



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
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**#104-19**

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Barney Heath  
Director

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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date:	April 2, 2019
Land Use Action Date:	June 11, 2019
City Council Action Date:	June 17, 2019
90-Day Expiration Date:	July 1, 2019

DATE: March 29, 2019

TO: City Council

FROM: Barney Heath, Director of Planning and Development  
Jennifer Caira, Chief Planner for Current Planning  
Katie Whewell, Planning Associate

SUBJECT: **Petition #104-19**, for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwellings in two buildings, allowing single-family attached dwellings with three stories and to allow retaining walls greater than 4' within a setback at 499 Winchester Street, Ward 8, Newton Highlands, on land known as Section 83 Block 35 Lot 08, containing approximately 43,567 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.1.4, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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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.



**499 Winchester Street**

### **EXECUTIVE SUMMARY**

The property located at 499 Winchester St. contains a 43,567 square foot lot in the Single Residence (SR-3) zone in Newton Highlands. The lot is improved with a two-story single-family dwelling. The petitioner is seeking to construct four single-family attached dwellings within two separate structures. They are proposing to relocate the existing dwelling closer to Winchester St. and construct an addition resulting in two single family attached dwellings. The design of the structures does not meet the definition of a two-family dwelling; therefore, the structure is classified as a Single-Family Attached Dwelling, a building type that requires a special permit. The petitioner is also seeking to construct an additional building with two single family attached dwellings at the rear of the site, for a total of four units on site. The rear building, containing Units 3 and 4 is considered a three-story structure due to the basement counting as a story. The petitioner originally sought relief for retaining walls with a height of 4 feet or higher within a setback, however updated plans show the retaining walls as less than 4 feet and the Planning Department recommends that the petitioner withdraw the relief requested for the retaining walls per section §5.4.2.B.

Planning Staff is unconcerned with the petition to allow single family attached dwellings on this site. The site's size of 43,567 square feet lends itself to single family attached dwellings and the proposed project meets the lot area per unit. Due to the lack of surrounding structures in the neighborhood and the surrounding land uses being a golf course and open space, there are no structures it will adversely affect or be out of context with. Staff is also supportive of the plan to retain the existing historic structure and incorporate it into the project.

Planning Staff would like the petitioner to explore any opportunity to reduce the amount of asphalt on the site and/or incorporate permeable paving wherever possible. Planning Staff would recommend the grass paved area shown on the site plan be replaced with landscaping as there appears to be more than sufficient parking for the four units.

#### **I. SIGNIFICANT ISSUES FOR CONSIDERATION:**

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed four Single-Family Attached Dwellings, two with three stories. (§7.3.3.C.1)
- The four Single-Family Attached Dwellings, two with three stories and will adversely affect the neighborhood. (§7.3.3.C.2)
- The Single-Family Attached Dwellings, two with three stories 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)

