

City of Newton Planning and Development

Petition #92-23

Special Permit/Site Plan Approval to amend Special Permit #480-18 to allow a series of previously constructed retaining walls at 44 Ballard Street

April 4, 2023



44 Ballard St

Zoning Relief

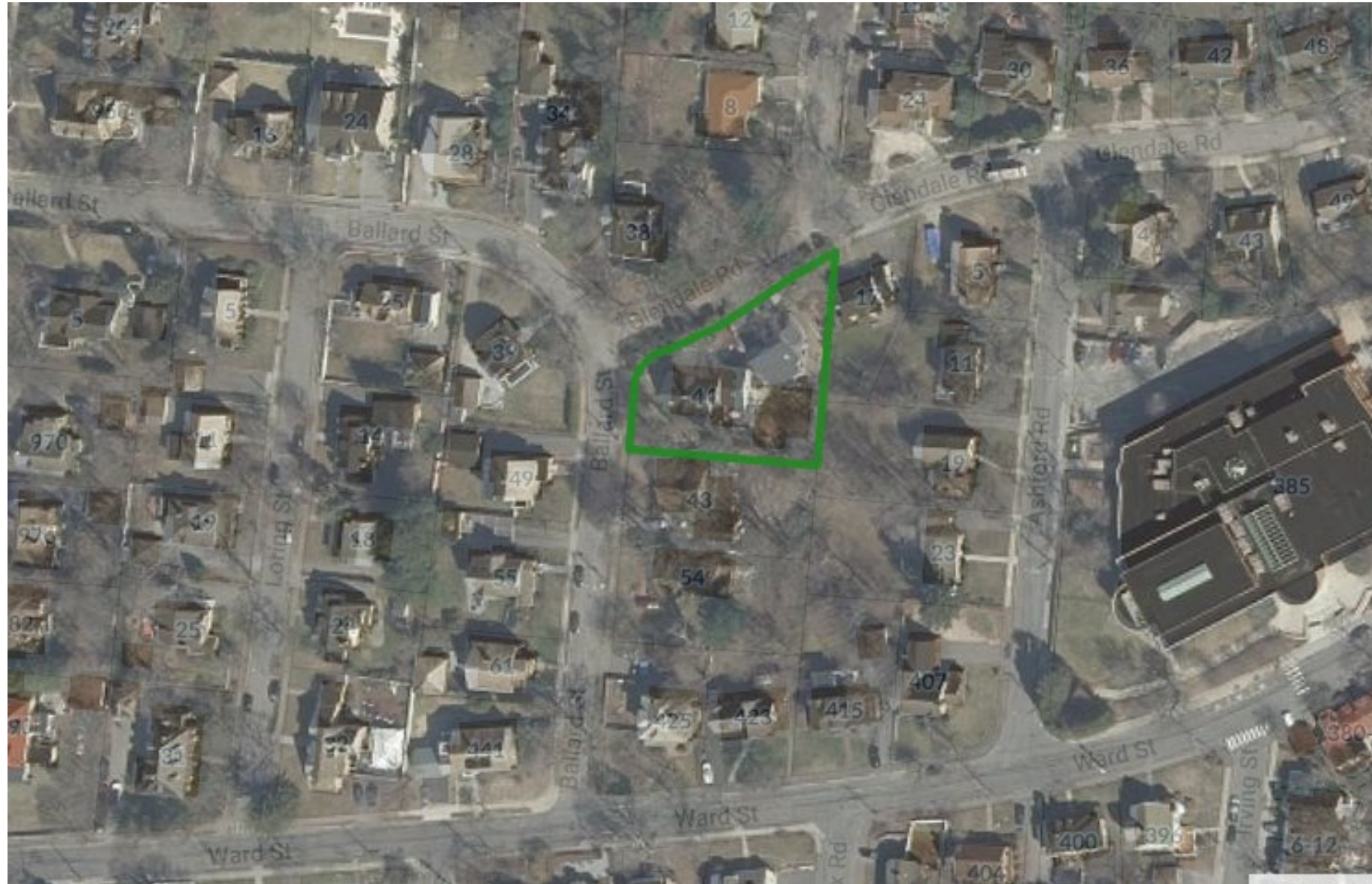
Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
	Request to amend Special Permit #480-18	
§5.4.2.B	Request to allow a retaining wall exceeding four feet within a setback	S.P. per §7.3.3

