



Setti D. Warren
Mayor

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

#430-16
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

| | |
|---------------------------|------------------|
| Public Hearing Date: | January 26, 2017 |
| Land Use Action Date: | April 11, 2017 |
| City Council Action Date: | April 17, 2017 |
| 90-Day Expiration Date: | May 3, 2017 |

DATE: January 20, 2016

TO: City Council

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

SUBJECT: **Petition #430-16**, for SPECIAL PERMIT/SITE PLAN APPROVAL to change a nonconforming clubhouse use to multi-family use, to allow parking within the front setback, and to allow an entrance and exit drive less than 20 feet wide at **15 South Gate Park**, Ward 3, on land known as SBL 33, 31, 9, containing approximately 14,120 square feet of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 5.1.8.A.1, 5.1.13, 5.1.8.D.1 of the City of Newton Rev Zoning Ord, 2012.

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.



15 South Gate Park

EXECUTIVE SUMMARY

The property at 15 South Gate Park consists of 14,120 square feet of land, improved with a two-story building located in the Single Residence 3 (SR-3) zone in West Newton. The structure was constructed in 1900 as a social club and therefore operated as a legal nonconforming use until ceasing operations in 2014. The petitioner proposes to reuse the existing structure to create a three-unit multi-family dwelling with six parking stalls located in a garage beneath the building and two surface parking stalls. The petitioner is seeking a special permit to change the nonconforming clubhouse use to allow a multi-family use, to allow parking in the front setback, and to allow an entrance and exit drive less than 20 feet wide.

The Planning Department supports this project as it will preserve the proportions, substrate and architectural details that contribute to the historical significance of the structure. The petitioner will also utilize materials and finishes approved by Newton Historical Commission (NHC) to replicate the structure's original Colonial Revival appearance. In addition, the petition will utilize a 14,120 square foot lot to create three residential units which will diversify the City's housing stock. Moreover, the proposed site plan will greatly improve the property by replacing currently paved portions of the site with new landscaping, and by locating most of the parking underground. Lastly, the petitioner's installation of a sidewalk with granite curbing along the entire frontage of the property will enhance the safety of pedestrians and vehicles in the immediate area.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- Literal compliance with the parking requirements is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest. (§5.1.8.A.1 and §5.1.13).
- The proposed use will not be substantially more detrimental than the existing nonconforming use is to the neighborhood (§7.8.2.C.2).
- The specific site is an appropriate location for the proposed multi-family dwelling (§7.3.3.C.1).
- The proposed multi-family dwelling as developed and operated will not adversely affect the 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 over streets is appropriate for the types and number of vehicles involved (§7.3.3.C.4).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located at the corner of South and North Gate Park off of Waltham Street. The land uses in the surrounding neighborhood consist of single-family and two-family dwellings (**ATTACHMENT A**). The zoning district in the surrounding neighborhood is Single-Residence 3 (**ATTACHMENT B**).

B. Site

The site consists of 14,120 square feet of land, improved with a clubhouse constructed in approximately 1900 and a surface parking area. The site is predominantly flat with much of the southern and eastern portions of the site paved without curbing separating the lot from the street. The site was originally part of a larger parcel before it was subdivided in 1946.

III. PROJECT DESCRIPTION AND ANALYSIS

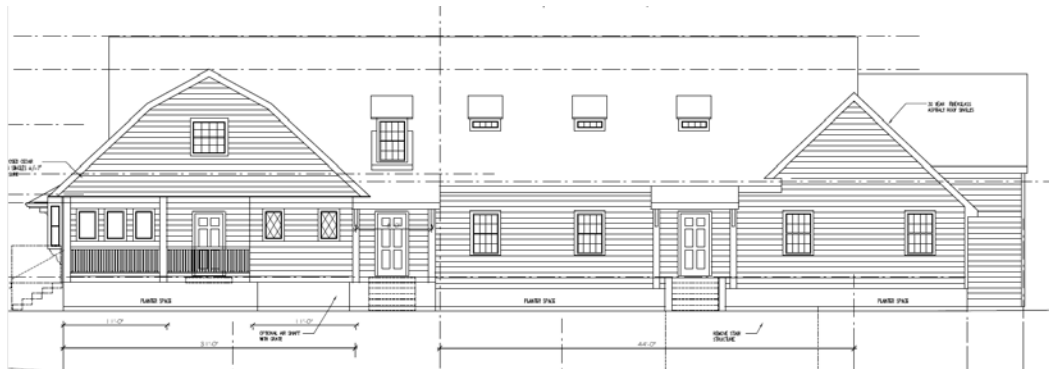
A. Land Use

The petitioner is proposing to convert the existing clubhouse, which ceased operations in 2014, into a three-unit multi-family dwelling with parking below the building. Each unit occupies two floors and the sizes are 1,227 square feet, 1,667 square feet, and 3,145 square feet. Staff notes that the attic space is less than 7 feet high and therefore not considered “habitable space.”

The Planning Department does not have any concerns with the proposed multi-family use, as the existing structure will be converted to a residential use located in a residential neighborhood with single-family as well as two-family dwellings.

