

City of Newton, Massachusetts

Department of Planning and Development 1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone (617) 796-1120 Telefax (617) 796-1142 TDD/TTY (617) 796-1089 www.newtonma.gov

James Freas Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: January 12, 2016 Land Use Action Date: March 29, 2016 City Council Action Date: April 4, 2016 90-Day Expiration Date: April 12, 2016

DATE: January 8, 2016

TO: City Council

FROM: James Freas, Acting Director of Planning and Development

Alexandra Ananth, Chief Planner for Current Planning

Daniel Sexton, Senior Planner

Petition #351-15, CHARLES ZAMMUTTO/DOUGLAS & MAGDALENA TURCOTTE, for SUBJECT:

> a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to create four attached dwelling units in an existing two-family dwelling including waivers from the height and number of stories, the side setback, and to locate parking and a driveway within a setback at 1110 CHESTNUT STREET, Ward 5, Newton Upper Falls, on land known as SBL 51, 41, 2, containing approximately 22,800 sf of land in a district zoned MULTI-RESIDENCE 1. Ref.: Sec. 7.3, 7.4, 2.4.1, 3.2.4, 5.4.2, 6.2.3B.2, 5.1.7.A, 5.1.13, 6.2.3.B.2 of Chapter 30 of the

City of Newton Rev. Zoning Ord., 2015.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision-making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at a subsequent working session.



1110 Chestnut Street

EXECUTIVE SUMMARY

The property at 1110 Chestnut Street consists of approximately 22,800 square feet of land, and is improved with a two-family dwelling constructed in 1875. The applicant is looking to convert the current two-family use in the structure into a four-unit attached dwelling development. To accommodate the proposed use, the applicant is proposing to expand the existing structure by constructing two two-story additions on either side of the structure (when facing the site from the street), develop a one-story detached carriage house with parking for three cars at the rear of the site, and develop two new covered porches. The applicant is seeking a special permit to allow the attached dwelling use, and dimensional relief to reduce the minimum side yard setback on the eastern side of the principal structure to 14.4 feet, construct a seven foot tall retaining wall within the rear setback, locate vehicle parking within five feet of the side and rear setbacks, and to maintain the current driveway which is less than ten feet from the side lot line.

Due to the structure's age and scope of the proposed project, the Newton Historical Commission (NHC) reviewed the proposal (ATTACHMENT A AND B). NHC found the structure to be preferably preserved for architectural integrity and historic context under the City's Demolition Delay Ordinance (§22-50), and subsequently approved the direction of the project plans based upon materials submitted for review. The demolition delay issued by NHC is in effect until August 27, 2016. The applicant sought a waiver of the demolition delay; however, revised plans need to be reviewed and approved by NHC before the demolition delay is granted.

The Planning Department does not have any significant concerns with the proposed land use, as the project preserves the historic features of the current structure and significantly reduces the impacts of the site on surrounding properties. The lot area per unit for this project is consistent with the other surrounding properties in the Multi-Residence district, as most of the parcels developed with two-family dwellings in the neighborhood are located on lots that are less than half the size of the subject property. In terms of the proposed architectural design and site planning, the Planning Department believes the applicant has mitigated the visual impact from the street, and that the project will improve the property.

During the review of this application, the Planning Department received information that the property may contain more than two dwelling units. The Planning Department has notified the Inspectional Services Department, which is investigating these claims. The applicant or the current property owner should be prepared to respond to these claims at the public hearing.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The specific site is an appropriate location for four attached dwellings. (§3.4.1 and §7.3.3.C.1)
- > The proposed project as developed and operated will not adversely affect the

surrounding neighborhood. (§7.3.3.C.2)

- There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the site is appropriate for the number and types of vehicles involved. (§7.3.3.C.4)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located on Chestnut Street, but is near the intersection of Pennsylvania Avenue/Chestnut Street. The land uses in the surrounding neighborhood consist of single-, two-, and multi-family residential (ATTACHMENT C). The zoning districts in the surrounding neighborhood consist of Multi-Residence 1 and 3 districts (ATTACHMENT D).

B. Site

The site consists of approximately 22,800 square feet of land, and is improved with a two-family dwelling constructed in 1875. The topography of the site slopes up significantly from the front property line to the rear property line, for a total grade change of approximately 36 feet (Attachment E). Portions of the site's topography have been modified through the construction of retaining walls. The site has vehicle access via a bituminous driveway on the western side of the site, which the current parking stalls are perpendicularly oriented too. The remaining portions of the site consist of lawn with some landscape beds and mature trees, mainly located at the front and rear of the site.

