



# **Land Use Committee Report**

## **City of Newton** **In City Council**

**Tuesday, September 5, 2019**

Present: Councilors Lipof (Acting Chair), Schwartz, Laredo, Crossley, Greenberg, Auchincloss, Markiewicz, Kelley, Downs, Noel, Danberg

City Staff Present: Associate City Solicitor Jonah Temple, Senior Planner Neil Cronin, Senior Planner, Planning Associate Katie Whewell

All Special Permit Plans, Plan Memoranda and Application Materials can be found at [http://www.newtonma.gov/gov/aldermen/special\\_permits/current\\_special\\_permits.asp](http://www.newtonma.gov/gov/aldermen/special_permits/current_special_permits.asp). Presentations for each project can be found at the end of this report.

**#262-19      Petition to allow more than one garage at 333 Otis Street**

NATHANIEL K AND LAURA FOOTE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #63-99 to construct a 329 sq. ft. one-car attached garage where a three-car garage exists, creating private garage space greater than 700 sq. ft., more than one garage and a private garage for more than three vehicles at 333 Otis Street, Ward 3, West Newton, on land known as Section 32 Block 03 Lot 13, containing approximately 24,547 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.2.B.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Held 4-0 (Greenberg, Schwartz, Kelley Markiewicz not Voting); Public Hearing Continued**

**Note:**            It was noted that the item requires additional relief and must be re-advertised for a public hearing on September 24, 2019. The Public Hearing was Opened. No member of the public wished to speak. Councilor Crossley motioned to hold the item which carried unanimously.

**#256-19      Petition to extend nonconforming front setback at 2 Thaxter Road**

KEN THORNBY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct dormers on each side of the second floor, vertically extending the non-conforming front setback at 2 Thaxter Road, Ward 1, Newtonville, on land known as Section 21 Block 04 Lot 14, containing approximately 4,952 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Approved 4-0 (Greenberg, Kelley, Schwartz, Markiewicz not Voting); Public Hearing Closed 09/05/2019**

**Note:**            Mr. Ken Thornby, 2 Thaxter Road, presented the request for a Special Permit to construct dormers on the second floor, vertically extending the nonconforming front setback at 2 Thaxter Road. Planning Associate Katie Whewell reviewed the requested relief, criteria for consideration, land use,

zoning and photos of the site as shown on the attached presentation. Ms. Whewell explained that because the existing setback is 16' where 25' is required, the proposed dormers extend the nonconforming front setback. Ms. Whewell noted that the proposed project meets all other dimensional requirements in the Single Residence 3 zone.

The Public Hearing was Opened. No member of the public wished to speak. Councilor Crossley motioned to close the public hearing which carried unanimously. Committee members reviewed the draft findings and conditions as shown on the attached presentation. A Committee member asked that the Planning Department reword the proposed finding for clarity. Committee members expressed no concerns relative to the petition and voted unanimously in favor of approval.

**#264-19      Petition to amend Special Permit Board Order #479-14 at 29 Kewadin Road**

DAN AND BRENDA KOSTYK petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #479-14 to allow modifications to the approved site plan at 29 Kewadin Road, Ward 5, Waban, on land known as Section 55 Block 51 Lot 9, containing approximately 13,400 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Approved 4-0 (Greenberg, Kelley, Schwartz, Markiewicz not Voting); Public Hearing Closed 09/05/2019**

**Note:**      The petitioners Dan and Brenda Kostyk presented the request to amend Special Permit #479-14 to allow changes to the site at 29 Kewadin Road. Planning Associate Katie Whewell reviewed the requested relief, criteria for consideration, land use, zoning and photos of the site as shown on the attached presentation. Ms. Whewell noted that the petitioner proposes to construct a 702 sq. ft. attached one car garage and one-story addition above the garage. The proposed addition decreases the side setback from 21.5' to 8.3' where 7.5' is the minimum allowed. The project would be permitted as of right if an existing special permit did not govern the site.

The Public Hearing was Opened. No member of the public wished to speak. Councilor Crossley motioned to close the public hearing which carried unanimously. Committee members reviewed the draft findings and conditions and expressed no concerns relative to the petition. Committee members voted unanimously in favor of approval.

**#258-19      Petition to extend nonconforming FAR at 11 Canterbury Road**

RICHARD AND YOKO BRYDEN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the existing nonconforming FAR by replacing an existing one-story addition with a two-story addition, creating an FAR of .64 where .51 exists and .46 is allowed at 11 Canterbury Road, Ward 5, Newton Highlands, on land known as Section 54 Block 45 Lot 14, containing approximately 4,325 sq. ft. in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9, 7.8.2.C.2, of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Approved 5-0 (Schwartz, Kelley, Markiewicz not Voting; Public Hearing Closed 09/05/2019**

**Note:** Architect Timothy Burke, 142 Berkley Street, Boston, presented the request for a special permit to demolish an existing single-story rear addition and construct a two-story rear addition to allow for expansion of the kitchen as well as an additional bathroom.

Planning Associate Katie Whewell reviewed the requested relief, criteria for consideration, land use, zoning and photos of the site as shown on the attached presentation. Ms. Whewell noted that the proposed 587 sq. ft. addition increases the nonconforming FAR to .64 where .46 is allowed and .51 exists at 11 Canterbury Road. The rear setback will be decreased by 18.5' and the lot coverage will increase from 20% to 25%.

The Public hearing was Opened. No member of the public wished to speak. Councilor Crossley motioned to close the public hearing which carried unanimously. Councilor Crossley motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation and expressed no concerns relative to the petition. With that, Committee members voted unanimously in favor of approval.

**#338-18(2) Petition to amend Special Permit Council Order #338-18 at 22 Beecher Place**  
BEN BRESSEL/22 BEECHER PLACE REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #338-18 to allow modifications to the site plan for driveway and patio spaces not shown on the approved site plan at 22 Beecher Place, Ward 6, Newton Centre, on land known as Section 81 Block 01 Lot 03 containing approximately 10,146 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4 of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Approved 4-0-1 (Auchincloss abstaining, Kelley, Schwartz Markiewicz, not Voting); Public Hearing Closed 09/05/2019

**Note:** The petitioner, Ms. Maryann Bressel and Mr. Gary Streck represented the petitioner and provided updates to the Committee on the petition. The Special Permit petition approved in 2018 granted FAR relief. After approval, the petitioner constructed an additional driveway and patio spaces not shown on the approved site plan. At the public hearing on July 23, 2019, Committee members expressed concerns relative to the increase in paved areas at the site and asked that the Engineering Department provide an analysis of whether the additional paving triggers any additional drainage requirements. Ms. Bressel noted that the Engineering Department has asked for additional maintenance of the groundwater system and has no additional concerns relative to water runoff at the site. Mr. Gary Streck noted that the maintenance plan has been recorded with the deed and is included in the condo documents.

Mr. Neil Cronin confirmed that the as built construction will not add substantially more drainage onto Beecher Place, is within the allowed open space and lot coverage and does not trigger additional zoning relief. Mr. Streck noted that the drainage was inspected and approved during construction by the City's Engineering Department.

No member of the public wished to speak. Councilor Crossley motioned to close the public hearing which carried unanimously. Councilor Crossley motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation. Committee members

shared concerns relative to approval of the work that was constructed without an amendment to the special permit. A Councilor noted that the stormwater system meets the Engineering Department's requirements and the City is working to implement an enhanced software system to manage special permits. With that, Committee members voted 4-0-1 in favor of approval, Councilor Auchincloss abstaining.

**#260-19      Petition to extend non-conforming front setback at 28 Wade Street**

PETER W. TSE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to further extend the existing non-conforming front setback on Wade Street, creating a new front setback of 14.7' where 14.9' exists as well as to further extend the existing non-conforming front setback on Hersey Street, creating a new front setback of 14.8' where 14.7' exists and to allow parking in the front setback ~~and within 5' of a street~~ at 28 Wade Street, Ward 5, Newton Highlands, on land known as Section 83 Block 01 Lot 01, containing approximately 4,587 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.3, 7.8.2.C.2, 5.1.7.A, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Approved as Amended 5-0 (Schwartz, Kelley, Markiewicz not Voting) ; Public Hearing Closed 09/05/2019**

**Note:**      The Chair noted that the petitioner submitted a request to withdraw the request for parking within 5' of the street. Paul Bollier represented the petitioner and presented the request for a special permit to extend the existing non-conforming setbacks and to allow parking within the setback at 28 Wade Street. The petitioner proposes to raze the existing dwelling and construct a new single-family dwelling with an expanded footprint.

Senior Planner Neil Cronin presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. Mr. Cronin noted that the subject property is at the intersection of Hersey Street and Wade Street. He explained that there is one existing garage stall and one surface stall at the site. The proposed structure is extended on Hersey Street by 15'. The nonconforming setbacks will be extended on Hersey Street and Wade Street. Two additional parking stalls are proposed at the rear of the site off Hersey Street, which are within the setback. Mr. Cronin confirmed that the petitioner redesigned the parking to eliminate the need for parking within 5' of the street. The Planning Department suggests that the petitioner remove the existing curb cut on Hersey Street according to the Engineering Department's recommendations.

The Public Hearing was Opened. No member of the public wished to speak. Councilor Crossley motioned to close the public hearing which carried unanimously. Councilor Crossley motioned to approve the petition. Mr. Cronin confirmed that one parking stall is permitted as a matter of right in the setback, but relief is required for a second parking stall within the setback. Committee members reviewed the draft findings and conditions as shown on the attached presentation and expressed no concerns relative to the petition. With that, Committee members voted unanimously in favor of approval.

**#261-19      Petition to allow a garage greater than 700 sq. ft. and dormer at 213-215 Langley Road**  
BILL TRASK AND BRENDA MARCH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 484 sq. ft. detached two-car garage and construct a dormer on the new structure greater than 50% of the wall plan below and closer than 3' to the end wall, where



one garage exists, creating more than 700 sq. ft. of garage space at 213-215 Langley Road, Ward 6, Newton Centre, on land known as Section 65 Block 19 Lot 39, containing approximately 7,240 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 1.5.4.G.2.b, 1.5.4.G.2.c, 3.4.2.B of the City of Newton Rev Zoning Ord, 2017.

**Action:** **Land Use Approved Subject to Second Call 2-0-4 (Laredo, Lipof, Auchincloss, Schwartz abstaining); Public Hearing Closed 09/05/2019**

**Note:** Contractor for the project, Mr. Marcus Wenger, 164 North Street, Bellingham, represented the petitioners Bill Trask and Brenda Marsh. Mr. Wenger presented the request to construct a detached, two-car garage with a loft area to be used for storage. There is an existing two-car garage at the site. Because the proposed garage creates an additional 484 sq. ft. of garage space, the total garage square footage at the site exceeds 700 sq. ft. and requires zoning relief. Additionally, the second story dormer represents 91% of the wall plane below it and requires additional relief.

