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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	July 10, 2018
Land Use Action Date:	September 25, 2018
City Council Action Date:	October 1, 2018
90-Day Expiration Date:	October 8, 2018

DATE: July 6, 2018

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner
Michael Gleba, Senior Planner

SUBJECT: **Petition #362-18** for SPECIAL PERMIT/SITE PLAN APPROVAL to combine two parcels to allow four attached dwelling units in two structures, requiring a Special Permit to allow single-family dwellings in an MR2 district, to allow reduced side setbacks for attached single-family dwellings in an MR2 district, to allow a reduced front setback for attached single-family dwellings in an MR2 district, to allow a reduced rear setback for attached single-family dwellings in an MR2 district and to allow reduced lot coverage for attached dwellings in an MR2 zoning district at **21-25 Gardner Street** Ward 1, Newton, on land known as Section 11 Block 25 Lots 7 & 8, containing approximately 18,717 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 7.4, 3.4.1, 3.2.4 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 conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



21-25 Gardner Street

EXECUTIVE SUMMARY

The subject property is comprised of two adjoining lots, 21 Gardner Street and 25 Gardner Street. The property at 21 Gardner Street consists of a 7,814 square foot lot improved with a 1 ½ story, 1,166 square foot single-family residence constructed circa 1870, a 781 square foot barn, and a small shed. The adjacent 10,903 square foot parcel at 25 Gardner Street is improved with a structure constructed in 1959 as a single-family dwelling that was subsequently reconfigured (apparently without the benefit of a building permit) to include two dwelling units. The property also features a 345 square foot shed structure.

The petitioner proposes to combine the two parcels, which are in a Multi-Residence 2 (MR2) and in common ownership, by eliminating the shared lot line and creating one 18,717 square foot lot with 108 feet of frontage. The structure at 21 Gardner Street will be maintained but expanded with a 2,644 square foot (558 of which would be in an attached garage) addition to the rear of the structure that would contain a second single-family dwelling unit. While the structure at 25 Gardner Street will remain unchanged and a two-family dwelling is a by-right use in the MR2 zoning district, the petitioners seek to legitimize the two-unit configuration of that dwelling as two attached single-family dwellings per §1.5.1.C of the Newton Zoning Ordinance.

As such, the proposed project would result in four attached single-family dwellings in two separate buildings on a single lot. Per §3.4.1 and §6.2.3, attached dwellings as defined by §1.5.1.C require a special permit. Also, as detailed below and in the attached zoning review, the dwellings would have front, side, and rear setbacks that do not conform with the 25 feet setbacks required for attached single family dwellings, and the proposed lot coverage for the site is 31.2%, which exceeds the 25% allowed; all of these nonconformities require waivers per §3.2.4.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the proposed four attached single-family dwellings in two structures in a Multi-Residence 2 (MR2) district (§7.3.3.C.1)
- The proposed four attached single-family dwellings in two structures will adversely affect the neighborhood (§7.3.3.C.2)
- The proposed four attached single-family dwellings in two structures will create a 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 numbers of vehicles involved (§7.3.3.C.4), and
- literal compliance with the dimensional standards for front, side and rear setbacks and lot coverage is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§3.2.4)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD:

A. Neighborhood and Zoning

The subject properties are located on the north side of Gardner Street, between Jewett and School streets. The surrounding neighborhood is uniformly occupied by residential uses in a mix of single, two- three-, and multi- family dwellings and there also a vacant parcel directly to the rear of the site (**Attachment A**). The site and immediately surrounding area are zoned Multi-Residence 2 (MR2) and there is a Multi-Residence 1 (MR1) district to the southwest (**Attachment B**).

B. Site

The property at 21 Gardner Street consists of a 7,814 square foot lot improved with a 1 ½ story, 1,166 square foot single-family residence constructed circa 1870, a 781 square foot barn, and a small shed. The adjacent 10,903 square foot parcel at 25 Gardner Street is improved with a structure constructed in 1959 containing two dwelling units and a 345 square floor shed structure. The petitioner proposes to combine the two parcels by eliminating the shared lot line and creating one 18,717 square foot lot with 108 feet of frontage

Considered together, the properties feature a combination of lawn and paved areas as well as areas used for food cultivation, and generally slopes downward approximately 8-10 feet from west to east (left to right). Several retaining walls and structures defining the more significant grade changes. Portions of the lot used for cultivation are fenced, as are sections of the property boundaries.