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

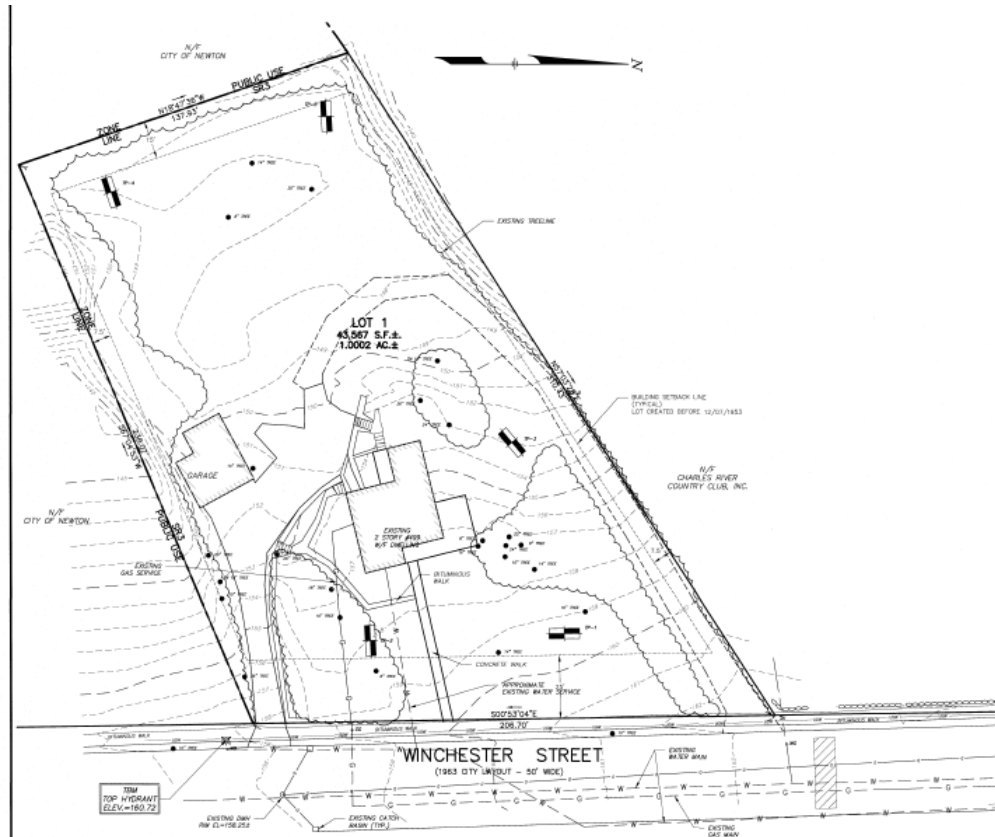
### A. Neighborhood and Zoning

The subject property is located on Winchester Street in the SR-3 zone in Newton Highlands. Surrounding the property is the Charles River Country Club to the north and east of the site and Nahanton Park to the south and west. The area is zoned Single Residence 3 to the north, Single Residence 1 to the east and Public Use to the south (**Attachment A**). The property's current land use is single family residential, and surrounding land uses are a golf course and open space (**Attachment B**). Heading north on Winchester St. from the site are neighborhoods with a land use of single family residential. There is no immediate context to compare the proposed single family attached dwellings to in the neighborhood, therefore staff is unconcerned with the possibility of the proposed single family attached dwellings adversely impacting the neighborhood.

### B. Site

The site consists of 43,567 square feet of land and is improved with a two-story single-family dwelling built in 1860, which is referred to as the farmhouse by the petitioner. The site has two curb cuts along Winchester Street that connect behind the main dwelling and leads to a garage and surface parking area. The site slopes slightly downward towards the rear of the lot. The site is surrounded by mature landscaping with tall, dense trees separating the property from the abutting golf course. The site also has a frontage on Winchester St. of 206.7 feet, where 80 feet is required.

*Existing Conditions:*



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will change from a single-family use to a multi-family use.

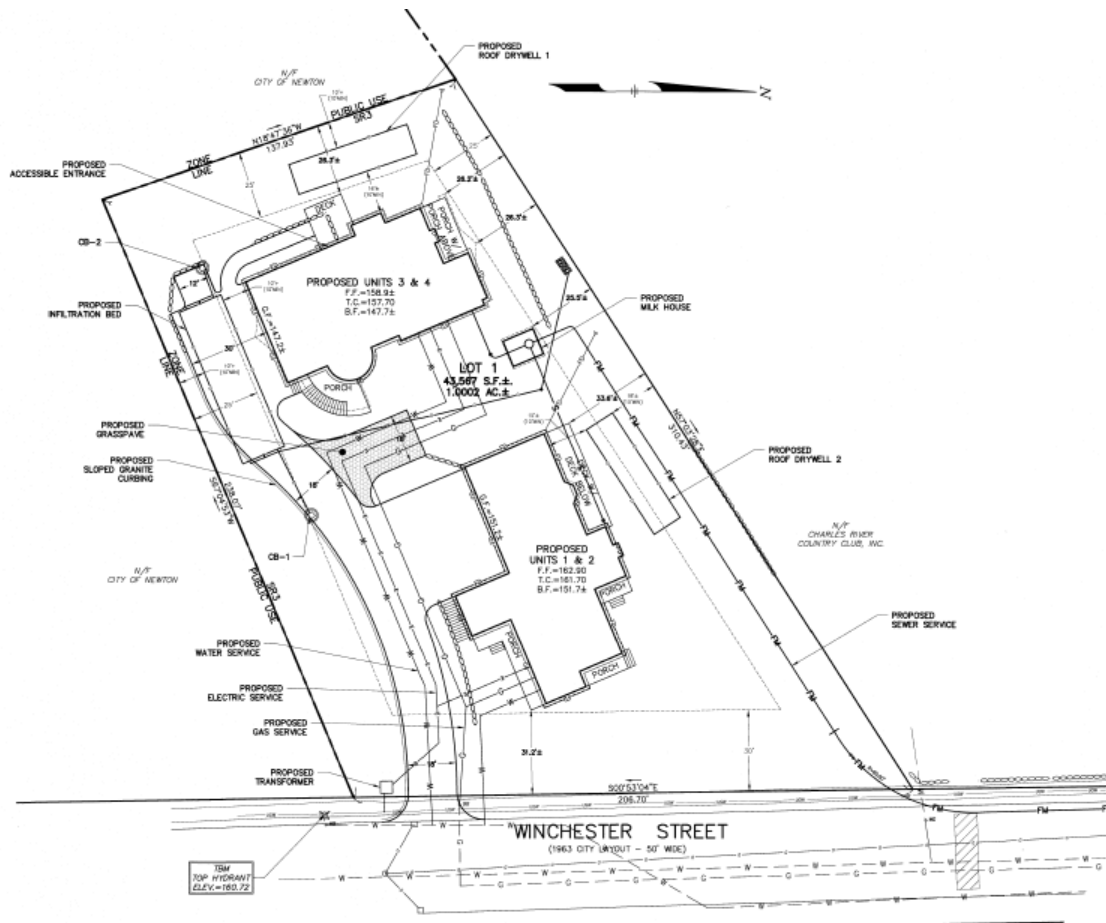
B. Site Design

The petitioners are proposing to construct four single family attached dwellings within two separate structures. The petitioners are proposing to relocate the existing single family dwelling closer to Winchester St. and construct an addition to it that will house units 1 and 2, the petitioners refer to this building in the plans as the farmhouse. Additionally, a second structure is being proposed for the rear of the lot that will house units 3 and 4. This building is referred to as the barn by the petitioners. A third structure, a small accessory building referred to as the milk house by the petitioners is being proposed that will house mechanicals for the dwellings that will be located along the northern property line and in between the front and rear buildings. There is an existing

garage on site that will be removed.