B. Building Design

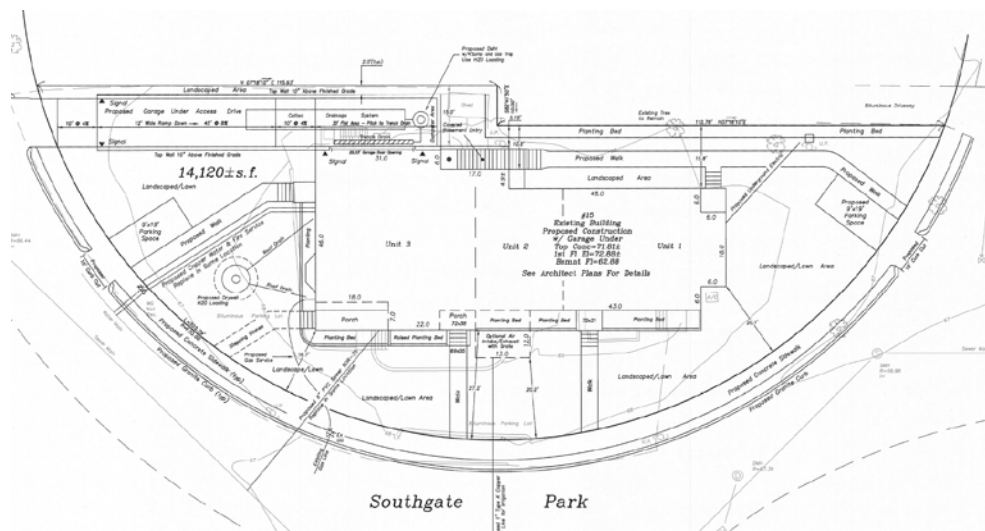
The petitioner is proposing to preserve the historic proportions, substrate and architectural details of the structure and employ materials and finishes to replicate its initial Colonial Revival appearance (**Attachment C**). This will require cosmetic upgrades including new trim, windows, and asphalt shingles for the roof and physical upgrades to allow for the unit entrances. The petitioner will remove an addition as well as two other entrances (one leading to the first floor and one leading to the basement level) from the front of the building to create a continuous front wall plane. However, this plane will be accented by a covered porch leading to the largest unit, labeled Unit 3 on the site plan, and eight foot wide covered entrances for Units 2 and 3. The side and rear facades remain largely unchanged, except for the addition of a proposed dormer on the rear façade.



C. Site Design

The petitioner is not proposing to extend the footprint of the existing structure. As such, the site work consists of removing the paved area which covers much of the southern and eastern portions of the site and replacing it with grass and planting areas. In addition, the petitioner is proposing to install a driveway at the south end of the site leading to a garage below the building and two surface parking stalls. The petitioner is also proposing to install a concrete sidewalk with granite curbing along the entire frontage of the property. The Planning Department notes this sidewalk will increase the safety of pedestrians and vehicles in the immediate area. Lastly, a series of walkways leading from the proposed sidewalk to the unit entrances will be installed. Staff notes one of the walkways leading to the porch entrance of Unit 3 will consist of flagstones or similar material and suggests the petitioner consider constructing all walkways of similar pervious material to reduce the amount of impervious area on site.

The Planning Department notes the petitioner is not proposing to install any site lighting. Staff believes the two existing streetlights at the northern and southern edges of the property, combined with building lighting, will be sufficient.



D. Parking and Circulation

The petitioner is proposing to locate six parking stalls in an underground garage in the basement of the structure, and two surface parking stalls located within the front setback; one each on the northern and southern edges of the site. The six stalls in the garage are intended for the inhabitants of the units which comply with the ratio under the Newton Zoning Ordinance (NZO), while the two surface stalls are meant to provide for guest parking as well as quick trips by the unit tenants.

The proposed garage will be accessed by a new driveway/ramp on the south side of the site. This driveway is only 10 feet wide which prohibits two-way traffic. As such, the petitioner is proposing to install a signal at the end of the driveway and at the garage entrance. The signal will flash thereby alerting pedestrians, bicyclists, and other vehicles of a car exiting the driveway; the signal will flash as long as the garage door remains open.

The Planning Department concurs with the petitioner's attorney that the proposed site improvements represent a significant upgrade over existing conditions. However, staff suggests the petitioner consider removing the surface parking stall at the southern edge of the property and combining it with the stall at the northern portion of the site. In addition, staff suggests constructing the stall(s) out of pervious material. Staff believes these suggestions will reduce the number of conflict points and reduce the amount of impervious area on site while creating the residential character the petitioner is aiming for.

E. Landscape Screening

As stated above, the proposed site design is a substantial improvement over existing conditions. The petitioner is proposing to remove the existing pavement which covers much of the site and install lawn and two trees along the frontage of the site. In addition, a row of arbor vitae approximately 6 to 8 feet tall will be planted along the rear property line to screen the structure from the properties to the rear. Lastly, a row of shrubbery approximately 4 feet high will be installed along the eastern edge of the driveway leading to the below grade garage. Staff notes this shrubbery terminates approximately 10 feet from South Gate Park to allow for sufficient sight lines for vehicles exiting the garage.

IV. TECHNICAL REVIEW

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

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

- §3.4.1 of Section 30, to change a nonconforming clubhouse use to a multifamily use

- §5.1.8.A.1 of Section 30, to locate parking in a setback
- §5.1.8.D.1 of Section 30, to allow an entrance and exit drive less than 20 feet wide

B. Engineering Review

The Engineering Division Memorandum, (**ATTACHMENT E**), provides an analysis of the proposal with regard to engineering issues. The petitioner is aware of these concerns and staff believes they can be resolved prior to the issuance of building permit, should the petition be approved.