Criteria to Consider

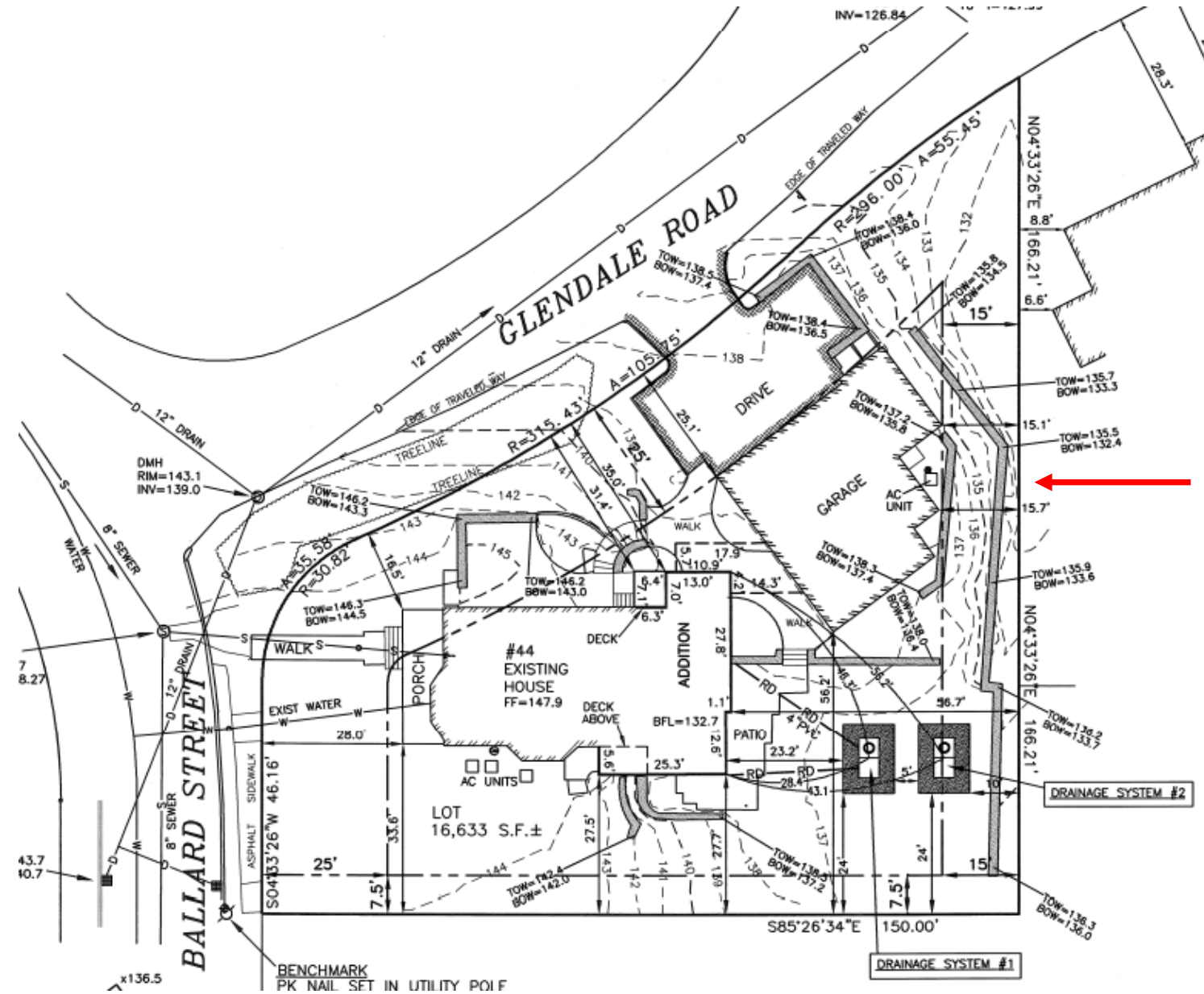
When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed series of retaining walls greater than four feet in height within a setback.
- The proposed series of retaining walls greater than four feet in height within a setback will adversely affect the neighborhood.
- The proposed series of retaining walls greater than four feet in height within a setback will create a nuisance or serious hazard to vehicles or pedestrians.
- Access to the site over streets is appropriate for the types and numbers of vehicles involved.

Aerial Map



Site Plan Revised



Retaining walls over 4 feet tall in rear yard setback

Interdepartmental Review

- + Engineering: Site visit conducted and site stable with no issues. Inspections were not requested for the wall construction and drainage system. Engineering recommends documentation certifying construction and O&M plan (included in conditions)
- + Historic: Review is not required at this time.

Findings

- + *The specific site is an appropriate location for the proposed series of retaining walls greater than four feet in height within a setback due to the topography of the specific site. (§7.3.3.C.1)*
- + *The amendment to Council Order #480-18 allowing the proposed series of retaining walls greater than four feet in height within a setback will not adversely affect the neighborhood as the walls are located away from the street and are minimally visible. (§7.3.3.C.2)*
- + *The amendment to Council Order #480-18 allowing the proposed series of retaining walls greater than 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 because the driveway and parking configuration remain unchanged. (§7.3.3.C.4)*

Conditions

- + *Plan Referencing Condition*
 - + *Updated Site Plan*
- + *Engineering Review*
- + *Standard Building Permit Condition*
- + *Final Inspection/Certificate of Occupancy Condition*
 - + *Operations & Management Plan (O&M)*
 - + *Certification of Installation of Retaining Walls*