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#397-18(2)

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	May 7, 2019
Land Use Action Date:	July 8, 2019
City Council Action Date:	July 13, 2019
90- Day Expiration Date:	August 5, 2019

DATE: May 3, 2019

TO: City Council

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

SUBJECT: **Petition #397-18(2)** for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #397-18 to modify the approved site plan to allow for a paved driveway at **47 Rokeby Road**, Ward 5, Waban, on land known as Section 55 Block 39 Lot 29, containing approximately 9,280 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref. 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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 that the Land Use Committee of the City Council can consider at a subsequent working session.



47 Rokeby Road

EXECUTIVE SUMMARY

The property at 47 Rokeby Road consists of a 9,280 square foot lot in a Single Residence 2 (SR2) district improved with a 2 ½ story, 3,573 square foot single-family dwelling built in 1928. The property slopes downward from the street to the rear of the property, with the back corner of the lot in a flood zone.

In 2018 petitioner was granted a special permit (#397-18) permitting the construction of an attached 550 square foot, single-story two-car garage and a new 104 square foot front entry vestibule at the front of the existing dwelling. When completed, the approved project (which includes regrading portions of the site) will generate a net increase in floor area of 260 square feet, increasing the FAR from 0.39 to 0.41, where 0.39 is the maximum allowed.

Reflecting concerns of the Planning Department and Engineering Division, the approved Council Order includes a condition (#3) requiring that the “driveway shall be constructed of crushed stone or permeable pavers and shall not be otherwise paved or surfaced except as specifically provided by an amendment to this special permit.”

The petitioner is now requesting that the special permit be amended to so allow the installation of a paved driveway. As the Engineering Division has reviewed and approved an engineered stormwater management plan for the site, including the paving of the proposed driveway area, the Planning Department is generally not concerned with the proposed amendment.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the City Council should consider whether:

- The specific site is an appropriate location for the proposed paved driveway (§7.3.3.C.1)
- The proposed paved driveway as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2);
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The surrounding neighborhood is predominantly occupied by single-family dwellings, the exceptions including a few vacant lots interspersed around the area (including one

abutting the rear of the subject property) and a multi-use property located about 150 feet to the west at the intersection of Rokeby Road and Carlton Road. The neighborhood is uniformly zoned Single-Residence 1 (SR1) with a Public Use (PUB) district bordering it to the south along Quinobequin Road (**Attachments A and B**).

B. Site

The property consists of a 9,280 square foot lot in a Single Residence 2 (SR2) district improved with a 2 ½ story, 3,573 square foot single-family dwelling. The site slopes downward approximately nine feet from the street to the rear of the lot (north to south), with the back-left corner of the lot located in a flood zone.

Vehicular access is currently provided by an approximately 40 feet long driveway along the right (west) side of the lot that measures approximately 10 feet wide at the front property line and narrows to approximately 8 feet at its terminus. It slopes downward approximately from Rokeby Road into the property.

The property is attractively landscaped with lawn area and vegetation including mature shrubbery and trees. There is fencing along the rear property line that is presumed to be located on abutting properties, as well as a low line of stones generally in the area of the rear portion of the right (west) property line.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site is and will remain a one -family residence.

B. Building and Site Design

In 2018 the petitioners were granted Special Permit #397-18 to construct an attached 550 square foot two-car garage and a connected 104 square foot entry vestibule on the right (west) side of the front of the existing single-family dwelling. The project also includes regrading in the front, left and right portions of the site that will reduce the floor area of the basement countable toward FAR. Taken together, the proposed additions and site alterations will result in a net increase in floor area of 260 square feet, increasing the FAR from 0.39 to 0.41 where 0.39 is the maximum allowed, thus requiring the approved special permit.

At the time of review of the original petition, the Planning Department, in consultation with Engineering Division and Conservation staff as well as the petitioner, identified concerns regarding the project's effect on water runoff on the subject and abutting parcels. These concerns are reflected in Condition #3 of the special permit which requires the driveway to be constructed of either crushed stone or permeable pavers and further stipulated that it "shall not be otherwise paved or surfaced except as

specifically provided by an amendment to this special permit.”

The petitioner has worked with the Engineering Division to devise a new site plan inclusive of the impervious paving of the driveway area in combination with an engineered stormwater management system to address previous concerns. As discussed below, the Engineering Division has reviewed and approved the petitioner’s proposed plan.

