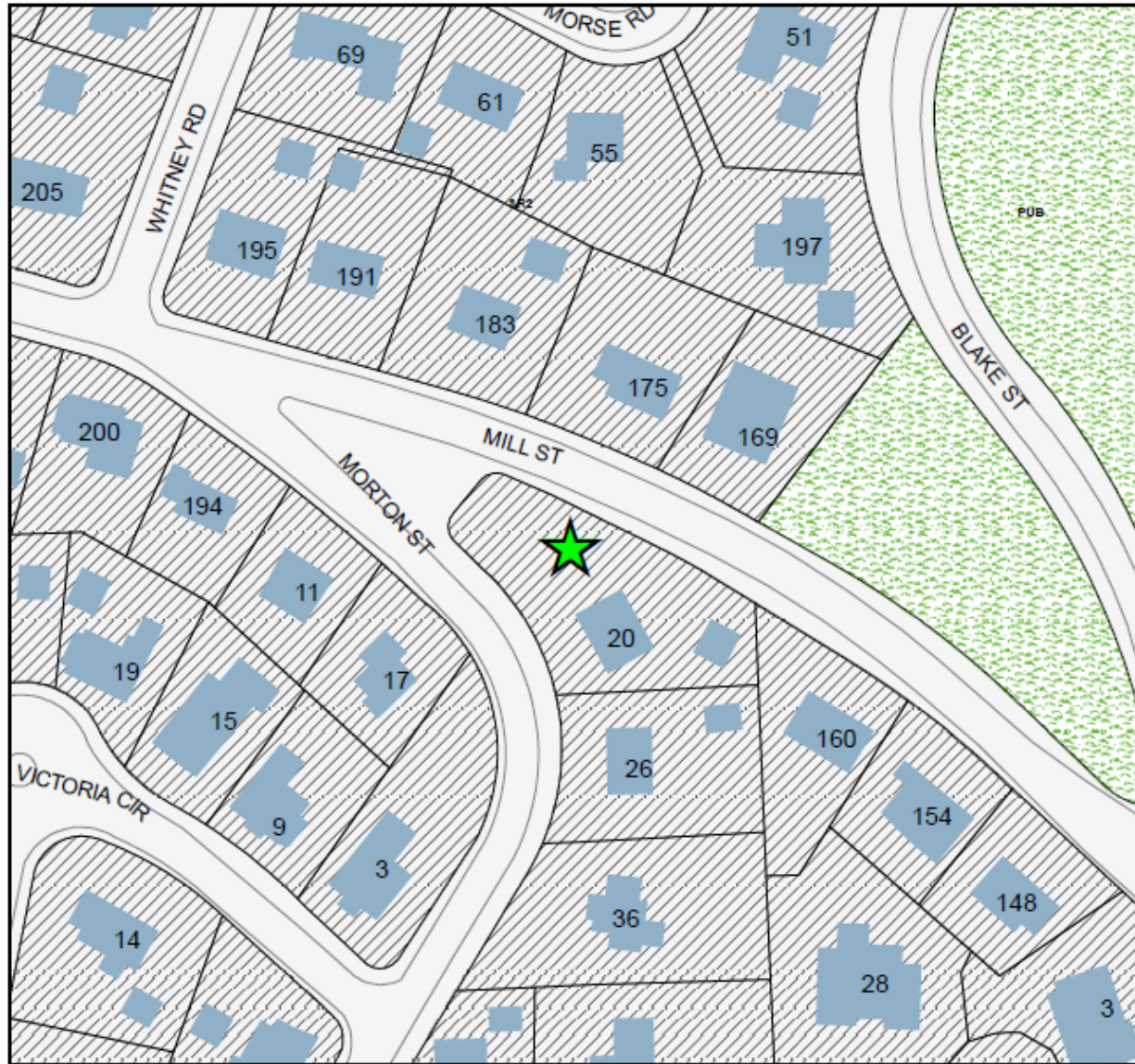
When reviewing the requested special permits the Council should consider whether:

- The site in a Single Residence 2 (SR2) district is an appropriate location for the project as designed with an oversized dormer and retaining walls higher than four feet in height (§7.3.3.C.1)
- The project as designed with an oversized dormer and retaining walls higher than four feet in height will adversely affect the neighborhood (§7.3.3.C.2)
- The project as designed with an oversized dormer and retaining walls higher than four feet in height will create a nuisance or serious hazard to vehicles or pedestrians (§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); and
- the proposed structure with an FAR of 0.38 where 0.33 is the maximum allowed is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.3; §3.1.9)

AERIAL/GIS MAP



Zoning





ATTACHMENT B

Zoning

20 Morton St.

*City of Newton,
Massachusetts*

Legend

-  Single Residence 2
-  Public Use



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
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100
Feet