Vehicular access to the current 25 Gardner lot is provided by an approximately 10-foot-wide paved driveway along its left (west) property line and a driveway that serves the basement level garage and adjacent driveway along its right (east) property line along its boundary with 21 Gardner. In turn, vehicular access to 21 Gardner is provided via an easement on the aforementioned driveway and an additional 10-foot driveway that straddles its right (east) boundary line shared with 17 Gardner Street.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the combined site will be four attached single-family dwelling units in two structures (two units in each). One structure will remain as it currently exists, the other would be expanded with a rear addition.

B. Building and Site Design

The petitioners seek to transform two adjacent lots, one with a single-family dwelling and the other with a two-family dwelling into a single property with four attached dwellings in two structures (two dwellings in each).

To facilitate the project as proposed, the 7,814 square feet property at 21 Gardner Street and

the adjacent 10,903 square foot parcel at 25 Gardner Street would be combined into one 18,717 square foot lot with 108 feet of frontage. An existing 780 square foot barn located in the rear right of the combined property approximately 11.8 feet from the rear lot line and 30 feet from the right (east) side property line would be removed, as would an approximately 85 square foot shed located about 2.4 feet from the latter lot line. A large accessory structure located in the rear left of the property with left side and rear setbacks of 2.6 and 32.5 feet, respectively, would remain.

No changes are proposed to the existing structure at 25 Gardner St. Constructed in 1959 as a single-family residence and currently considered to be used as a two-unit dwelling with a basement level garage, it would remain 1 ½ stories and 23.5 feet in height. Its 19.4-foot front and 12.3-foot left (west) side setback would remain unchanged.

The proposed one-story addition to 21 Gardner Street would add approximately 2,697 square feet of floor area to the structure. Of that, 2,086 square feet would be living space for the new dwelling unit and 558 would be in its two-car garage; 53 square feet would be used as mud room entry space at the back of the existing dwelling.

The height of the addition would be approximately four feet lower than that of the existing structure. That said, the height of the expanded structure would be considered to increase slightly, from 23.45 to 24.32 feet as a result of some proposed regrading.

The change from one one-family and one two-family dwelling, each on its own lot, to four single-family attached dwellings (in two structures) on a single lot requires 25-foot setbacks on all sides per § 3.2.4.

Neither 25 Gardner Street's front setback of 19.4 feet nor 21 Gardner's nonconforming one of 12.5 feet would be changed, but they would be less than the 25 feet required for attached single-family dwellings, therefore requiring relief. While the left (west) side setback, at 25 Gardner St., would remain unchanged, the proposed addition to 21 Gardner St. would decrease its existing right (east) side setback of 12.7 to 10.5 feet, less than the 25 feet required by § 3.2.4 for attached dwellings, and do so along the length of the addition. The proposed addition to 21 Gardner St would have a rear setback of 24.5 feet, just under the 25 feet required. However, it should be noted that this would be more than the 11.8-foot setback currently created by the existing barn that would be removed.

Section 3.2.4 requires a maximum lot coverage of 25% for attached single-family dwelling projects. After the proposed combination of the two lots and construction of the additional dwelling unit at #21, the proposed lot coverage for the site would be 31.2%, which exceeds the 25% allowed by § 3.2.4. The Planning Department notes that this lot coverage can be seen as a product of the proponent's stated goal of keeping the additional space on one level, responding to needs related to the care of a family member. The site's open space percentage would be 51.4%, above the required 50%.

Although floor area ratio (FAR) requirements are not imposed on attached single-family dwellings, the Planning Department notes that the FAR for the proposed project would be approximately 0.37 while that for a single- or two- family dwelling on the combined lot would

be approximately 0.39.

C. Parking and Circulation

The petitioners are proposing a new attached two-car garage on the first floor of the addition to 21 Gardner Street. Parking for the existing units would be accommodated in 25 Gardner's existing basement level garage and the existing and reconfigured driveways and paved areas.

D. Landscaping

No landscaping plan was submitted as part of the petition. The Planning Department suggests that the petitioner consider installing vegetative screening and or fencing along the right (east) and rear property lines in the general area of the proposed addition.