Two existing curb cuts will be closed and a new 18' wide curb cut is proposed on Winchester St. A new driveway will be relocated to the right of the existing driveway, closer to the midpoint of the frontage on Winchester St. The gravel driveway along the northern property line off Winchester St. will be removed. The new driveway will be the sole point of vehicular access and will extend to the rear structure at the rear of the site that will house units 3 and 4. The existing house will be relocated closer to Winchester St. and will be set back 31.2 feet from the front lot line, where 25 feet is required in an SR3 zone. The proposed project meets the 25' setback from all property lines. The project as designed will have a lot coverage of 18.3% and open space of 66.7%.

*Proposed Plan:*



C. Building Design

There are three buildings the petitioner is proposing, a front building incorporating an existing house with units 1 and 2, a rear building with units 3 and 4, and a smaller accessory building that will house mechanical equipment. The front building and rear building will each have two single family attached dwellings.

In the front building, Units 1 and 2 will each have 3,365 square feet and similar floor plans, each containing three-bedroom units. The proposed basement floor plan will have parking for two cars per unit as well as common areas and dedicated space for each unit. The proposed building height for Units 1 and 2 in the front structure is 35.56 feet, where 36 feet is the maximum allowed. The front building incorporates and expands upon the existing single-family dwelling and retains some of the architectural character of the single-family dwelling constructed in 1860.

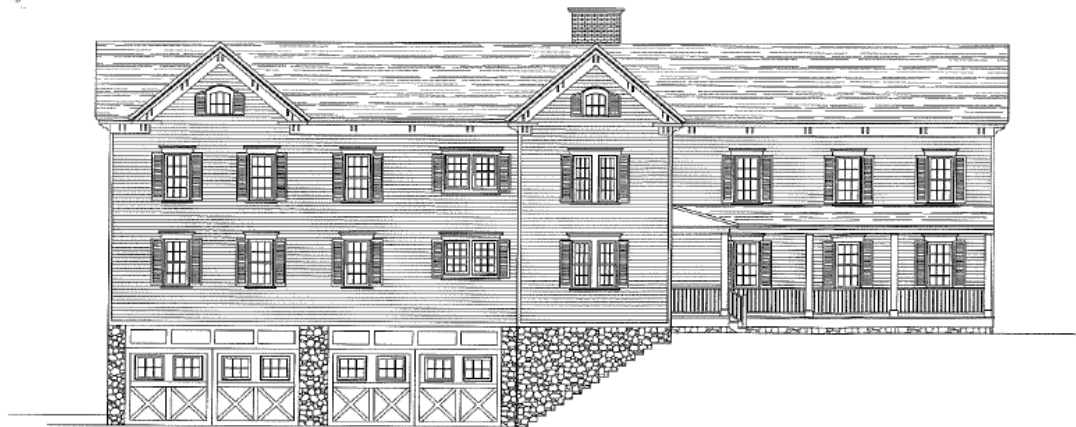
The rear building, which is new construction, houses Units 3 and 4, is 3 stories tall and has a building height of 35.74 feet, where 36 feet is the maximum allowed, by special permit. In the rear building, the basement counts as a story due to the average grade plane. Unit 3 will have 3,225 square feet and three bedrooms, Unit 4 will have 3,188 square feet and three bedrooms. At the basement level, there is 3,435 square feet and space for each unit to park two cars. There is also dedicated space for each unit in the basement.

The Planning Department is unconcerned with the request to allow single-family attached dwellings with a height of three stories. The project meets all other dimensional requirements and is in an area where the proposed project will not be impactful to the neighborhood.