Map Date: March 28, 2022

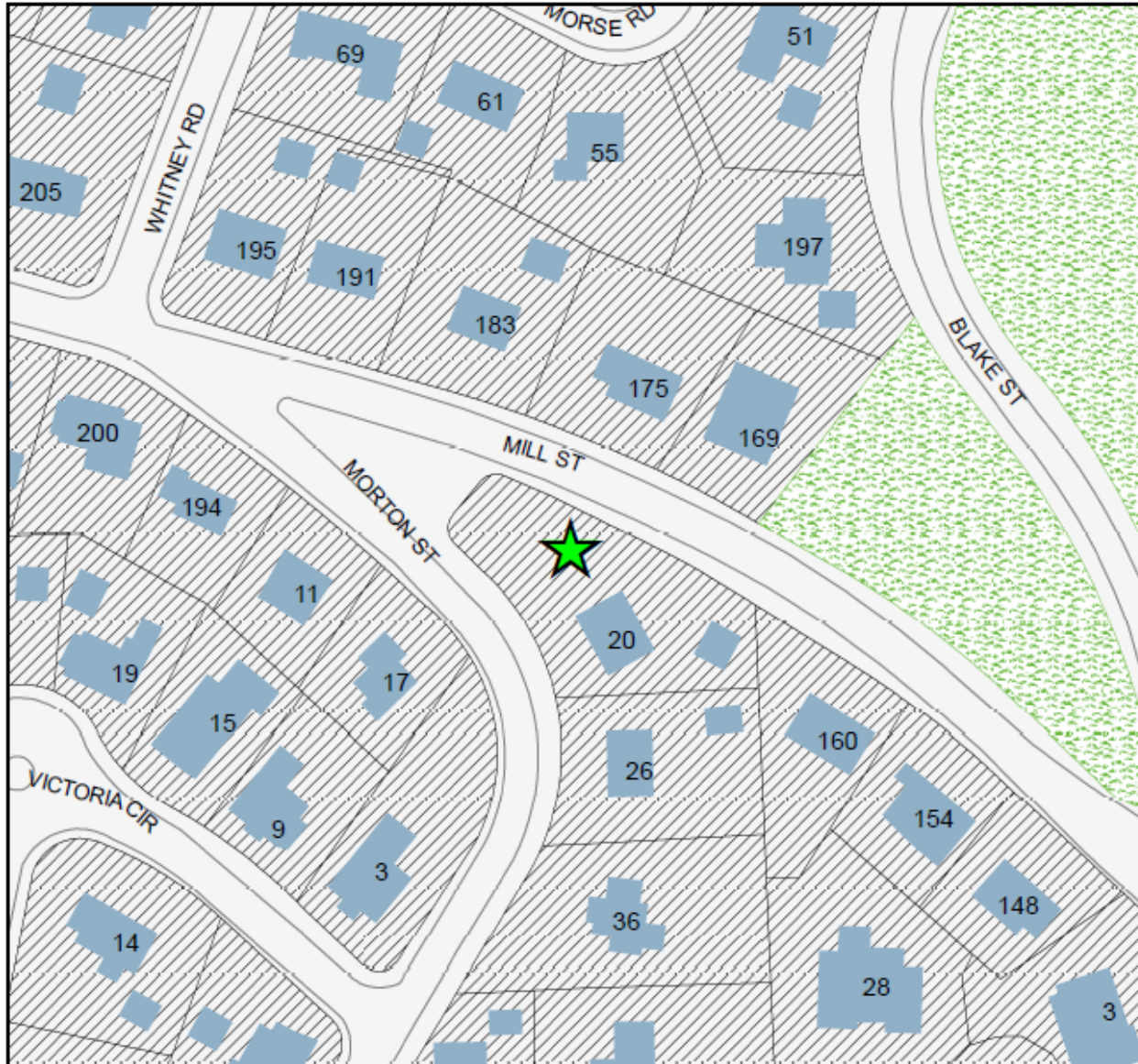
Land Use

ATTACHMENT A

Land Use

20 Morton St.

City of Newton,
Massachusetts



Land Use

Land Use

- Single Family Residential
- Open Space



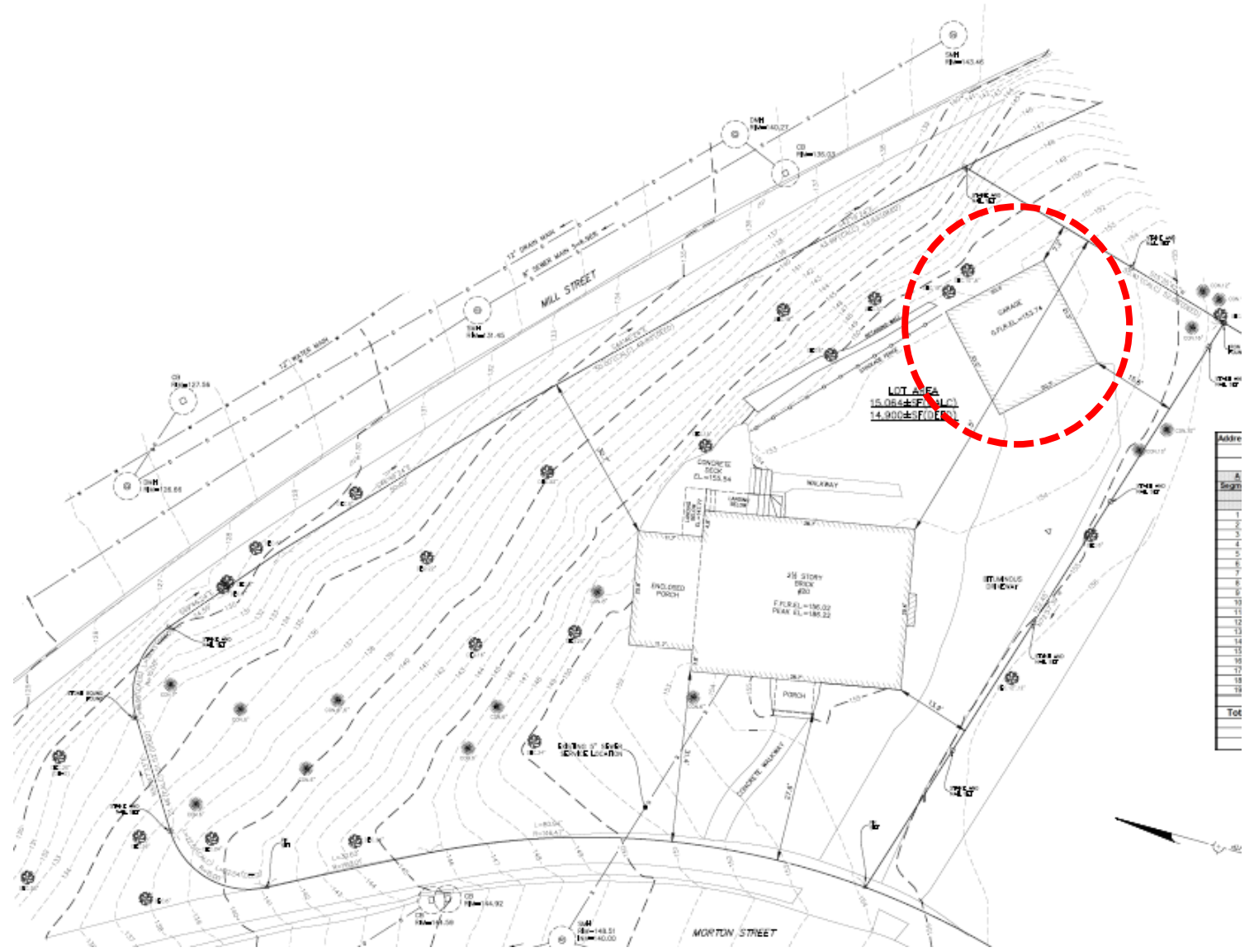
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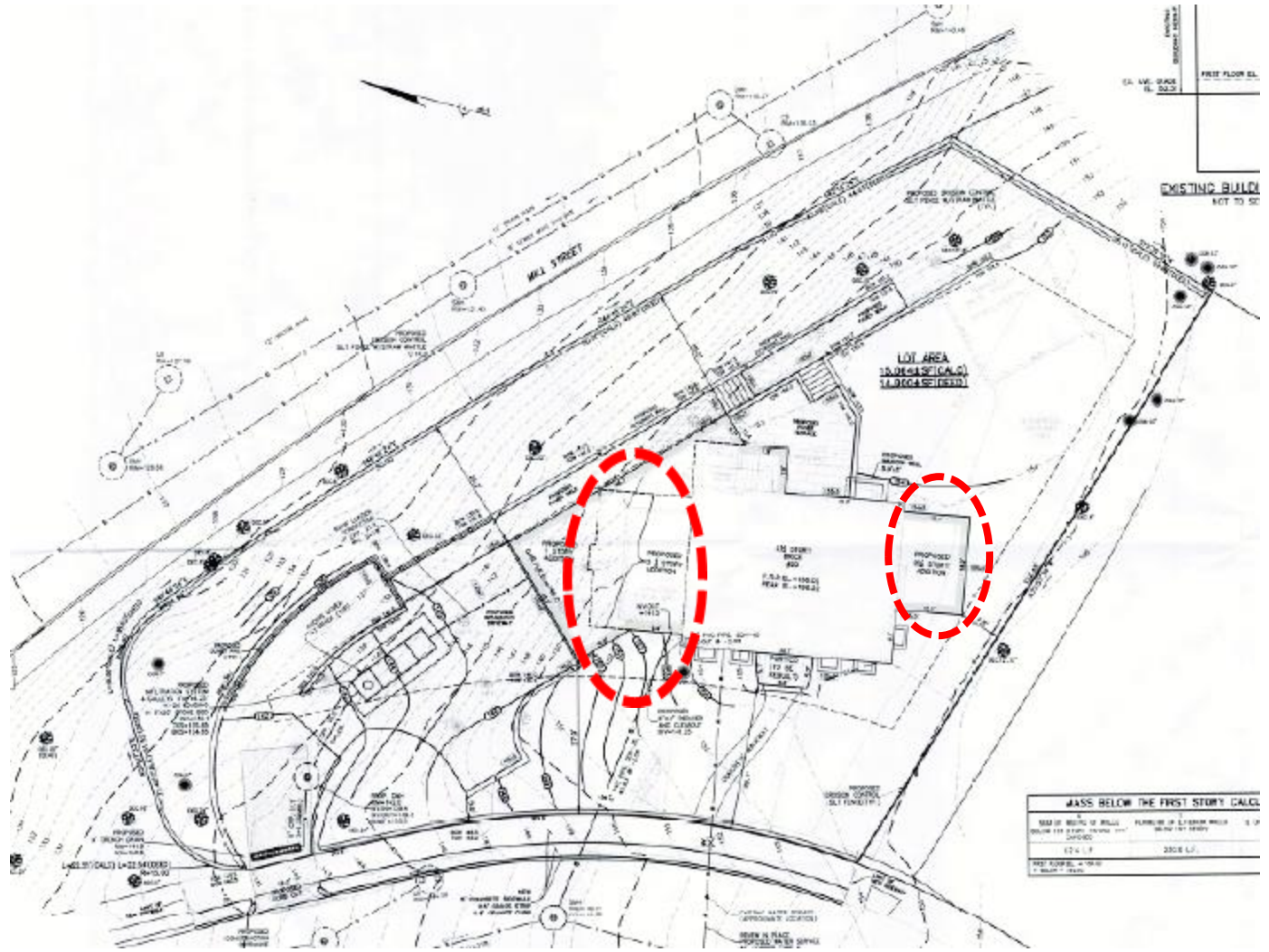
0 12.5 25 50 75 100 Feet