Planning Associate Katie Whewell reviewed the requested relief, criteria for consideration, land use, zoning and photos of the site as shown on the attached presentation. Ms. Whewell noted that the proposed garage meets setback and FAR requirements.

The Public Hearing was Opened.

Michael Simonich, 209-211 Langley Road, expressed concerns relative to the petition. Mr. Simonich stated that the proposed garage will be visually detrimental to the neighborhood and noted that the proposed garage directly abuts his property. Mr. Simonich noted that the proposed garage will block sunlight from his property. He also expressed concerns relative to additional cars idling at the site and the potential for future living space in the lofted garage.

Bill Trask, 215 Langley Road, is the petitioner. Mr. Trask noted that Mr. Simonich never expressed concerns prior to the public hearing. He stated that cars do not and will not be idling in the driveway and noted that the second garage will be used to provide a second space for each unit at the site.

Committee members noted that there is one, two-car garage in addition to driveway parking stalls and questioned the need for two additional garage spaces. Mr. Trask explained that because the two-car garage services two condo units; maneuverability can be difficult when cars are parked outside of the existing garage. The owner of the second condo at 213-215 Langley Road, Brenda Marsh confirmed that she is co-petitioning for the proposed garage. Committee members shared concerns relative to the size of the proposed second floor storage space. Mr. Trask stated that the storage space will be used to store equipment for his business. A Committee member questioned whether the proposed dormer can be designed more in compliance with the intent of the dormer ordinance. It was noted that the proposed lofted space would not be code compliant for living space and does not have an interior staircase. Mr. Trask confirmed that the plan can be modified to reduce the size of the windows in the garage and the proposed dormer.

No other member of the public wished to speak. Councilor Crossley motioned to close the public hearing which carried unanimously. Councilor Crossley motioned to approve the petition Subject to Second call,

pending revised plans for the proposed dormer. Committee members reviewed the draft findings and conditions as shown in the attached presentation. Committee members asked that the draft Council Order include a condition that the second-floor garage space must not be used for habitable space. With that, committee members voted 2 in favor, none opposed and four abstentions (Auchincloss, Laredo, Lipof, Schwartz).

**#259-19      Petition to allow attached dwelling units at 264 Pearl Street**

BENEDETTO CAIRA, TRUSTEE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow construction of three single-family attached dwelling units, to allow a reduction in the required side setbacks, to allow a reduction in the required frontage, to allow a reduction in the required lot area, to allow a driveway within 10' of a side lot line and to allow retaining walls great than four feet within a setback at 264 Pearl Street, Ward 1, Newton, on land known as Section 11 Block 14 Lot 10, containing approximately 14,608 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 5.4.2.B, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Held 6-0 (Markiewicz, Kelley not Voting); Public Hearing Continued**

**Note:**          Attorney Laurance Lee, 964 Walnut Street, represented the petitioner, Benedetto Cairra, Trustee. Atty. Lee requested a continuance of the public hearing and noted that the petitioner is making changes to the plans that respond to comments in the Planning Department memo issued on August 30, 2019. He confirmed that a full presentation will be given to the Committee at a subsequent public hearing. Senior Planner Neil Cronin provided an overview of the petition as shown on the attached presentation.

The Public Hearing was Opened.

Steve Morrel, 256 Pearl Street, expressed concerns relative to drainage and the proposed retaining wall, but stated that he is in favor of the petition.

No other member of the public wished to speak. Committee members were supportive of breaking up the massing at the site. Atty. Lee confirmed that the revised plans will include additional open space at the site. Committee members expressed no concerns relative to the request. Councilor Greenberg motioned to hold the petition which carried 6-0.

**#257-19      Amended Petition to allow attached dwelling units at 956 Walnut Street**

956 WALNUT STREET, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing single-family dwelling and construct seven single-family attached dwellings in two buildings, to reduce the frontage requirement, to reduce the side setback requirement, to allow three-stories, to exceed maximum lot coverage, to allow a retaining wall greater than 4' in the setback and to allow a driveway in the side setback at 956 Walnut Street, Ward 6, Newton Highlands, on land known as Section 62 Block 04 Lot 05, containing approximately 32,274 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 5.4.2.B, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Held 8-0; Public Hearing Continued**

**Note:** Attorney Laurance Lee, Rosenberg, Freedman and Lee, Walnut Street represented the petitioner, 956 Walnut Street, LLC. Attorney Lee presented an overview of the petition as shown on the attached presentation. Atty. Lee stated that petition has received support from the Fair Housing Committee and the Urban Design Commission. Atty. Lee explained that the proposed project contains seven single-family attached dwelling units in three buildings. The petitioner previously proposed seven units in two buildings, but modified the project based on neighborhood concerns. Atty. Lee noted that the building height and building envelope are lower than what could be built at the site as a matter of right and showed the proposed elevations and landscape plan (shown attached). Atty. Lee explained that the site of the proposed development is adjacent to the aqueduct. Because the aqueduct is not considered a lot line, the petitioners are permitted to construct without a setback requirement. Atty. Lee stated that all of the parking for the development will be located underground in the basement space and noted that the petitioner is working to promote energy efficiency by participating in Newton Power Choice, stormwater recapture, installing bicycle racks, a compost system, EV charging stations, SMART appliances and solar ready roofs. One affordable unit is included in the proposed development.

Senior Planner Neil Cronin reviewed the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. Mr. Cronin noted that the Planning Department recommends removal of the guest parking stalls along the western boundary of the site (adjacent to the aqueduct). He noted that the Housing Division of the Planning Department has reviewed the Inclusionary Housing Plan (IHP) and finds it acceptable. Mr. Cronin noted that more details of the IHP must be provided prior to issuance of a building permit. Mr. Cronin confirmed that the Planning Department is supportive of the petition due to its proximity to public transportation and amenities, as well as the creation of an affordable unit. Mr. Cronin noted that there are structures in the neighborhood that are taller than the proposed dwelling units but confirmed that the proposed dwelling units could be built smaller in size. The proposed dwelling units range from 2300 sq. ft. to 2900 sq. ft., excluding the basement space. It was noted that there is very little usable basement space because of the garage use. Mr. Cronin confirmed that the driveway circulation within the garage is sufficient. Committee members questioned why a property adjacent to the aqueduct might be exempt from a setback requirement. Mr. Cronin noted that a property that abuts the aqueduct has no property line and therefore no setback. Councilors asked the Law Department to provide an explanation of what the frontage requirements are and what could be permitted as a matter of right. Atty. Lee noted that when the property for the aqueduct was taken, the property owners at 956 Walnut Street were given a reserved right of way over the aqueduct.

Mariana Bagati, architect for the project explained that the proposed dwelling units have three-bedrooms on the second floor and one room on the first floor that could be converted into a bedroom. The proposed attic space has areas with 7' ceilings as well as access to a balcony. Ms. Bagati explained that the attic space will not contain a bathroom, so would not likely be converted into a bedroom. A Committee member noted that several developments are ongoing in the neighborhood and will result in approximately 11 new units in the area. One Councilor noted that the setback requirements for single-family attached dwelling units are 25' on all sides, which is greater than what is typically required for residential properties. A Committee member noted that there are two locations where the proposed structures encroach into the 25' setback. Mr. Cronin noted that although FAR is not limited for single-family attached dwelling units, the proposed FAR is .59. As a matter of right, the FAR for a two-family use could be .38 + a .02 bonus (contingent on meeting the setback requirements for a new lot). Mr. Cronin

stated that the Planning Department has not analyzed the FARs of other properties in the neighborhood. He confirmed that the Planning Department can easily investigate the FAR of the abutting, under construction property.

The Public Hearing was opened.

Ken Parker, 965 Walnut Street, expressed concerns relative to the petition. He stated that the site is inappropriate because it is too small and there is insufficient lot frontage. Mr. Parker expressed concerns relative to the increased car exhaust at the site as well as the increase in traffic. He suggested that the proposed development will increase safety issues and noted that access to the site is not adequate. Loss of significant amount of open space and will be located too close to the aqueduct. He stated that the permit cannot be approved because FAR relief was not requested, the public hearing notice stated that the seven units would be located in structures and no 3-D model was submitted.

A Resident, 1060 Beacon Street, noted that use of the aqueduct is for light use only. She questioned how large the driveway on Walnut Street will be and whether there will be access to Beacon Street.

Michael Goldman, 14 Saxon Terrace, urged Committee members to visit the site, noting that the proposed development is inappropriate for the neighborhood. He noted that two units are being constructed adjacent to the property and stated that the access from the site onto Walnut Street will create traffic and safety issues.

Ralph Gawlick, 968 Walnut Street, emphasized his concerns relative to the impact of the additional cars at the site on safety and traffic. He urged Committee members to visit the site.

Nathaniel Lichtin, 53 Pinecrest Road, noted that relief is requested for the driveway. Mr. Lichtin stated that the proposed project is too large and the FAR is 50% larger than what would be permissible. He noted that the number of proposed parking stalls is too many given the proximity to public transportation.

Eric Ziering, 16 Kingman Road, expressed concerns relative to the impact on safety and traffic.

Mr. Dennis Murphy, Hill Law, Boston, Massachusetts, represented members of the neighborhood including all of the direct abutters. Mr. Murphy noted that the project has been refined over a period of years with help from ward Councilors and members of the community. He noted that there is a transition from single family to commercial uses from Pinecrest Road to Whole Foods on Walnut Street. Mr. Murphy expressed support for the gap between buildings, which pushes the building further into the setback. He noted that the neighborhood is supportive of the underground parking.

Rochelle Acker, 923 Walnut Street, urged the Committee to walk through the neighborhood and noted that the property has a number of mature trees that are not easily replaceable.

No other member of the public wished to speak. A Committee member noted that 19 parking stalls is excessive. With that, Councilor Markiewicz motioned to hold the item which carried unanimously.

The Committee adjourned at 9:45 pm.

**Respectfully Submitted,**

**Richard Lipof, Acting Chair**

## Department of Planning and Development



**PETITION #256-19**

**2 THAXTER ROAD**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO VERTICALLY EXTEND  
THE NONCONFORMING FRONT  
SETBACK BY CONSTRUCTING  
DORMERS ON EACH SIDE OF THE  
SECOND FLOOR



SEPTEMBER 5, 2019

1

## Requested Relief



Special Permit per §7.8.2.C.2 of the NZO to:

- Further extend a nonconforming front setback (§3.1.3).