III. PROJECT DESCRIPTION AND ANALYSIS

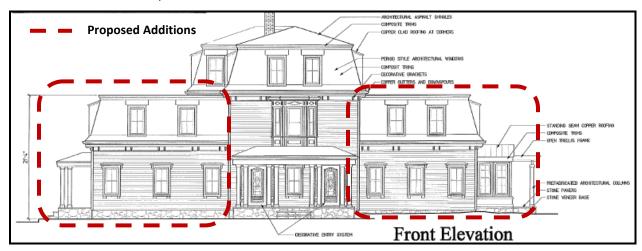
A. Land Use

The applicant is proposing to convert the existing structure into a four-unit attached dwelling development. The Planning Department believes that the proposed use is appropriate for the site considering the development patterns of the surrounding neighborhood. The parcels along Chestnut Street and in the surrounding area consist mostly of single- and two-family dwellings on lots that are approximately half the size of the subject property. The properties on Keefe Avenue and Hale Street are similarly developed, but consist of lots that are less than half the size of the subject property. Given the development patterns of the immediate neighborhood, the Planning Department believes that the project will be consistent with the density of the neighborhood in terms of lot area per unit.

B. <u>Building and Site Design</u>

To accommodate the proposed use, the applicant is proposing to modify the historically significant building through the construction of two two-story additions on

the east and west sides of the structure and by adding two new covered porches. Each of the proposed additions will accommodate living space for one of the proposed units (specifically Units #1 and #4). The current portions of the structure, which are being retained, will be divided into Units #2 and #3. The applicant is also proposing to construct a one-story detached carriage house with parking for three cars and a partially enclosed carport with parking for three cars at the rear of the site. The proposed additions and detached structures are designed so the exterior materials, design elements, and ornamentation are sensitive to the current structure's historic architecture, and have been subordinated to the rest of the structure.



Additionally, the applicant is proposing to modify the design of the site to accommodate the expanded and new structures and on-site circulation patterns. The current driveway and parking area on the western side of the property will be partially removed to allow for the expansion of the residential structure and will increase the amount of useable open space. While not depicted on the current set of plans, the applicant is committed to developing a four-foot wide walkway connecting the proposed walkways to the street. The walkway connection will also better facilitate emergency vehicle access. Furthermore, the applicant is proposing to construct a seven-foot retaining wall at the rear of the site to accommodate the proposed parking facility.

The Planning Department believes that the architectural design and site planning for the project are appropriate for the site and surrounding neighborhood, and will be a significant improvement over the existing conditions. Based on the input provided by the NHC, the Planning Department believes that the design of the additions and detached structures will preserve the historic significance of the current structure. While a portion of the proposed eastern addition will be located within 14.4 feet from the eastern side property line; the Planning Department believes the existing and proposed topography and vegetation, and the stepped height of the addition will minimize off-site impacts. With regard to the development of a retaining wall exceeding four feet in the side and rear setbacks, the Planning Department believes

this structure is appropriate to allow the relocation of the required parking stalls and will replace a series of existing retaining walls. The Planning Department also believes the Engineering Division's review of the site design and proposed retaining wall will confirm that the project will improve the existing conditions. The Planning Department does, however, recommend that the applicant strengthen the planting regime along the eastern property line, through the planting of native conifer trees, to further reduce the visual impact of the eastern addition.

C. Parking and Circulation

The applicant is proposing to significantly modify the current parking layout and circulation pattern on-site. The development proposal includes the removal of the parking stalls currently located in the front yard and replaces these spaces with lawn. At the rear of the expanded structure, the applicant is proposing to provide eight new parking stalls, of which: three will be located within a new detached carriage house; three are sited under a partially enclosed carport; and two are unenclosed stalls. The applicant is also proposing to reduce the size of the current driveway to 16 feet, but will maintain the driveway within approximately six feet of the western property line. The Planning Department notes that the applicant is committed to developing a walkway on the eastern side of the proposed driveway to improve pedestrian connectivity to the street and ensure adequate emergency vehicle access. Revised plans showing the proposed walkway should be submitted for review prior to scheduling any further public hearings or working sessions.