*Front Building Elevations:*

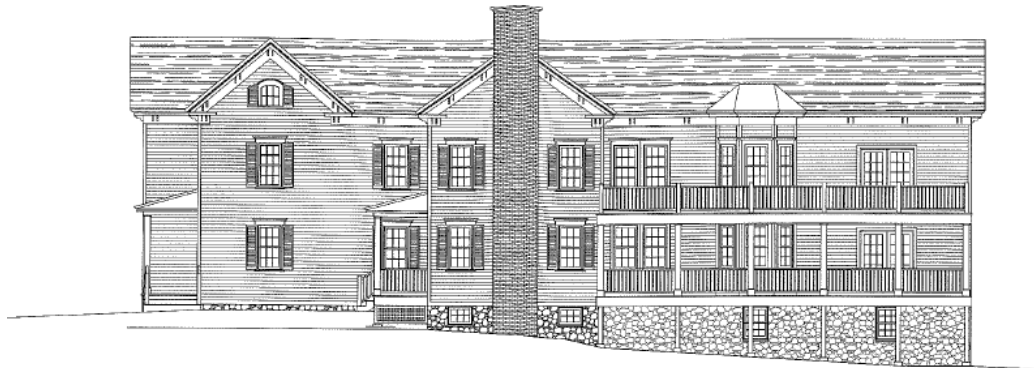


1 PROPOSED EAST ELEVATION (WINCHESTER STREET)  
SCALE: 3/8" = 1'-0"

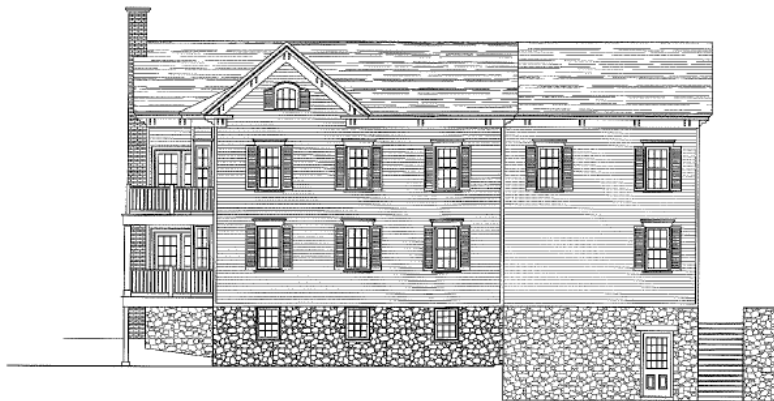


2 PROPOSED SOUTH ELEVATION (DRIVEWAY)  
SCALE: 3/8" = 1'-0"

*Front Building Elevations (cont.):*



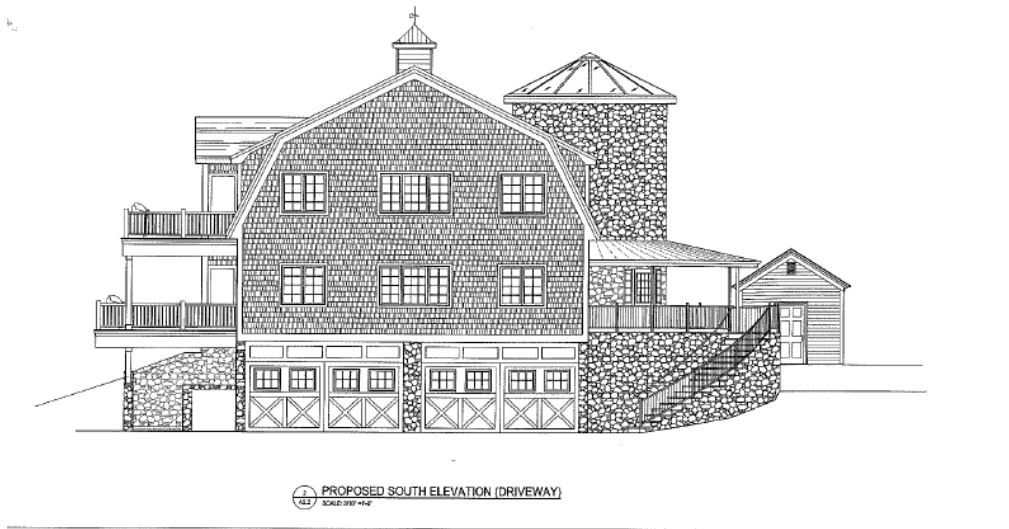
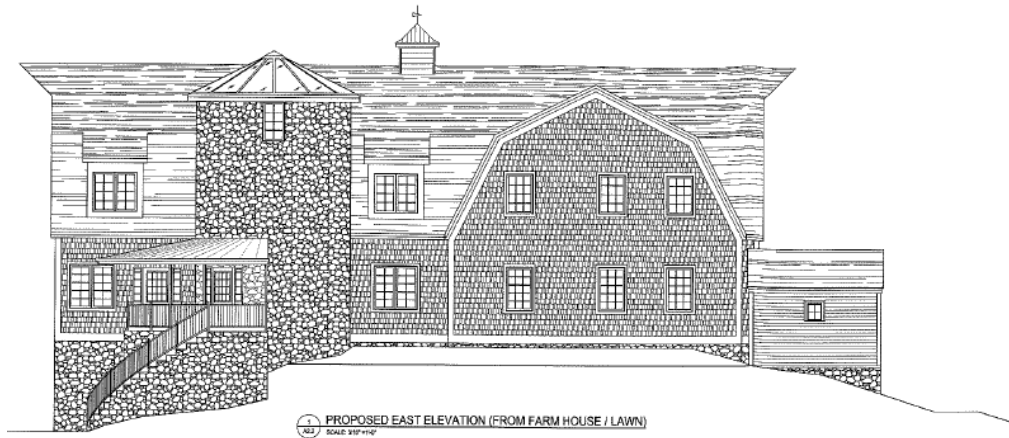
1 PROPOSED NORTH ELEVATION (GOLF COURSE)  
SCALE: 3/8" = 1'-0"



2 PROPOSED WEST ELEVATION (FROM BARN / LAWN)  
SCALE: 3/8" = 1'-0"



*Rear Building Elevations:*



*Rear Building Elevations (cont.):*



D. Parking and Circulation

As designed, the front and rear building will have enough garage parking for four cars each, two per unit. Two of the existing curb cuts are being closed and a new 18' wide curb cut is being proposed. There is a considerable amount of paving being proposed for this site, as well as excess parking spaces. Staff recommends the petitioner explore ways to reduce paving on site and reduce the number of parking spaces. There is an additional parking area that is grass paved, and staff would like to see that area landscaped and not used for parking as there is adequate parking on site.