2

## Criteria to Consider

When reviewing this request, the Council should consider whether:

- The proposed dormers that would further extend a nonconforming front setback on Parkway Road is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.3 and §7.8.2.C.2)

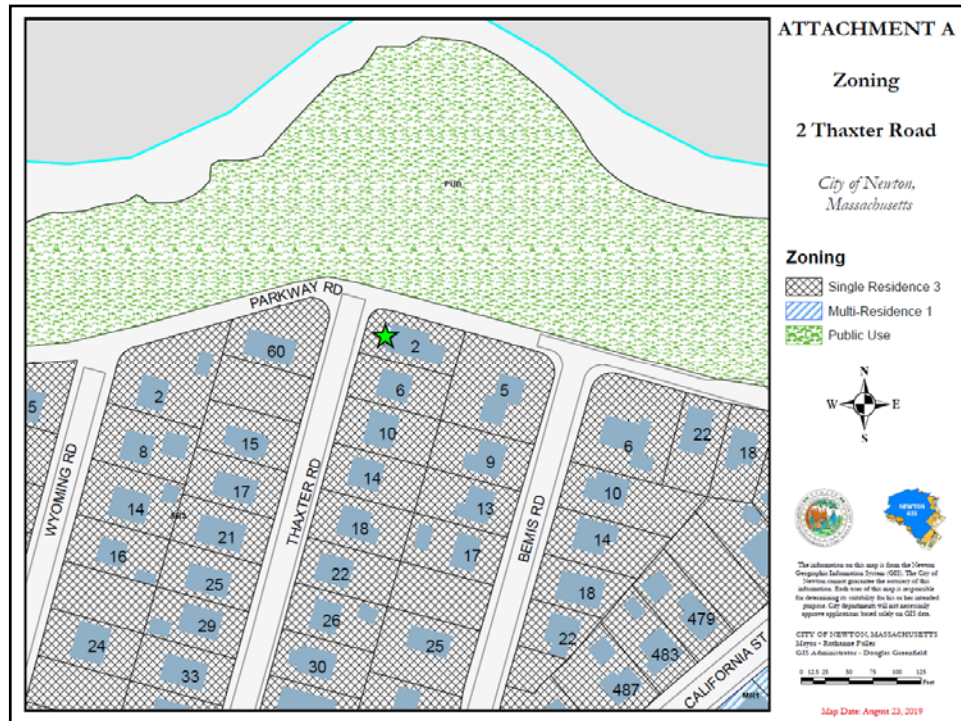
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## Aerial/GIS Map

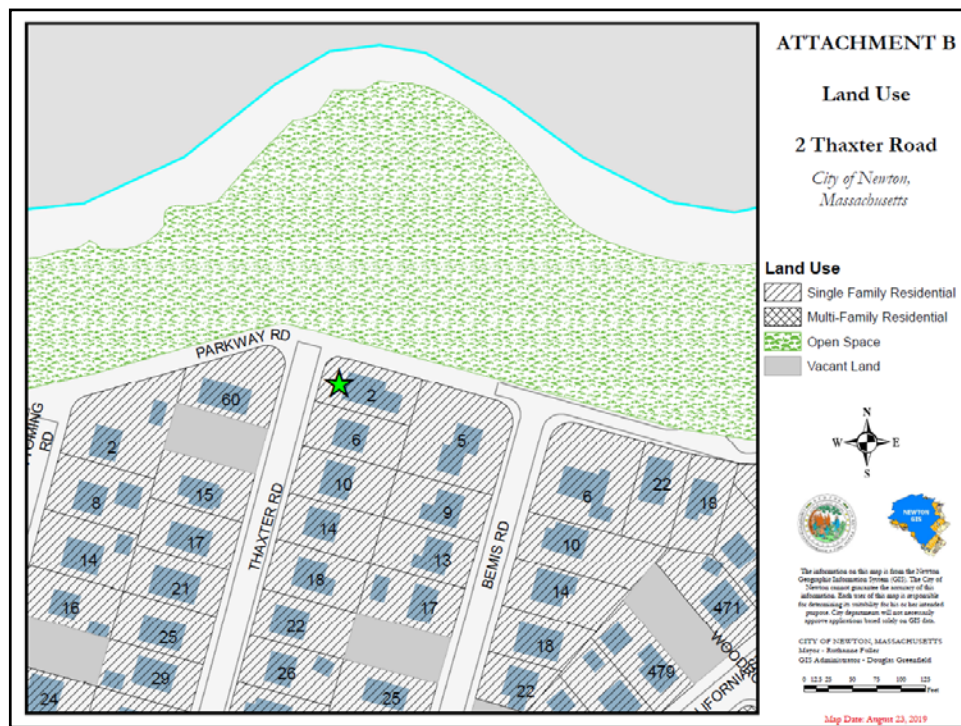


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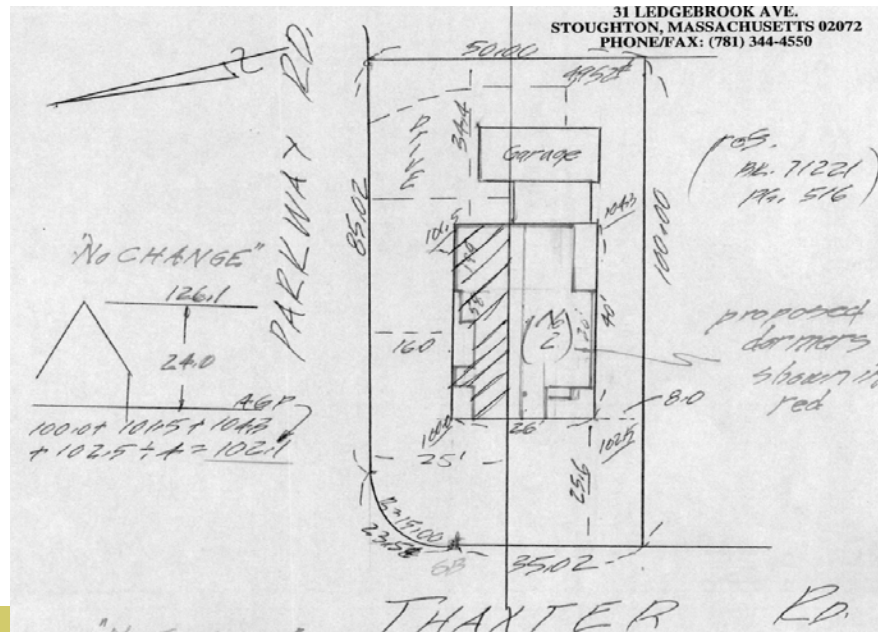
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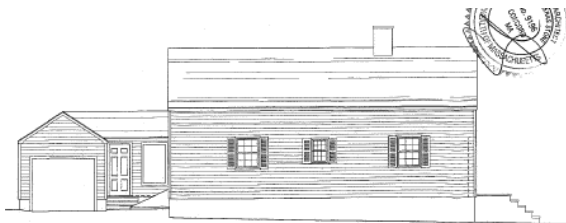
## Site Plan



7

## Existing and Proposed Elevations

Existing



2	LEFT SIDE ELEVATION - AS BUILT
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Proposed



2 LEFT SIDE ELEVATION

8

## Proposed Findings

- The project as designed that would vertically extend the nonconforming side setback on Parkway Road is not substantially more detrimental than the existing nonconforming structure is to the neighborhood given that the proposed dormers are on a less visible side of the dwelling and will be well screened. (§3.1.3 and §7.8.2.C.2)

9

## Proposed Conditions

1. Plan Referencing Condition.
2. Standard Building Permit Condition.
3. Standard Certificate of Occupancy Condition

10

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 the non-conforming 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 dormers that would vertically extend the nonconforming front setback on Parkway Road are not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the proposed dormers will be located on the less visible side of the dwelling and will be well-screened. (§3.1.3 and §7.8.2.C.2)

PETITION NUMBER:	#256-19
PETITIONER:	Ken Thornby
LOCATION:	2 Thaxter Rd., on land known as Section 21 Block 04, Lot 14, containing approximately 4,952 square feet of land
OWNER:	Ken Thornby
ADDRESS OF OWNER:	2 Thaxter Road Newton, MA 02460
TO BE USED FOR:	Single-Family Dwelling
CONSTRUCTION:	Wood frame
EXPLANATORY NOTES:	§3.1.3 and §7.8.2.C.2 to further extend the nonconforming side setback by constructing dormers to the second floor.

ZONING: Single Residence 2 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. "Addition Plan, No. 2 Thaxter Road," signed and stamped by Michael Paul Antonio, Registered Land Surveyor, dated January 26, 2019.
  - b. Architectural Plans and Elevations, Prepared by Elise Stone and Terry Rourke, signed and stamped by Elise Stone, dated October 19, 2018 consisting of nine (9) sheets
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, and Fire Department.
3. 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 board 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 board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
4. 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 an architect 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 licensed architect.

## Department of Planning and Development



**PETITION #264-19**  
**29 KEWADIN ROAD**

TO AMEND SPECIAL PERMIT #  
479-14 TO ALLOW  
MODIFICATIONS TO THE  
APPROVED SITE PLAN

SEPTEMBER 5, 2019



1

## Requested Relief



Special Permit per §7.3.3 of the NZO to:

- To amend Special Permit #479-14 to allow an attached garage and one-story addition (§7.3.3).