C. Parking and Circulation

Pursuant to the approved site plan, a new attached two car garage is to be served by an approximately 30-foot-long driveway measuring 20-24.5 feet in width.

D. Landscape Screening

No separate landscape plan was submitted with this petition.

IV. TECHNICAL REVIEW

A. Engineering Review

As discussed in its attached memorandum (**Attachment C**), the Engineering Division of Public Works reviewed and approved the submitted site plan (subject to several conditions, one of which being the granting of the requested special permit amendment), noting that the petitioner “is proposing to control any additional storm water runoff created by a paved surface by installing a subsurface recharge system which conforms to the City of Newton’s stormwater policy for a 100-year storm event.”

V. PETITIONER’S RESPONSIBILITIES

The petitioner is considered complete at this time.

ATTACHMENTS:

- | | |
|----------------------|--|
| Attachment A: | Zoning Map |
| Attachment B: | Land Use Map |
| Attachment C: | Engineering Division memorandum (dated March 15, 2019) |
| Attachment D: | DRAFT Council Order |

ATTACHMENT A

Land Use

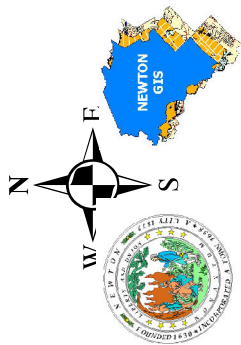
47 Rokeby Rd.