C. Newton Historical Commission

The petitioner is seeking to partially demolish the existing structure. As such, the petitioner appeared before the Newton Historical Commission (NHC) on June 23, 2015 (**Attachment F**). At that meeting, NHC found the existing structure preferably preserved but waived the demolition delay based on the proposed plans to preserve the existing proportions, substrate and architectural details that contribute to the historical significance of the structure including, but not limited to, all exterior walls, roof structure, and window openings. Furthermore, NHC approved a list of materials detailed on sheet A-1 of the architectural plans which the petitioner will employ to replicate the structure's original appearance based on the historic 1910 photograph of the structure attached to this memo.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

| | |
|----------------------|---------------------------------------|
| Attachment A: | Land Use Map |
| Attachment B: | Zoning Map |
| Attachment C: | Postcard Image circa 1910 |
| Attachment D: | Zoning Review Memorandum |
| Attachment E: | Engineering Division Memorandum |
| Attachment F: | Newton Historical Commission Decision |
| Attachment G: | DRAFT Board Order |

Land Use Map

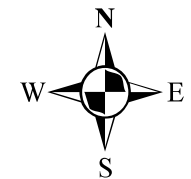
131 Charlesbank Rd

*City of Newton,
Massachusetts*

Legend

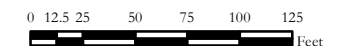
- Single Family Residential
- Multi-Family Residential
- Open Space
- Nonprofit Organizations

ATTACHMENT A

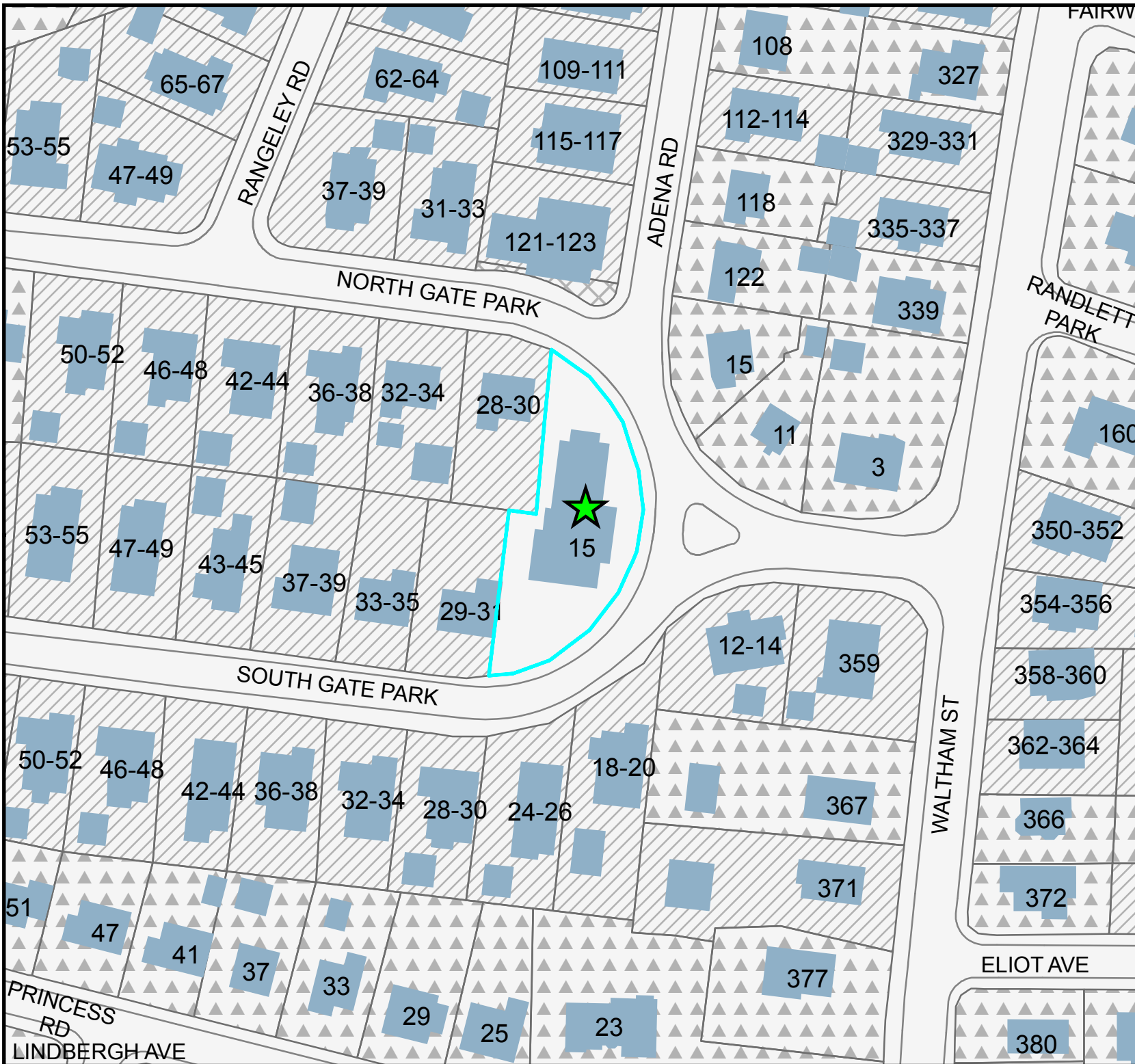


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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