Map Date: March 28, 2022

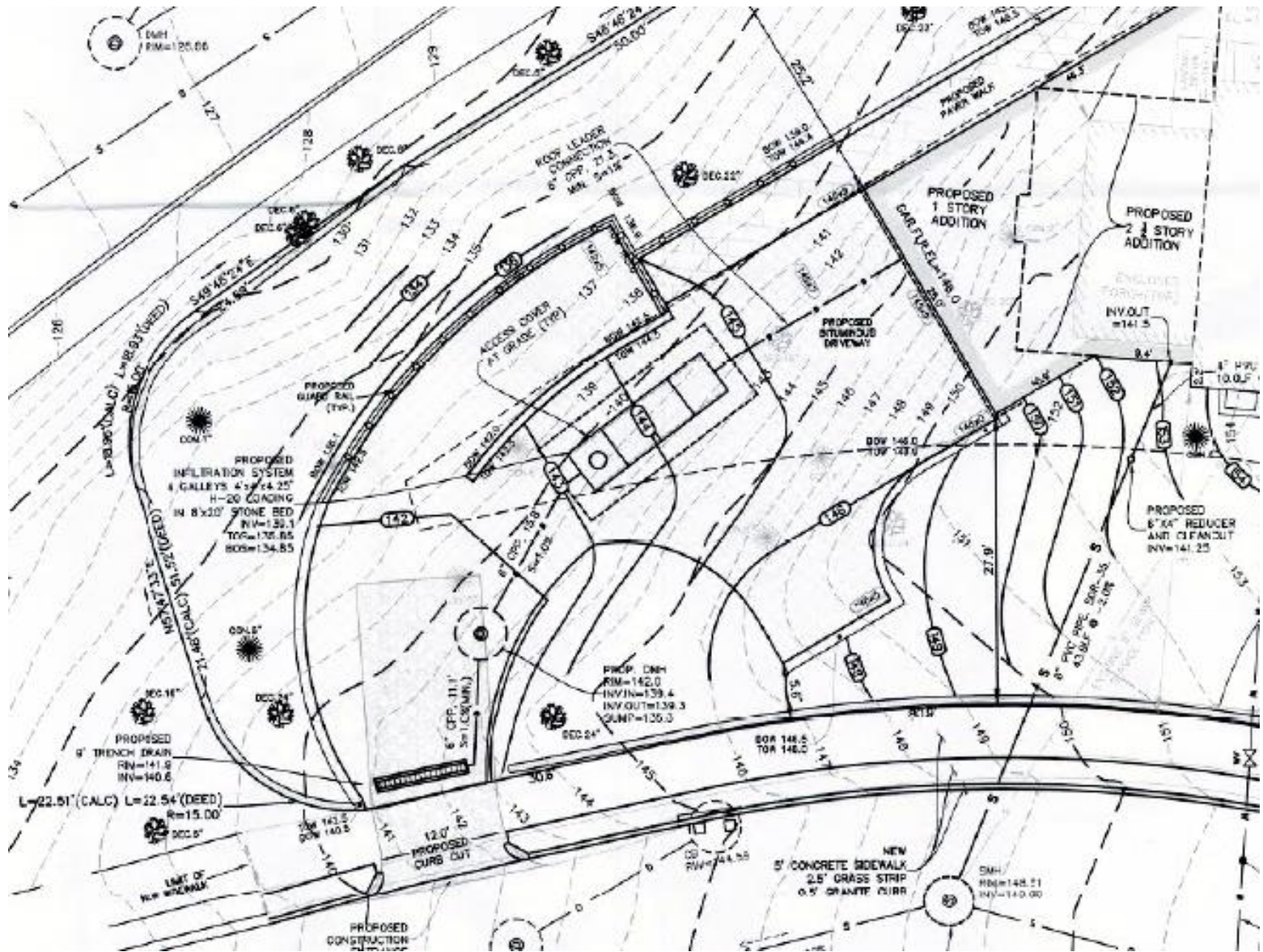
Site Plan- existing



Site Plan- proposed



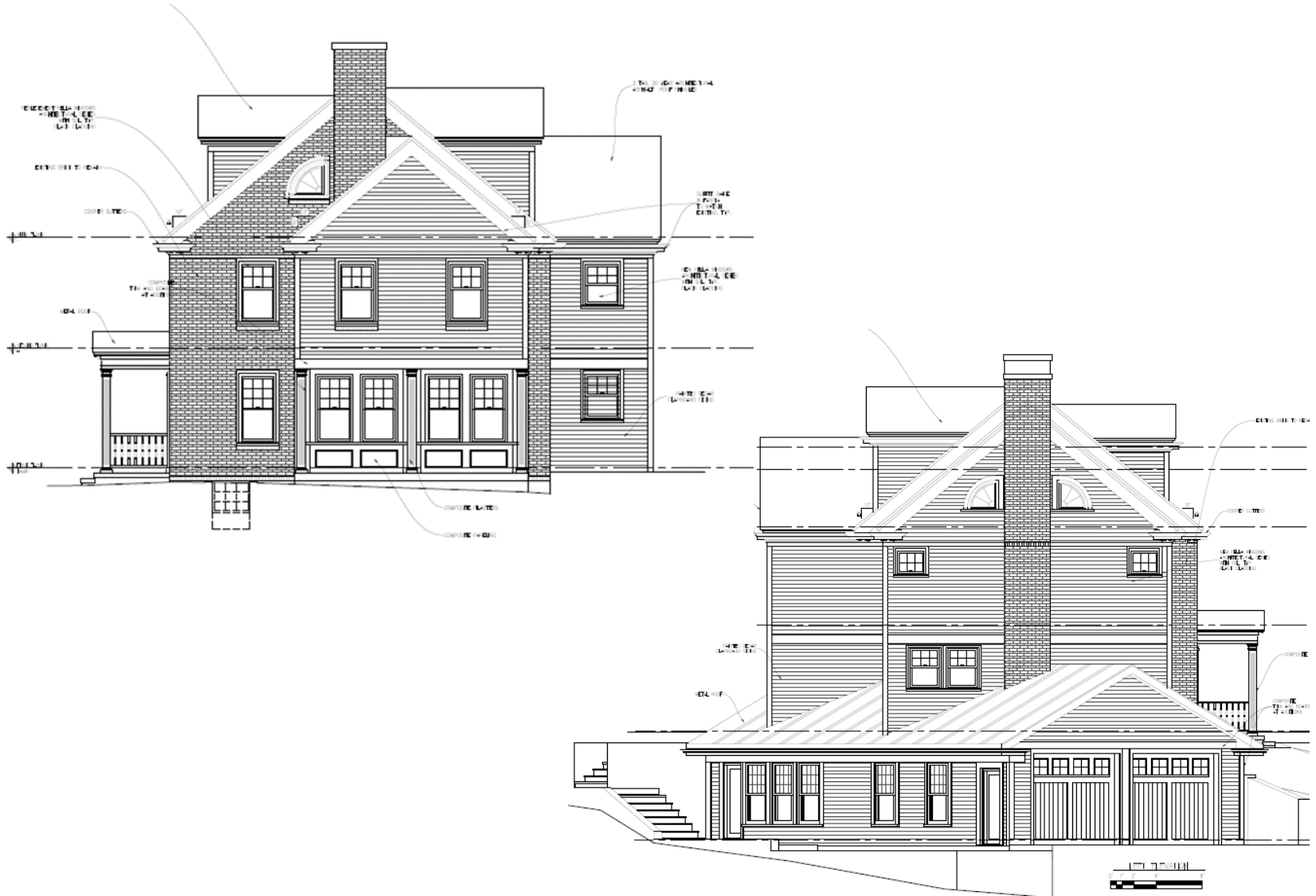
Site Plan- proposed (detail)



Elevations- proposed



Elevations- proposed



Elevations- proposed



SPECIAL PERMIT

Photos



Photos



Photos



Photos



Photos



Photos



Photos



Proposed Findings



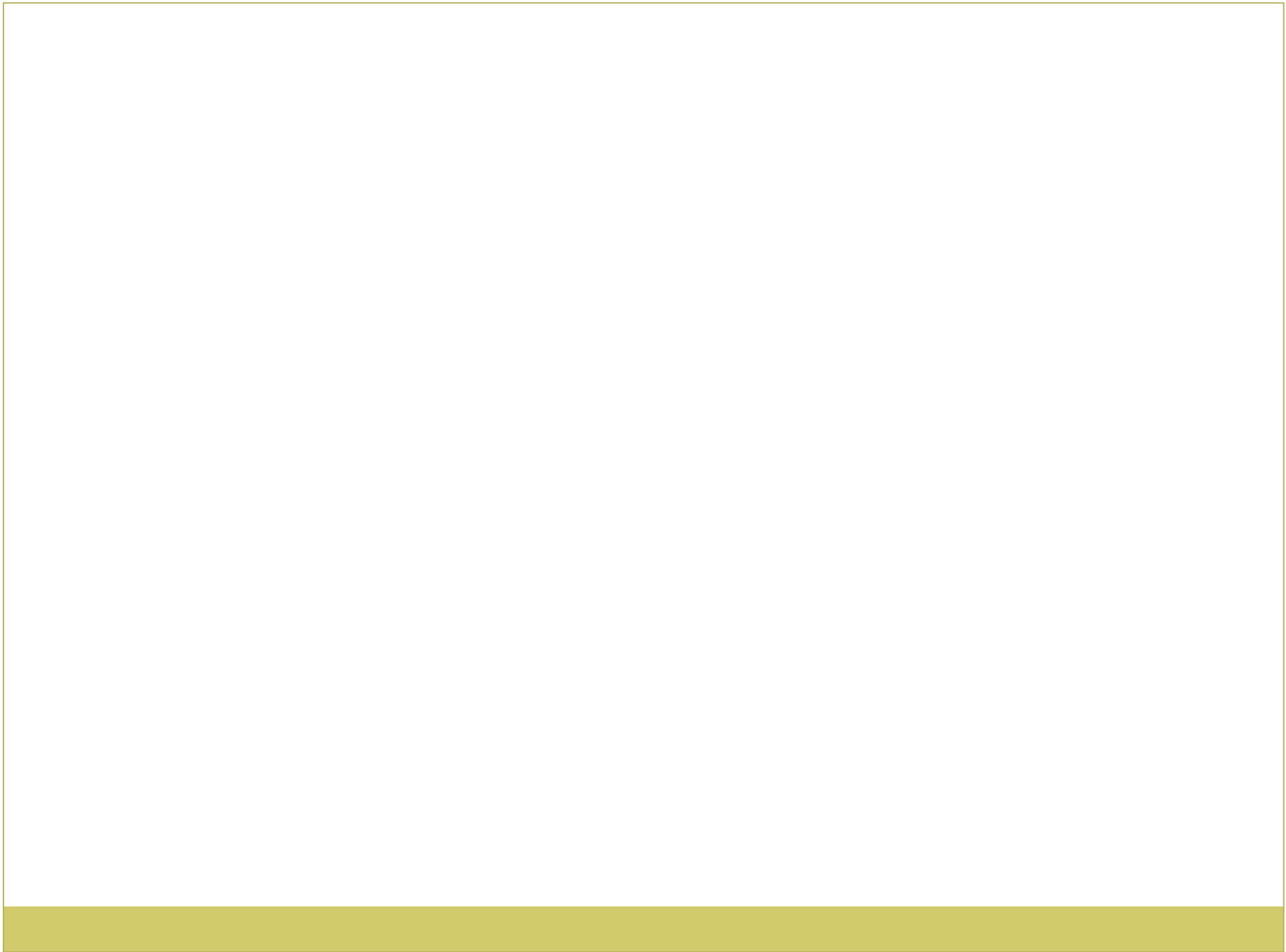
1. The site in a Single Residence 2 (SR2) district is an appropriate location for the project as designed with an oversized dormer and retaining walls higher than four feet in height given the limited visual impact of the proposed oversized dormer and the sloped topography of the property (§7.3.3.C.1)
2. The project as designed with an oversized dormer and retaining walls higher than four feet in height will not adversely affect the neighborhood given the limited visual impact of the proposed oversized dormer and the sloped topography of the property (§7.3.3.C.2)
3. The project as designed with an oversized dormer and retaining walls higher than four feet in height will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4); and
5. The proposed structure with an FAR of 0.38 where 0.33 is the maximum allowed is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood as other dwellings in the area feature are of similar scope and visual presence (§3.1.3; §3.1.9)