City of Newton,
Massachusetts

Land Use

Land Use

- Single Family Residential
- Mixed Use
- Open Space
- Vacant Land

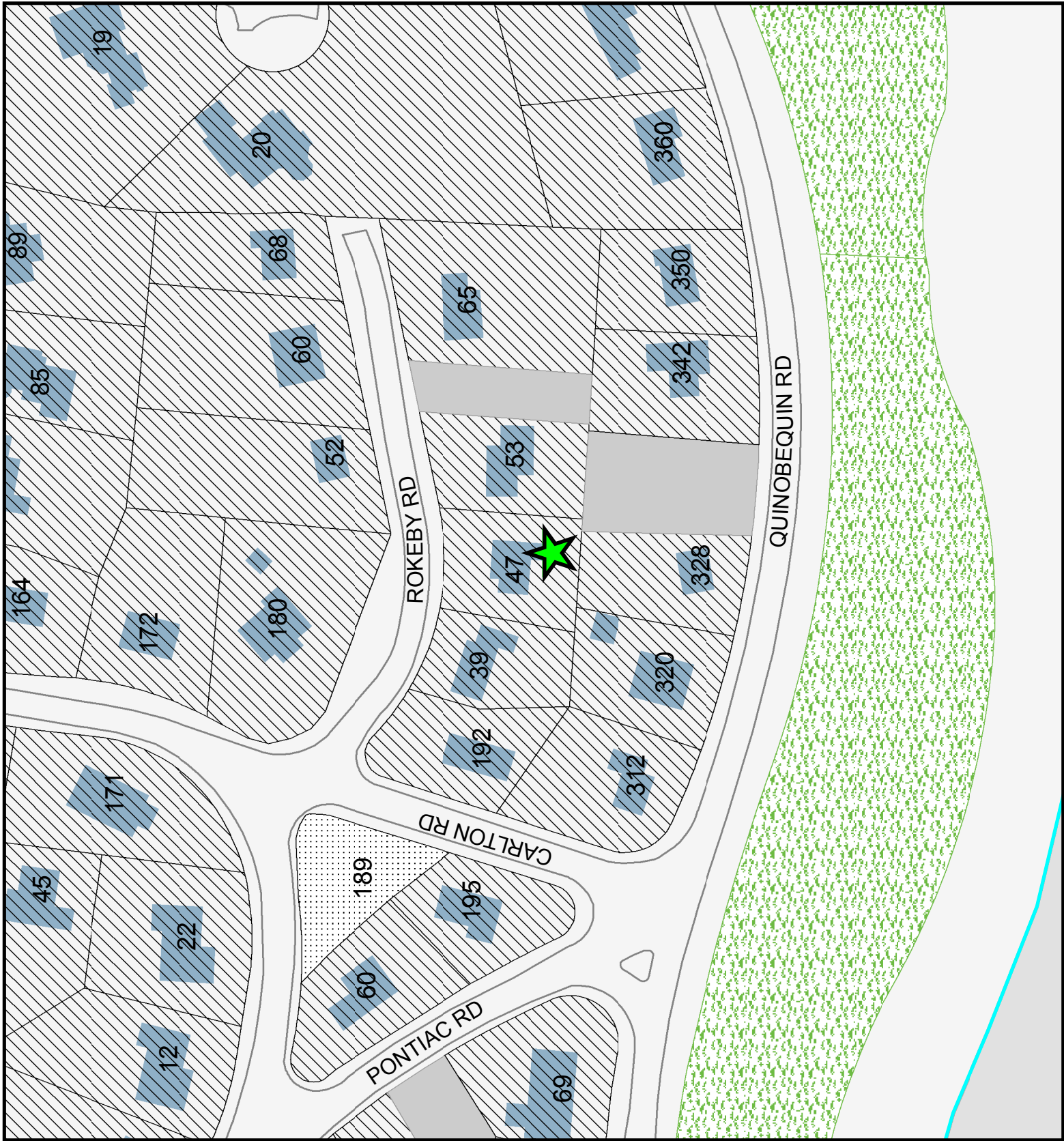


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve 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: July 27, 2018



