

City of Newton Planning and Development

Petition #311-22

Special Permit/Site Plan Approval
*to allow retaining walls greater than
4' within side and rear setbacks*

September 13, 2022

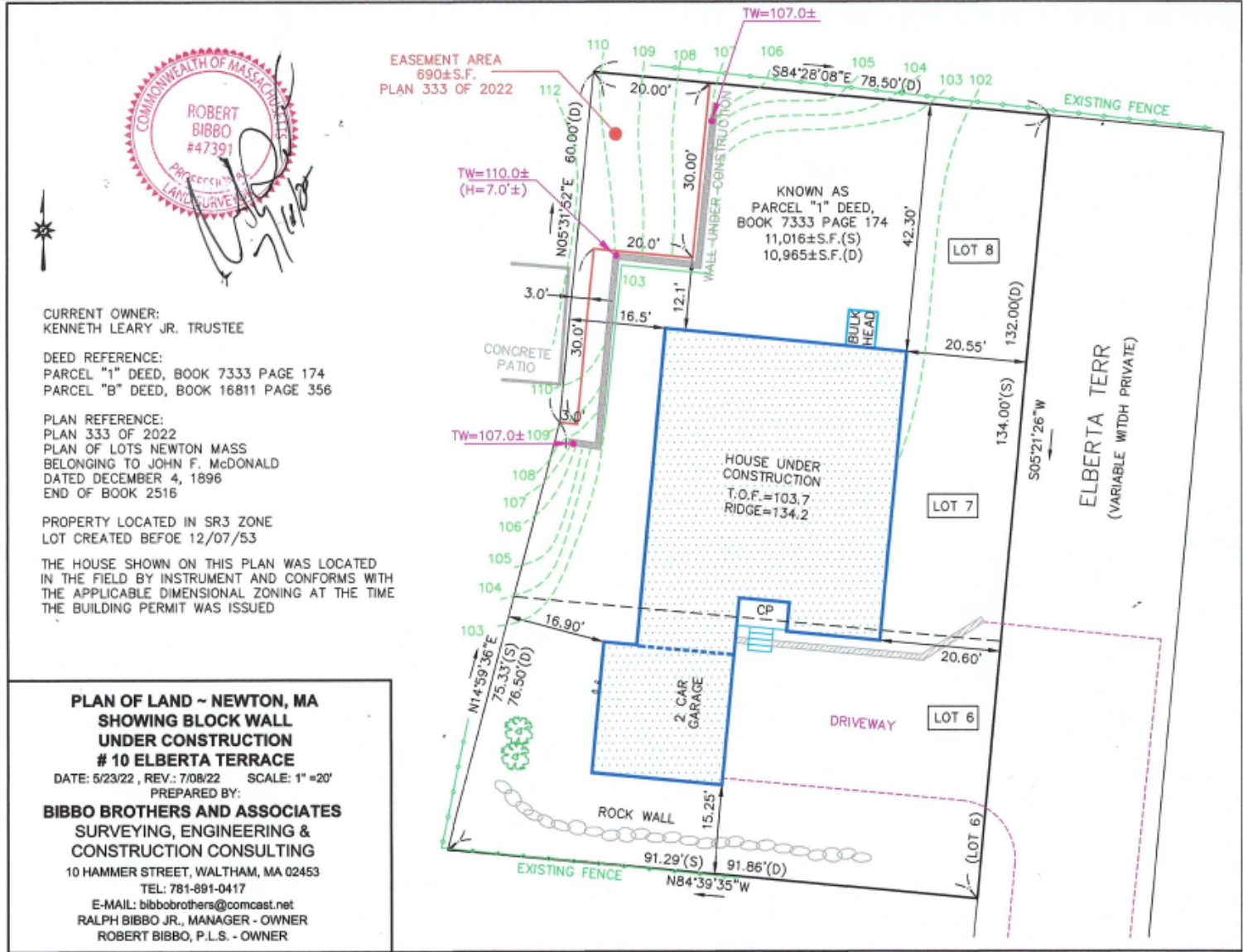


10 Elberta Terrace

Zoning Relief

| Zoning Relief Required | | |
|-------------------------------|--|------------------------|
| <i>Ordinance</i> | | <i>Action Required</i> |
| §5.4.2.B | Request to allow a retaining wall exceeding four feet within the setback | S.P. per §7.3.3 |

Plans- Special Permit Submission- stamped



Engineering Division memo (revised 9/13/2022)

- + Included site visit observations
- + Noted need for
 - + some corrective action
 - + Construction Management Plan (CMP)

Findings

- The specific site in a Single Residence 3 (SR3) district is an appropriate location for retaining wall in excess of four feet in height within the rear and side setbacks to assist in soil stabilization given the grades of adjacent properties (§7.3.3.C.1)
- The retaining wall in excess of four feet in height within a setback will not adversely affect the neighborhood (§7.3.3.C.2)
- The retaining wall in excess of four feet in height within a setback will not 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)

Conditions

- Plan Referencing Condition
- Prior to the issuance of any Building Permit issued pursuant to this Special Permit/Site Plan Approval, the Inspectional Services Department shall perform a structural analysis of the proposed retaining walls.
- Construction Management Plan (CMP)
- Standard Building Permit Condition
 - Incl. Final Site Plan for review and approval by the Engineering Division
 - “Such plan shall include certain features as determined in consultation with the owner of the immediately abutting residential property located to the west (address(es)) ”
- Standard Final Inspection / Certificate of Occupancy Condition
- The Petitioner shall ensure that any and all safety fencing installed in relation to the retaining walls approved pursuant to this order shall be maintained in good condition.