



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

Setti D. Warren
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	October 13, 2016
Land Use Action Date:	December 12, 2016
City Council Action Date:	December 19, 2016
Expiration Date:	December 26, 2016

DATE: October 7, 2016

TO: City Council

FROM: Barney S. Heath, Director of Planning and Developm
Alexandra Ananth, Chief Planner for Current Plannin
Neil Cronin, Senior Planner

SUBJECT: **Petition #262-16**, for SPECIAL PERMIT/SITE PLAN APPROVAL to further increase a nonconforming front setback, allow a parking stall to be within 5' of a street, allow a driveway entrance greater than 20', and a waiver to the parking stall depth at 112-114 Carlisle Street, Ward 6, Newton Centre, on land known as SBL 65, 08, 06, containing approximately 9,196 sq. ft. of land in a district zoned Multi-Residence 1. Ref. §3.2.3, and §7.8.2.C.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.



112-114 Carlisle Place

EXECUTIVE SUMMARY

The property located at 112-114 Carlisle Street consists of a 9,196 square foot lot improved with a two-family residence circa 1910. The property is located in a Multi-Residence 1 zoning district in Newton Centre. The current structure is comprised of two flat-type units with two nonconforming front setbacks due to the lot being a corner lot. The petitioner is proposing to raze the existing two-family structure and to construct a new two-family structure with townhouse style units (The demolition has been approved by the Senior Preservation Planner). The new structure will bring the front setback on Carlisle Street into conformance (15' will become 25'), but the front setback on Carlisle Place (private way) will remain at 1'. Therefore, the applicant is seeking a special permit to increase an existing nonconforming front setback. In addition, the petitioner is seeking waivers to allow for a parking stall within 5' of a street, a greater than allowed driveway entrance, and reduced parking stall depth.

The structure is located in a small neighborhood comprised of single and two-family dwellings of varying sizes. The proposed structure will utilize the length of the lot by building toward the rear property line, parallel with Carlisle Place. The proposal will also move for the driveway to be moved away from the abutting Hammond Pond Reservation. For these reasons, the Planning Department believes increasing the already non-conforming front setback will not be substantially more detrimental than the existing nonconforming front setback is to the neighborhood. In addition, allowing parking in a setback and waivers to the requirements of parking facilities with less than five stalls are in the public interest. However, the Planning Department has concerns with the massing of the roofline and recommends the petitioner consider ways to lower it.

SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the City Council should consider whether:

- The proposed increase in the nonconforming front setback will not be substantially more detrimental than the existing nonconforming front setback is to the neighborhood (§3.2.3 and §7.8.2.C.2).
- Allow a parking stall within five feet of a street and waivers to the requirements of parking facilities with less than five stalls are in the public interest (§5.1.13)

I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is a corner lot with frontages on Carlisle Place and Carlisle Street, in a Multi-Residence 1 District in Newton Centre. Other than the subject property, Carlisle Street consists of four two-family and one one-family structures, while Carlisle Place, a private way, has one two-family and one one-family structure. The property is located just north of Route 9 and abuts the Hammond Pond Reservation on its eastern boundary. To the west of the site are a number of

institutional uses such as the Hebrew College and the Andover Newton Theological School. There are no public transportation options in the immediate area **(Attachments A & B)**.

B. Site

The site consists of 9,196 square feet of land, and is improved with a 2.5-story two-family residence circa 1910. The site is relatively flat, and directly abuts the Hammond Pond Reservation along its eastern boundary. Parking consists of an asphalt driveway located between the structure and said conservation area.

II. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site is and will remain a two-family residence.

B. Building and Site Design

The existing structure is a two-family residence with flat-type units. The petitioner seeks to raze the existing structure and construct a new 2.5-story structure with townhouse style dwellings. The new structure will utilize the length of the lot by building to the southern property line, parallel with Carlisle Place. The construction will reduce the distance between the current structure and rear setback from 100' to 39'.



(Existing, Carlisle Street)



(Proposed, Carlisle Place)