2

## Criteria to Consider

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed attached garage and addition. (§7.3.3.C.1)
- The proposed attached garage and addition will adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed attached garage and addition 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)

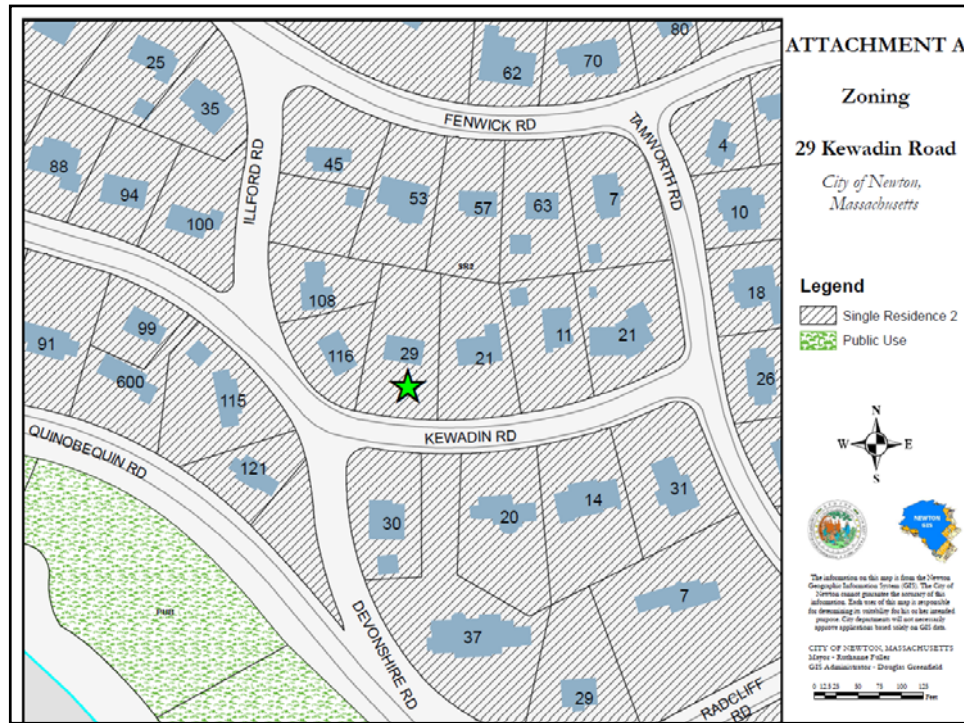
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## Aerial/GIS Map

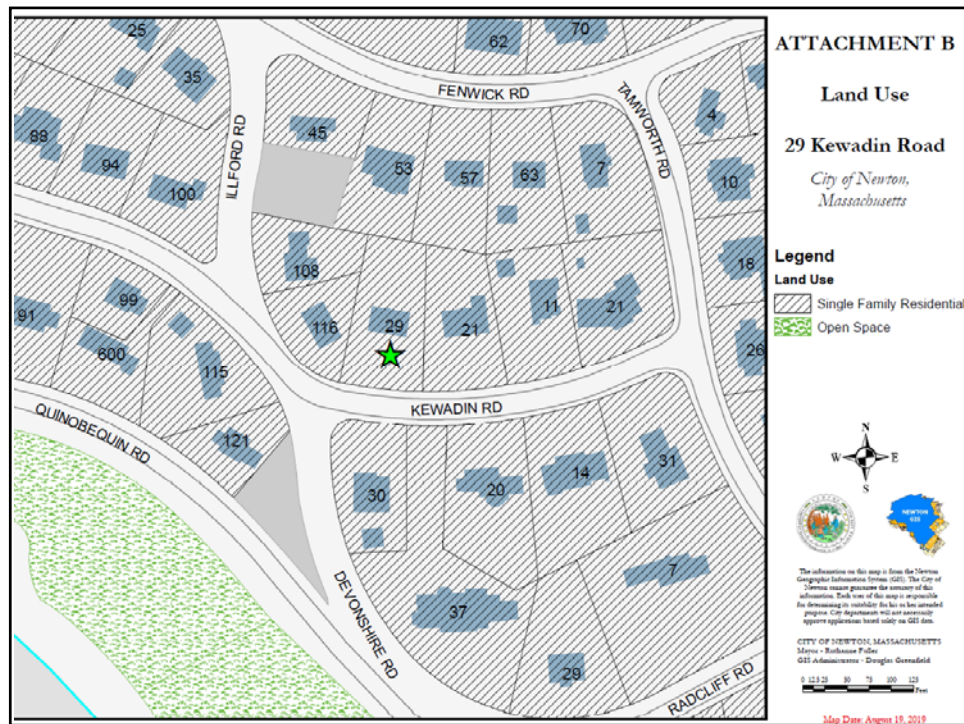


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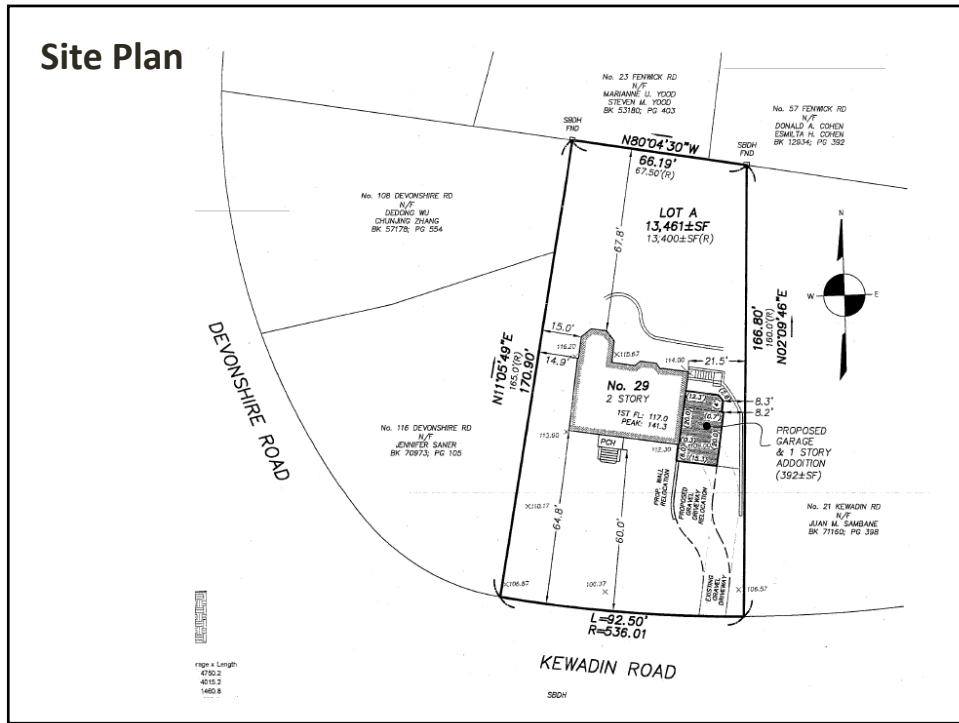




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## Proposed Finding

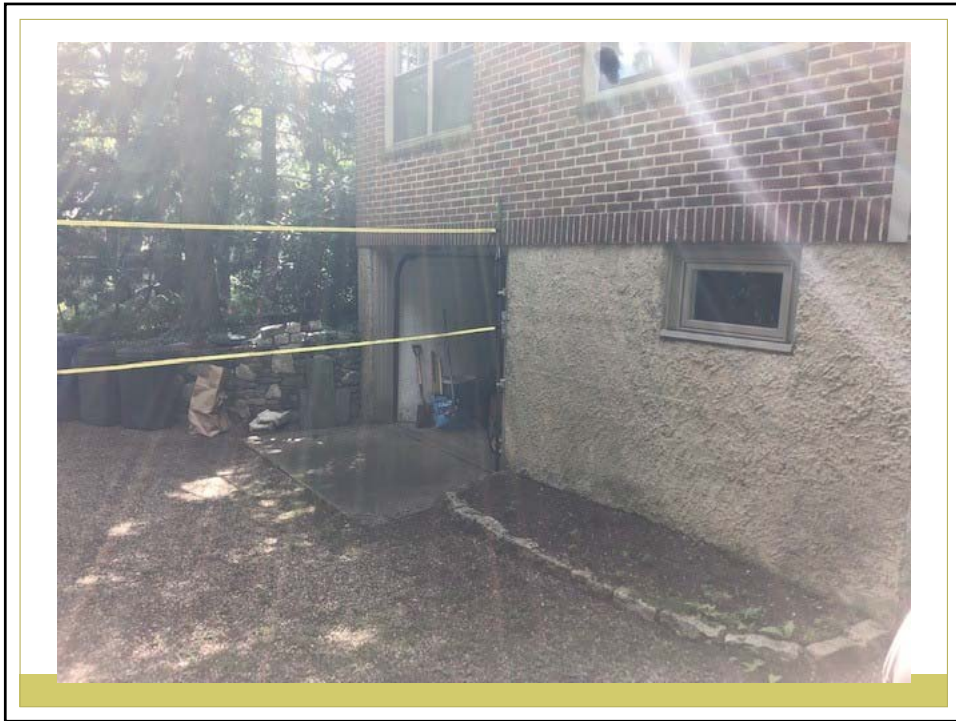
- The specific site is an appropriate location for the amendment to Special Permit #479-14 because the proposed garage and addition because the project meets all dimensional standards of the Newton Zoning Ordinance. (§7.3.3.C.1)
- The proposed amendment to Special Permit #479-14 will not adversely affect the neighborhood because there are several other homes in the neighborhood with similar attached garages and one-story additions. (§7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians by amending Special Permit #479-14. (§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)

9

## Proposed Conditions

1. Plan Referencing Condition.
2. Standard Building Permit Condition.
3. Standard Final Inspection/Certificate of Occupancy Condition.

10



11

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 479-14 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 amendment to Special Permit #479-14 because the proposed garage and addition meets all dimensional standards of the Newton Zoning Ordinance. (§7.3.3.C.1)
2. The proposed amendment to Special Permit #479-14 will not adversely affect the neighborhood because there are several other homes in the neighborhood with similar attached garages and one-story additions. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians by amending Special Permit #479-14. (§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: #264-19

PETITIONER: Dan and Brenda Kostyk

LOCATION: 29 Kewadin Road, on land known as Section 55 Block 51 Lot 9, containing approximately 13,400 sq. ft. of land

OWNER: Dan and Brenda Kostyk

ADDRESS OF OWNER: 29 Kewadin Road  
Newton, MA 02468

TO BE USED FOR: Attached garage and one-story addition

CONSTRUCTION: Brick

EXPLANATORY NOTE: §7.3.3 to amend Special Permit #479-14.

ZONING: Single Residence 2

All prior Special Permits for this site remain in full force and effect, including the conditions set forth in Council Order #479-14, except as modified below.

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. Certified Plot Plan located at 29 Kewadin Road C-1.1, signed and stamped by George C. Collins, Professional Land Surveyor, dated May 7, 2019
  - b. Architectural Plans, signed and stamped by Robert J. Fizek, dated May 30, 2019 consisting of the following sheets:
    - i. Front Elevation, A-5
    - ii. Side and Rear Elevation, A-6
    - iii. Section A.A, A-7
    - iv. Section B.B, A-8
    - v. Section C.C, A-9
    - vi. Section D.D. A-10
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 board 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 board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
  - d. Received approval from the applicable Departments in accordance with Condition #2 above.
4. 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 an architect and 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 an architect and licensed land surveyor including the as built floor area ratio of the structure.
- c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.
- d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Engineering Division of Public Works a statement from the Department of Planning and Development approving, consistent with the approved Final Landscape Plan, the final location, number and type of plant materials and final landscape features.

## Department of Planning and Development



**PETITION #259-19**  
**11 CANTERBURY ROAD**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO FURTHER INCREASE  
NONCONFORMING FLOOR AREA  
RATIO FROM .51 TO .64 WHERE  
.46 IS ALLOWED



SEPTEMBER 5, 2019

1

## Requested Relief



Special Permit per §7.8.2.C.2 and §7.3.3 of the NZO to:

- Further increase nonconforming floor area ratio (§3.1.9).