IV. 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 completed Zoning Review Memorandum, the petitioner is seeking the following relief:

➤ Special Permit per §7.3.3 to:

- allow attached single-family dwellings in an MR2 zoning district (§3.4.1)
- reduce the side setback requirement for attached single-family dwellings in an MR2 zoning district (§3.2.4)
- reduce the front setback requirement for attached single-family dwellings in an MR2 zoning district (§3.2.4)
- reduce the rear setback requirement for attached single-family dwellings in an MR2 zoning district (§3.2.4)
- reduce the lot coverage requirement for attached dwellings in the an MR2 zoning district (§3.2.4)

B. Engineering Review

On June 28, 2018 the Associate City Engineer submitted an Engineering Review Memorandum (**Attachment D**), providing an analysis of the proposal with regard to engineering issues. Among other issues the memorandum notes the need for some additional information to be added to the site plan and for an Operations & Maintenance (O&M) plan for the stormwater management facilities to be reviewed and approved by the Engineering Division.

C. Newton Historical Commission:

On February 28, 2017, the Newton Historical Commission found the property at 21 Gardner Street to be not preferably preserved. No further review by NHC is required.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

Attachment A: Land Use Map
Attachment B: Zoning Map
Attachment C: Zoning Review memorandum
Attachment D: Engineering Division memorandum
Attachment E: DRAFT Order

ATTACHMENT A





Land Use

21-25 Gardner St.