Proposed Conditions



1. *Plan Referencing Condition*
2. *Standard Building Permit Condition.*
3. *Pest and rodent remediation*
4. *Standard Final Inspection/Certificate of Occupancy Condition.*





Department of Planning and Development



**PETITION #191-22
52 OLDHAM ROAD**

**SPECIAL PERMIT/SITE PLAN
APPROVAL TO CONSTRUCT A
TWO-STORY REAR ADDITION
AND ENCLOSE BELOW AN
EXISTING PORCH, FURTHER
EXTENDING NONCONFORMING
FAR**

APRIL 5, 2022



Requested Relief



Special permit per §7.3.3 to:

- further extend nonconforming FAR (§3.1.3, §3.1.9, §7.8.2.C.2)

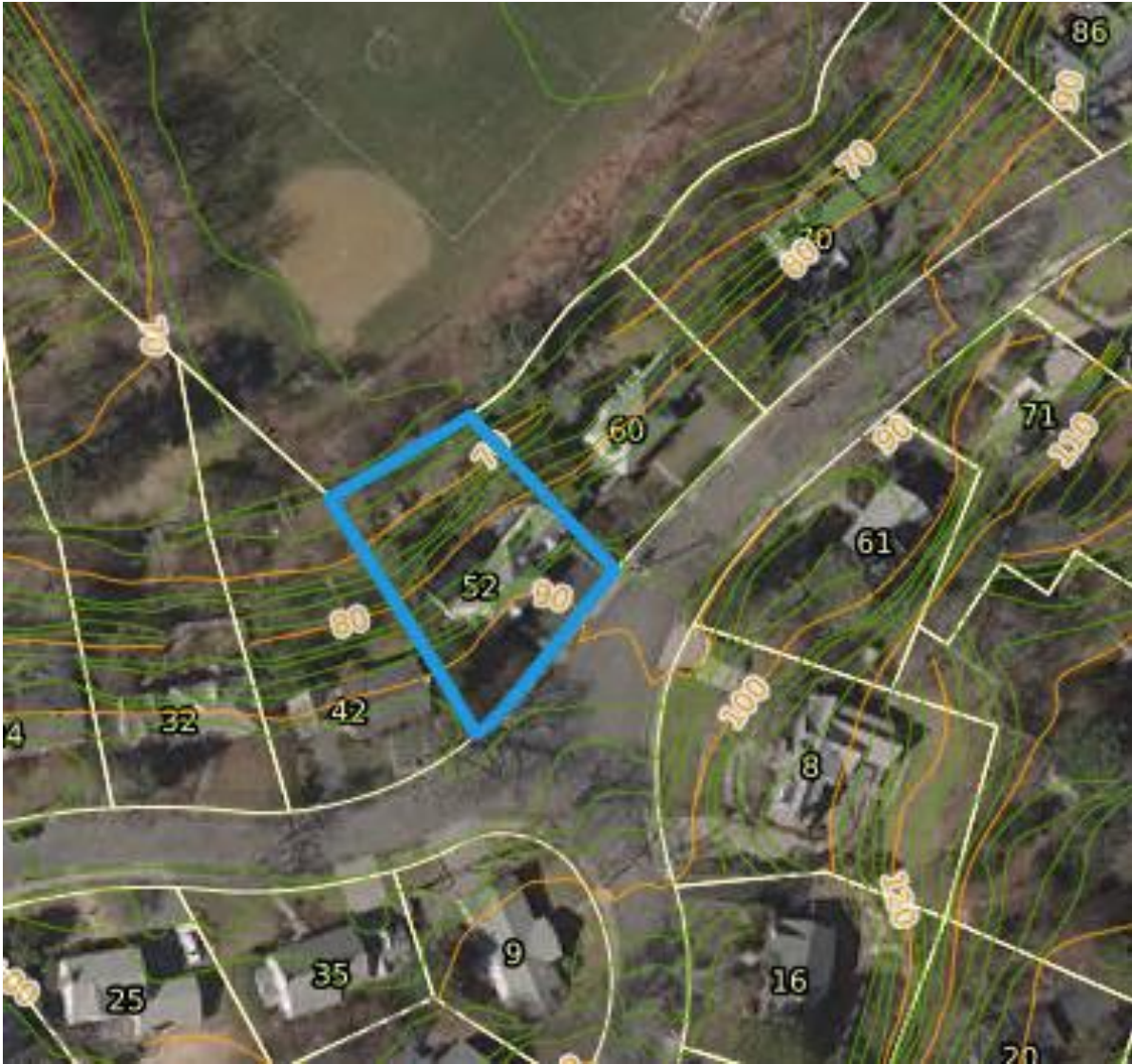
Criteria to Consider



