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Barney S. Heath
Director

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: July 22, 2016
MEETING DATE: July 26, 2016
TO: Land Use Committee of the City Council
FROM: Barney S. Heath, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Neil Cronin, Senior Planner
CC: Petitioner

In response to issues raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming continued public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

PETITION #129-16

41 Chesley Road

Request for Special Permit/Site Plan Approval to extend a nonconforming two-family use and to exceed the floor area ratio (FAR) from .37 to .42, where .37 is the maximum allowed by-right

The Land Use Committee opened a public hearing on this petition on Tuesday, June 14, 2016. At that hearing, the Committee voiced concern over the following issues regarding the petition:

- The lack of a landscape plan detailing the location and number of trees to be removed. In addition, the landscaping to be installed to provide screening from the neighbors to the north and west;
- The location of the proposed drainage structures corresponding to the addition; and
- An updated zoning table.

The petitioner's architect has submitted revised materials to address the concerns raised by the Committee. In summary, the architect has submitted a landscape plan showing the caliper and type of the ten trees to be removed and as well as installed. The plan also details shrubbery, and bushes to be added too. The Planning Department believes the amount and types of landscaping is sufficient to mitigate the addition from the neighbors to the north and west as well as enhance the property.

With respect to drainage, the updated plan provides for a catch basin leading to a large sub-surface structure to the rear of the property. If the petition is approved, the applicant will have to provide a drainage analysis to the satisfaction of the Engineering Division prior to the issuance of a building permit. Lastly, the architect has provided a revised zoning table with existing and proposed dimensional regulations.

ATTACHMENTS:

Attachment A: Draft Board Order

CITY OF NEWTON
IN CITY COUNCIL

July 11, 2016

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to expand a non-conforming two-family use and increase the floor area ratio from .37 to .42, where .37 is the maximum allowed by right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The site is an appropriate location for the proposed addition (§7.3.3.C.1).
2. The proposed expansion of the non-conforming two-family residential use is not substantially more detrimental than the existing nonconforming use is to the neighborhood (§1.5.4.D, §3.1.3 and §7.8.2.C.2) because the two-family structure serves as a transitional use between the village center and residential street.
3. The proposed increase in floor area ratio from .37 to 0.42, where .37 is the maximum allowed by right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood because (§3.1.9 and §7.8.2.C.2):
 - a. The proposed addition will preserve the existing front facade of the structure, mitigating the visual impact from the street;
 - b. The proposed addition utilizes the length of the lot by building to the rear of the existing structure while meeting all dimensional regulations except floor area ratio; and
 - c. The proposed addition will be in keeping with the architectural style of the existing dwelling.

PETITION NUMBER: #195-16

PETITIONER: Michael McKay

LOCATION: 41 Chesley Road, on land known as Section 61, Block 27, Lot 16, containing approximately 10,817 square feet of land

OWNER: HV Development LLC

ADDRESS OF OWNER: 2138 Commonwealth Avenue
Newton, MA 02466

TO BE USED FOR: Two-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.4 and §7.8.2.C.2, to expand a non-conforming two-family use; §3.1.9.A.2 to increase the maximum FAR

ZONING: Single Residence 2 district

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. Certified Plot Plan, signed and stamped by Christopher C. Charlton, surveyor, dated 5/14/2016
 - b. Site Plan, signed and stamped by Michael L. McKay, architect, dated 3/3/2016
Revised 3/4/2016, 3/11/2016 and 7/12/2016
 - c. Architectural Plans and Elevations, signed and stamped by Michael L. McKay, architect, dated 3/3/2016, revised 3/4/2016, and 3/11/2016 sheets A-1.2, A-1.3, A-2.1, A-2.2, A-2.3, A-2.4,
2. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this board order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.

3. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or land surveyor certifying compliance with Condition #1, including the as built FAR of the structure.
 - b. Filed with the Clerk of the Board, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Board Order have been constructed to the standards of the City of Newton Engineering Department.
 - c. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.