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Vacant Land
-  Tax Exempt

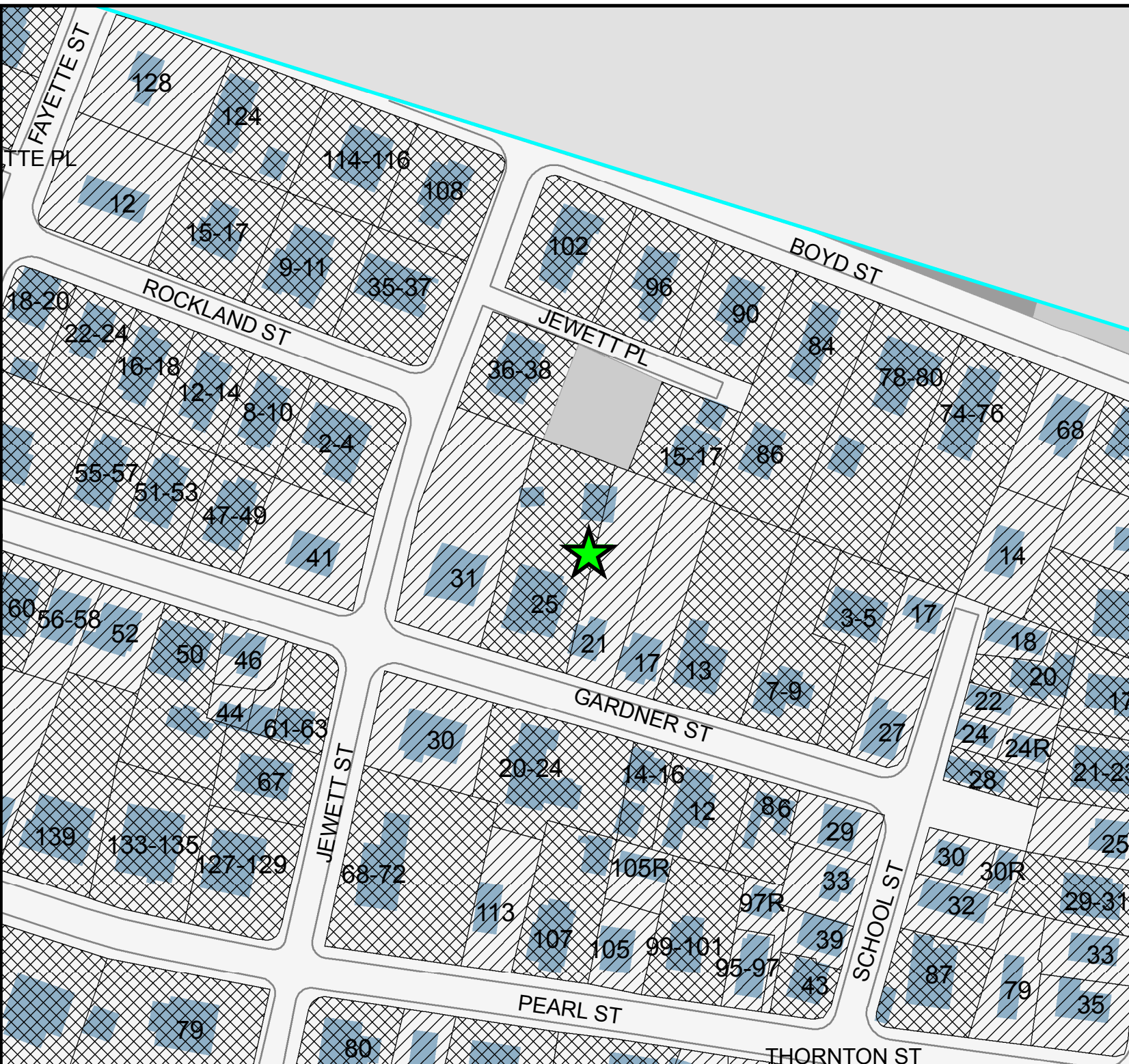


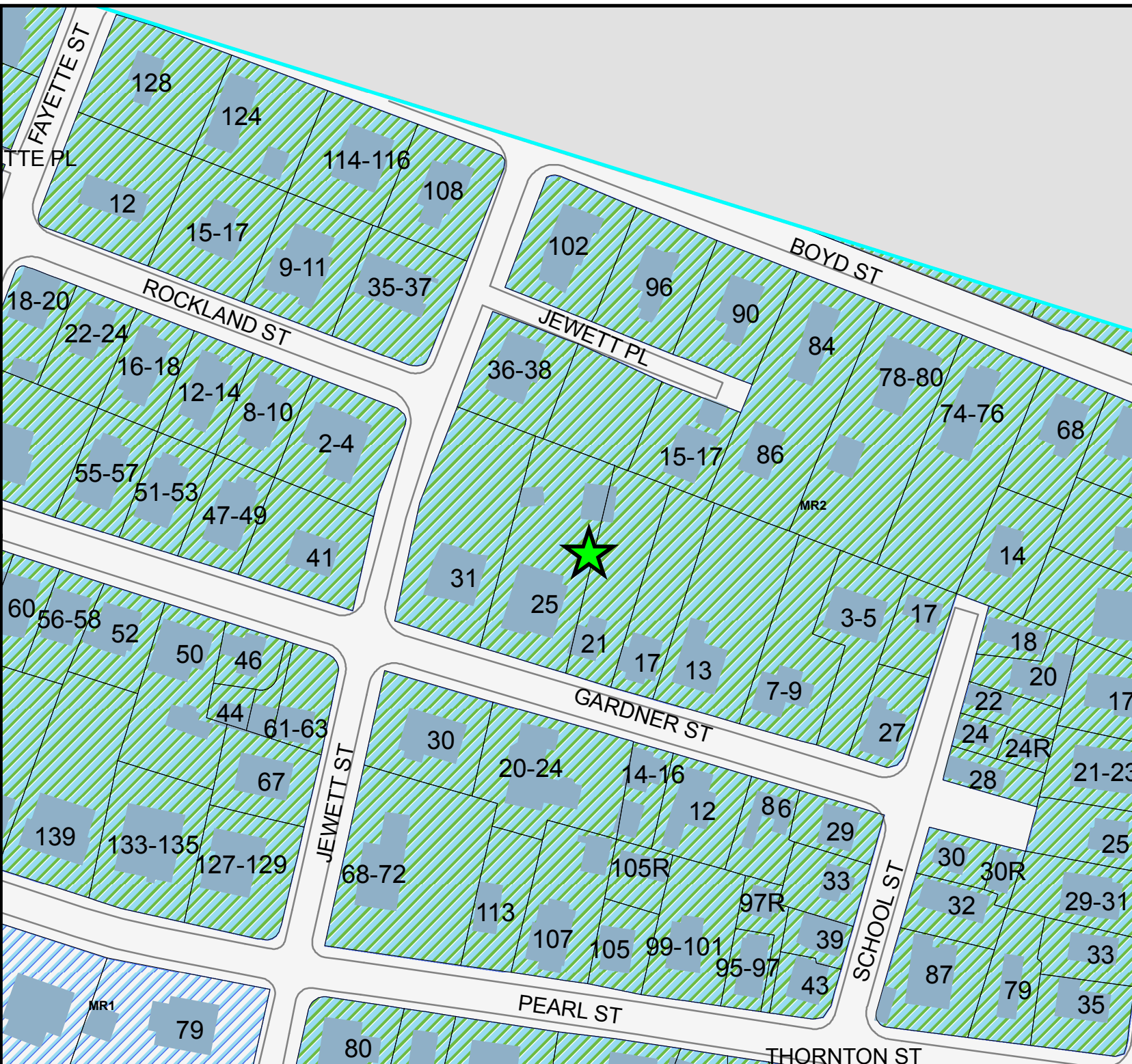
The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