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




Map Date: July 01, 2015



*City of Newton,
Massachusetts*

 Single Residence 2

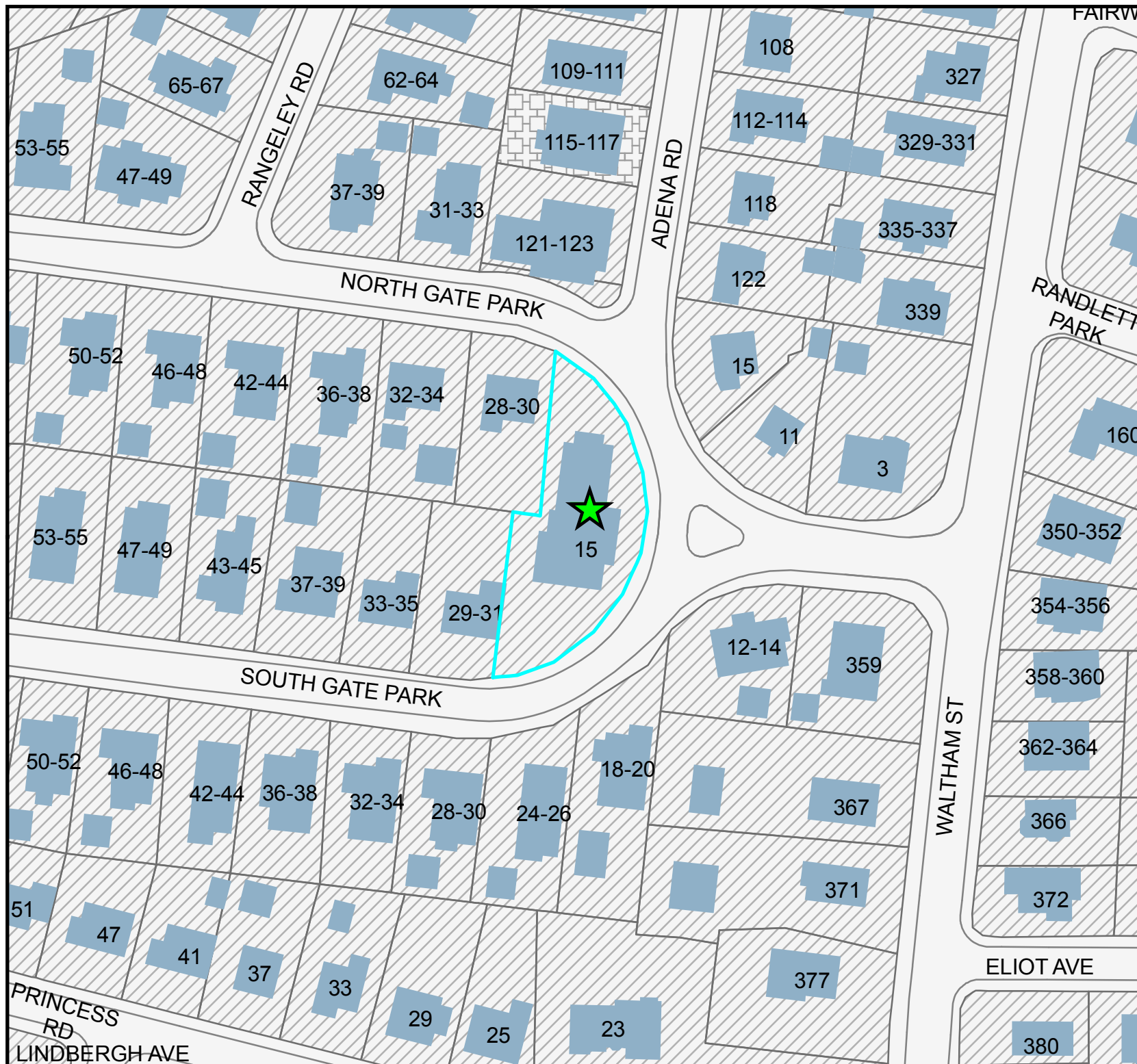
 Single Residence 3

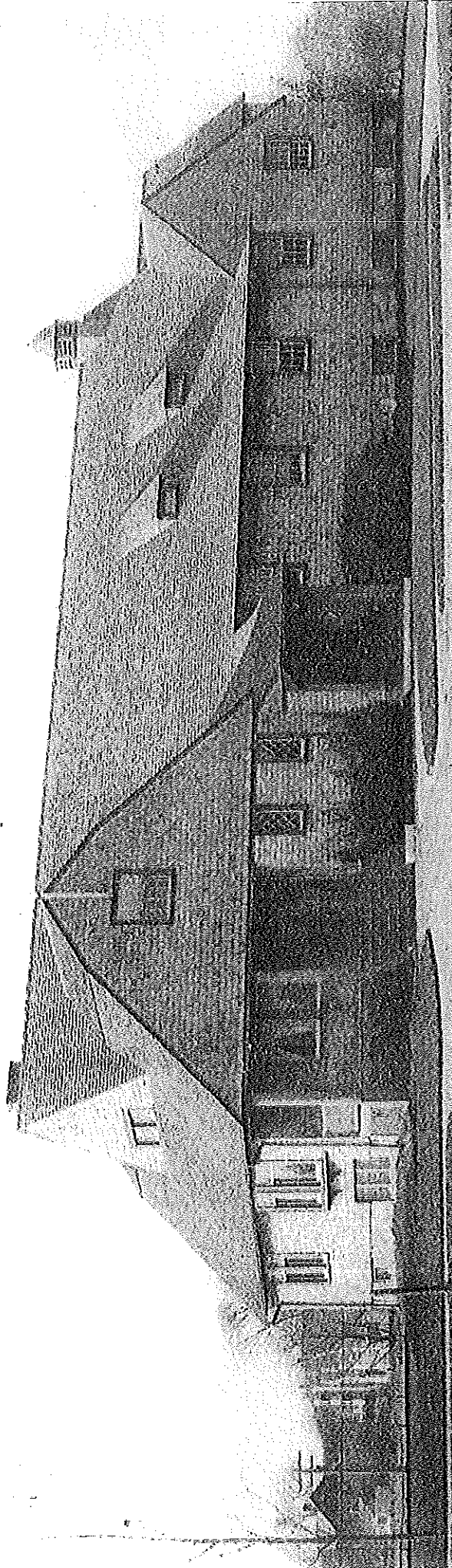


CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield

A horizontal scale bar with alternating black and white segments. The segments are labeled with the following values: 0, 12.5, 25, 50, 75, 100, and 125. The unit 'Feet' is written at the right end of the bar.

Map Date: July 01, 2015





A 6964 The North Gate Club, West Newton, Mass.

where we have most of our dances 77-2- R.
Dear Olive - This is



Setti D. Warren
Mayor

Attachment D

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

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

James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: December 12, 2016

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
Anthony DePasquale, Applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to change a nonconforming clubhouse use to a multi-family dwelling use in a Single Residence 3 district, and to locate parking within a front setback

| Applicant: Anthony DePasquale | |
|------------------------------------------------|--------------------------------------------|
| Site: 15 South Gate Park | SBL: 33031 0009 |
| Zoning: SR3 | Lot Area: 14,120 square feet |
| Current use: Clubhouse for Knights of Columbus | Proposed use: 3-unit multi-family dwelling |

BACKGROUND:

The property at 15 South Gate Park is improved with a clubhouse constructed in 1920 as a social club called The North Gate Club. The structure was sold in 1924 to the International Order of Odd Fellows, who operated it as a fraternal club until 1954, when it was sold to the Knights of Columbus. The Knights of Columbus operated it as a Fraternal Benevolent Association until 2014, when it was acquired by the current owner.

The property was originally 41,500 square feet. A 1946 variance for a subdivision created four house lots and the remaining 14,120 square foot subject property.

A clubhouse currently requires a special permit, however the use of the property predates this requirement, and is therefore a nonconforming use in the Single Residence 3 district. The applicant proposes to convert the existing clubhouse building into three residential units with six parking stalls garaged beneath the building and two surface stalls.

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

- Zoning Review Application, prepared Terry Morris, attorney, dated 4/27/2015, revised 12/6/2016
- Existing conditions site plan, signed and stamped by Verne T. Porter, surveyor, dated 11/4/2014, updated 12/12/2016
- Photos
- Architectural drawings, signed and stamped by Ron Jarek, architect, dated 4/22/2015, updated 11/28/2016
 - Proposed basement floor plan
 - Proposed first floor plan
 - Proposed second floor plan
