

City of Newton Planning and Development

Petition #60-23

Special Permit/Site Plan Approval to raze the existing dwelling and construct a two-family dwelling that will alter and extend a nonconforming front setback, further reduce and extend a nonconforming rear setback, allow reduced parking stall depth and allow parking within five feet of a street

March 7, 2023



43 River Avenue

Zoning Relief

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.2.3 §7.8.2.C.2	To alter and extend a nonconforming front setback	S.P. per §7.3.3
§3.2.3 §7.8.2.C.2	To further reduce and extend a nonconforming rear setback	S.P. per §7.3.3
§5.1.7.B.2 §5.1.13	To reduce the required parking stall depth	S.P. per §7.3.3
§5.1.7.A §5.1.13	To allow parking within five feet of a street	S.P. per §7.3.3

Zoning Relief

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§3.2.3 §7.8.2.C.2	To further reduce and extend a nonconforming rear setback	S.P. per §7.3.3
§5.1.7.B.2 §5.1.13	To reduce the required parking stall depth	S.P. per §7.3.3
§5.1.7.A §5.1.13	To allow parking within five feet of a street	S.P. per §7.3.3

- + existing nonconforming 16.5 foot front setback increased to 16.8 feet, less than required 25 feet
- + existing nonconforming 8.5 foot rear setback reduced and extended to 8.4 feet, less than required 15 feet
- + driveways approximately 17 feet in length (and 18.5 feet in width), less than the required 19 feet, also, stalls not at least five feet from the street

Criteria to Consider

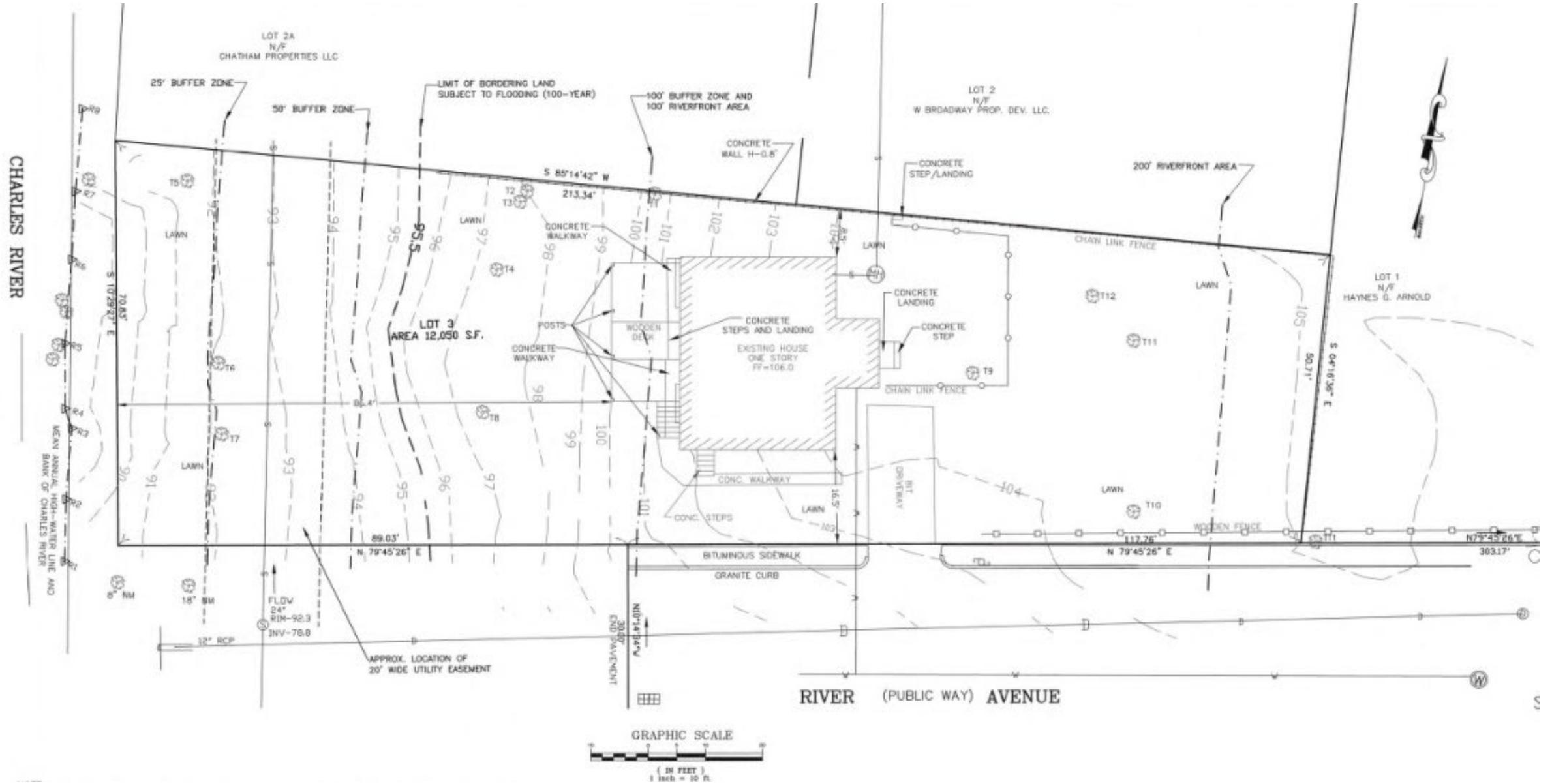
When reviewing this request, the Council should consider:

- the proposed changes to the existing nonconforming front and rear setbacks would be substantially more detrimental than the existing nonconformities to the neighborhood (§7.8.2.C.2)
- literal compliance with certain parking requirements related to parking stall length and proximity to the street 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)

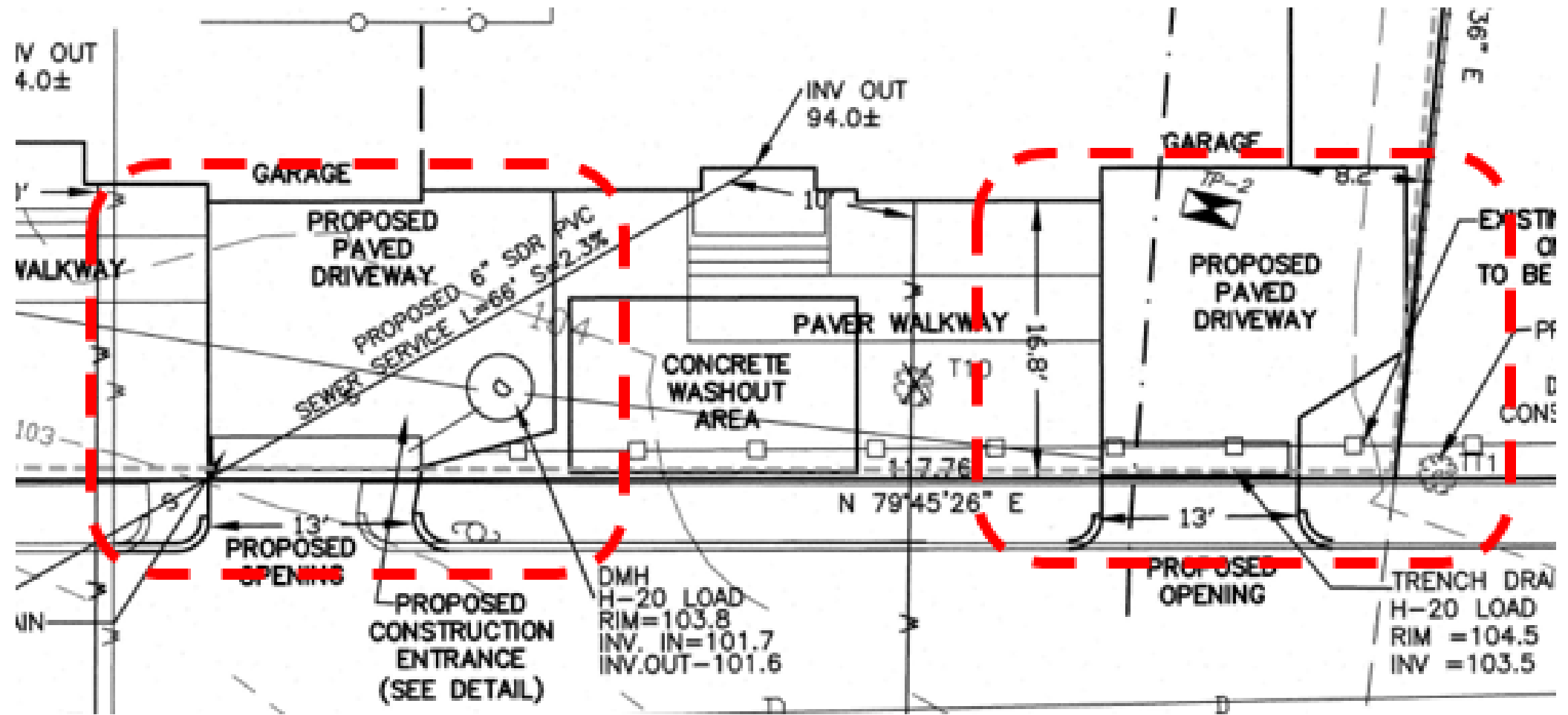
Aerial Map



Site Plan- Existing



Site Plan- Proposed (Detail)