ATTACHMENT B

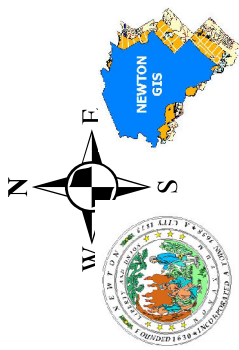
Zoning

47 Rokeby Rd.

City of Newton,
Massachusetts

Legend

- Single Residence 2
- Public Use

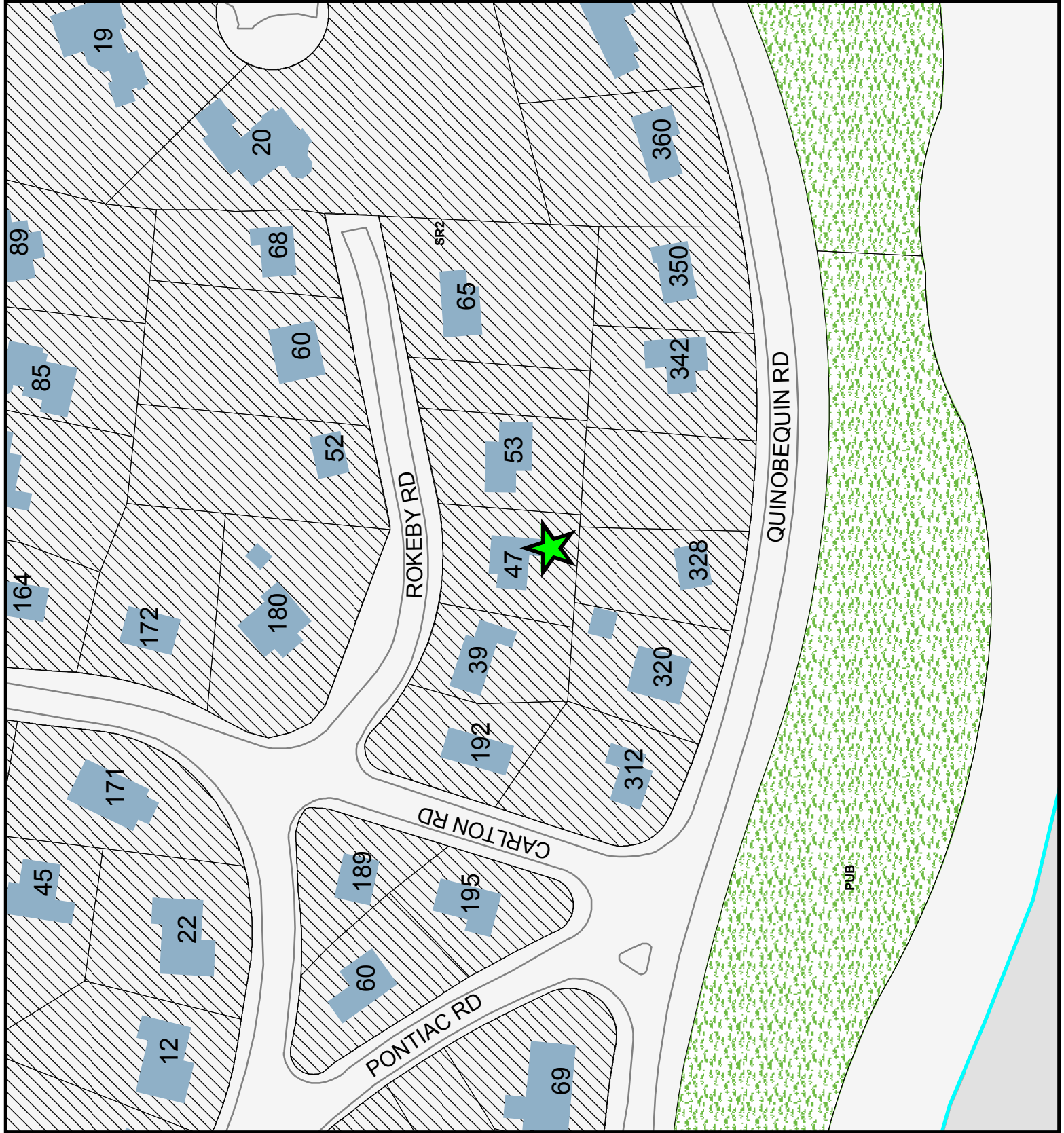


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
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Map Date: July 27, 2018



ATTACHMENT C
CITY OF NEWTON
ENGINEERING DIVISION
MEMORANDUM

To: Edmond Spruhan <edmond@spruhaneng.com>

From: Frank Nichols, P.E. Project Engineer

Re: Site Plan – Location: **47 Rokeby Road**

Date: March 15, 2019

CC: Anthony Ciccariello, Deputy Commissioner
John Daghlion, Associate City Engineer
Natasha Bhan, Permit Engineer

In reference to the above, approval is recommended at this time. This approval is based on information provided by the Engineer of Record. *Note: A condition of this approval is that the Applicant obtain an Amendment to the Special Permit. The Amendment request would involve the final surface material of the driveway (see Item 1 below). Also, proof of the approval of the Amendment to the Board Order must be presented to the Inspectional Services Department as well as the Engineering Office prior to building permit approval.*

Contractor Must pick up original “Stamped” approved plan(s) and Original approval memo from the Engineering Office prior to applying for a Building Permit with the Inspectional Services Department.

Building Permit Plan – 47 Rokeby Road

Prepared By: Peter Nolan & Associates LLC

Dated: March 12, 2018 (Last Revised; March 12, 2019)

1. The latest revision, Plan dated March 12, 2019, proposes a paved driveway and not a crushed stone or impermeable paver surface as specified in the Special Permit Board Order (#397-18). However, the Applicant is proposing to control any additional storm water runoff created by a paved surface by installing a subsurface recharge system which conforms to the City of Newton’s stormwater policy for a 100-year storm event.
2. No excavation is allowed within any City right-of-way between November 15th and April 15th. If an emergency exists or there are extenuating circumstances, Applicant may seek permission for such work from the City DPW Commissioner via the City Engineer. If permission is granted, special construction standards will be applied. Applicant or Applicant’s representative must contact the City of Newton Engineering Department prior to start of work for clarification.
3. As of January 1, 2009, 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.

4. The Applicant will have to apply for Street Opening, Utility Connection, and an Install Curb & Sidewalk Permits with the DPW prior to start of work.
5. After all engineering permits are obtained, the contractor needs to notify the Engineering Division 48-hours in advance and schedule an appointment to have the water, drainage and sewer services inspected. The system & utilities must be fully exposed for the inspector. Once the inspector is satisfied, the system & utilities may then be back-filled.
6. With the exception of gas services, all utility trenches within the City of Newton right-of-way will be back filled with Type IE (excavatable) controlled density fill, as specified by the City of Newton Engineering Specifications.
7. Prior to the issuance of an Occupancy Permit, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan must show all utilities and drainage (utilizing swing ties), any easements and final grading.
8. On-site erosion control shall be provided as needed, to the satisfaction of City of Newton Inspector. Siltation fencing must be entrenched a minimum of 6 inches.
9. The 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. The sewer service will NOT be accepted until one of the two methods stated above is completed. A Certificate of Occupancy will not be recommended until this test is completed and the City Engineer receives a written report.
10. A copy of approved plans and a permit shall be kept at construction site all the time.