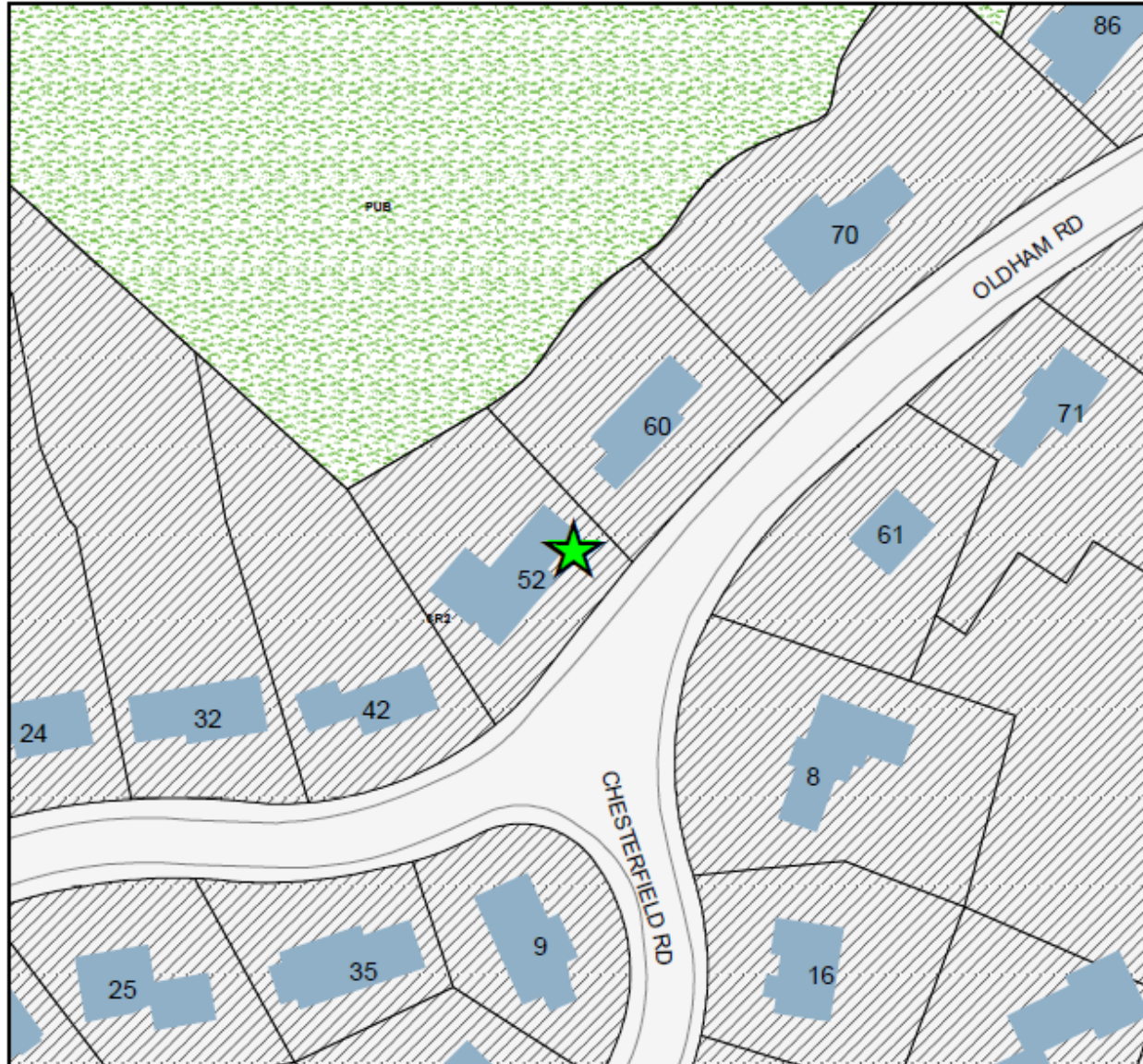
When reviewing the requested special permits the Council should consider whether:

- The proposed expanded dwelling as designed with a floor area ratio of 0.52 where 0.36 is the maximum allowed by-right would be substantially more detrimental than the existing nonconforming FAR of 0.43 is to the neighborhood (§3.1.3§3.1.9, §7.8.2.C.2)

AERIAL/GIS MAP



Zoning





ATTACHMENT B

Zoning

52 Oldham St.

*City of Newton,
Massachusetts*

Legend

-  Single Residence 2
-  Public Use



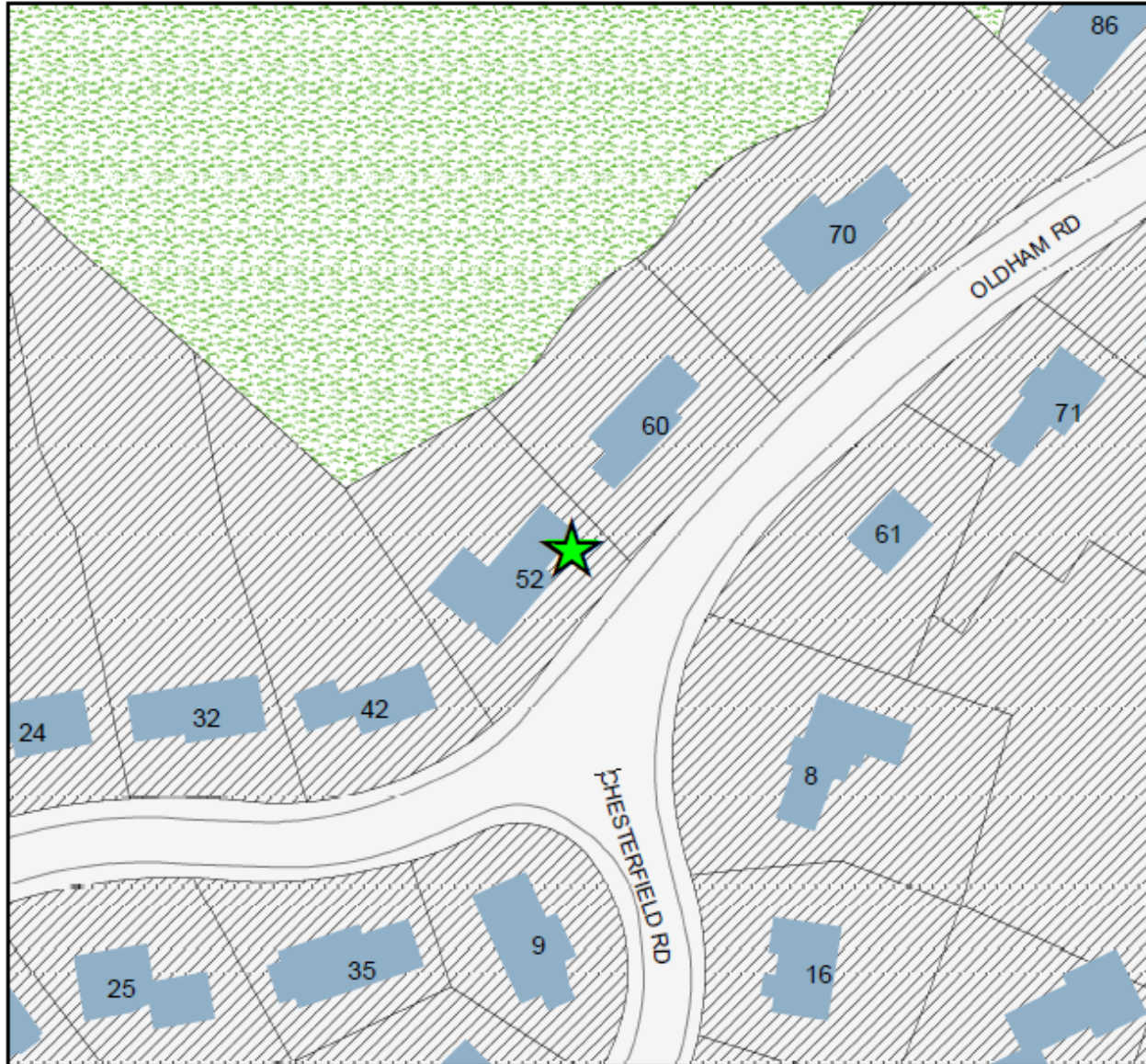
The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75
Feet