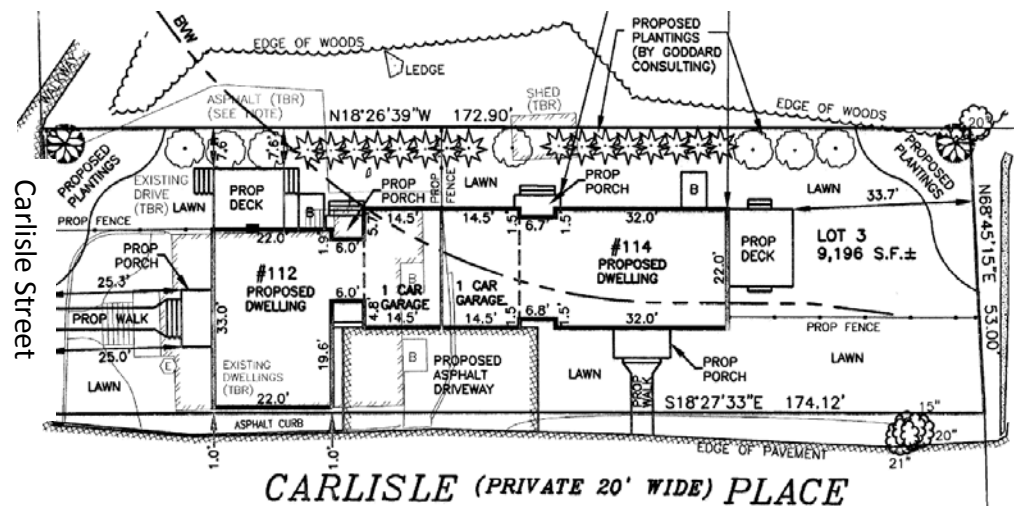
The proposed dwelling at 112 Carlisle Street will be in keeping with the original structure by fronting Carlisle Street. The dwelling at 114 Carlisle Street will be constructed to the south of the property and front Carlisle Place. The units will be connected by two one-car garages serving each unit and a shared driveway with access from Carlisle Place. The Planning Department notes the roofline of the unit fronting Carlisle Place is quite prominent and suggests the petitioner consider ways to reduce the apparent mass. Staff also notes that the design and architecture of

the proposed structure are similar to the structure at 123-125 Carlisle Street constructed in 2003.



(123-125 Carlisle Street)

C. Parking and Circulation



The project will move the current parking facility from the eastern edge of the property between the structure and the Hammond Pond Reservation to a shared driveway leading to two one-car garages with access from Carlisle Place. The current driveway will be removed and converted to lawn and other plantings with a deck serving the unit at 112 Carlisle Street.

As proposed, the driveway requires relief from the zoning ordinance to allow for a parking stall within five feet of a street, a greater than allowed driveway entrance width, and reduced parking stall depth. Per the ordinance, parking is allowed within a setback as long as the stall is more than 5' from the street. In addition, the ordinance

requires all stalls to be 9' wide x 19' long. As proposed, the driveway is approximately 20' long which does not allow for the 5' buffer from the street. For reference, all driveways need to be at least 24' feet long to accommodate the proper stall length and allow for the 5' buffer. Lastly, the ordinance requires driveways be no wider than 20' and the proposed driveway is approximately 30' wide.

The Planning Department is not concerned with these waivers because the design allows for four vehicles to be parked on the lot, and side by side parking as opposed to tandem. In addition, the proposal removes asphalt and parking adjacent to the Hammond Pond Reservation at the eastern boundary. Moreover, the driveway is positioned on the private way of which the lot owns to the midpoint.

D. Landscape Screening

The petitioner is proposing new plantings along the eastern and southeastern boundaries of the site abutting the Cohen Conservation area. In addition, fences are proposed to demarcate the two yards; the proposal received approval with conditions from the Conservation Commission on July 29, 2016.

III. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the Memorandum, the petitioner is seeking the following relief:

- §3.2.3 and 7.8.2.C.2 of Section 30, to increase the already nonconforming front setback on Carlisle Place.

B. Other Departmental Review

No engineering review is required at this time. The Engineering Division of Public Works will review this project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit should this project be approved.

The petitioner received approval from the Conservation Commission on 29, 2016 and the demolition of the existing structure was approved by the Preservation Planner on May 3, 2016.

IV. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.









ATTACHMENTS:

- Attachment A:** Zoning Map
Attachment B: Land Use Map
Attachment C: Zoning Review Memorandum
Attachment D: DRAFT Order

Attachment A Zoning Map 112-114 Carlisle Place

*City of Newton,
Massachusetts*

Legend

-  Single Residence 1
-  Single Residence 2
-  Single Residence 3
-  Multi-Residence 1
-  Public Use
-  Building Outlines
-  Surface Water
-  Property Boundaries



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield

0 50 100 200
Feet

Map Date: August 16, 2016









Attachment B Land-Use Map 112-114 Carlisle Place

*City of Newton,
Massachusetts*

Legend

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  Private Educational
-  Nonprofit Organizations
-  Building Outlines
-  Surface Water
-  Property Boundaries



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield

0 50 100 200
Feet

Map Date: August 16, 2016



Setti D. Warren
Mayor

Attachment C

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

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: August 23, 2016

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Michael Vahey and Mok Jiang Pang, applicants
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to further increase a nonconforming front setback

Applicant: Michael Vahey and Mok Jiang Pang	
Site: 112-114 Carlisle Street	SBL: 65008 0006
Zoning: MR1	Lot Area: 9,196 square feet
Current use: Two-family dwelling	Proposed use: No change

BACKGROUND:

The property at 112-114 Carlisle Street consists of a 9,196 square foot at the corner of Carlisle Street and Carlisle Place in the MR1 zoning district. The lot is improved with a two-family dwelling constructed circa 1910. The structure has an existing nonconforming front setback from Carlisle Place. The applicant proposes to raze the existing two-family dwelling, and construct a new enlarged two-family dwelling, which will further increase the nonconforming front setback, requiring a special permit.

