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Barney Heath
Director

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: October 21, 2016
MEETING DATE: October 25, 2016
TO: Land Use Committee of the City Council
FROM: Barney Heath, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Michael Gleba, Senior Planner
CC: Petitioner

In response to questions raised at the Land Use Committee public hearing, and/or staff technical reviews, the Planning Department is providing the following information for the upcoming public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

PETITION #263-16

100 Christina Street

Request for Special Permit/Site Plan Approval to raze the existing dwelling and subdivide the land, creating a rear lot, to construct a new single family dwelling on each lot at 100 Christina Street.

The Land Use Committee (the "Committee") held a public hearing on September 27, 2016 that was held open so that the petitioner could respond to questions/concerns that were raised in the Planning Department's memorandum and at the public hearing by the Committee and the public. This memo reflects those issues and concerns, as well as revised plans and additional information submitted by the petitioner as of October 21, 2016, as addressed to the Planning Department.

Neighborhood Meeting

This petitioner has reported to the Planning Department that they have conducted outreach to neighbors, including those who spoke at the September 27 public hearing and abutters who sent an email to the committee. The petitioner further reported that a neighborhood meeting to discuss the project was held on the subject property on Saturday, October 15, 2016 with two neighbors present.

Plan Modifications

In response to concerns raised by the Associate City Engineer's memorandum of August 31, 2016, the petitioner submitted an updated site plan ("Civil Plan," Sheet No. 1, as revised through October 7,

2016) on October 17, 2016 showing revised locations for several infiltration units. On the same day, the petitioner also submitted a revised stormwater report reflecting said changes to the Associate City Engineer for review.

The updated site plan also contains a correction to the height of the proposed rear dwelling. The plan now shows its height as 33.43 feet, 1.83 feet lower than that shown on the originally submitted plan. The petitioner, however, has stated that this difference is merely a correction to a previously erroneous calculation and not the product of any change in the proposed structure or surrounding grading.

Furthermore, please note that the updated plan also shows a straight (if angled) rear lot line for the proposed front lot measuring 81.8 feet. This change appropriately addresses the concern raised in the Planning Department's September 23, 2016 memo regarding whether the proposed rear lot's frontage requirement (Sec. 3.1.5), as measured along the rear lot line of the front lot (Sec. 3.1.10.2), is appropriately satisfied.

As stated in its earlier memorandum, the Planning Department is generally not concerned with the proposed division of the property and creation of a rear lot. We believe that given the property's size, vehicular access and proposed landscaping, the property is an appropriate location for the two proposed single family dwellings. While the two dwellings would be among the largest in the neighborhood,¹ they would not exceed the by-right allowable heights and FARs for their respective lots and are designed in keeping with the general scale and architecture of the more recently constructed existing dwellings in the surrounding neighborhood. Also, it should be noted that the aggregate floor area of the two dwellings of approximately 8,880 square feet of floor area would represent a combined FAR of 0.28 on the existing 31,273 square foot lot, significantly less than the maximum 0.41 allowed for a single family dwelling in the SR3 zoning district.

ATTACHMENTS:

Attachment A: Draft Board Order

¹ The Planning Department's September 23, 2016 memo stated that the rear lot dwelling would apparently be the "largest single residence in the area." The petitioner has raised the issue that this may not take into consideration floor area attributable to attached garages. The Planning Department has reviewed Assessors data, as well as information provided by the petitioner, and notes that, when so calculated, there are likely two residences of larger or similar size.

ATTACHMENT A

DRAFT #263-16
100 Christina Street

CITY OF NEWTON

IN CITY COUNCIL

November 7, 2016

ORDERED:

That the 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 for a rear lot subdivision by allowing the frontage of the rear lot to be measured along the rear lot line of the lot in front, and to construct one single family dwelling on each of the resulting lots, 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 use and structures as the proposed new front and rear lots will be used as single-family dwellings in a Single Residence 3 (SR3) district. (§7.3.3.C.1)
2. As single-family dwellings in a Single Residence 3 (SR3) district, the proposed residential use as will not adversely affect the neighborhood. (§7.3.3.C.2)
3. The proposed shared 16 foot wide driveway would provide adequate sight lines, there will be no nuisance or serious hazard to vehicles or pedestrians driveway and access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.3; §7.3.3.C.4)
4. The ridgeline heights of the proposed front and rear lot dwellings, ± 35.52 and ± 33.43 feet, respectively, do not exceed the allowed 36 feet and are generally in keeping with the ridge elevations of adjacent residential structures, especially in light of the proposed dwellings' distances to said structures and the area's topography. (§7.3.4.B.1)
5. The two proposed single-family dwellings are designed in such a manner so that their massing and scale will be in character and consistent with adjacent existing and allowed residential structures in the surrounding Single Residence 3 (SR3) zoning district. (§7.3.4.B.2)
6. The area's topographical conditions, with significant grade changes in several directions, are appropriately addressed by the locations of the proposed dwellings. (§7.3.4.B.3)
7. The proposed landscape plan entails fencing and the planting of trees and other vegetation will largely screen the new dwellings from abutting properties. (§7.3.4.B.4)
8. The orientation of the shared 16 foot wide driveway along the east property line that

will service both of the proposed new single family dwellings is appropriate for the site and neighborhood. (§7.3.4.B.5)