 - Proposed attic plan
 - Proposed roof plan
 - Proposed front elevation
 - Proposed right side elevation
 - Proposed left side elevation
 - Proposed rear elevation
 - Proposed cross section
 - Typical sections and details
 - Existing basement floor plan
 - Existing elevations

ADMINISTRATIVE DETERMINATIONS:

1. The property was the site of a social club, the North Gate Club, and then later the Knights of Columbus. A club or clubhouse requires a special permit in the SR3 district per Section 3.4.1. The clubhouse use predates zoning, and is legally nonconforming.

The applicant intends to convert the existing structure into three residential units. A multi-family dwelling is not permitted in this district.

To convert the existing structure to a three-unit multi-family dwelling requires a special permit to change from one nonconforming use to another, per Section 7.8.2.C.2.

2. Section 5.1.8.A.1 requires that no parking be located within any setback distances from a street or sidelines. One surface parking stall is proposed on the north side of the property, and a second on the south, each with its own curb cut. Both stalls are within the front setback and require a special permit per Section 5.1.13. Section 5.1.8.A.1 also states that parking must be a minimum of five feet from the street. The parking stalls are located directly on the front lot line, requiring a special permit per Section 5.1.13.
3. Section 5.1.8.D.1 requires an entrance and exit driveway have a minimum of 20 feet wide for two-way use. The driveway to serve the below-grade parking is proposed at 10 feet wide, with signals. A special permit per Section 5.1.13 is required.
4. There are no density and dimensional controls for multi-family uses set forth in the Single Residence Districts section. Section 3.1.2.A.3 states that where a density or dimensional control is not set forth for a use granted by special permit, the most restrictive control applicable to such use in any district where the use is allowed shall apply. In no zoning district are multi-family uses allowed by right. As the Ordinance does not set forth any density or dimensional controls for a by-

right multi-family dwelling in the SR3 district, or any other, the requested special permit shall legitimize the density and dimensional controls for the proposed project.

| Zone SR3 | Required | Existing | Proposed |
|------------------------------------------------------------------------------------|-----------------|------------------------|------------------------|
| Lot Size | | 14,120 square feet | No change |
| Lot area per unit | | | 4,707 square feet |
| Frontage | | 139 feet | No change |
| Setbacks <ul style="list-style-type: none"> • Front • Rear | | 16.7 feet 10.8 feet | No change No change |
| Number of stories | | 1.5 | No change |
| Lot coverage | | 29.87% | 27.11% |
| Open space | | 29.16% | 60.83% |
| Parking stalls | 6 | | 8 |