Map Date: March 31, 2022

Land Use



ATTACHMENT A



Land Use

52 Oldham St.

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Commercial
-  Open Space



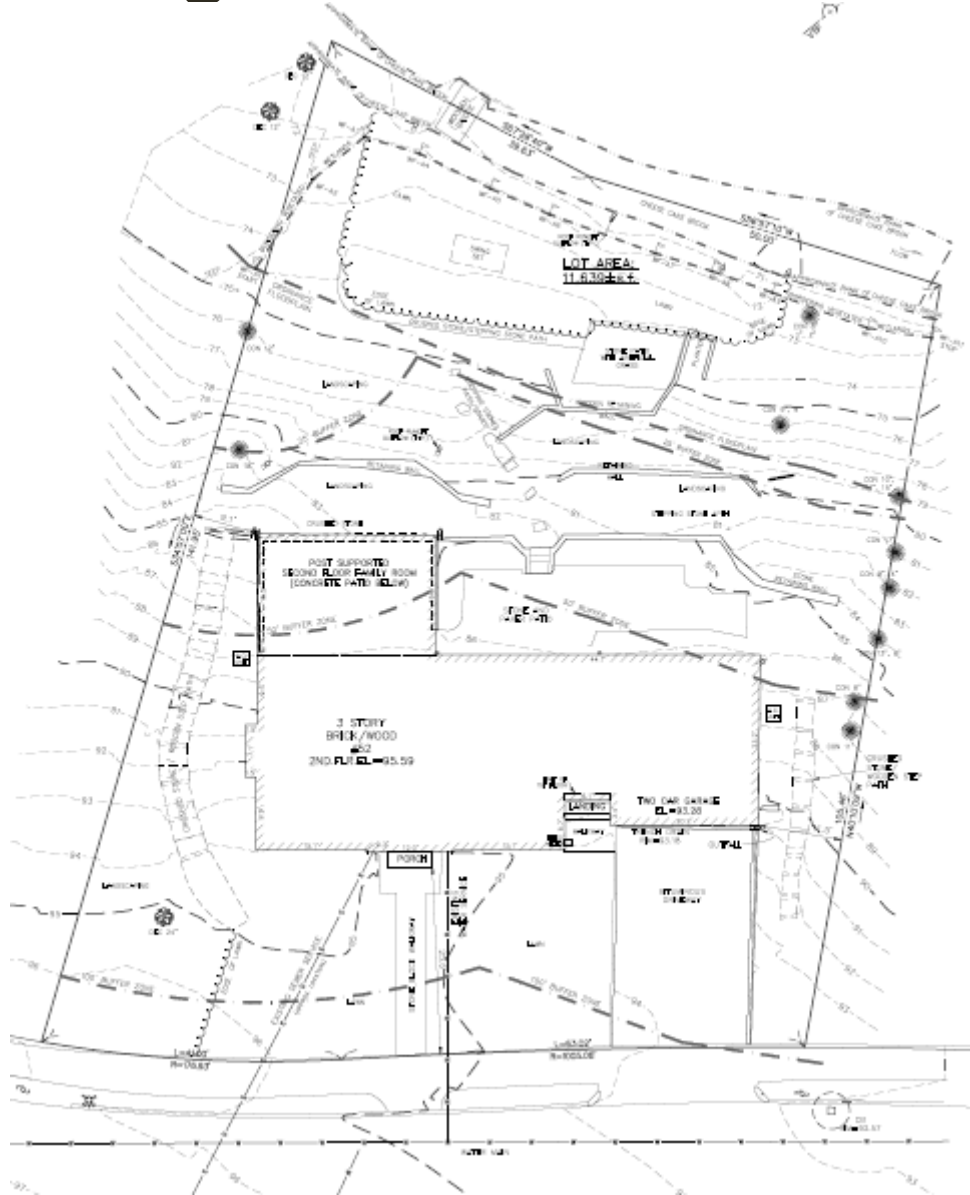
The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

