

## DEPARTMENT OF PLANNING AND DEVELOPMENT

CITY OF NEWTON  
Massachusetts

### INTER-OFFICE CORRESPONDENCE

**DATE:** August 9, 2019

**TO:** All Members, City Council

**FROM:** Barney S. Heath, Director of Planning and Development  
Jennifer Caira, Chief Planner for Current Planning  
Neil Cronin, Senior Planner

**SUBJECT:** #238-19, 1188 Chestnut Street  
Site Plan Revision

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The petitioners seek to extend a nonconforming front setback from 4.4 feet to 12.3 feet to construct an enlarged garage in conjunction with the construction of a single-family dwelling. In its Working Session Memorandum, the Planning Department stated that the plans were an improvement over the initial plans reviewed in advance of the Public Hearing Memorandum, but staff believed that a safety concern still existed due to the limited visibility of a driver looking westward while exiting the site. The petition was approved by the Land Use Committee on Tuesday July 23, 2019.

The petitioners submitted a revised site plan that indicates the garage has been moved to the east, by approximately ten feet, to align with the eastern façade of the proposed dwelling. This new location decreases the proposed setback from 12.3 feet to 12.1 feet. The plan also indicates that the existing garage and curb cut at the western boundary will be removed. The Planning Department believes that the new garage location is an improvement over both the existing condition and the approved plans. Shifting the garage to the east, away from the bend in Chestnut Street, increases visibility for a driver looking westward. The Planning Department conferred with the Transportation Division of Public Works and they agreed. As a result, the Planning Department believes that the safety concern has been alleviated. Staff has revised the Council Order (**Attachment A**) to include a condition requiring the petitioners to maintain any plantings and the mature tree at the western boundary to maintain sight lines to the west. Staff also revised the Order to reference the latest site plan and to include a condition requiring the architectural plans be modified to correspond to the site plan, prior to the issuance of a building permit.

Please do not hesitate to contact me if you have any questions regarding this subject.

**ATTACHMENT A:** Council Order #238-19

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 further extend a nonconforming front setback from 4.4 feet to 12.1 feet, and to allow a second parking stall within the front setback as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The proposed extension of the nonconforming front setback is not substantially more detrimental than the existing setback is to the neighborhood because the proposed garage is set farther back from the street than the existing garage, improving the existing condition. (§3.1.3 and §7.8.2.C.2).
2. Literal compliance with the requirement that only one parking stall be located within the front setback is impracticable due to the grade of the lot (§3.1.9 and §7.3.3).

PETITION NUMBER:	#176-19
PETITIONER:	Tara Pottebaum and Doug Rooney
LOCATION:	1188 Chestnut Street, on land known as Section 51, Block 40, Lot 22, containing approximately 8,807 square feet of land
OWNER:	Tara Pottebaum and Doug Rooney
ADDRESS OF OWNER:	12 Swetts Court Watertown, MA 02472
TO BE USED FOR:	Single-Family Dwelling and Two-Stall Garage
CONSTRUCTION:	Wood frame

EXPLANATORY NOTES: §3.2.3 and §7.8.2.C.2 to further extend a nonconforming front setback; §5.1.7.A and §5.1.13 to allow a parking stall within the front setback

ZONING: Multi Residence 1 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. Certified Plot Plan, prepared by Boston Survey, Inc., signed and stamped by George C. Collins, Professional Land Surveyor, dated August 6, 2019.
  - b. Architectural Plans, unsigned and unstamped, consisting of the following nine (9) sheets:
    - i. Proposed Site Plan, dated March 14, 2019 Revised July 15, 2019
    - ii. Isometric Plan, dated March 14, 2019 Revised July 15, 2019
    - iii. Garage and Basement Plans, dated March 14, 2019 Revised July 15, 2019
    - iv. Proposed First and Second Floor Plans, dated March 14, 2019 Revised July 15, 2019
    - v. Front Elevation, dated March 14, 2019 Revised July 15, 2019
    - vi. West and North Elevations, dated March 14, 2019 Revised July 15, 2019
    - vii. Section, dated March 14, 2019 Revised July 15, 2019
    - viii. Average Grade Plane Worksheet
    - ix. Floor Area Ration Calculation
  - c. The architectural plans referenced in subparagraph “b” above shall be revised to correspond with the approved site plan referenced in subparagraph “a” above.
2. Prior to the issuance of any building permit, the petitioners shall provide a final site plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, and Fire Department.
3. The petitioners shall maintain the plantings atop the retaining wall at the western boundary to groundcover only to maintain sight lines to the west. Additionally, the petitioners shall also maintain the lowest twelve feet of the mature tree at this location to maintain sight lines to the west, in accordance with the City of Newton Tree Manual.
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 Council Order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded Council Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.

- c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
  - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
- 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 or a professional land surveyor certifying compliance with Condition #1.
  - 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 professional land surveyor.