0 12.5 25 50 75 100 125 Feet

Map Date: June 28, 2018







Setti D. Warren
Mayor

ATTACHMENT C

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 15, 2017

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Giuseppe Bove and Olimpia Fusco, applicants
Terrence P. Morris, Attorney
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: Request to allow four attached dwellings in two structures

Applicant: Giuseppe Bove & Olimpia Fusco	
Site: 21-25 Gardner Street	SBL: 11025 0007 and 11025 0008
Zoning: MR2	Lot Area: 18,717 square feet
Current use: One single-family dwelling and one two-family dwelling	Proposed use: Four attached dwellings in two structures

BACKGROUND:

The property at 21 Gardner Street consists of 7,814 square feet (as calculated, 7,821 per the deed) and is improved with a single-family residence constructed circa 1870 in the MR2 zoning district. The adjacent 10,903 square foot parcel at 25 Gardner Street is held in common ownership. The lot is improved with a dwelling constructed in 1959 as a single-family residence and currently used as a two-unit dwelling. The petitioners proposes to combine the two parcels and create one 18,717 square foot lot. The structure at 21 Gardner Street will be maintained and a second single-family dwelling unit will be attached at the rear. While the existing structure at 25 Gardner Street was constructed as a single-family dwelling, the interior at some point was reconfigured into two units, meeting the definition of a two-unit attached dwelling. This structure will remain unchanged and the petitioners seek to legitimize the configuration of the dwelling and the proposed changes to the lot and adjacent structure with a special permit, ultimately creating four attached dwellings on one lot in two structures.

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

- Zoning Review Application, prepared by Terrence P. Morris, attorney, dated 3/26/2018
- Site Plan, prepared by VTP Associates Inc, surveyor, dated 3/23/2018
- Elevations, prepared by C.D. Calhoun, dated 1/10/2018, revised 3/6/2018

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners propose to create four attached dwellings in two separate buildings. The application proposes to construct a new dwelling unit attached at the rear of the existing single-family dwelling at 21 Gardner Street. As well, the project will encompass the existing dwelling structure at 25 Gardner Street. This structure was permitted and built as a single-family dwelling in 1959. At some point the structure was converted into two units, though no building permit confirming this conversion is available in Inspectional Services records. A two-family dwelling is a by-right use in the MR2 zoning district. The petitioners state that the interior configuration of the dwelling meets the definition of an attached single-family dwelling per section 1.5.1.C, and does not meet the definition of a two-family dwelling. Per section 3.4.1 and 6.2.3, attached dwellings as defined by section 1.5.1.C require a special permit.
2. The petitioners own two adjoining lots in the MR2 zoning district. They intend to eliminate the interior lot line and create one 18,717 square foot lot with 108 feet of frontage to extend the existing dwellings for a four-unit attached dwelling project. Per section 3.2.4, 15,000 square feet of lot area and 80 feet of frontage is required for attached dwellings.
3. The existing structure at #21 has a side setback of 12.7 feet. The petitioners intend to construct a rear addition to create a second dwelling unit with a proposed side setback of 10.5 feet. Per Section 3.2.4, attached dwellings require a 25-foot side setback. This same section allows the City Council to grant exceptions to dimensional requirements if literal compliance is impractical or not in the public interest. The applicant seeks a waiver from the side setback requirement.
4. The existing dwelling at #21 has a nonconforming front setback of 12.5 feet. The dwelling at #25 has a front setback of 19.4 feet, which was determined by averaging when it was constructed in 1959. Per section 3.2.4, attached dwellings require a 25-foot front setback. This same section allows the City Council to grant exceptions to dimensional requirements if literal compliance is impractical or not in the public interest. The applicant seeks a waiver from the front setback requirement.
5. The petitioners propose to construct a dwelling unit to the rear of the existing unit at #21. The proposed addition will have a rear setback of 24.5 feet, where 25 feet is required per section 3.2.4. This same section allows the City Council to grant exceptions to dimensional requirements if literal compliance is impractical or not in the public interest. The applicant seeks a waiver from the rear setback requirement.
6. Section 3.2.4 requires a maximum lot coverage of 25% for attached dwelling projects. After the combination of the two lots into one, and construction of the additional dwelling unit at #21, the proposed lot coverage for the site is 31.2%, which exceeds the 25% allowed by section 3.2.4. This same section allows the City Council to grant exceptions to dimensional requirements if literal

compliance is impractical or not in the public interest. The applicant seeks a waiver from the maximum lot coverage requirement.