1. See “Zoning Relief Summary” below:

| Zoning Relief Required | | |
|-------------------------------|-------------------------------------------------------------------|------------------------|
| <i>Ordinance</i> | | <i>Action Required</i> |
| §3.4.1 §7.8.2.C.2 | To change a nonconforming clubhouse use to a multi-family use | S.P. per §7.3.3 |
| §5.1.8.A.1 §5.1.13 | To locate parking in a setback | S.P. per §7.3.3 |
| §5.1.8.D.1 §5.1.13 | To allow a two-way entrance and exit drive less than 20 feet wide | S.P. per §7.3.3 |

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Alderman Mark Laredo, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit – 15 South Gate Park

Date: October 6, 2015

CC: Lou Taverna, PE City Engineer
Linda Finucane, Associate City Clerk
Alexandria Ananth, Chief Planner
Stephen Pantalone, Sr. Planner

In reference to the above site, I have the following comments for a plan entitled:

*Proposed Conditions Site Plan
15 South Gate Park
Newton, MA
Prepared by: Verne T. Porter, Jr., PLS
Dated: June 8, 2015
Revised: September 17, 2015*

Executive Summary:

The proposed project is a 4 unit attached dwelling with underground and surface parking located on a 14,120 square foot lot currently occupied by the Knights of Columbus Hall. The site is essentially all impervious except for a grassy area on the north side of the lot. No drainage study was submitted for review. The plan indicates the access ramps are sloped at 8% & 4% respectively down gradient to the underground parking facility, this cannot be confirmed without the proposed grades; to clarify this, proposed finished grades are needed along the top, and bottom of the ramp. The driveway scales approximately 10' wide, which is not wide enough for two way traffic; traffic signals

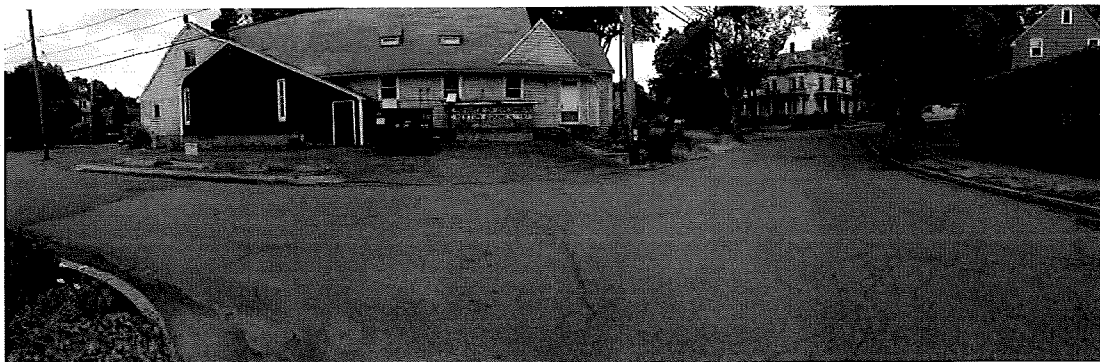
have been added at the entrance and exit the underground garage to accommodate safe passage. The proposed retaining wall that is parallel to the ramp needs grades and elevations as well as material specification; and will need a safety fence per Building Code.

An automobile turning template plans is needed on the engineered scaled site plan to demonstrate that this design actually works; the drawing on sheet A-2a just shows a generic vehicle without turning radius. The movements should be for entering and exiting the garage as well as within the garage.

The fire suppression system for the development shows a generic note for a water service; the size needs to be determined via a fire flow test on the two closest fire hydrants and hydraulic calculations based on current fire codes.

All drainage within the interior of the garage must be connected to the sanitary sewer yet there is nothing shown to reference this. Three curb cuts seems a bit excessive for one lot, the engineer of record should reconsider and consolidate the total number of curb cuts. Snow storage needs to be identified, how will trash & recycling be addressed?

In concert with the proposed cement concrete sidewalks and curbing pedestrian curb cuts (a.k.a. HP ramps) are needed at Adena Road and South Gate Park.



Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction equipment, construction materials, parking of construction worker's vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of contractor. It shall also address any anticipated dewatering during construction, site safety & stability, and impact to abutting properties.
2. Stabilized driveway entrances are needed during construction which will provide a tire wash and mud removal to ensure City streets are kept clean.

Drainage:

1. A drainage analysis needs to be performed based on the City of Newton's 100-year storm event of 6-inches over a 24-hour period. All runoff from impervious areas need to be infiltrated on site, for the project. The design of the proposed on site drainage system needs to comply with the MassDEP Stormwater Regulations and City Ordinances.
2. An on-site soil evaluation needs to be performed to obtain the seasonal high groundwater elevation, percolation rate in accordance to Title V. This information must be submitted with the drainage study. The locations of these tests need to be shown on the site plan and must be performed within 25-feet of a proposed system.
3. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
4. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the property owner(s).
5. Trench drains are needed at the two proposed driveways to capture the runoff before it sheets off to the public road.

Environmental:

1. Has a 21E investigation & report been performed on the site, if so copies of the report should be submitted the Newton Board of Health and the Engineering Division.
2. Are there any existing underground oil or fuel tanks, are they to be removed, if they have been evidence should be submitted to the Newton Fire Department, and Newton Board of Health.