The Planning Department believes the proposed circulation and parking layout is a significant improvement over the existing conditions. In terms of the relief requested to maintain a portion of the current driveway within 10 feet of the side lot line, the Planning Department is not concerned with the proposed siting of the driveway as the overall amount of impervious dedicated to driveway is being reduced. With regards to the placement of parking stalls within the side and rear setbacks, the Planning Department believes the proposed parking facility will enhance the appearance of the site by removing parking stalls from the front yard and mitigate the visual impact of this facility from the street. To confirm adequate on-site vehicular circulation, the applicant should provide an auto-turn plan.

D. <u>Landscape Screening</u>

The applicant did not provide a landscape plan for the project. The Planning Department notes that the current vegetation on-site and on adjacent properties appears to provide some screening during certain times of the year. To better understand the visual impact of the project, the Planning Department encourages the applicant to provide a landscape plan which illustrates the proposed planting regime. This plan should also show the tree removal and planting schedule, to ensure compliance with the City's Tree Preservation ordinance.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum (ATTACHMENT F) provides an analysis of the proposal with regard to zoning. The applicant is seeking the following reliefs:

- §3.4.1, to allow four-unit attached dwellings;
- > §3.2.4, to allow the reduction of the side setback from 25 feet to 14.4 feet;
- §5.4.2, to allow a retaining wall exceeding four feet in a setback;
- §6.2.3.B.2, to locate parking stalls within 20 feet of a boundary line;
- > §5.1.7.A and §5.1.13 to locate parking stalls within the side and rear setbacks; and
- ➤ §6.2.3.B.2, to locate a driveway within 10 feet of a side lot line.

B. <u>Engineering Review</u>

The Engineering Division of Public Works was not able to complete its review of this project prior to the opening of the public hearing. It is expected that the Engineering Division will be able to complete its review of this proposal prior to the close of the public hearing.

C. Fire Review

While the applicant has indicated that the entire structure will be sprinkled, the applicant should consult with Fire Prevention to ensure the site has adequate emergency access.

D. Newton Historical Commission

The NHC reviewed the proposal and found the structure to be preferably preserved for architectural integrity and historic context under the City's Demolition Delay Ordinance (§22-50) (ATTACHMENT A). Subsequently, the NHC approved the direction of the project plans based upon materials submitted for a waiver of the demolition delay; however, revised plans need to be reviewed and approved by NHC before the waiver is granted (ATTACHMENT B). The demolition delay issued by NHC is in effect until August 27, 2016.

V. PETITIONER'S RESPONSIBILITIES

The applicant should consider the comments raised by the Planning Department, and address any issues raised by the Engineering Division of Public Works or Fire Prevention prior to scheduling any further public hearings or working sessions.

ATTACHMENTS:

Attachment A: Newton Historical Commission Decision, dated September 3, 2015

Attachment B: Newton Historical Commission Decision, dated November 6, 2015

Attachment C: Land Use Map
Attachment D: Zoning Map
Attachment E: Topography Map

Attachment F: Zoning Review Memorandum, dated November 10, 2015



ATTACHMENT A

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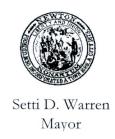
James Freas Acting Director

Newton Historical Commission Demolition Review Decision

Date: _	9/3/15	Zoning & Dev. Review Project#	1508004	6
Address	s of structure:	1110 Chestnut Street		
Type of	building:	former rectory		
If partia	al demolition,	feature to be demolished is		
is Is	is not	x in a National Register or local historx on the National Register or eligible	e for listing.	ot visible from a public way. events, or architectural or social history
is	xis not	historically or architecturally impor x located within 150 feet of a histor	rtant for perio	od, style, architect, builder, or context.
is		FORIC as defined by the Newton Demol olition is not delayed and no further rev		
is	K HISTOF	RIC as defined by the Newton Demolitio	n Delay Ordir	nance (See below).
The Ne	wton Historica	Commission staff:		
d		the proposed project based upon mate olition is not delayed, further staff review		
X		T APPROVE and the project requires ton Historical Commission review (See	below).	
The Ne	wton Historica	l Commission finds the building or struc	ture:	
is		RABLY PRESERVED olition is not delayed and no further rev	view is require	<u>ed</u> .
is <u>x</u>	PREFERA	BLY PRESERVED – (SEE BELOW).		
Delay o	of Demolition:		2	Please Note: if demolition does not occur
X	is in effect unt	il <u>8/27/16</u>		within two years of the date of expiration of the demolition delay, the demolition will
	has been waive	ed - see attached for conditions	NH	require a resubmittal to the Historical Commission for review and may result in another demolition delay.