MR2 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	18,717 square feet	No change
Frontage	80 feet	108 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side (east) • Side (west) • Rear 	25 feet 25 feet 25 feet 25 feet	12.5 feet 12.7 feet 12.3 feet 95.1 feet	No change 10.5 feet No change 24.5 feet
Building Height	36 feet	24.32 feet	No change
Max Number of Stories	2.5	2.5	2.5
Lot Coverage	25%		31.2%
Open Space	50%		51.4%
Lot Area Per Unit	4,000 square feet	9,359 square feet	4679 square feet

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.1	To allow attached single-family dwellings in an MR2 zoning district	S.P. per §7.3.3
§3.2.4	To reduce the side setback requirement for attached single-family dwellings in an MR2 zoning district	S.P. per §7.3.3
§3.2.4	To reduce the front setback requirement for attached single-family dwellings in an MR2 zoning district	S.P. per §7.3.3
§3.2.4	To reduce the rear setback requirement for attached single-family dwellings in an MR2 zoning district	S.P. per §7.3.3
§3.2.4	To reduce the lot coverage requirement for attached dwellings in the an MR2 zoning district	S.P. per §7.3.3

ATTACHMENT D

CITY OF NEWTON Department of Public Works ENGINEERING DIVISION

MEMORANDUM

To: Council Gregory Schwartz, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit – #21-25 Gardner Street

Date: June 28, 2018

CC: Barney Heath, Director of Planning
Jennifer Caira, Chief Planner
Lou Taverna, PE City Engineer
Nadia Khan, Committee Clerk
Michael Gelba, Sr. Planner
Natasha Bhan, Permits Engineer

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

*Topographic Site Plan
Showing Proposed Conditions
At #21-25 Gardner Street
Prepared By: VTP Associates, Inc.
Dated: June 8, 2018*

Executive Summary:

This proposal entails adding an attached single family dwelling to an existing dwelling at #21 Gardner Street. Access for the rear dwelling will be provided via a common driveway that runs between #21 & 25. The plan also indicates that the two lots will be combined, if the special permit is approved an Approval Not Required (ANR) plan will be needed in accordance to Massachusetts General Laws Chapter 41 Section 81P requiring the two separate lots be combined into one lot.

The existing conditions shows a driveway on #25 lot along the western property line, (the plan is missing a north arrow), but in this case north is up on the sheet and west & east run left to right respectively. The curb cuts for this driveway is not shown on the existing

plan and according to drainage calculations, under proposed conditions a decrease of approximately 865 square feet of asphalt is expected; yet this driveway still appears in the proposed conditions. The plan is also missing a right of way stone bound in the middle of the existing common driveway, the design is to install various utilities juxtaposed to this stone bound, the plan needs to be revised to ensure that there are no conflicts between the bound and proposed utilities; the stone bound needs to be located on the site plan.

A stormwater collection and infiltration system has been designed for the 100-year storm event, however; no on site soil investigation has been performed. On site testing is required to verify soil type(s), the seasonal high groundwater and to confirm design assumptions of the proposed system. The engineer of record needs to schedule a soil investigation that must be witnessed by the Engineer Division.

Finally with all the related utility work that will be undertaken the sidewalk and driveway apron along with the deteriorated concrete curbing must be replaced to current standards.

Drainage:

1. An on-site soil evaluation needs to be performed to obtain the seasonal high groundwater elevation, percolation rate in accordance to Title V. The locations of these tests need to be shown on the site plan.
2. 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.
3. 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).

Environmental:

1. 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. If the existing dwelling is to be renovated or gutted by more than 50% the both water and sewer services need to be updated. 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.

2. 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.
3. 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.*
4. 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.
5. The downstream sewer manhole needs to be shown on the plan with rim and invert elevations shown, so that the proposed sewer connection design can be verified.