Sewer:

1. A detailed profile is needed which shows the existing water main, proposed water service(s), sewer main and proposed sewer service(s) with the slopes and inverts labeled to ensure that there are no conflicts between the sewer services and the water service. The minimum slope for a service is 2.0%, with a maximum of 10%. Pipe material shall be 6" diameter SDR 35 PVC pipe within 10' of the dwelling then 4" pipe per Massachusetts State Plumbing Code. In order to verify the slopes and inverts of the proposed service connection, two manholes of the existing sanitary sewer system need to be identified on the plan with rim & invert elevations. The crown of the service connection & the sewer man need to match.
2. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the main and the site then properly back filled. The Engineering Division must inspect this work; failure to having this work inspected may result in the delay of issuance of the Utility Connection Permit.
3. Use City of Newton Details in lieu of the details submitted they are in PDF format on the City's website.
4. With the exception of natural gas service(s), all utility trenches with the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E, detail is available in the city of Newton Construction Standards Detail Book.
5. All new sewer service and/or structures shall be pressure tested or videotaped after final installation is complete. Method of final inspection shall be determined solely by the construction inspector from the City Engineering Division. All

sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer. *This note must be added to the final approved plans.*

6. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer.

Water:

1. Fire flow testing is required for the proposed fire suppression system. The applicant must coordinate this test with both the Newton Fire Department and the Utilities Division; representatives of each department shall witness the testing, test results shall be submitted in a write report. Hydraulic calculation shall be submitted to the Newton Fire Department for approval.
2. All water connections shall be chlorinated & pressure tested in accordance to AWWA and the City of Newton Construction Standards and Specifications prior to opening the connection to existing pipes.
3. Approval of the final configuration of the water service(s) shall be determined by the Utilities Division, the engineer of record should submit a plan to the Director of Utilities for approval

General:

1. Finalized utility connection plan reflecting the above changes that meets the minimal design standards of the City of Newton must be submitted for approval by the contractor of record with appropriate Bonds & Insurance. The Engineering Division makes no representations and assumes no responsibility for the design(s) in terms of suitability for the particular site conditions or of the functionality or performance of any items constructed in accordance with the design(s). The City of Newton assumes no liabilities for design assumption, error or omissions by the Engineer of Record.

2. All trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
3. All tree removal shall comply with the City's Tree Ordinance.
4. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility in question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
5. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
6. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
7. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
8. All site work being completed before a Certificate of Occupancy is requested. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.



Setti D. Warren
Mayor

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

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

James Freas
Acting Director

Newton Historical Commission Demolition Review Decision

Date: 6/23/15 Zoning & Dev. Review Project# 14080121

Address of structure: 15 South Gate Park

Type of building: Club house

If partial demolition, feature to be demolished is portions all sides

The building or structure:

is is not x in a National Register or local historic district not visible from a public way.
is is not x on the National Register or eligible for listing.
is is not x importantly associated with historic person(s), events, or architectural or social history
is x is not historically or architecturally important for period, style, architect, builder, or context.
is is not x located within 150 feet of a historic district and contextually similar.

is **NOT HISTORIC** as defined by the Newton Demolition Delay Ordinance.
Demolition is not delayed and no further review is required.

is x **HISTORIC** as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

 APPROVES the proposed project based upon materials submitted see below for conditions (if any):
Demolition is not delayed, further staff review may be required.

 x **DOES NOT APPROVE** and the project requires
Newton Historical Commission review (See below).

| |
|--|
| |
| |
| |

The Newton Historical Commission finds the building or structure:

is **NOT PREFERABLY PRESERVED**
Demolition is not delayed and no further review is required.

is x **PREFERABLY PRESERVED – (SEE BELOW).**

Delay of Demolition:

 is in effect until

 x has been waived - see attached for conditions

Determination made by:

James Freas *HC*

Preserving the Past ★ Planning for the Future

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.



Setti D. Warren
Mayor

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
Fress
Candace Havens
Director

RECORD OF ACTION:

DATE: June 23, 2015

SUBJECT: 15 South Gate Park


14080121

At a scheduled meeting and public hearing on June 16, 2015 the Newton Historical Commission, by vote of 5-0:

RESOLVED to waive the demo delay on 15 South Gate Park and support the exterior design of the building, and approve the corrected materials list as promised by the architect; and that the Commission would like to see an improved design of the ramp system for the accessible unit, and prepare a proposed railing plan for the ramp.

Voting in the Affirmative: Voting in the Negative: Abstained:

Nancy Grissom, Member
Mark Armstrong, Member
Jean Fulkerson, Member
Jeff Templer, Member
Ellen Klapper, Alternate


Katy Hax Holmes
Staff

Newton Historical Commission
1000 Commonwealth Avenue, Newton, Massachusetts 02459
Email: ~~Blewer~~@newtonma.gov
www.ci.newton.ma.us

Kholmes

CITY OF NEWTON

CITY COUNCIL

January 30, 2017

ORDERED:

That the Board, 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 change a nonconforming clubhouse use to a multi-family use to allow parking in the front setback, and to allow a two-way entrance and exit drive less than 20 feet wide as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

1. Literal compliance with the requirements that the two-way entrance and exit drive be 20 feet wide and that the two required parking stalls not be located within the front setback (§5.1.8.A.1 and §5.1.8.D.1) are impracticable due to the shape of the lot, and furthermore, granting an exception would be in the public interest as the drive and spaces will provide off-street parking for tenants and visitors of the multi-family dwelling while preserving open space and not disrupting the proposed sidewalk. (§5.1.13)
2. The proposed three unit multi-family dwelling is not substantially more detrimental than the existing nonconforming clubhouse use is to the neighborhood, as the proposed residential use is in keeping with the neighborhood, parking will be accommodated on site, and the amount of open space will increase (§7.8.2.C.2).
3. The specific site is an appropriate location for the proposed multi-family dwelling, as it is located in a residential neighborhood with properties that have a similar lot area per unit (§7.3.3.C.1).
4. The proposed multi-family dwelling, as developed and operated, will not adversely affect the neighborhood, as the use will be more consistent with the surrounding neighborhood, the footprint of the existing structure will be maintained, the open space percentage will be increased, and curbing will be installed along its frontage (§7.3.3.C.2).

