



Land Use Committee Agenda

City of Newton **In City Council**

Tuesday, May 2, 2017

7:00 PM
Chamber

Request for a Consistency Ruling relative to 15 South Gate Park. Requesting a change to reorient the garage door and driveway as they relate to Special Permit #430-16.

- #43-17 Special Permit to extend non-conforming two-family use at 893 Watertown Street**
JAMES AND CAROL HOOPES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a single-story rear addition extending the existing non-conforming two-family use at 893 Watertown Street, Ward 3, West Newton, on land known as SBL 31014 0005, containing approximately 19,560 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
- #38-17 Special Permit to exceed FAR at 1016 Centre Street**
CLAUDINE GROSSMAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing garage, structure and deck and to construct an attached two-car garage and indoor sport court, exceeding the maximum allowable FAR to .38 where .33 is allowed and .31 exists at 1016 Centre Street, Ward 7, Newton Centre, on land known as SBL 73049 0010, containing approximately 19,878 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9.A.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
- #95-17 Change of Zone Petition for Washington Street**
MARK NEWTONVILLE, LLC petition for a change of zone to Mixed Use 4 for (i) all of the land located at 10-12 Washington Terrace, 6-8 Washington Terrace, 875 Washington Terrace, 867 Washington Street, 857-859 Washington Street, 845-855 Washington Street and 245-261 Walnut Street, also identified as Section 21, Block 29, Lots 11, 12, 17, 18, 19A, 20 and 21, Ward 2, currently zoned Business 1 and Business 2, and (ii) a

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

portion of the land located at 16-18 Washington Terrace, 869 Washington Street, 861-865 Washington Street, 241 Walnut Street, 22 Bailey Place, 14-18 Bailey Place, and a private way known as Bailey Place, also identified as Section 21, Block 29, Lots 10, 13, 14, 16, 19, and 22, Ward 2, currently zoned Business 1, Business 2, and Public Use, further described as follows:

Beginning at a point on the northerly line of Washington Street, thence

Along the northerly line of Washington Street, south 89 degrees - 04 minutes - 40 seconds west, a distance of 434.02 feet to a point; thence

Along the easterly line of Washington Terrace, north 01 degrees - 52 minutes - 35 seconds west, a distance of 188.53 feet to a point; thence

North 89 degrees - 04 minutes - 40 seconds east, a distance of 294.98 feet to a point; thence

North 05 degrees - 11 minutes - 33 seconds west, a distance of 52.46 feet to a point; thence

North 85 degrees - 43 minutes - 30 seconds east, a distance of 150 feet to a point on the westerly line of Walnut Street; thence

Along the westerly line of Walnut Street, south 04 degrees - 12 minutes - 48 seconds east, a distance of 231.99 feet to a point of curvature; thence

Along a curve to the right having a radius of 17.00 feet, a central angle of 93 degrees - 17 minutes - 28 seconds, an arc length of 27.68 feet, a chord bearing of south 42 degrees - 25 minutes - 56 seconds west, a chord length of 24.72 feet to the point and place of beginning.

Containing 92,907 square feet, or 2.13 acres, more or less.

#96-17

Special Permit Petition for Washington Street

MARK NEWTONVILLE, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use development in excess of 20,000 square feet consisting of three interconnected buildings with building heights not exceeding 60 feet and five stories, total gross floor area not exceeding 235,000 square feet incorporating not more than 160 residential units, not exceeding 46,000 square feet of commercial space, not exceeding 2,500 square feet of community space, not less than 350 onsite parking stalls outside at grade or within a below-grade garage, and related site improvements; to authorize uses including retail of more than 5,000 square feet, personal service of more than 5,000 square feet, restaurants over 50 seats, standalone ATMs, health club

establishments at or above ground floor, animal services, and street level office; to allow FAR of not more than 2.50, lot area per dwelling unit of approximately 581 square feet, reduction of the overall non-residential parking requirement by 1/3, 1.25 parking stalls per residential unit, and free standing signs; to grant waivers of not more than 97 parking stalls and of the height setback and facade transparency and entrance requirements; to grant waivers of certain parking facility design standards including dimensional requirements for parking stalls, parking stall setback requirements, entrance and exit driveways, interior landscaping, interior planting area, tree plantings, bumper overhang, lighting of one foot candle, curbing and surfacing, wheel stops, guard rails, bollards, and maneuvering space for end stalls; and to grant waivers as to number, size, location, and height of signs and number and dimensions of required loading bays, at 22 Washington Terrace, 16-18 Washington Terrace, 10-12 Washington Terrace, 6-8 Washington Terrace, 875 Washington Street, 869 Washington Street, 867 Washington Street, 861-865 Washington Street, 857-859 Washington Street, 845-855 Washington Street, 245-261 Walnut Street, 241 Walnut Street, 22 Bailey Place, 14-18 Bailey Place, an unnumbered lot on Bailey Place, and the private way known as Bailey Place, also identified as Section 21, Block 29, Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 19A, 20, 21, 22, and 23, containing approximately 2.84 acres of land part of which is in a proposed Mixed Use 4 District and the remainder of which is in the existing Business 2 and Public Use zones. Ref.: Sections 4.2.2.A.2; 4.2.2.B.1; 4.2.3; 4.2.5.A.2; 4.2.5.A.3; 4.2.5.A.4.c; 4.2.5.A.6.a; 4.2.5.A.6.b; 4.2.5.A.6.c; 4.4.1; 5.1.4.A; 5.1.4.C; 5.1.8.A.1; 5.1.8.A.2; 5.1.8.B.2; 5.1.8.B.6; 5.1.8.D.2; 5.1.9.B.1; 5.1.9.B.2; 5.1.9.B.3; 5.1.9.B.4; 5.1.10.A.1; 5.1.10.B.5; 5.1.12; 5.1.13; 5.2.13.A; 7.3; and 7.4 of Chapter 30 of the City of Newton Revised Zoning Ordinances, 2015.

Respectfully submitted,

Marc C. Laredo, Chair

CITY OF NEWTON

CITY COUNCIL

February 6, 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, Councilor Marc Laredo:

1. Literal compliance with the requirements that the two-way entrance and exit drive is 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 residential character of 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 than the clubhouse use, 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).

2017 FEB - 8 PM 3:45
David A. Olson, Clerk
Newton, MA 02459

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 (underlying shell) 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. Changes to the existing proportions or substrate of the original structure shall not be made without an amendment to this special permit. The materials for the structure shall consist of those approved by the Newton Historical Commission (NHC) which are listed on Sheet A-1 of the I plans referenced in Condition #1 above. Any replacement in kind or deviation regarding said materials 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.

10. 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.

11. 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.

12. Notwithstanding the provisions of Condition #11d. 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.

Under Suspension of Rules
Readings Waived and Approved
21 yeas 0 nays 3 absent (Councilors, Lipof, Norton and Sangiolo)

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on February 8, 2017. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

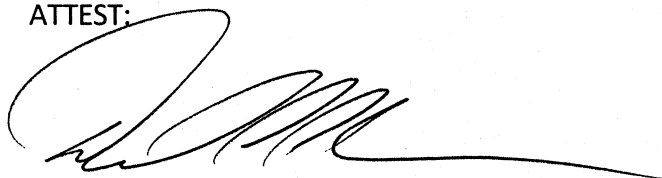
ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the City Council

I, David A. Olson, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty Days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on 2/8 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the Council