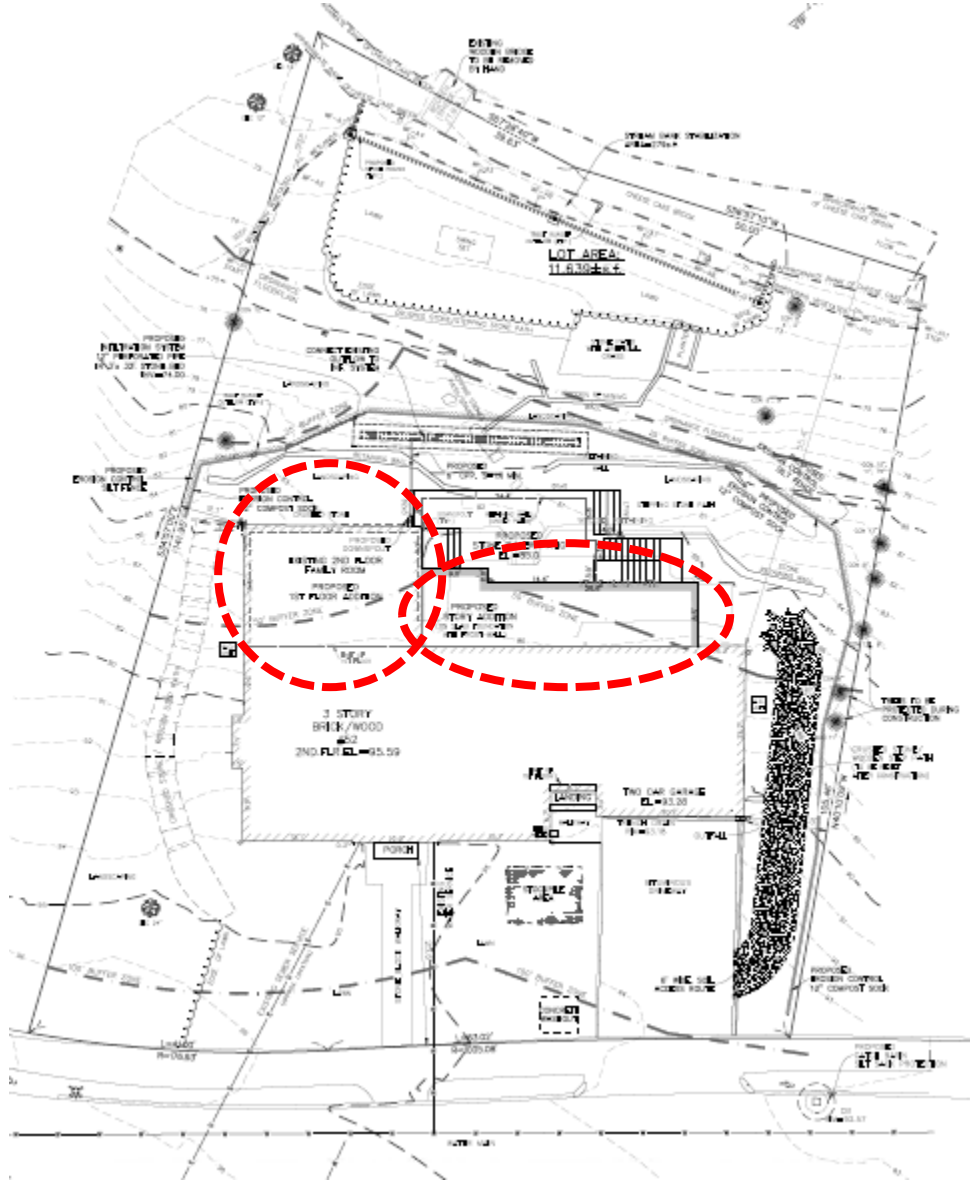


Map Date: March 31, 2022

Site Plan- existing



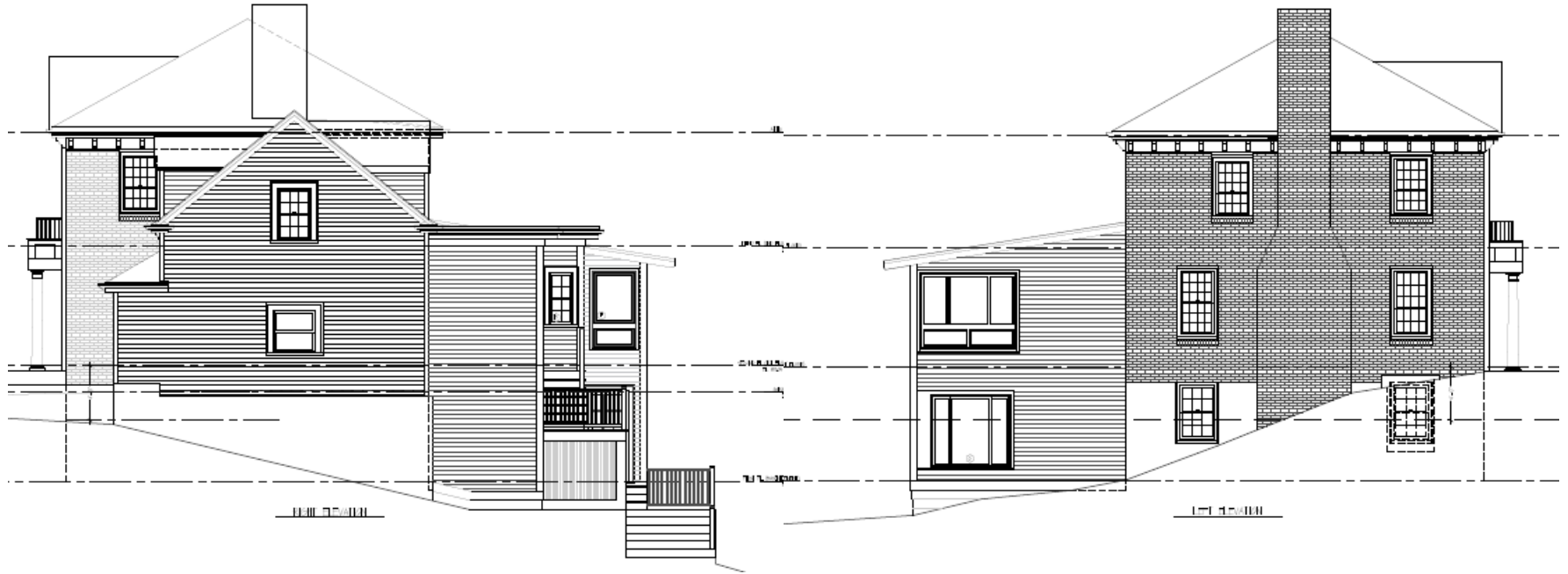
Site Plan- proposed



Elevations- existing Front



Elevations- proposed: Right & Left



Elevations- proposed: Rear



Photos



Photos



Photos



Photos



Photos



Proposed Findings



1. The proposed expanded dwelling as designed with a floor area ratio of 0.52 where 0.36 is the maximum allowed by-right would not be substantially more detrimental than the existing nonconforming FAR of 0.43 is to the neighborhood given the downward sloped topography of the site and since the proposed additions would be located to the rear of the dwelling they would have limited if any visibility from the adjacent public ways and properties (§3.1.3§3.1.9, §7.8.2.C.2)

Proposed Conditions



1. *Plan Referencing Condition*
2. *Standard Building Permit Condition.*
3. *Standard Final Inspection/Certificate of Occupancy Condition.*

Department of Planning and Development



PETITION #161-22

26 MAGNOLIA AVENUE

SPECIAL PERMIT/SITE PLAN
APPROVAL TO CONSTRUCT A
NEW DWELLING WITH
RETAINING WALLS ALONG THE
SIDES AND REAR OF THE
PROPERTY EXCEEDING 4' IN
HEIGHT

APRIL 5, 2022



Proposed Findings



1. The site in a Single Residence 2 (SR2) zoning district is an appropriate location for the proposed retaining walls exceeding four feet in height within the side and rear setbacks given the slope of the lot (§5.4.2.B)(§7.3.3.C.1)
2. The proposed retaining walls exceeding four feet in height within the side and rear setbacks will not adversely affect the neighborhood given their limited visibility from adjacent properties and public ways (§5.4.2.B)(§7.3.3.C.2)
3. The proposed retaining walls exceeding four feet in height within the side and rear setbacks will not create a nuisance or serious hazard to vehicles or pedestrians (§5.4.2.B)(§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)
5. The proposed dwelling with a floor area ratio (FAR) of 0.40 where 0.33 is the maximum allowed by right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood as the resulting structure would be similar *in* size and scale to existing structures in the surrounding neighborhood (§3.1.3, §3.1.9)

Proposed Conditions



- *Plan Referencing Condition (Mar. 4, 2022)*
- *Rodent and Pest Control*
- *Standard Building Permit Condition.*
- *Standard Final Inspection/Certificate of Occupancy Condition.*