E. Landscaping

The petitioner provided a landscape plan that shows landscaping between the two

buildings, at the front of the property and rear of the property that provides screening around each proposed building. This landscape plan will be incorporated as a condition in the final Council Order.

#### IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal regarding zoning. Based on the Zoning Review Memorandum, the petitioner is seeking the following relief:

- §3.4.1 and §7.3.3 of Section 30, to allow attached single-family dwellings in an SR3 zoning district.
- §3.1.4 and §7.3.3 of Section 30, to allow single-family attached dwellings with three stories.
- §5.4.2.B and §7.3.3 of Section 30, to allow retaining walls of four feet or more in height within a setback.

##### B. Engineering Review

Associate City Engineer, John Daghljan, reviewed this petition for conformance with the City of Newton Engineering Standards (**Attachment D**). Mr. Daghljan states that a construction management plan is necessary for this project as well as a stabilized driveway entrances. Mr. Daghljan also states that the proposed Operation and Maintenance Plan is acceptable and ultimately needs to be incorporated into the deeds and Homeowners Association documents. The attached Council order (**Attachment E**) conditions the proposed O&M plan. The Engineering Division of Public Works will review this project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit, should this petition be approved.

##### C. Historic Preservation Review

At the October 25, 2018 meeting of the Newton Historical Commission (NHC), NHC found the structure “Preferably Preserved” due to the structure’s style and context. The NHC waived the demolition delay based on the submitted plans.

#### V. PETITIONER’S RESPONSIBILITIES

The petition is considered complete at this time.

**ATTACHMENTS:**

- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** Engineering Review Memorandum
- Attachment E:** Draft Council Order