5. There will be no nuisance or serious hazard to vehicles or pedestrians, as the parking will be located on the site and the project will result in a new sidewalk along the frontage of the property (§7.3.3.C.3).
6. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).
7. The applicant's proposed construction of a sidewalk along the frontage of the property is a public benefit to the City that will enhance the safety of pedestrians and improve vehicular circulation in the immediate neighborhood.

PETITION NUMBER: #430-16

PETITIONER: Anthony DePasquale

LOCATION: 15 South Gate Park, on land known as Section 33, Block 31, Lot 9, containing approx. 14,120 square feet of land

OWNER: Anthony DePasquale

ADDRESS OF OWNER: 30 Wildwood Avenue
Newton, MA 02465

TO BE USED FOR: To allow a multi-family dwelling

EXPLANATORY NOTES: §3.4.1 and §7.8.2.C.2 to change a nonconforming clubhouse use to a multi-family use ; §5.1.8.A.1 and §5.1.13, to allow parking within the front setback; and §5.1.8.D.1 and §5.1.13 to allow and entrance and exit drive less than 20 feet wide

ZONING: Single Residence 3 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. Civil Plan Set, prepared, stamped and signed by Verne T. Porter Jr., Professional Land Surveyor, and Paul J. Tyrell, Registered Professional Engineer, entitled "Proposed Grading and Building Location", dated September 11, 2015, revised on December 12, 2016 and January 13, 2017;
 - b. Architectural Plan Set, titled 15 South Gate Park, West Newton, MA 02465 – Residential Renovation and Alternation, prepared, signed, and stamped by Ronald F.

Jarek, Registered Architect, dated November 28, 2016, consisting of the following nineteen (19) sheets:

- i. A-0 - Title Sheet;
 - ii. A-1 – Notes & Materials, dated November 29, 2016;
 - iii. A-2 – Basement/Garage;
 - iv. A-3 – Proposed First Floor Plan;
 - v. A-3 – First Floor Plan;
 - vi. A-4 – Second Floor Plan;
 - vii. A-5 – Attic Plan;
 - viii. A-6 – Roof Plan;
 - ix. A-7 – Front Elevation;
 - x. A-8 – Right Elevation;
 - xi. A-9 – Left Elevation;
 - xii. A-10 – Rear Elevation;
 - xiii. A-11 – Cross Section;
 - xiv. F-6 – Details;
 - xv. X-0 – Existing Basement Plan;
 - xvi. X-1 – Existing Front Elevation;
 - xvii. X-2 – Existing Right Side Elevation;
 - xviii. X-3 – Existing Left Side Elevation; and
 - xix. X-4 – Existing Rear Elevation.
 - c. Landscape Plan, prepared, signed and stamped by Ron F. Jarek, dated November 29, 2016
2. The petitioner shall preserve the existing proportions, substrate and architectural details that contribute to the historic significance of the original structure including but not limited to all exterior walls, roof structure, and window openings. In addition, the materials shall consist of the materials approved by the Newton Historical Commission (NHC) listed on Sheet A-1 of the architectural plans cited below. Any replacement in kind or deviation shall be by prior approval only by Preservation Planning and ISD staff.
 3. The petitioner shall design the fire suppression system in accordance with the criteria of a 13-R system and install fire department connections (FDC) to the satisfaction of the Newton Fire Department.
 4. The petitioner shall comply with the City's Tree Preservation Ordinance.
 5. All landscaping and fencing shall be maintained in good condition and shall be replaced with similar materials as necessary.

6. 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.
7. Prior to the issuance of any Building Permit, the petitioner shall provide a Final Landscape Plan for review to the Director of Planning and Development.
8. 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, 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.
9. Prior to the issuance of any building permit the petitioner shall submit a Construction Management Plan for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer. The Construction Management Plan shall be consistent and not in conflict with relevant conditions of this Board Order and shall include, but not be limited to, the following provisions:
 - 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 7:00 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. The proposed schedule of the project, including the general phasing of the construction activities.
 - d. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for delivery vehicles, and location of any security fencing.
 - e. 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.
 - f. Proposed methods of noise control, in accordance with the City of Newton's Ordinances. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.
 - g. De-watering methodology.
 - h. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.
 - i. A plan for rodent control during construction.

11. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this Board Order for the approved Special Permit/Site Plan Approval 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.
 - e. Obtained a written statement from the Engineering Division of Public Works that confirms receipt of a certified Copy of the O&M Plan in accordance with Condition #6.
 - f. Received final approval from the Director of Planning and Development for the Final Landscape Plan.
 - g. Received final approval from the Director of Planning and Development for the Construction Management Plan.
 - h. Received approval from the Newton Fire Department for the proposed fire suppression system in accordance with Condition #3.
12. No Final Inspection/Occupancy Permit for the use covered by 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 or engineer 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 paper and digital format by a licensed surveyor.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.
 - d. Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Planning Department approving final location, number and type of plant materials and final landscape features.
13. Notwithstanding the provisions of Condition #12. 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.