

DEPARTMENT OF PLANNING AND DEVELOPMENT

CITY OF NEWTON

Massachusetts

DATE: October 14, 2022

TO: Land Use Committee of the City Council

FROM: Barney S. Heath, Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning

SUBJECT: #317-19, 67 Walnut Street Consistency Request

Special Permit #317-19, approved December 2019, consisted of three single family attached dwellings as well as relief to reduce the setback requirement, to reduce the lot area per unit requirement, to allow a driveway within ten feet of the side lot line, and to allow retaining walls within the setbacks. At the time of approval and building permit, approved retaining walls exceeding four feet were shown in the side setback. The front of the site consisted of lawn area with an upwards slope of approximately six feet from the southeast corner of the lot to Unit 1's front porch.

In August 2022, Planning Staff observed a retaining wall along the frontage of the site. This wall was not shown on the approved plans nor building permit plans. The wall reaches a height of 3.4 feet and is located within the front and left side setback. Retaining walls under four feet are allowed as of right within a setback, however, the special permit places the subject property under site plan review, holding the petitioner to the approved plans with little variation allowed. While minor changes to the approved site plan can be deemed consistent, the Commissioner of Inspectional Services is seeking input from the Land Use Committee on this item.

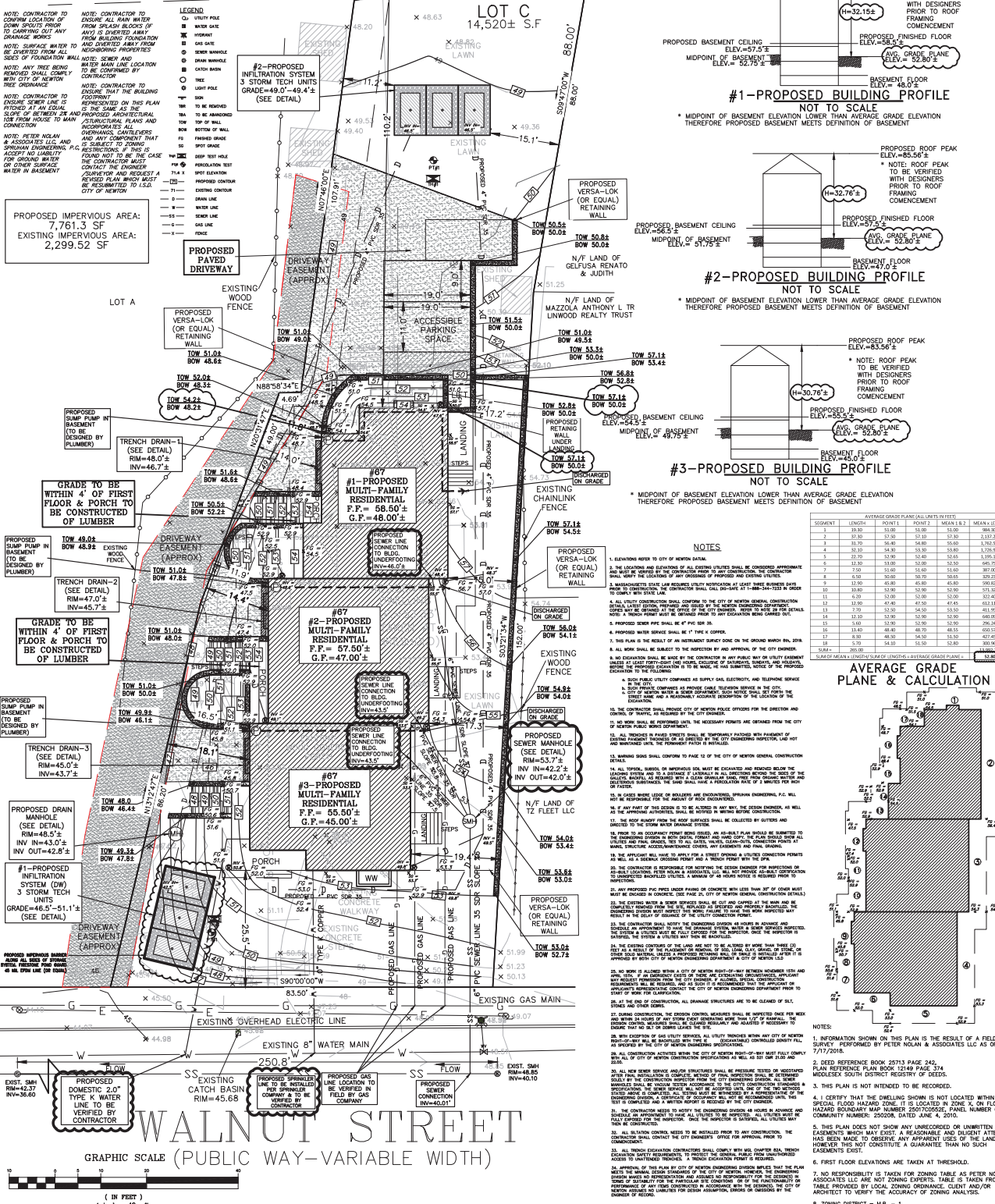
Please find attached the approved site plan under Council Order #317-19 (**Attachment A**) and the as-built plan submitted to the City showing the wall (**Attachment B**). The petitioner is expected to present the proposed modified plans at the upcoming meeting of the Land Use Committee; staff will be prepared to discuss them as well.