Proposed Elevations- Front & East



FRONT ELEVATION

RIGHT SIDE ELEVATION

01/04/2023 LAYOUT REVISED PER CITY REQUEST		
DATE	NEWBORN	
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PROPOSED ELEVATIONS		
43 RIVER AVENUE, NEWTON, MASSACHUSETTS		
RAV & Assoc., Inc. 21 HIGHLAND AVENUE NEEDHAM, MASSACHUSETTS 02454 TELEPHONE: (781) 460-8330 FAX: (781) 460-8336		
SCALE: 1/4"=1'-0"	APPROVED BY: R.A.V.	DESIGNED BY: I.M.
DATE: 11/15/2022	CHECKED BY: R.A.V.	DRAWN BY: I.M.
		SHEET NO. A-3



Proposed Elevations- Rear & West



REAR ELEVATION



LEFT SIDE ELEVATION

01/04/20 LAYOUT REVISED PER CITY REQUEST		
DATE	REVISION	
	<p>ALL legal rights reserved, but not limited to, copyright and design patent rights, in the drawings, specifications and other documents, in the possession of the architect or the architect, engineer, interior decorator or other professional, in their respective jurisdictions, and shall be deemed to have been assigned to the architect or other professional, and shall remain the property of the architect or other professional, and shall be subject to the conditions of this contract and any other contract, and shall be subject to the conditions of any contract that the architect or other professional may enter into.</p>	
PROPOSED ELEVATIONS		
43 RIVER AVENUE, NEWTON, MASSACHUSETTS		
R.A.V. & Assoc., Inc. 41 HIGHLAND AVENUE WILMINGTON, MASSACHUSETTS 01894 TELEPHONE: (781) 449-8331 FAX: (781) 449-8332		
SCALE: 1/4"=1'-0"	DESIGNED BY: I.M.	DRAWING No.
APPROVED: R.A.V.	DRAWN BY: I.M.	A-4
DATE: 11/15/2022	CHECKED BY: R.A.V.	