# ATTACHMENT A

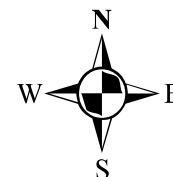
## Zoning

499 Winchester St.

*City of Newton,  
Massachusetts*

### Legend

-  Single Residence 1
-  Single Residence 3
-  Public Use

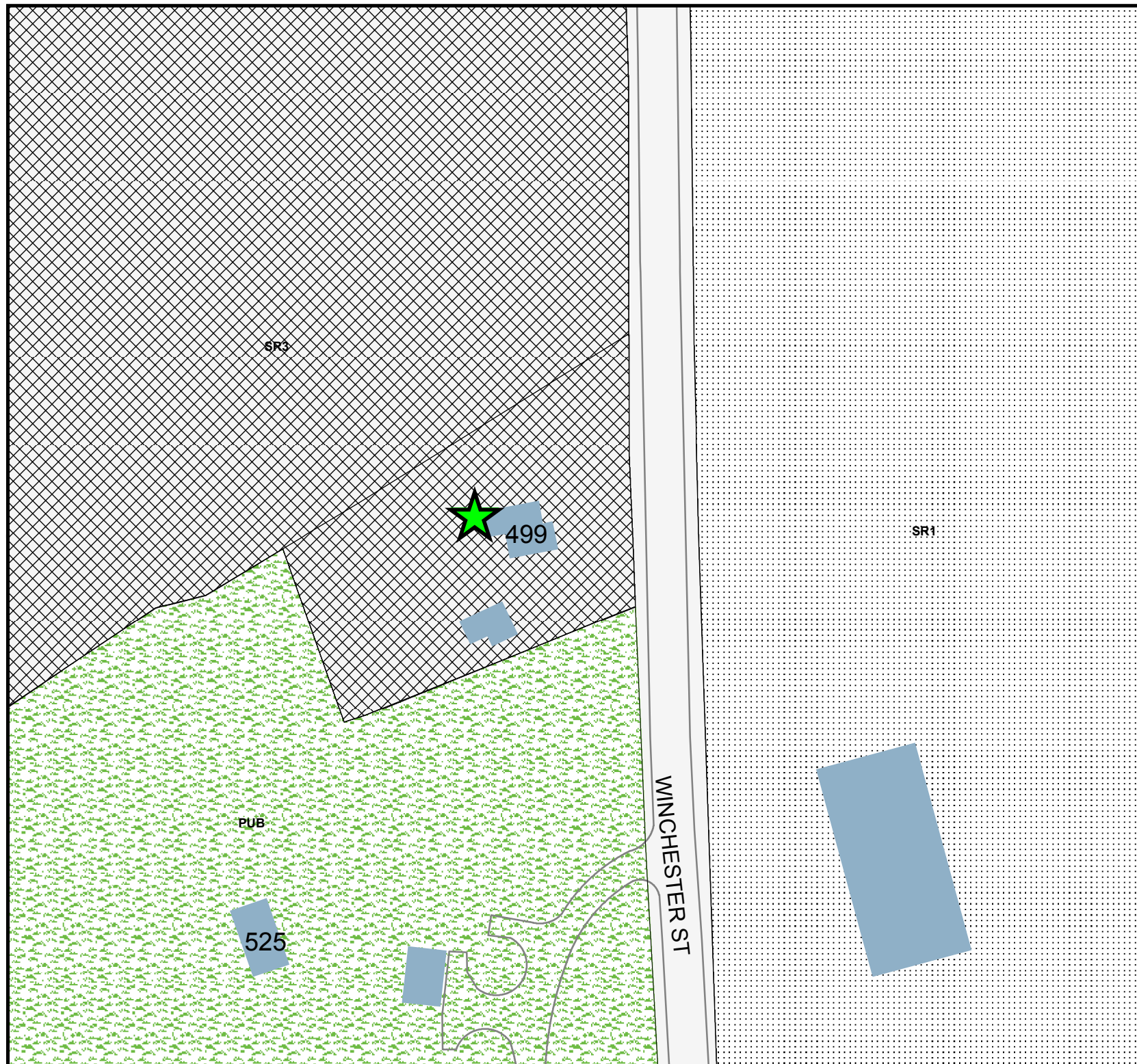


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125 Feet

Map Date: March 21, 2019



# ATTACHMENT B

## Land Use

499 Winchester St.

*City of Newton,  
Massachusetts*

## Legend

### Land Use

 Single Family Residential

 Golf Course

 Open Space

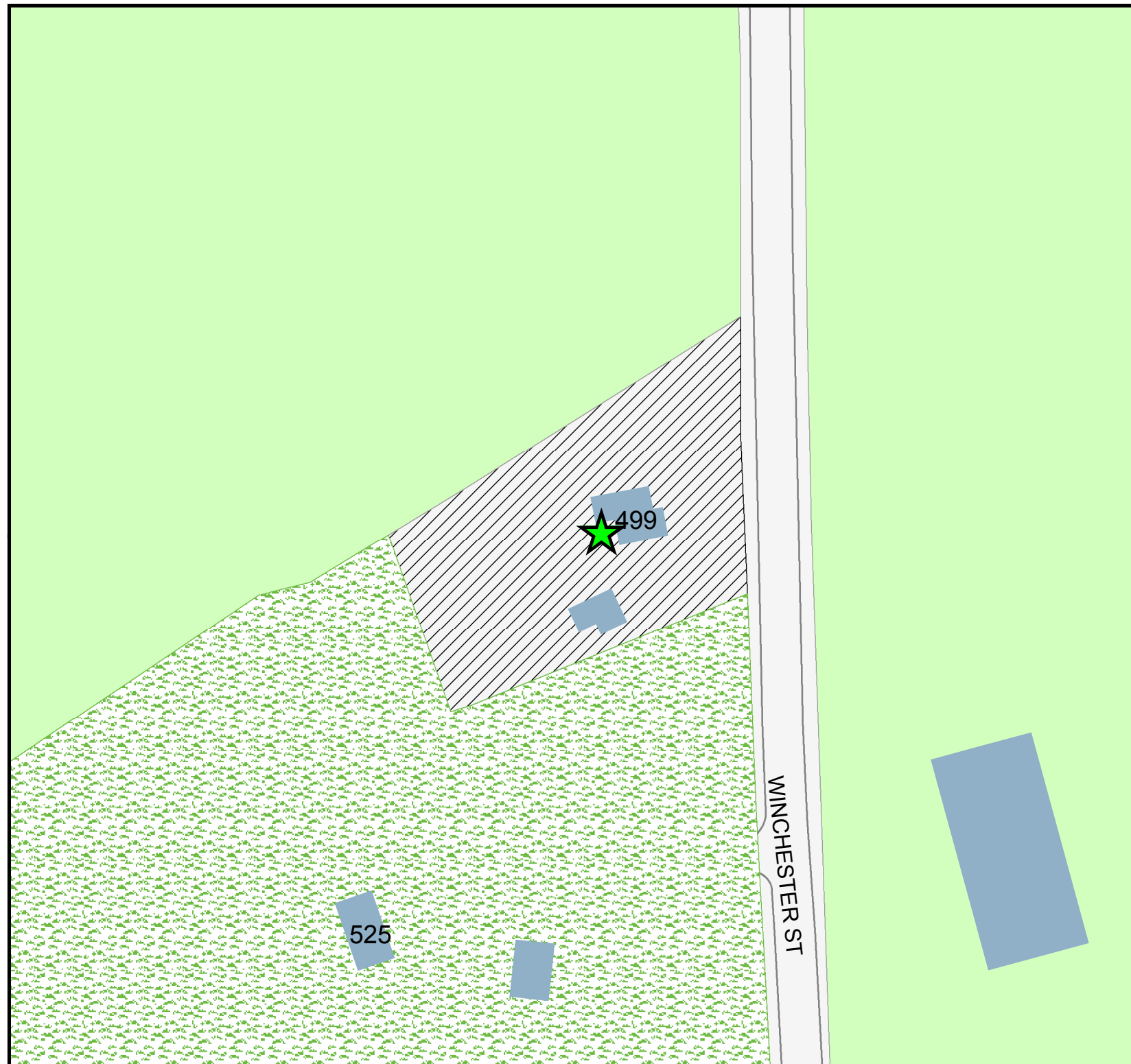


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125  
Feet

Map Date: March 21, 2019







Ruthanne Fuller  
Mayor

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Department of Planning and Development  
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Attachment C  
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**Barney S. Heath**  
Director