Attachment A: Special permit approved site plan
Attachment B: As built site plan
Attachment C: Photos of the retaining wall, August 2022

cc: Inspectional Services Department

EXISTING LEGEND	
—	SEWER LINE
—	SEWER MANHOLE
—	WATER LINE
—	GAS LINE
—	UTILITY POLE
—	GAS VALVE
—	OVERHEAD ELECTRIC SERVICE
—	WATER VALVE
—	CATCH BASIN
—	CONTOUR LINE (MMS)
—	CONTOUR LINE (MMS)
—	SPOT GRADE
—	DRAIN MANHOLE
—	HOBWANT
—	TRAIL

ZONING LEGEND			
ZONING DISTRICT	REQUIRED	PROPOSED	EXISTING
MIN. AREA	15,000 S.F.	14,520 S.F.	14,520 S.F.
MIN. FRONTAGE	80'	83.50'	83.50'
MIN. YARD FRONT	25'	25.5'	26.8'
MIN. YARD SIDE	25'	11.8'	19.2'
MIN. YARD REAR	25'	11.8'	19.2'
MAX. LOT COVERAGE	20%	23.1%	13.3%
MIN. OPEN SPACE	50%	26.5%	86.3%
MAX. BLDG. HEIGHT	36'	32.15'	42.9'



REVISION BLOCK		
BY	DESCRIPTION	DATE
PS	ISSUED FOR CITY OF NEWTON PER M. JAMES	6/27/19
ETS	CHECKED BY	6/27/19
PUN	APPROVED BY	6/27/19
PLN	SHEET	2 OF 6
PLN	PLAN NO.	
PLN	CLIENT:	
PLN	SHEET:	

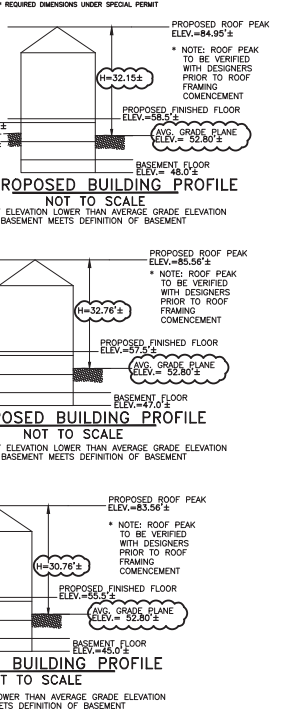
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67 WALNUT STREET, NEWTON, MASSACHUSETTS

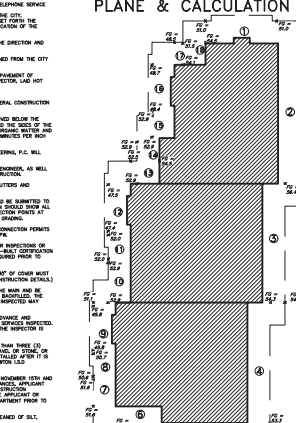
PROPOSED CIVIL PLAN

PETER NOLAN & ASSOCIATES, LLC
 LAND SURVEYORS/ENGINEERS
 ENGINEERING CONSULTANTS
 487 CANTON STREET
 BOSTON, MA 02115
 TEL: 617-552-1551
 FAX: 617-552-5891