2

## Criteria to Consider

When reviewing this request, the Council should consider whether:

- The proposed increase in the nonconforming FAR from .51 to .64, where .46 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.1.9, and §7.8.2.C.2)
- The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.9 and §7.8.2.C.2)

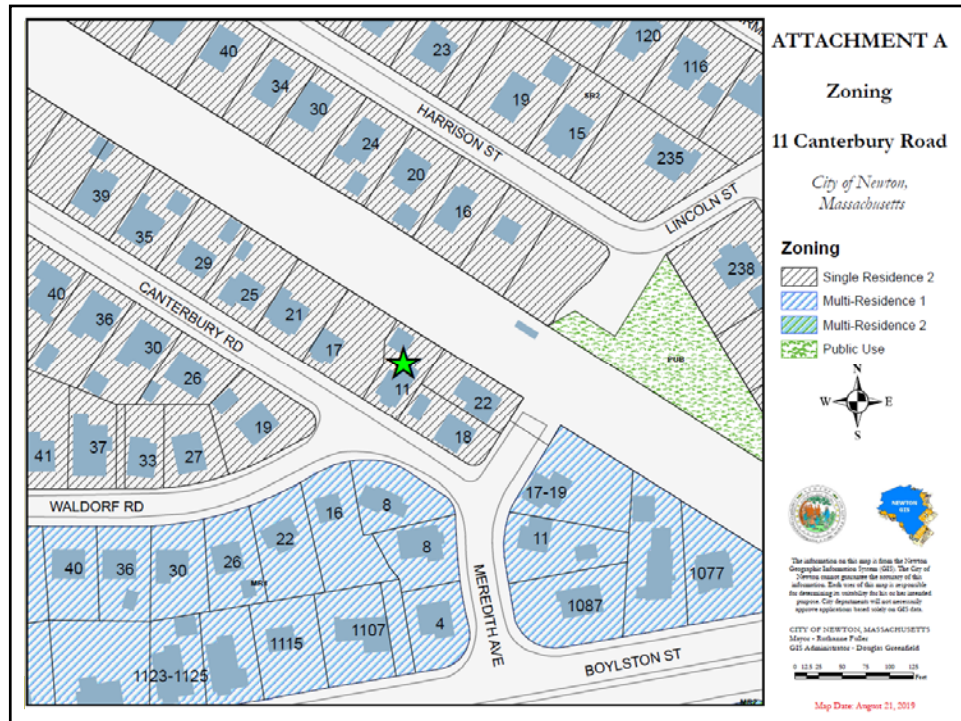
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## Aerial/GIS Map

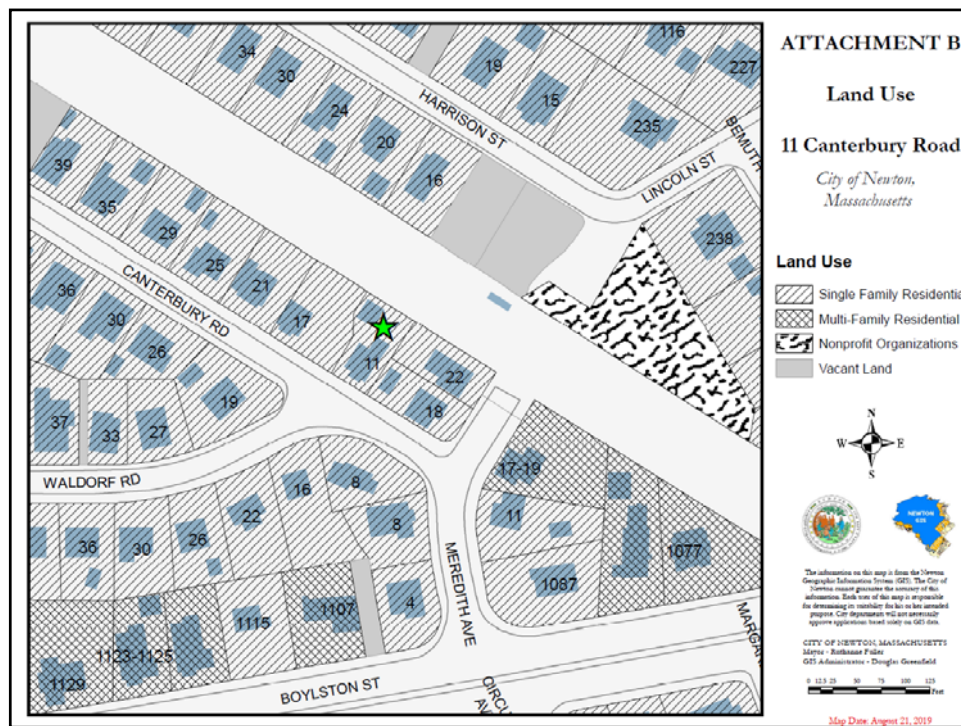


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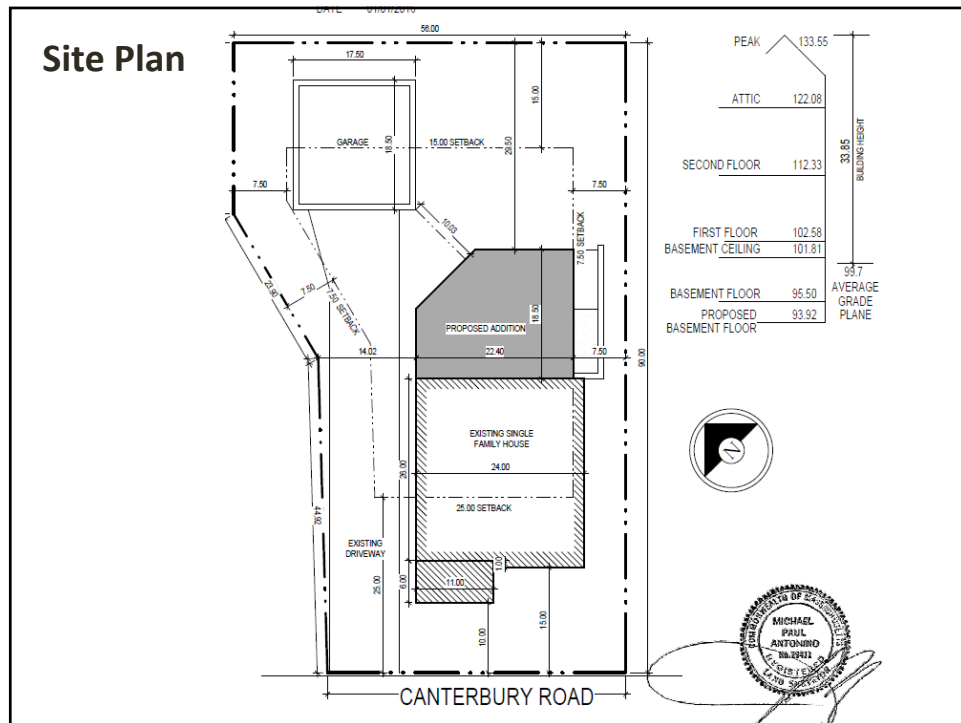


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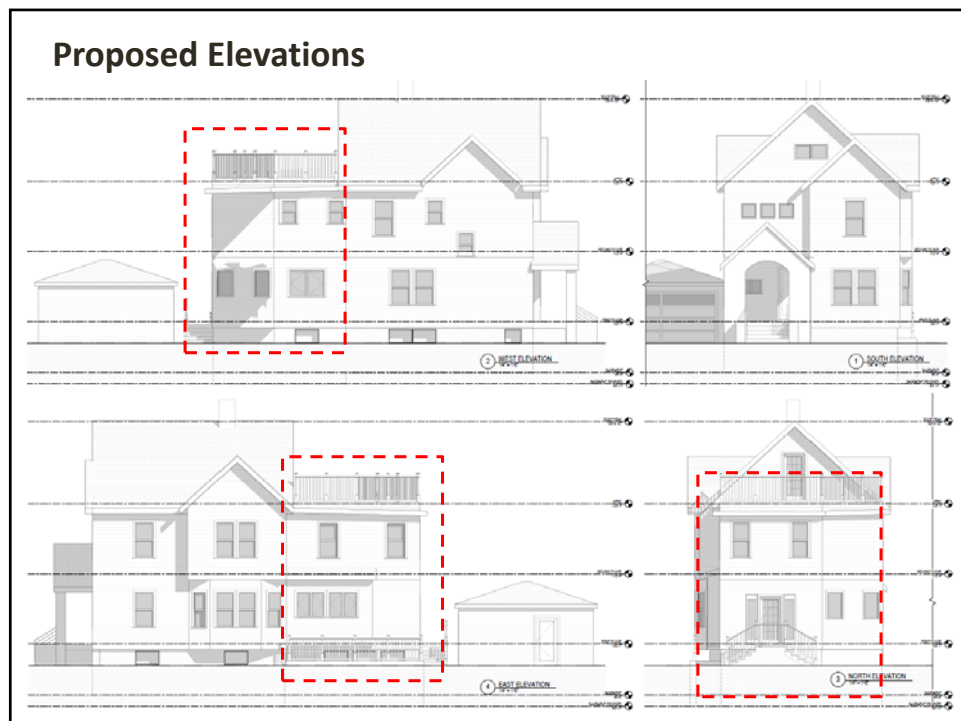


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8

## Proposed Findings

1. The proposed increase in the nonconforming FAR from .51 to .64, where .46 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood because the proposed addition of two stories to the rear of the home is similar to other structures in the neighborhood. (§3.1.9 and §7.8.2.C.2)
2. The proposed increase in the nonconforming FAR from . 51 to .64, where .46 is the maximum allowed by-right is not substantially more detrimental than the existing nonconforming FAR is to the neighborhood because the addition meets all other dimensional standards and is not higher than the existing structure. (§3.1.9 and §7.8.2.C.2)

9

## Proposed Conditions

1. Plan Referencing Condition.
2. Standard Building Permit Condition.
3. Standard Final Inspection/Certificate of Occupancy Condition.