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

- Zoning Review Application, prepared by Michael Vahey, applicant, dated 6/21/2016
- FAR Worksheet, submitted 6/21/2016
- Plot Plan, signed and stamped by Shaughn MacGilvary, architect, dated 6/20/2016, revised 6/24/2016
- Architectural Plans, signed and stamped by Shaughn MacGilvary, architect, dated 6/20/2016
 - Proposed floor plans
 - Elevations

ADMINISTRATIVE DETERMINATIONS:

1. The existing two-family structure has a nonconforming front setback from Carlisle Place of 1 foot. The applicant proposes to raze the existing structure and construct a new enlarged two-family structure maintaining the existing nonconforming setback and expanding the structure back on the lot. The garages and second unit will have a setback of 15 feet, where 25 feet is required. The proposed construction will further extend the nonconforming front setback from Carlisle Place, which requires a special permit per Section 7.8.2.C.2.
2. The applicant proposes to construct a single-car garage associated with each unit, with the second required parking stall in front of the garage in a driveway. The proposed driveways are approximately 16 feet deep, which is less than the required 19 feet in Section 5.1.7.B.2. A waiver from the stall depth is required.
3. Section 5.1.7.A requires that no parking stall located within five feet of the street. As the proposed surface parking stalls are 16 feet in depth, where 19 feet is required, a waiver from this provision is necessary to allow vehicles to park in the driveway within five feet of Carlisle Place.
4. Section 5.1.7.C requires that a driveway entrance may be no more than 20 feet wide. The proposed driveway is approximately 35 feet wide to accommodate the two units. A waiver from this provision is required.

MR1 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	9,196 square feet	No change
Frontage	70 feet	84 feet	No change
Setbacks <ul style="list-style-type: none">• Front (Carlisle St)• Front (Carlisle Pl)• Side• Rear	25 feet 25 feet 7.5 feet 15 feet	15 feet 1 foot 15 feet 100 feet	25 feet No change No change 39 feet
Max Number of Stories	2.5	2.5	No change
FAR	.49	.29	.49
Max Lot Coverage	30%	%	27.3%
Min. Open Space	50%	%	60.5%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.2.3, §7.8.2.C.2	Request to further increase nonconforming front 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 a parking stall within 5 feet of a street	S.P. per §7.3.3
§5.1.7.C §5.1.13	To allow a driveway entrance greater than 20 feet	S.P. per §7.3.3

CITY OF NEWTON
IN CITY COUNCIL

October 17, 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 further increase a nonconforming front setback to 1 foot, where 25 feet is the maximum allowed by right, allow a reduced parking stall depth, allow a parking stall within five feet of a street, and to allow a driveway entrance greater than 20 feet recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The proposed increase in the nonconforming front setback is not substantially more detrimental than the existing setback is to the neighborhood (§3.2.3 and §7.8.2.C.2) because the design will utilize the length of the lot by building to the rear lot line preserving the traditional streetscape.
2. The proposed waivers to allow a reduced stall depth, a parking stall within 5' of a street, and a driveway entrance greater than 20' wide are in the public interest because (§5.1.7.B.2, §5.1.7.A, §5.1.7.C and §5.1.13):
 - a. The proposed driveway will allow for parking and vehicles to be moved away from Hammond Pond Reservation.
 - b. The proposed driveway is located on a private way with no thru traffic.
 - c. The proposed parking layout will allow for four vehicles to be parked onsite.

PETITION NUMBER: #262-16

PETITIONER: Michael Vahey and Mok Jiang Pang

LOCATION: 112-114 Carlisle Street, on land known as Section 65, Block 08, Lot 06, containing approximately 9,196 square feet of land

OWNER: Michael Vahey and Mok Jiang Pang

ADDRESS OF OWNER: 33 Stanley Road
Newton, MA 02468

TO BE USED FOR: Two-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.2.3 and §7.8.2.C.2 to further increase a nonconforming front setback, §5.1.7.B.2 and §5.1.13 to reduce the required parking stall depth, §5.1.7.A and §5.1.13 to allow a parking stall within 5' of a street, and §5.1.7.C as well as §5.1.13, to allow a driveway entrance greater than 20'

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. Site Plan, signed and stamped by Michael S. Kosmo, Professional Engineer and Bruce Bradford, Professional Land Surveyor, dated 7/8/2016 Revised 7/27/2016, and 7/28/2016 (Includes landscaping)
 - b. Architectural Plans and Elevations, stamped by Shaughn MacGilvray, architect, dated 7/29/2016, 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 statements by a registered architect and 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.
4. The petitioner shall comply with the City of Newton's Tree Preservation Ordinance.
5. The landscaping shown on the approved site plan shall be maintained in good condition. The plantings shall be inspected annually and any plant material that becomes diseased or dies shall be replaced in a timely manner with similar material.