SPRUHAN ENGINEERING, P.C.
 88 JENNETT ST. (SUITE 11)
 NEWTON, MA 02459
 TEL: 617-556-9722
 EMAIL: info@spruhan.com

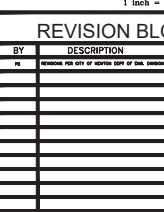


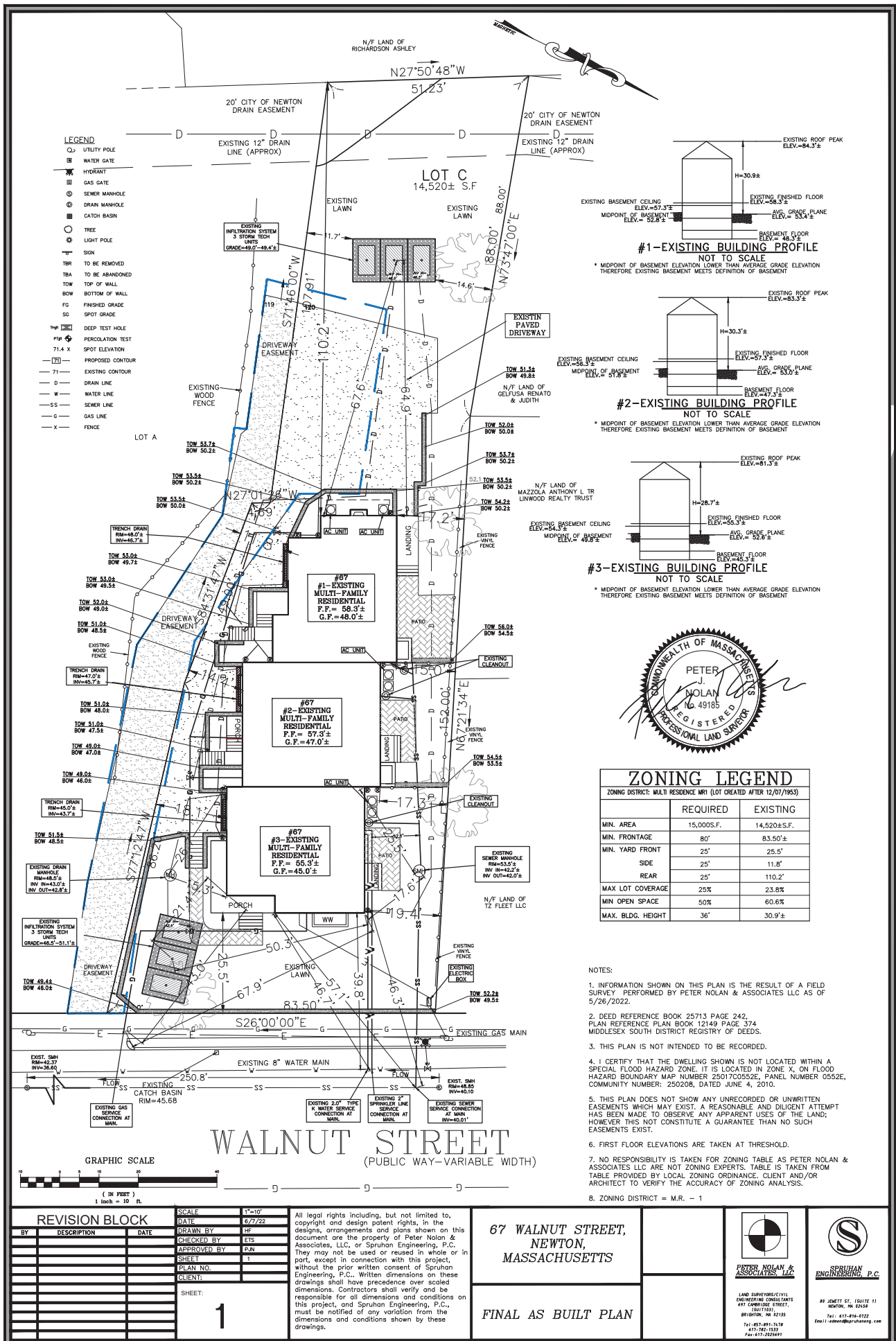
AVERAGE GRADE PLANE CALCULATION					
SECTION	LENGTH	POINT 1	POINT 2	MEAN ELEVATION	MEAN LENGTH
1	10.00	110.00	110.00	110.00	10.00
2	10.00	110.00	110.00	110.00	10.00
3	10.00	110.00	110.00	110.00	10.00
4	10.00	110.00	110.00	110.00	10.00
5	10.00	110.00	110.00	110.00	10.00
6	10.00	110.00	110.00	110.00	10.00
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8	10.00	110.00	110.00	110.00	10.00
9	10.00	110.00	110.00	110.00	10.00
10	10.00	110.00	110.00	110.00	10.00
11	10.00	110.00	110.00	110.00	10.00
12	10.00	110.00	110.00	110.00	10.00
13	10.00	110.00	110.00	110.00	10.00
14	10.00	110.00	110.00	110.00	10.00
15	10.00	110.00	110.00	110.00	10.00
16	10.00	110.00	110.00	110.00	10.00
17	10.00	110.00	110.00	110.00	10.00
18	10.00	110.00	110.00	110.00	10.00
19	10.00	110.00	110.00	110.00	10.00
20	10.00	110.00	110.00	110.00	10.00
21	10.00	110.00	110.00	110.00	10.00
22	10.00	110.00	110.00	110.00	10.00
23	10.00	110.00	110.00	110.00	10.00
24	10.00	110.00	110.00	110.00	10.00
25	10.00	110.00	110.00	110.00	10.00
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37	10.00	110.00	110.00	110.00	10.00
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44	10.00	110.00	110.00	110.00	10.00
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78	10.00	110.00	110.00	110.00	10.00
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82	10.00	110.00	110.00	110.00	10.00
83	10.00	110.00	110.00	110.00	10.00
84	10.00	110.00	110.00	110.00	10.00
85	10.00	110.00	110.00	110.00	10.00
86	10.00	110.00	110.00	110.00	10.00
87	10.00	110.00	110.00	110.00	10.00
88	10.00	110.00	110.00	110.00	10.00
89	10.00	110.00	110.00	110.00	10.00
90	10.00	110.00	110.00	110.00	10.00
91	10.00	110.00	110.00	110.00	10.00
92	10.00	110.00	110.00	110.00	10.00
93	10.00	110.00	110.00	110.00	10.00
94	10.00	110.00	110.00	110.00	10.00
95	10.00	110.00	110.00	110.00	10.00
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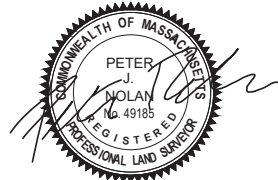
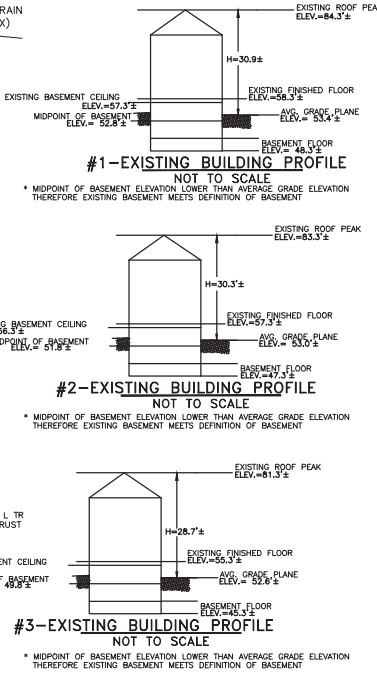
NOTES:

1. INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY PETER NOLAN & ASSOCIATES LLC AS OF 7/17/2018.
2. DEED REFERENCE BOOK 25713 PAGE 242.
3. IN REFERENCE PLAN BOOK 2246 PAGE 214 MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS.
4. THIS PLAN IS NOT INTENDED TO BE RECORDED.
5. CERTIFY THAT THE DWELLING SHOWN IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE X ON FLOOD HAZARD BOUNDARY MAP NUMBER 250702050E, PANEL NUMBER 0652E, COMMUNITY NUMBER: 200008, DATED JUNE 4, 2000.
6. THIS PLAN DOES NOT SHOW UNRECORDED OR UNLITENED EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT USES OF THE LAND. HOWEVER, THIS DOES NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.
7. FIRST FLOOR ELEVATIONS ARE TAKEN AT THRESHOLD.
8. NO RESPONSIBILITY IS TAKEN FOR ZONING TABLE AS PETER NOLAN & ASSOCIATES LLC ARE NOT ZONING CONSULTANTS. TABLE IS TAKEN FROM TABLE PROVIDED BY LOCAL ZONING ORDINANCE. CLIENT AND/OR ARCHITECT TO VERIFY THE ACCURACY OF ZONING ANALYSIS.
9. ZONING DISTRICT - M.B. - 1