10

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 increase the nonconforming Floor Area Ratio (FAR) from .51 to .64, where .46 is the maximum allowed by-right as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The proposed increase in the nonconforming FAR from .51 to .64, where .46 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood because the proposed addition of two stories to the rear of the home is similar to other structures in the neighborhood. (§3.1.9 and §7.8.2.C.2)
2. The proposed increase in the nonconforming FAR from .51 to .64, where .46 is the maximum allowed by-right, is not substantially more detrimental than the existing nonconforming FAR is to the neighborhood because the addition meets all other dimensional standards and is not higher than the existing structure. (§3.1.9 and §7.8.2.C.2)

PETITION NUMBER:	#258-19
PETITIONER:	Richard and Yoko Bryden
LOCATION:	11 Canterbury Road, on land known as Section 54, Block 45, Lot 14, containing approximately 4,325 square feet of land
OWNER:	Richard and Yoko Bryden
ADDRESS OF OWNER:	11 Canterbury Road Newton, MA 02461
TO BE USED FOR:	Single-Family Dwelling
CONSTRUCTION:	Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.8.2.C.2 to further increase the nonconforming FAR

ZONING: Single Residence 2 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. "Proposed Plot Plan", signed and stamped by Michael Paul Antonio, Professional Land Surveyor, dated November 16, 2018.
  - b. Architectural Plans and Elevations, signed and stamped by Timothy Burke, Registered Architect, dated July 10, 2019 consisting of four (4) sheets.
    1. A0.1, Site Conditions Existing and Proposed
    2. D1.1, Demolition Plans
    3. A1.1 Floor Plans (basement, first floor, second floor, and attic)
    4. A3.1 Elevations
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. 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 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. 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 statements by a registered architect and professional land surveyor certifying compliance with Condition #1, including the as built 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. Provided a recorded copy of the O&M Plan in accordance with Condition #3 above.

- d. 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.

## Department of Planning and Development



### **PETITION #338-18(2)**

#### **22 BEECHER PLACE**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO AMEND SPECIAL  
PERMIT COUNCIL ORDER  
#338-18 TO ALLOW  
MODIFICATIONS TO THE SITE  
PLAN FOR DRIVEWAY AND PATIO  
SPACES NOT SHOWN ON THE  
APPROVED SITE PLAN

*SEPTEMBER 5, 2019*



1

## Requested Relief



Special Permit per §7.3.3 to:

- to amend SP #338-18 by substituting the previously approved site plan with an As-Built plan showing additional landscape and site features, including relocated and expanded parking areas, paved patio areas, and stonework including walls, benches and an outdoor fireplace

2

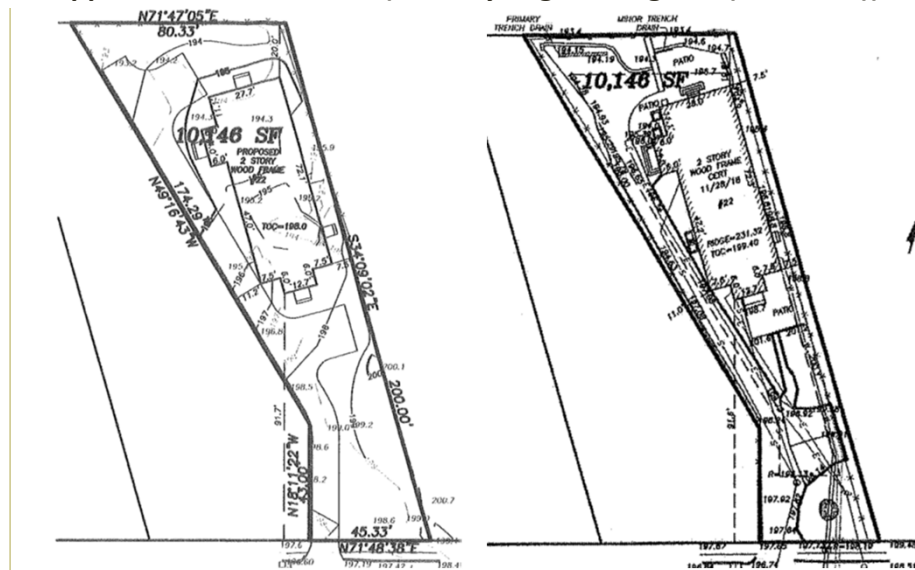
## Criteria to Consider

When reviewing the requested special permits the Council should consider whether:

- The specific site is an appropriate location for the additional landscape and site features, including relocated and expanded parking areas, paved patio areas, and stonework including walls, benches and fireplace (§7.3.3.C.1);
- The use 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).

3

### Site Plan- SP Approved and "As-Built" (rev'd by Engineering Div. (8/8/2019))



4

## Update

Engineering Division memorandum (August 8, 2019) reviewed: (a) updated as-built plan and (b) updated drainage report:

- Both found “acceptable”
- “the insignificant increase in runoff toward Beecher Place will not impact the City drainage system”
- Operations and Maintenance (O&M) Plan should “reflect bi-annual sweeping of driveway which is critical for the long-term operations and functionality of the infiltration systems”

5

## Proposed Findings- *Approval*

1. The specific site is an appropriate location for the additional landscape and site features, including relocated and expanded parking areas, paved patio areas, and stonework including walls, benches and an outdoor fireplace (§7.3.3.C.1);
2. The use as developed and operated will not adversely affect the 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 the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

6



## Proposed Conditions- *Approval*

- Plan Referencing Condition
  - *Modified to reference submitted “as-built” plan*
- Standard Building Permit Condition
  - *Provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval*
- Standard Final Inspection/Certificate of Occupancy Condition.

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 to amend the site plan for SPECIAL PERMIT/SITE PLAN APPROVAL #338-18, which allowed an increase in the permitted Floor Area Ratio (FAR) from 0.48 to 0.49 where 0.48 is the maximum allowed by-right, by substituting the previously approved site plan with an As-Built plan showing additional landscape and site features, including relocated and expanded parking areas, paved patio areas, and stonework including walls, benches and an outdoor fireplace 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 additional landscape and site features, including relocated and expanded parking areas, paved patio areas, and stonework including walls, benches and an outdoor fireplace (§7.3.3.C.1);
2. The use as developed and operated will not adversely affect the 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 the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

PETITION NUMBER: #338-18(2)

PETITIONERS: 22 Beecher Place Realty Trust

LOCATION: 22 Beecher Place, on land known as Section 65, Block 8, Lot 28, containing approximately 10,114 square feet of land

OWNERS: 22 Beecher Place Realty Trust

ADDRESS OF OWNER: 19 Holbrook Avenue  
Hull, MA

TO BE USED FOR: Two Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §7.3 to amend Special Permit #338-18

ZONING: Multi Residence 1 (MR1) district

Approved subject to the following conditions:

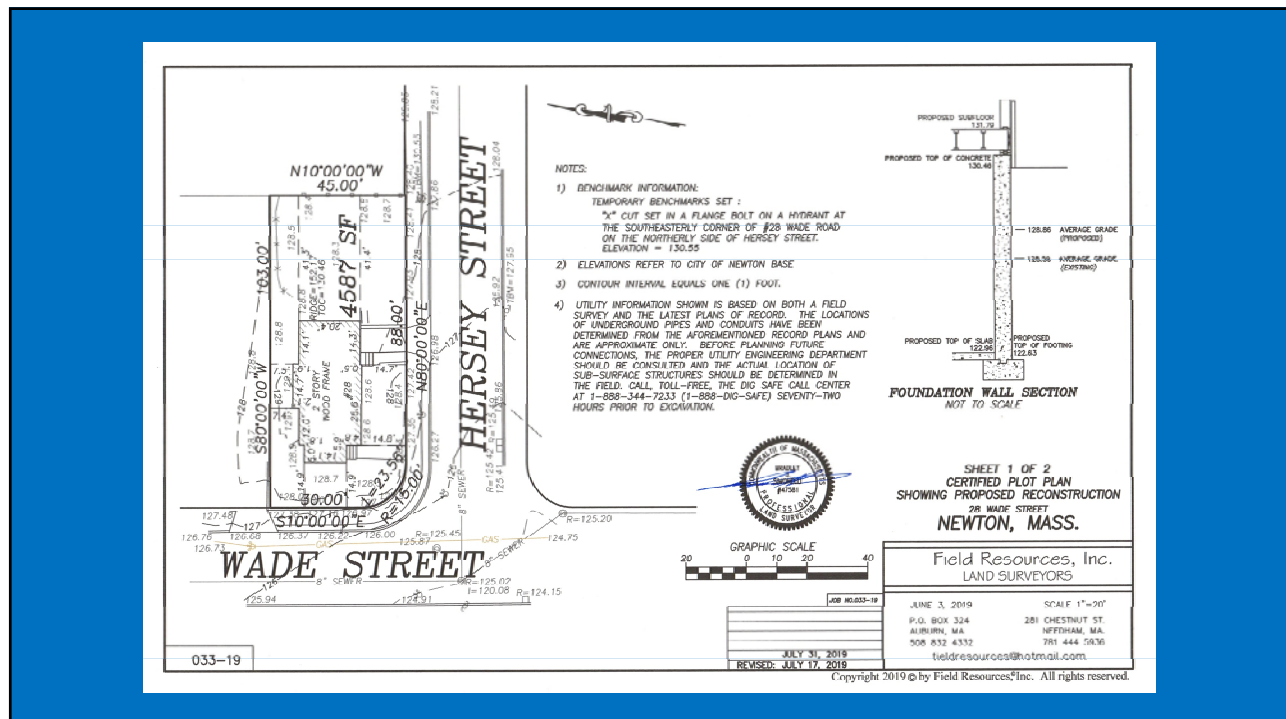
1. All conditions set forth in Special Permit/Site Plan Approval #338-18 shall remain in full force and effect with the exception that the following plan(s) is substituted for the plan previously identified in Condition 1(a) and 1(b), and the buildings, parking areas, driveways, walkways, landscaping and other site features associated with Special Permit/Site Plan Approval #338-18 shall be located and constructed consistent with the plans as originally identified in Condition 1 and as amended by the following plan:
  - a. A plan entitled "As Built Plan of Land 22 Beecher Place, Newton, Mass.," prepared by Field Resources, Inc., dated December 28, 2018, as revised through August 1, 2019, stamped and signed by Bradley J. Simonelli, Professional Land Surveyor.
2. 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.
3. 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.
- d. Provided a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. This plan shall include, among other provisions, require the bi-annual sweeping of the driveway to help ensure the long-term operations and functionality of the infiltration systems. 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.