Preserving the Past Planning for the Future



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James Freas Acting Director

RECORD OF ACTION:

DATE:

September 3, 2015

SUBJECT:

1110 Chestnut Street

At a scheduled meeting and public hearing on August 27, 2015 the Newton Historical Commission, by vote of 6-0:

RESOLVED to find 1110 Chestnut Street preferably preserved for architectural integrity and historic context.

Voting in the Affirmative:

Voting in the Negative:

Abstained:

Nancy Grissom, Member Mark Armstrong, Member Jeff Templer, Member Peter Dimond, Member Ellen Klapper, Alternate Len Sherman, Alternate

Katy Hax Holmes

Staff

Determination made by:

ATTACHMENT B

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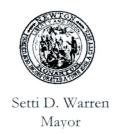
James Freas **Acting Director**

Newton Historical Commission Demolition Review Decision

Date: _	11/6/15	Zoning & Dev. Review Projects	15080046
Addres	s of structure:	1110 Chestnut Street	
Type o	f building :	House	
If parti	al demolition, f	eature to be demolished is	portion sides and rear
isisisisisisisisisis	is notis not xis not xis not is not NOT HIST Demo x HISTOR wton Historical APPROVES	x in a National Register or local historic x on the National Register or eligible for x importantly associated with historic historically or architecturally importantly x located within 150 feet of a historic x located within 150 feet of a histor	r listing. person(s), events, or architectural or social history of for period, style, architect, builder, or context. district and contextually similar. In Delay Ordinance. It is required. Delay Ordinance (See below).
	DOES NOT	T APPROVE and the project requires on Historical Commission review (See bel	ow).
	NOT PREFER	Commission finds the building or structure ABLY PRESERVED bolition is not delayed and no further review	
is <u>x</u>	PREFERABL	Y PRESERVED – (SEE BELOW).	
	of Demolition: is in effect unti	ed - see attached for conditions	Please Note: if demolition does not occur within two years of the date of expiration of the demolition delay, the demolition will require a resubmittal to the Historical Commission for review and may result in another demolition delay.



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James Freas Acting Director

RECORD OF ACTION:

DATE:

November 6, 2015

SUBJECT:

1110 Chestnut Street

At a scheduled meeting and public hearing on October 22, 2015 the Newton Historical Commission, by a vote of 7-0:

RESOLVED to approve the direction the plans are going and to ask that the project proponents return to a subsequent NHC hearing with drawings that include all materials to be used, design elements proposed, and more ornamentation on the building that would be sympathetic to the Mansard Style.

Voting in the Affirmative:

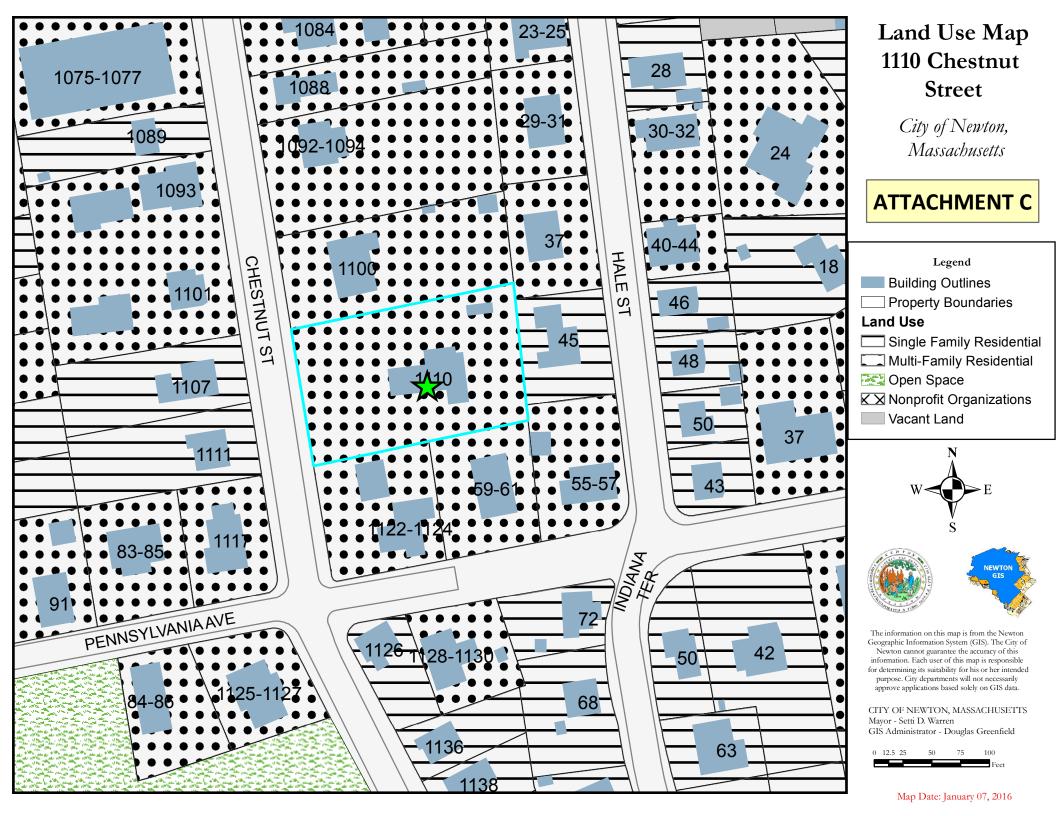
Voting in the Negative:

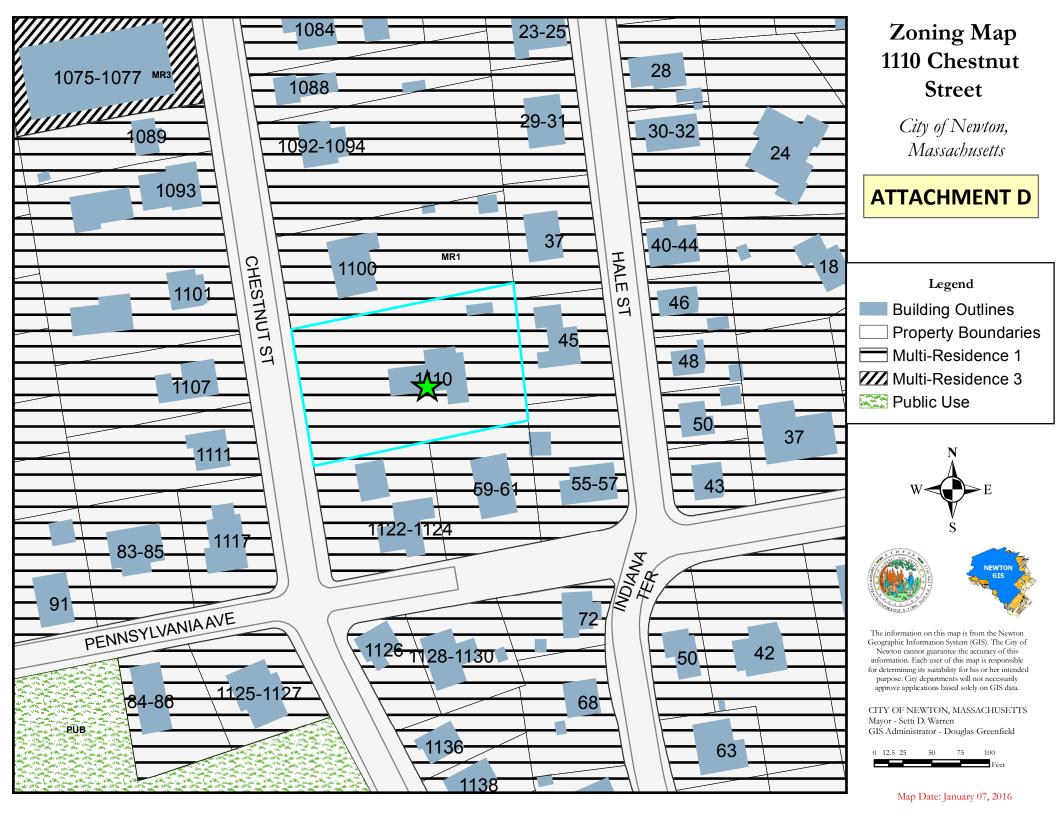
Abstained:

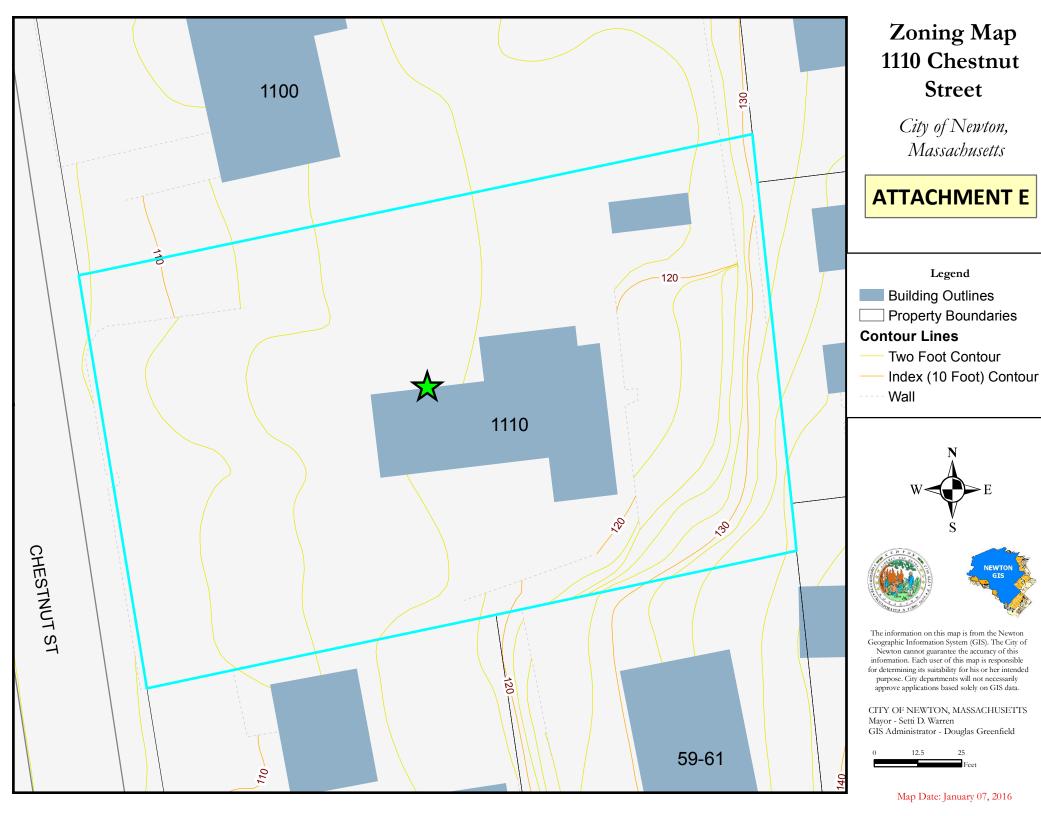
Nancy Grissom, Member Peter Dimond, Member Laura Fitzmaurice, Member Jeff Templer, Member Jean Fulkerson, Member Len Sherman, Alternate Ellen Klapper, Alternate

Katy Hax Holmes

Staff







ATTACHMENT F

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James Freas Acting Director

ZONING REVIEW MEMORANDUM

Date: November 10, 2015

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Alexandra Ananth, Chief Planner for Current Planning

Cc: Terrence P. Morris, Attorney

Douglas and Magdalena Turcotte, Applicant

James Freas, Acting Director of Planning and Development

Ouida Young, Associate City Solicitor

RE: Request to add two units to an existing two-family dwelling to create four attached dwellings; for an exception to the side setback requirement; to extend a nonconforming structure due to height and number of stories; and to locate parking and a driveway within a required setback

Applicant: Douglas and Magdalena Turcotte				
Site: 1110 Chestnut Street	SBL: 51041 0002			
Zoning: MR1	Lot Area: 22,800 square feet			
Current use: Two-family residence	Proposed use: Four attached dwellings			

BACKGROUND:

The property at 1110 Chestnut Street consists of a 22,896 square foot lot improved with an existing two-family dwelling constructed in 1875. The dwelling was originally built as a single-family residence. It was used as the rectory for Saint Mary's church for a long period, and then was converted to a twofamily dwelling in the mid-twentieth century. The applicant proposes to remove a rear ell, restore the front porch and add a unit to each side of the existing structure, to create four attached dwelling units. The property is located in the MR1 district, which requires a special permit for attached dwellings.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Terry Morris, attorney, submitted 9/2/2015
- Proposed Site Plan, prepared by Denny Land Surveying and Engineering, dated 7/6/2015
- Architectural Plans, prepared by Ron Bourque, architect, dated 8/12/2015
 - Site Plans
 - **Unit Plans** 0
 - Elevations



ADMINISTRATIVE DETERMINATIONS:

- The subject property is located in the MR1 zoning district. The applicant is proposing to remove an
 existing rear ell and add one residential unit on each side of the existing two-family dwelling,
 creating four attached dwellings. Section 3.4.1 of the Newton Zoning Ordinance allows attached
 dwellings in the Multi-Residence 1 zoning district provided that the applicant obtains a special
 permit from the City Council.
- 2. The dwelling has an existing side setback of 24.3 feet, which meets the setback requirement for a two-family dwelling, but does not meet the side setback requirement of 25 feet for an attached dwelling project. The applicant proposes a two-story addition on each side of the existing structure. The addition has a proposed side setback of 14.4 feet, and requires a special permit pursuant to Section 3.2.4 to waive the 25 foot setback requirement.
- 3. The existing dwelling was built in 1875 with a mansard roof, creating a three-story structure. Section 3.2.3 allows a maximum of 2.5 stories, creating a nonconforming number of stories within the existing dwelling. The proposed wing additions are two stories and do not increase the nonconforming nature of the structure. Should any reconfigurations of the existing building further increase the nonconforming number of stories, a special permit is required pursuant to Section 7.8.2.C.2.
- 4. The existing dwelling is greater than the maximum allowed building height of 36 feet, per Section 3.2.3 creating a nonconforming building height. The proposed additions are below the maximum height and do not increase the nonconformity. Should any reconfigurations of the existing building further increase the nonconforming height, a special permit is required per Section 7.8.2.C.2.
- 5. A retaining wall averaging about 7 feet is proposed at the rear of the property within the setbacks. Section 5.4.2 requires a special permit for a retaining wall greater than four feet within a setback.
- 6. The applicant is proposing to construct a 600 square foot detached garage accommodating three cars at the rear of the property. An additional five surface parking stalls will also be constructed at the rear of the property, meeting the requirement of two stalls per each unit. Pursuant to Section 6.2.3.B.2, parking may not be located within 20 feet of a boundary line. These stalls are located within 20 feet of the side and rear lot lines, and require a special permit per Section 6.2.3.B.2.
- 7. Section 5.1.7.A requires that no parking be located within a side setback as well. Several stalls are located within the side setback, which requires a special permit pursuant to Section 5.1.13.
- 8. Section 6.2.3.B.2 states that no driveway may be located within 10 feet of a side or rear lot line. The existing driveway is less than 10 feet from the side lot line, and will be utilized for this project. A special permit pursuant to Section 6.2.3.B.2 is required.

Zone MR-1	Required	Existing	Proposed
Lot Size	15,000 square feet	22,896 square feet	No change
Lot area per unit	4,000 square feet	11,448 square feet	5,724 square feet
Frontage	80 feet	120 feet	No change
Setbacks			
• Front	25 feet	78.2 feet	No change
• Side	25 feet	24.3 feet	14.4 feet
• Rear	25 feet	48.9 feet	No change
Building Height	36 feet	+36 feet	No change
Max number of stories	2.5	3	No change
Max building lot coverage	25%	9.9%	15.5%
Min amount of open space	50%	66.5%	59.2%
Parking stalls/dwelling units	8 spaces (2 per unit)	9	8
FAR		N/A	.31

9. See "Zoning Relief Summary" below:

Zoning Relief Required					
Ordinance		Action Required			
§3.4.1	Allow 4 attached dwellings	S.P. per §7.3			
§3.2.4	Allow a side setback less than 25 feet	S.P. per §7.3			
§5.4.2	To allow a retaining wall exceeding 4 feet in a setback	S.P. per §7.3			
6.2.3.B.2	To locate parking stalls within 20 feet of a boundary line	S.P. per §7.3			
§5.1.7.A,	To locate parking within a side setback	S.P. per §7.3			
§5.1.13					
§6.2.3.B.2	To locate a driveway within 10 feet of a side lot line	S.P. per §7.3			