- LEGEND**
- UTILITY POLE
 - WATER GATE
 - ⊕ HYDRANT
 - ⊕ GAS GATE
 - ⊕ SEWER MANHOLE
 - ⊕ CATCH BASIN
 - TREE
 - LIGHT POLE
 - ⊕ SIGN
 - ⊕ TO BE REMOVED
 - ⊕ TO BE ABANDONED
 - ⊕ TOP OF WALL
 - ⊕ BOTTOM OF WALL
 - FG FINISHED GRADE
 - SG SPOT GRADE
 - ⊕ DEEP TEST HOLE
 - ⊕ PERCOLATION TEST
 - 71.4 X SPOT ELEVATION
 - ⊕ PROPOSED CONTOUR
 - ⊕ EXISTING CONTOUR
 - D DRAIN LINE
 - W WATER LINE
 - SS SEWER LINE
 - G GAS LINE
 - X FENCE



ZONING LEGEND
ZONING DISTRICT: MULTI RESIDENCE MRL (LOT CREATED AFTER 12/07/1953)

	REQUIRED	EXISTING
MIN. AREA	15,000S.F.	14,520±S.F.
MIN. FRONTAGE	80'	83.50'±
MIN. YARD FRONT	25'	25.5'
SIDE	25'	11.8'
REAR	25'	110.2'
MAX LOT COVERAGE	25%	23.8%
MIN OPEN SPACE	50%	60.6%
MAX. BLDG. HEIGHT	36'	30.9'±

- NOTES:**
- INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY PETER NOLAN & ASSOCIATES LLC AS OF 5/26/2022.
 - DEED REFERENCE BOOK 25713 PAGE 242, PLAN REFERENCE PLAN BOOK 12149 PAGE 374 MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS.
 - THIS PLAN IS NOT INTENDED TO BE RECORDED.
 - I CERTIFY THAT THE DWELLING SHOWN IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE X, ON FLOOD HAZARD BOUNDARY MAP NUMBER 25017C0552E, PANEL NUMBER 0552E, COMMUNITY NUMBER: 25020B, DATED JUNE 4, 2010.
 - THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT USES OF THE LAND; HOWEVER THIS NOT CONSTITUTE A GUARANTEE THAN NO SUCH EASEMENTS EXIST.
 - FIRST FLOOR ELEVATIONS ARE TAKEN AT THRESHOLD.
 - NO RESPONSIBILITY IS TAKEN FOR ZONING TABLE AS PETER NOLAN & ASSOCIATES LLC ARE NOT ZONING EXPERTS. TABLE IS TAKEN FROM TABLE PROVIDED BY LOCAL ZONING ORDINANCE. CLIENT AND/OR ARCHITECT TO VERIFY THE ACCURACY OF ZONING ANALYSIS.
 - ZONING DISTRICT = M.R. - 1

REVISION BLOCK

BY	DESCRIPTION	DATE

SCALE 1"=10'

DATE 6/7/22

DRAWN BY PN

CHECKED BY ELS

APPROVED BY ELS

SHEET 1

PLAN NO.

CLIENT:

SHEET: 1

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67 WALNUT STREET, NEWTON, MASSACHUSETTS

FINAL AS BUILT PLAN

PETER NOLAN & ASSOCIATES, LLC
LAND SURVEYORS/CIVIL ENGINEERING CONSULTANTS 497 CORNWELL STREET, SUITE 103A, BOSTON, MA 02158
Tel: 617-891-7470 Fax: 617-232-6891

SPRUHAN ENGINEERING, P.C.
80 JENETT ST., SUITE 11 NEWTON, MA 02459
Tel: 617-876-8722 Email: edward@spruhaneng.com