# 28 Wade Street

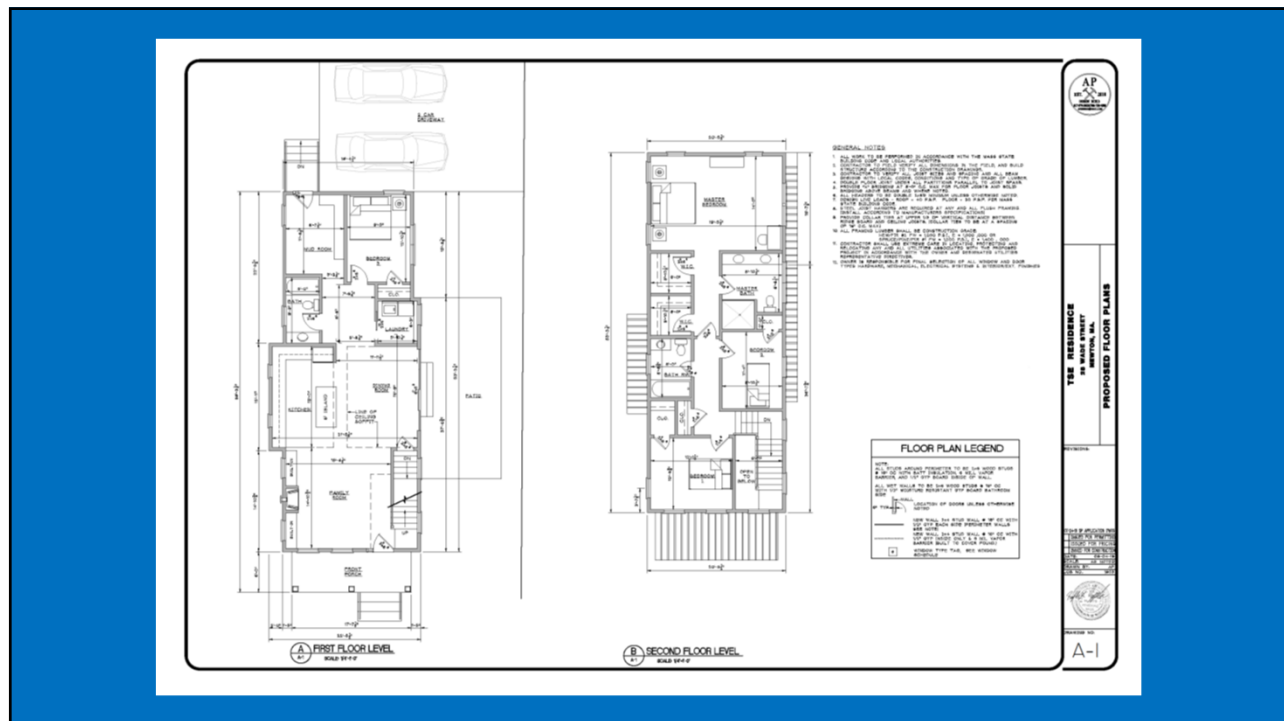
Petition #260-19 Special Permit/Site Plan Approval

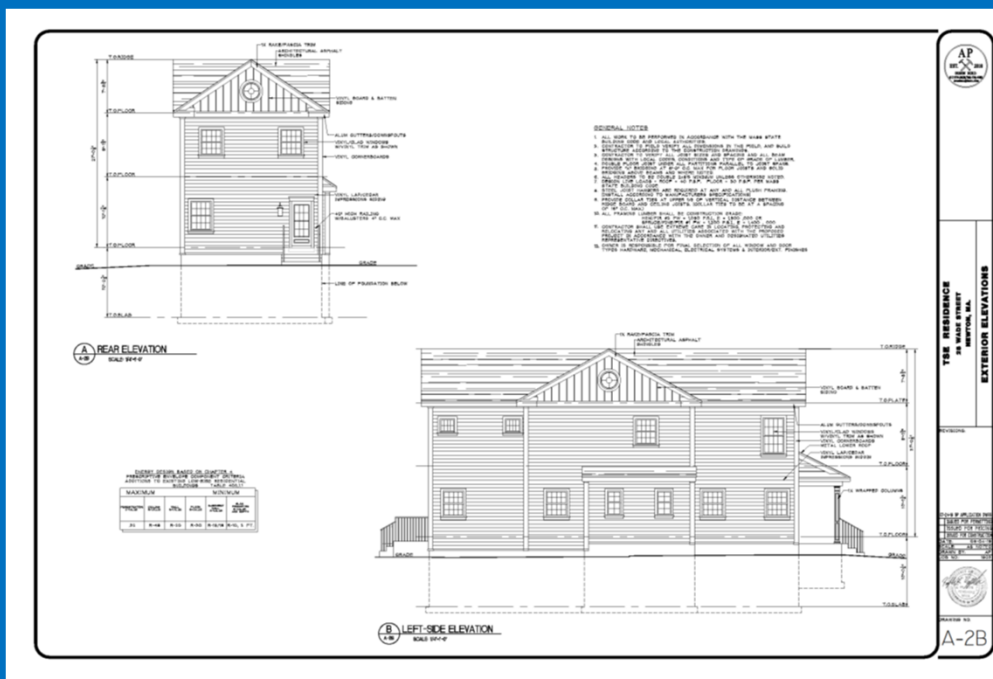
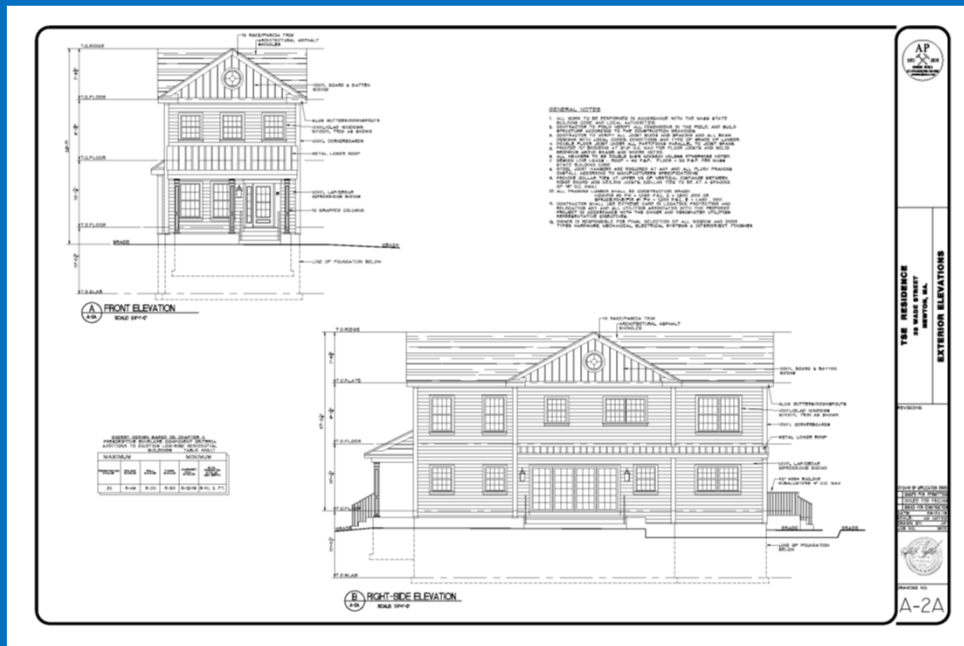
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## Department of Planning and Development



**PETITION #260-19  
28 WADE STREET**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO EXTEND THE  
NONCONFORMING FRONT  
SETBACKS AND TO ALLOW PARKING  
WITHIN THE FRONT SETBACK AND  
WITHIN FIVE FEET OF A STREET



SEPTEMBER 5, 2019

1

## Requested Relief



Special Permits per §7.8.2.C.2 and §5.1.13 of the Newton Zoning Ordinance to:

- Extend the nonconforming front setbacks from 14.9 feet to 14.7 feet, and from 14.7 feet to 14.9 feet (§3.1.3).
- Allow parking within the front setback and within five feet of a street (§5.1.7.A and §5.1.13 ).

2

## Criteria to Consider

When reviewing this request, the Council should consider whether:

- The proposed extension in the nonconforming front setbacks will be substantially more detrimental than the existing nonconforming front setbacks are to the neighborhood (§3.1.3 and §7.8.2.C.2).
- Literal compliance with the parking requirements is impracticable due to the nature of the use, or the location, size, width, 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 (§5.1.7.A and §5.1.13).

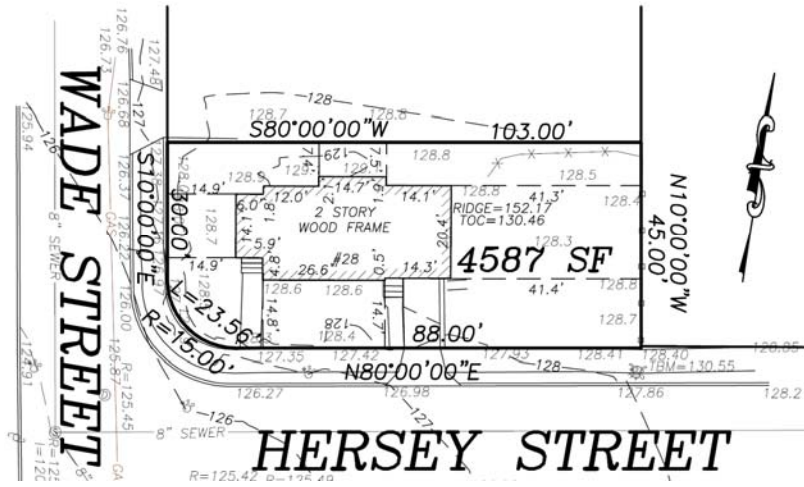
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## Aerial/GIS Map



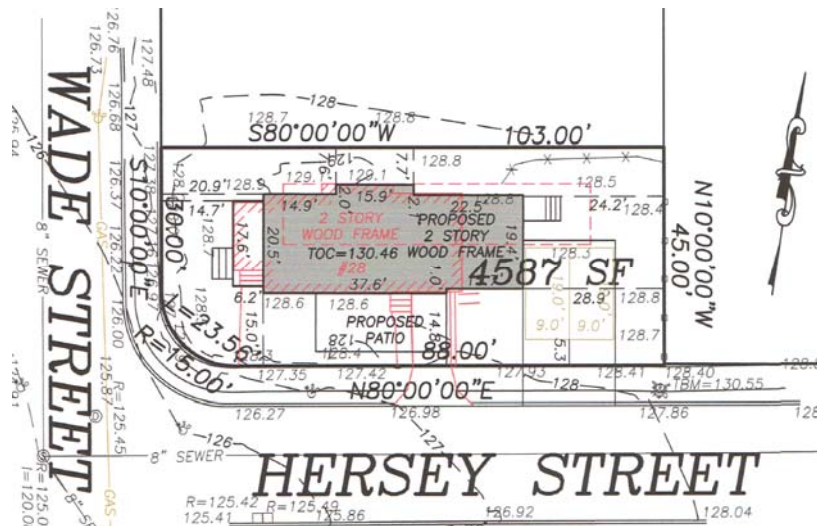
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## Existing Site Plan