ENGINEERING DISCLAIMER

APPROVAL OF THIS PLAN BY THE CITY OF NEWTON ENGINEERING DIVISION IMPLIES THAT THE PLAN MEETS THE MINIMUM DESIGN STANDARDS OF THE CITY OF NEWTON. HOWEVER, THE ENGINEERING DIVISION MAKES NO REPRESENTATIONS AND ASSUMES NO RESPONSIBILITY FOR THE DESIGN (S) IN TERMS OF SUITABILITY FOR THE PARTICULAR SITE CONDITIONS OR OF THE FUNCTIONALITY OR PERFORMANCE OF ANY ITEMS CONSTRUCTED IN ACCORDANCE WITH THE DESIGN (S). THE CITY OF NEWTON ASSUMES NO LIABILITIES FOR DESIGN ASSUMPTION, ERRORS OR OMISSIONS BY THE ENGINEER OF RECORD.

47 Rokeby Road

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 amend Special Permit Council Order #397-18 to modify the approved site plan to allow for a paved driveway, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The specific site is an appropriate location for the proposed paved driveway (§7.3.3.C.1);
2. The proposed paved driveway as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2) as it will be installed in combination with an engineered stormwater management system;
3. There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

PETITION NUMBER: #397-18(2)

PETITIONERS: Randi and Darby Leigh

LOCATION: 47 Rokeby Road, on land known as Section 55, Block 88, Lot 29, containing approximately 9,280 square feet of land

OWNERS: Randi and Darby Leigh

ADDRESS OF OWNER: 47 Rokeby Road
Newton, MA 02468

TO BE USED FOR: Single-family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.3, to exceed the maximum floor area ratio (FAR) allowed by-right

ZONING: Single Residence 2 (SR2) district

This special permit supersedes, consolidates, and restates provisions of prior special permits to the extent that those provisions are still in full force and effect. Any conditions in prior special permits not set forth in this special permit #397-18(2) are null and void.

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 plan entitled "47 Rokeby Road, Newton, Massachusetts- Civil Plan" (Sheet No. 1), prepared by Peter Nolan & Associates LLC, dated March 12, 2018, as revised through March 12, 2019, stamped and signed by Edmond T. Spruhan, Registered Professional Engineer, and Peter J. Nolan, Professional Land Surveyor;
 - b. A plan entitled "47 Rokeby Road, Newton, Massachusetts- Details" (Sheet No. 2), prepared by Peter Nolan & Associates LLC, dated March 12, 2018, as revised through March 12, 2019, stamped and signed by Edmond T. Spruhan, Registered Professional Engineer, and Peter J. Nolan, Professional Land Surveyor;
 - c. A set of architectural plans entitled "Leigh Residence-Garage, 47 Rokeby Road, Waban, Massachusetts 02468," prepared by Tiny Desk Designs, dated April 14, 2018, as revised through June 25, 2018, signed and stamped by Shannon M. Finley, Registered Architect:
 - i. Basement - Demolition Plan (A1.0),
 - ii. Basement - New Work Plan (A1.1),
 - iii. First Floor - Demolition Plan (A1.2),
 - iv. First Floor - New Work Plan (A1.3),
 - v. Second - Demolition Plan (A1.4),
 - vi. Second - New Work Plan (A1.5),
 - vii. Front Elevation (A2.0),
 - viii. Side Elevation (A2.1),
 - ix. Latitudinal Building Section (A3.0),
 - x. Longitudinal Building Section (A3.1),
 - xi. Interior Elevation (A5.0).

- d. A document entitled "Floor Area Ratio Worksheet, Property Address: 47 Rokeby Rd.," signed and stamped by Shannon M. Finley, Registered Architect.
2. 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.
- ~~3. The driveway shall be constructed of crushed stone or permeable pavers and shall not be otherwise paved or surfaced except as specifically provided by an amendment to this special permit. In addition, the selection of crushed stone shall require the installation of rain barrels as recommended by the City Engineer. The selection of permeable pavers shall require an engineered stormwater management plan to be approved by the City Engineer.~~
4. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - 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. 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. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Newton Historical Commission approving the final plans.
 - e. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
5. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1, including the floor area ratio (FAR) of the structure.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - c. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.