Water:

1. 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.
2. 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. 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*
2. Any tree removal shall comply with the City's Tree Ordinance.
3. 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 is 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*
4. 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.*
5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
6. 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, improvements and limits of restoration work. The plan shall also include profiles of the various new utilities, indicating rim & invert elevations, slopes of pipes, pipe material, and swing ties from permanent building corners. *This note must be incorporated onto the final contract plans.*
7. All site work including trench restoration must being completed before a Certificate of Occupancy is issued. *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.

CITY OF NEWTONIN CITY COUNCIL

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 allow four single-family attached dwellings and grant exceptions to dimensional requirements for front, side and rear setbacks and lot coverage, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The site is an appropriate location for the proposed four attached single-family dwellings in two structures as it is located in a neighborhood with a mix of single-, two- and multi-family dwellings and the project will preserve three existing dwellings and create a new accessible dwelling unit (§7.3.3.C.1);
2. The proposed project as developed and operated will not adversely affect the surrounding neighborhood (§7.3.3.C.2);
3. There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
4. Access to site is appropriate for the number and types of vehicles involved (§7.3.3.C.4).
5. Granting the required exceptions to the dimensional standards for front, side and rear setbacks and lot coverage is in the in the public interest as they will allow for the preservation of three existing dwellings in two structures with nonconforming setbacks and the addition of a one-story, accessible attached dwelling unit (§3.2.4)

PETITION NUMBER: #362-18

PETITIONER: Olimpia Fusco and Guiseppe Bove

LOCATION: 21-25 Gardner Street, Ward 1, on land known as Section 11, Block 25, Lots 7 and 8, containing approximately 18,717sq. ft. of land

OWNER: Olimpia Fusco and Guiseppe Bove

ADDRESS OF OWNER: 25 Gardner Street
Newton, MA 02458

TO BE USED FOR: Four single-family attached dwellings

EXPLANATORY NOTES: Special permit as per §7.3.3 to:

- allow four attached single-family dwellings in an Multi-Residence 2 (MR2) zoning district (§3.4.11)
- reduce the side setback requirement for attached single-family dwellings in an MR2 zoning district (§3.2.4)
- reduce the front setback requirement for attached single-family dwellings in an MR2 zoning district (§3.2.4)
- reduce the rear setback requirement for attached single-family dwellings in an MR2 zoning district (§3.2.4)
- reduce the lot coverage requirement for attached dwellings in the an MR2 zoning district (§3.2.4)

ZONING: Multi-Residence 2 (MR2) 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 prepared by VTP Associates, Inc., signed and stamped by Joseph R. Porter, Professional Land Surveyor:
 - i. "Topographic Site Plan, Newton, Massachusetts, Showing Existing Conditions at #21 and #25 Gardner Street, Sheet 1 of 1," dated December 30, 2015 as revised through May 15, 2017;
 - ii. "Topographic Site Plan, Newton, Massachusetts, Showing Proposed Conditions at #21 and #25 Gardner Street, Sheet 1 of 2," dated June 8, 2018;
 - iii. "Detail Sheet, Newton, Massachusetts, Showing Proposed Conditions at #21 and #25 Gardner Street, Sheet 2 of 2," dated June 8, 2018.
 - b. Architectural plans entitled "New Residence for 21b Gardner St.," prepared by C.D. Calhoun & Associates Incorporated, dated January 10, 2018 as revised through March 6, 2018, signed and stamped by Charles D. Calhoun, Registered Architect on April 24, 2018:
 - i. Floor Plan for 21b (A-1);
 - ii. Front & Left Elevations for 21b & 21a (A-2);
 - iii. Rear & Right Elevations (A-3).
2. Prior to the issuance of any building permit issued pursuant to this special permit, the petitioner shall: record at the Registry of Deeds for the Southern District of Middlesex

County a lot plan showing the lots known as Section 11, Block 25, Lots 7 and 8, and subject to this special permit combined into a single lot, and

- b. file certified copies of such recorded document(s) with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
3. The petitioner shall comply with the Tree Preservation Ordinance.
4. All lighting fixtures shall be residential in scale.
5. 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 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 Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Provided a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
 - d. 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.
 - e. Provided 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 Registry of Deeds for the Southern District of Middlesex County. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
 - f. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
6. 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.
 - 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.