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## **ZONING REVIEW MEMORANDUM**

Date: January 22, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Stephen Buchbinder, Attorney  
Duane and Mary Hillis, Applicants  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

**RE: Request to allow four single-family attached dwellings**

Applicant: Duane and Mary Hillis	
Site: 499 Winchester Street	SBL: 83035 0002
Zoning: SR3	Lot Area: 43,567 square feet
Current use: Single-family dwelling	Proposed use: Four single-family attached dwellings

### **BACKGROUND:**

The property at 499 Winchester Street consists of 43,567 square feet and is improved with a single-family dwelling built in 1860 and a detached accessory building in the SR3 zoning district. The property abuts Nahanton Park to the west and south, and the Charles River Country Club to the north. The petitioners propose to construct four single-family attached dwellings in two separate buildings. The intention is to relocate the existing single-family dwelling closer to Winchester Street and construct an addition to it, as well as constructing a new second structure at the rear of the property. An accessory building, called the Milk House, will not contain any habitable space but will be used to house mechanicals for the dwellings.

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

- Zoning Review Application, prepared by Stephen Buchbinder, Attorney, dated 12/14/2018
- Existing Conditions Site Plan, signed and stamped by Joseph March, surveyor, and George Dimakarakos, engineer, dated 10/10/2018
- Proposed Grading Plan, signed and stamped by Joseph March, surveyor, and George Dimakarakos, engineer, dated 10/10/2018
- Proposed Layout Plan, signed and stamped by Joseph March, surveyor, and George Dimakarakos, engineer, dated 10/10/2018
- Architectural Plans Elevations, signed and stamped by Donald Lang, dated 12/2/2018

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioners propose to construct four attached single-family dwellings within two separate structures in the Single Residence 3 zoning district. Per section 3.4.1, a special permit is required to construct attached dwellings in the SR3 district.
2. Per section 3.1.4, a special permit is required for single-family attached dwellings with three stories. The average grade surrounding both dwelling structures is lower than the midpoint of each basement. This results in the basements being considered the first floor of each dwelling structure and the overall structure having three stories, requiring a special permit.
3. Retaining walls are proposed at the rear of the property on the northern and southern property boundaries. The walls are located within the required 25-foot setback, and both are four feet in height. Per section 5.4.2.B, a retaining wall four feet or more in height in the setback requires a special permit.

SR3 Zone	Required	Existing	Proposed
Lot Size	43,560 square feet	43,567 square feet	No change
Frontage	80 feet	206.7 feet	No change
Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 25 feet 25 feet	>50 feet >50 feet >150 feet	31.2 feet 32.6 feet 26.3 feet
Building Height	36 feet	N/A	Units 1-2: 35.56 feet Units 3-4: 35.74 feet
Max Number of Stories	2.5 (3 by special permit)	2	<b>3</b>
Lot Coverage	30%	N/A	18.3%
Open Space	50%	N/A	66.7%
Lot Area Per Unit	10,000 square feet	43,567 square feet	10,892 square feet

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
§3.4.1	To allow attached single-family dwellings	S.P. per §7.3.3
§3.1.4	To allow attached single-family dwellings with three stories	S.P. per §7.3.3
§5.4.2.B	To allow retaining walls of four feet or more in height within a setback	S.P. per §7.3.3



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 – 499 Winchester Street

Date: March 21, 2019

CC: Barney Heath, Director of Planning  
Jennifer Caira, Chief Planner  
Lou Taverna, PE City Engineer  
Ted Jerdee, Utilities Director  
Nadia Khan, Committee Clerk  
Neil Cronin, Sr. Planner

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

*Site Plan  
for  
499 Winchester Street  
Prepared by: Stamski & McNary Inc.  
Dated: February 25, 2019*

*Executive Summary:*

This application entails the construction of four single-family attached dwellings in two separate buildings. To facilitate this, the existing 1860 single family dwelling is to be moved from its current location and reset closer to Winchester Street, and adding an addition to it, as well as constructing a new second structure towards the rear of the lot.

The site is just over one -acre, it has 206-foot frontage on Winchester Street along the eastern property line and is bound on the north by the Charles River Country Club, and along the west and south by Nahanton Park.

The lot has a high point at elevation 162-feet near Winchester Street and generally slopes towards the west (rear of the lot) at elevation 147-feet. The engineer of record has designed a stormwater collection and infiltration system for the new development in accordance to the Department of Environmental Protection and DPW Stormwater Policy. The system will collect runoff from all roofs and access driveway and infiltrate the stormwater into underground chambers. However, the two underground systems do not show how the downspouts are connected to these systems, this needs clarification.

The sanitary sewer main does not extend to this parcel; therefore, the engineer of record has designed sewer pump station that will receive all sewage from the four units and force pump the effluent to the closest sewer main that is approximately +/- 300 feet northerly from the site. Detailed information is need for this forced main, as well as a *Grant of Location* from Public Facilities Committee & the City Council.

The proposed Operation and Maintenance (O&M) Plans is acceptable for the design intent, it will be the Homeowners Association to execute and ensure its long-term implementation and performance. Ultimately the O&M plan needs to be incorporated into the deeds and Homeowners Association documents.