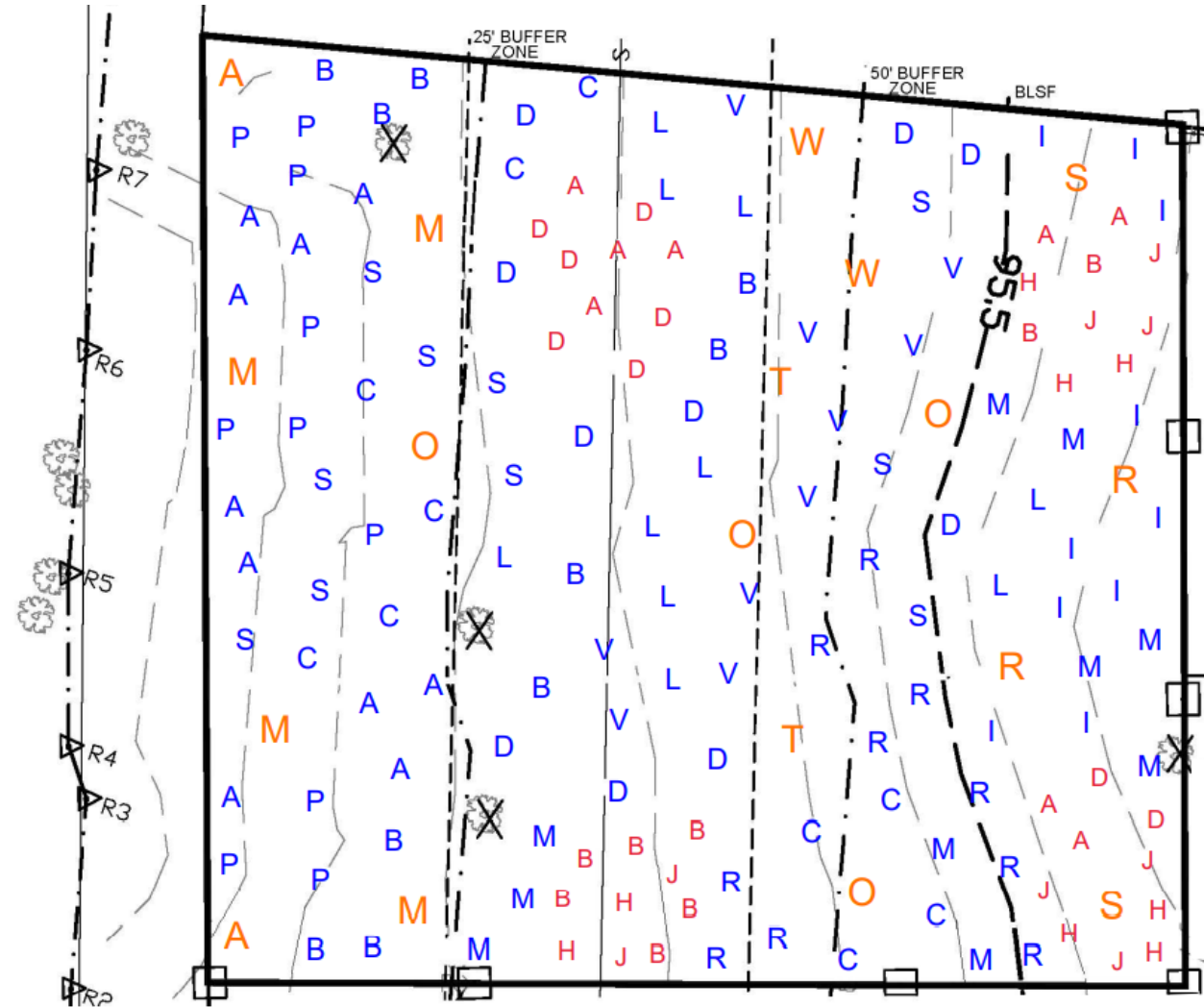


Plans- Landscaping

Enhancement Planting Area (3,850± S.F.)

Stratum; Species; Size; Spacing	
Saplings ; Various; 15' on-center	18
A Atlantic White Cedar (<i>Chamaecyparis thyoides</i> ; 4" Caliper)	2
O Northern Red Oak or Pin Oak (<i>Quercus rubra</i> or <i>palustris</i> ; 2.5" Caliper)	4
M Red Maple (<i>Acer rubrum</i> ; 2.5" Caliper)	4
T Tulip Tree (<i>Liriodendron tulipifera</i> ; 2.5" Caliper)	2
W White Spruce (<i>Picea alba</i> ; 4" Caliper)	2
R Eastern Redbud (<i>Cercis canadensis</i> ; 1.5" Caliper)	2
S Sweetbay Magnolia (<i>Magnolia virginiana</i> ; 1.5" Caliper)	2
Shrubs (Evergreen and Deciduous); 3-4' height; 6' on-center	110
S Serviceberry (<i>Amelanchier canadensis</i>)	10
L Mountain Laurel (<i>Kalmia latifolia</i>)	10
V American Witch-hazel (<i>Hamamelis virginiana</i>)	10
C Gray Dogwood (<i>Cornus racemosa</i>)	10
D Alternate-leaved Dogwood (<i>Cornus alternifolia</i>)	10
A American Cranberrybush (<i>Viburnum trilobum</i>)	10
M Black Chokeberry (<i>Aronia melanocarpa</i>)	10
P Sweet Pepper-bush (<i>Clethra alnifolia</i>)	10
R Virginia Rose (<i>Rosa virginiana</i>)	10
I Inkberry (<i>Ilex glabra</i>)	10
B Bayberry (<i>Morella pensylvanica</i>)	10
Small Shrubs; Size Below; 4 Pockets of 10; 4' on -center in pockets	40
B Bearberry (<i>Arctostaphylos uva-ursi</i> ; 6-12")	8
A Lowbush Blueberry (<i>Vaccinium angustifolium</i> ; 6-12")	8
H Northern Bush Honeysuckle (<i>Diervilla lonicera</i> ; 18-24")	8
D Sand Cherry (<i>Prunus depressa</i> 18-24")	8
J Common Juniper (<i>Juniperis communis</i> ; 18-24")	8

CHARLES RIVER



Photos



Photos



Photos



Photos



Findings

1. the proposed changes to the existing nonconforming front and rear setbacks would not be substantially more detrimental than the existing nonconformities to the neighborhood (§7.8.2.C.2)
2. literal compliance with certain parking requirements related to parking stall length and proximity to the street is impracticable due to the nature of the use, the location, size, width, depth, shape, or grade of the lot, and such exceptions would be in the public interest for the protection of environmental features (§5.1.13)

Conditions

- + *Plan Referencing Condition*
- + *Pest control*
- + *Construction Management Plan (CMP)*
- + *Operations & Management Plan (O&M)*
- + *Standard Building Permit Condition*
- + *Standard Final Inspection/Certificate of Occupancy Condition*