9. The siting of the proposed front dwelling in the general area of an existing dwelling, and that of the rear dwelling structure near the center of a large lot, are appropriate given the scales and locations of abutting residential structures. (§7.3.4.B.8)
10. The proposed lighting will be residential in character and will not impact abutting properties. (§7.3.4.B.9)

PETITION NUMBER: #263-16

PETITIONER: Irene Ostrovsky

LOCATION: 100 Christina Street, on land known as Section 83 Block 30 Lot 6, containing approximately 31,372 square feet of land

OWNER: Irene Ostrovsky

ADDRESS OF OWNER: 100 Christina Street, Newton, MA 02459

TO BE USED FOR: Rear lot subdivision and construction of two new single-family dwellings, one on the resulting 10,115 square foot front lot, the other on the resulting 21,257 square foot rear lot.

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.10 to allow a rear-lot subdivision with the frontage of the rear lot measured along the rear line of the front lot.

ZONING: Single Residence 3 (SR3) 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. A set of plans entitled "100 Christina Street, Newton, Massachusetts" prepared by Peter Nolan & Associates LLC, dated July 29, 2016, stamped and signed by Stephanie A. Bowker, Professional Engineer, including:
 - i. "Civil Plan," Sheet No. 1, as revised through October 7, 2016;
 - ii. "Details," Sheet No. 2, as revised through October 7, 2016;
 - iii. "Details," Sheet No. 3, as revised through October 7, 2016.

- b. A plan entitled "100 Christina Street, Newton, Massachusetts- Site Landscaping Plan (Sheet No. L-1)," prepared by Peter Nolan & Associates LLC, and Prato Associates, Incorporated, dated July 15, 2016, stamped and signed by Davis H. Prato, Registered Landscape Architect.
 - c. A set of architectural drawings for the new one-family dwelling and attached garage proposed for the front lot, entitled "100 Christina Street, Newton, MA," prepared by RAV & Assoc., Inc., dated July 19, 2016:
 - i. "Proposed Floor Plans," (Drawing No. A-1);
 - ii. "Proposed Floor Plans," (Drawing No. A-2);
 - iii. "Proposed Elevations," (Drawing No. A-3);
 - iv. "Proposed Elevations," (Drawing No. A-4).
 - d. A set of architectural drawings for the new one-family dwelling and attached garage proposed for the rear lot, entitled "100 Christina Street, Newton, MA," prepared by RAV & Assoc., Inc., dated July 19, 2016:
 - i. "First Floor Plan," (Drawing No. A-1);
 - ii. "Second Floor Plan," (Drawing No. A-2);
 - iii. "Attic Plan," (Drawing No. A-3);
 - iv. "Side Elevations," (Drawing No. A-5);
 - v. "Front and Rear Elevations," (Drawing No. A-6).
- 2. All utilities shall be located underground from the property line.
 - 3. All lighting fixtures shall be residential in scale.
 - 4. Prior to the issuance of any Building Permit, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
 - 5. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
 - 6. Prior to the issuance of any Building Permits, the petitioner shall provide a Final Landscape Plan showing all new plantings, for review and approval by the Director of Planning and Development.
 - 7. Prior to the issuance of any Building Permit, the petitioner shall submit a final Construction Management Plan (CMP) to the Commissioner of Inspectional Services, the Director of Urban Forestry, the Engineering Division of Public Works, the Director of the Department of Planning and Development, the Newton Fire Department and Newton Police Department, which plan should shall include at a minimum:
 - a. 24-hour contact information for the general contractor of the project.

- b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 5:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services.
 - c. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - d. A tree preservation plan to define the proposed method for protection of existing trees to remain on the site and on abutting properties during construction.
 - e. A plan for rodent control during construction.
 - f. If blasting of on-site ledge is required, the petitioner shall obtain a Blasting Permit from the Newton Fire Department.
 - g. To ensure emergency vehicle access there shall be no parking in the driveway.
 - h. The CMP shall also address the following:
 - i. location(s) of a staging site for construction equipment and parking for construction workers vehicles;
 - ii. identification of building materials;
 - iii. phasing of the project with anticipated completion dates and milestones;
 - iv. safety precautions;
 - v. anticipated dewatering during construction;
 - vi. site safety and stability;
 - vii. impacts on abutting properties.
8. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
- a. Received final approval from the Director of Planning and Development for the Construction Management Plan.
 - b. Recorded a certified copy of this Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - c. Filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - d. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
 - e. Obtain a written statement from the Engineering Division of Public Works that confirms the receipt of a certified copy of the recorded O&M in accordance with Condition #4.

- f. Filed a final Landscape Plan to the Director of Planning and Development for review and approval.
9. No occupancy permit for the houses constructed pursuant to this Special Permit/Site Plan Approval shall be issued until the petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in digital format.
 - c. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, final landscape features and fencing.
10. Notwithstanding the provisions of Condition #9 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provide that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.