In 2017 Winchester Street underwent Hot in Place recycling & Microsurfacing; upon completion of all utility work (new and abandoned) associated with this project that will include: sidewalk, curb installation (removal, replacement and new installation); the entire frontage and trench work associated with the proposed forced main shall be milled and paved curb line in accordance to the DPW Pavement Restoration Policy.

#### 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. 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).

2. The proposed roof dry well systems shown on sheet 4 do not show a pipe network from the dwellings to these systems, this needs attention.

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 & Water:

1. The existing water & sewer services to the dwelling 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 and 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. Detailed calculations are needed for the pump station & forced main to include pump selection, pump performance curves, frictional losses, thrust protection, any forced main less than 4 feet of cover will require insulation from frost.
6. The pump system will need a backup generator for the loss of power or a holding tank having a capacity of 3 days of flow.
7. The applicant needs to check with the Newton Fire Department for possible fire suppression system requirement.
8. All water connections shall be chlorinated & pressure tested in accordance to AWWA and the City of Newton Construction Standards and Specifications.
9. 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. All 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 be completed before a Certificate of Occupancy is issued. *This note must be incorporated onto the site plan.*
8. If any changes from the original approved design plan that are required due to unforeseen site conditions, the engineer of record shall submit a revised design & stamped and submitted for review and approval prior to continuing construction.

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.

499 Winchester St.  
#104-19

CITY OF NEWTON

IN 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 single family attached dwellings with three stories, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

- The specific site is an appropriate location for the proposed four Single-Family Attached Dwellings, two with three stories as the site is isolated from surrounding neighbors and will not have an impact on the surrounding neighborhood. (§7.3.3.C.1)
- The four Single-Family Attached Dwellings, two with three stories will not adversely affect the neighborhood as the project will add three additional housing units where one already exists at a site that is surrounded by open space and therefore will not impact nearby neighborhoods. Additionally, the project will preserve a historic building and incorporate it into the project. (§7.3.3.C.2)
- The Single-Family Attached Dwellings, two with three stories will not create a nuisance or serious hazard to vehicles or pedestrians as two existing driveways will be closed and limited to one access point and sufficient parking is provided on site. (§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)

PETITION NUMBER: #104-19

PETITIONER: Arthur Arbetter and Gerry Welch

LOCATION: 499 Winchester Street, on land known as Section 83 Block 35 Lot 08, containing approximately 43,567 sq. ft.

OWNER: Mary Hillis and Duane Hillis

ADDRESS OF OWNER: 499 Winchester St.  
Newton, MA 02461

TO BE USED FOR: Four single family attached dwellings in two structures

CONSTRUCTION: Wood Frame

EXPLANATORY NOTE: Special permit to allow single family attached dwellings  
with three stories §3.4.1, §3.1.4, §7.3.3

ZONING: Single Residence 3

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with:
  - a. Site Plan for 499 Winchester Street, prepared by Stamski and McNary , Inc. signed and stamped by George Dimakarakos, professional engineer, and Joseph March, professional land surveyor dated February 25, 2019
    - i. Existing conditions plan, dated February 25, 2019
    - ii. Grading and Drainage Plan, dated February 25, 2019
    - iii. Layout and Utilities Plan, dated February 25, 2019
    - iv. Construction Details, dated February 25, 2019
    - v. Erosion and Sediment Control Plan, dated February 25, 2019
  - b. Architectural Plans prepared by DLA Architecture
    - i. Front Farm House Proposed Floor Plans, signed and stamped by Donald Lang, registered architect, A1.0
    - ii. Rear Barn Building Proposed Floor Plans, signed and stamped by Donald Lang, registered architect, A1.1
    - iii. Farm House Proposed East and South Elevations, signed and stamped by Donald Lang, registered architect, A2.0
    - iv. Farm House Proposed North and West Elevations, signed and stamped by Donald Lang, registered architect, A2.1
    - v. Barn and Milk House Proposed East and South Elevations, signed and stamped by Donald Lang, registered architect, A2.2
    - vi. Barn and Milk House Proposed North and West Elevations, signed and stamped by Donald Lang, registered architect, A2.3
  - c. Landscape Plan prepared by Kris Romanak Landscape Design
    - i. Landscape Plan, LI.05

2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Director of Planning and Development, City of Newton Fire Department, Department of Planning and Development, Department of Engineering, and Department of Inspectional Services.
3. 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 Landscape Plan showing compliance with the Tree Preservation Ordinance and all new plantings, for review and approval by the Director of Planning and Development.
  - f. 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, incorporated into the deeds; 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.
  - g. 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.
4. Any modifications to the plans referenced in Condition #1 related to the proposed relocation and/or renovation of the historic house shall be submitted to the Newton Historic Commission for its review and approval.
5. The petitioner shall comply with the Tree Preservation Ordinance.
6. All lighting fixtures shall be residential in scale.
7. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval, 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 Order and shall include, but not be limited to, the following provisions:
  - a. staging site for construction equipment,
  - b. construction materials,
  - c. parking of construction workers' vehicles,



- d. phasing of the project with anticipated completion dates and milestones,
- e. safety precautions,
- f. emergency contact personnel of contractor
- g. anticipated dewatering during construction,
- h. site safety & stability, and
- i. impacts to abutting properties.