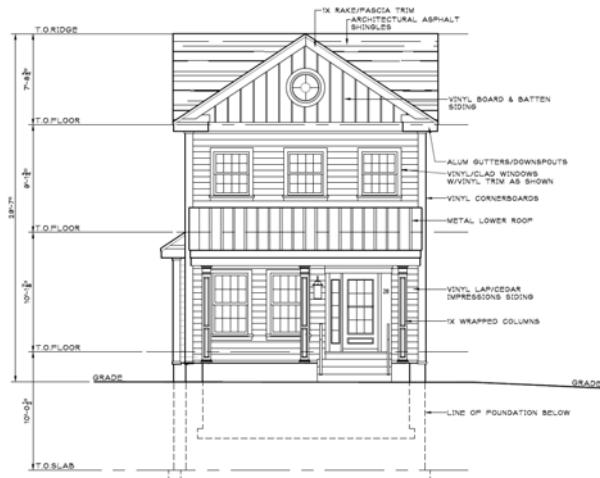
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## Proposed Site Plan



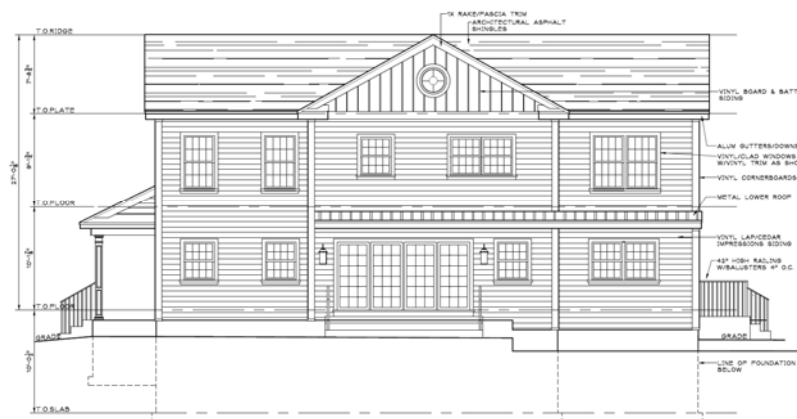
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## Proposed Wade Street Elevation



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## Proposed Hershey Street Elevation



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## Analysis

- The Planning Department believes that the structure is sited appropriately to complement the setbacks of the abutting structures on Wade and Hershey Streets.
- The proposed structure will comply with the remaining dimensional standards of an old lot in the Single Residence 3 zone, including building height and floor area ratio.
- Staff suggests that the petitioner be required to remove the existing curb cut on Hershey Street to the satisfaction of the Engineering Division, prior to the issuance of a temporary certificate of occupancy.

9

## Findings

1. The proposed extension of the nonconforming front setbacks is not substantially more detrimental than the existing setbacks are to the neighborhood because the proposed structure will be set back in accordance with neighboring structures maintaining the rhythm of the street and the structure will comply with the remaining dimensional standards of an old lot in the Single Residence 3 zone. (§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 shallow depth of the lot. (§5.1.7.A and §5.1.13)

10

## Conditions

1. Standard Plan Referencing Condition
2. Standard Building Permit Condition
3. Prior to the issuance of a temporary certificate of occupancy, the petitioner shall receive approval from the Engineering Division for removal of the existing curb cut along the Hershey Street frontage.

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 nonconforming front setbacks from 14.9 feet to 14.7 feet, from 14.7 feet to 14.8 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 setbacks is not substantially more detrimental than the existing setbacks are to the neighborhood because the proposed structure will be set back in accordance with neighboring structures, maintaining the rhythm of the street and the structure will comply with the remaining dimensional standards of an old lot in a Single Residence 3 zone. (§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 shallow depth of the lot. (§5.1.7.A and §5.1.13)

PETITION NUMBER:	#260
PETITIONER:	Peter W. Tse
LOCATION:	28 Wade Street, on land known as Section 83, Block 01, Lot 01, containing approximately 4,587 square feet of land
OWNER:	Peter W. Tse
ADDRESS OF OWNER:	10 Seaport Drive, Unit 2605 Quincy, MA 02171
TO BE USED FOR:	Single-Family Dwelling
CONSTRUCTION:	Wood frame

EXPLANATORY NOTES: §3.1.3 and §7.8.2.C.2 to further extend the nonconforming front setbacks; §5.1.7.A and §5.1.13 to allow a parking stall within the front setback

ZONING: Single Residence 3 district

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
  - a. Civil Plan Set, prepared by Field Resources, Inc., signed and stamped by Bradley J. Simonelli, Professional Land Surveyor, dated July 17, 2019, Revised July 31, 2019, containing two sheets.
  - b. Architectural Plans, prepared by AP Design Build, signed and stamped by Ralph K. Cappola Registered Architect, dated June 4, 2019, Revised July 24, 2019, consisting of the following three (3) sheets:
    - i. Sheet A-1, First and Second Floors
    - ii. Sheet A-2A, Front and Right Elevations
    - iii. Sheet A-2B, Rear and Left Elevations
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, and Fire Department.
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 Council Order for the approved Special Permit/Site plan with the Registry of Deeds for the Middlesex South Registry of Deeds.
  - 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.
4. Prior to the issuance of a certificate of occupancy, the petitioner shall receive approval from the Engineering Division for the removal of the existing curb cut along the Hershey Street frontage.
5. 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 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.

## Department of Planning and Development



**PETITION #261-19**  
**213-215 LANGLEY ROAD**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO CONSTRUCT  
A TWO CAR GARAGE WITH AN  
OVERSIZED DORMER, CREATING  
MORE THAN 700 SQ. FT. OF  
GARAGE SPACE AND MORE  
THAN ONE GARAGE.



*SEPTEMBER 5, 2019*

1

## Requested Relief



Special Permit per §7.3.3 to

- to allow more than one garage (§3.4.2.B.1, §3.4.3.A.4.a )
- to allow more than 700 square feet of garage space (§3.4.2.B.1, 3.4.3.A.4.c)
- to allow a dormer greater than 50% of the wall plane below (§1.5.4.G.2.b)
- to allow a dormer closer than 3 feet to the end wall (§1.5.4.G.2.c)

2

## Criteria to Consider

When reviewing the requested special permits the Council should consider whether:

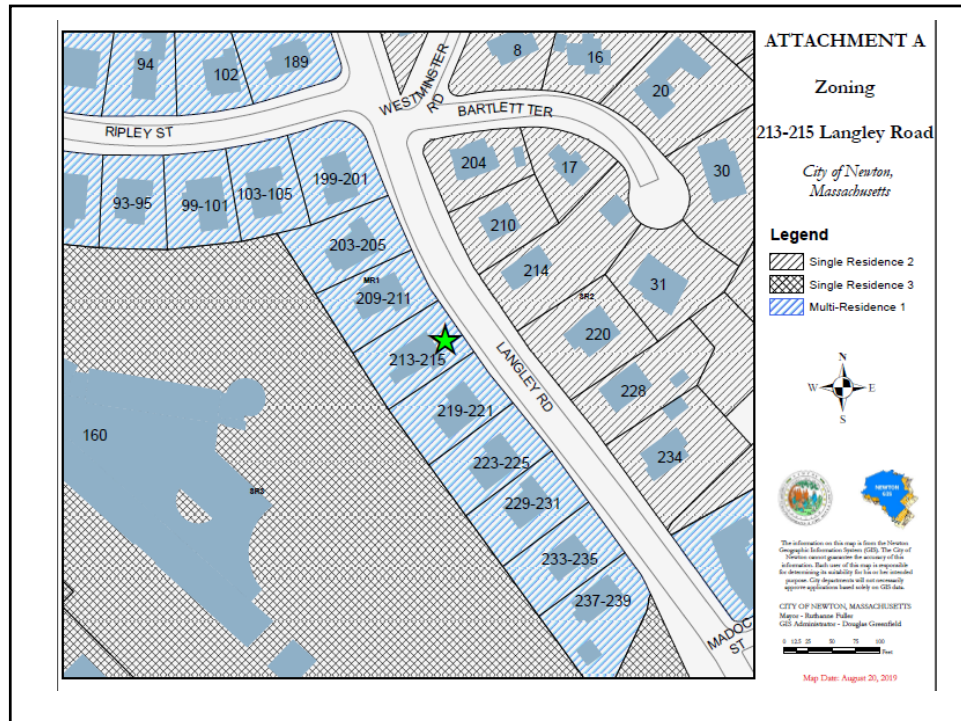
- The site is an appropriate location for the project as designed, with total garage space on site in excess of 700 square feet, and an oversized dormer on the proposed garage (§7.3.3.C.1);
- The project as designed, with total garage space in excess of 700 square feet on site, and an oversized dormer on the proposed garage will adversely affect the neighborhood (§7.3.3.C.2);
- The project as designed, with total garage space on site in excess of 700 square feet, and an oversized dormer on the proposed garage, 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).

3

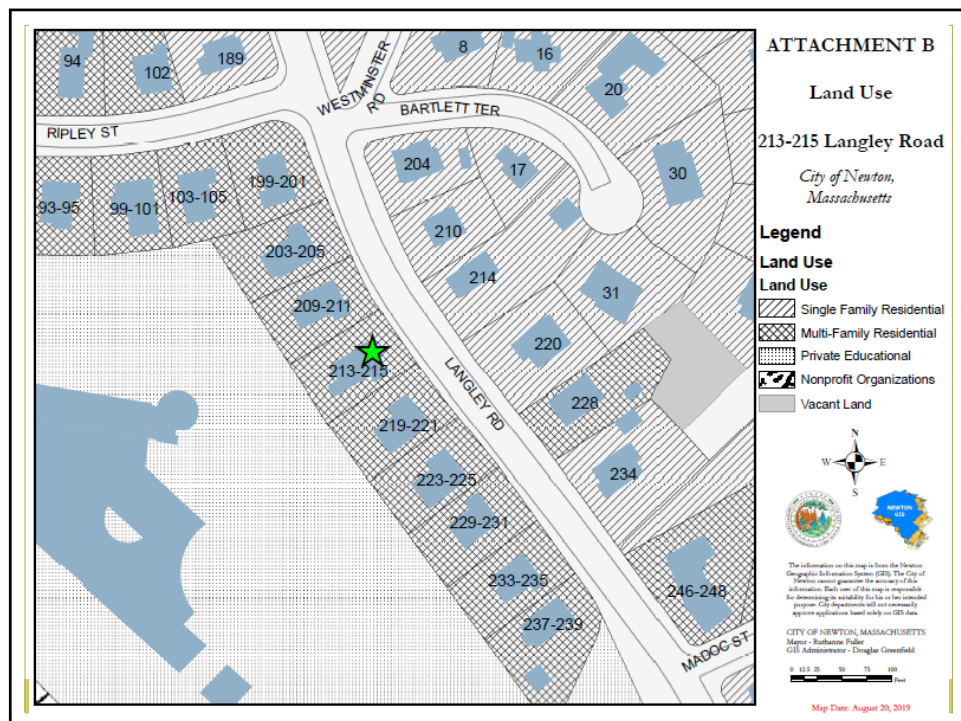
## Aerial/GIS Map



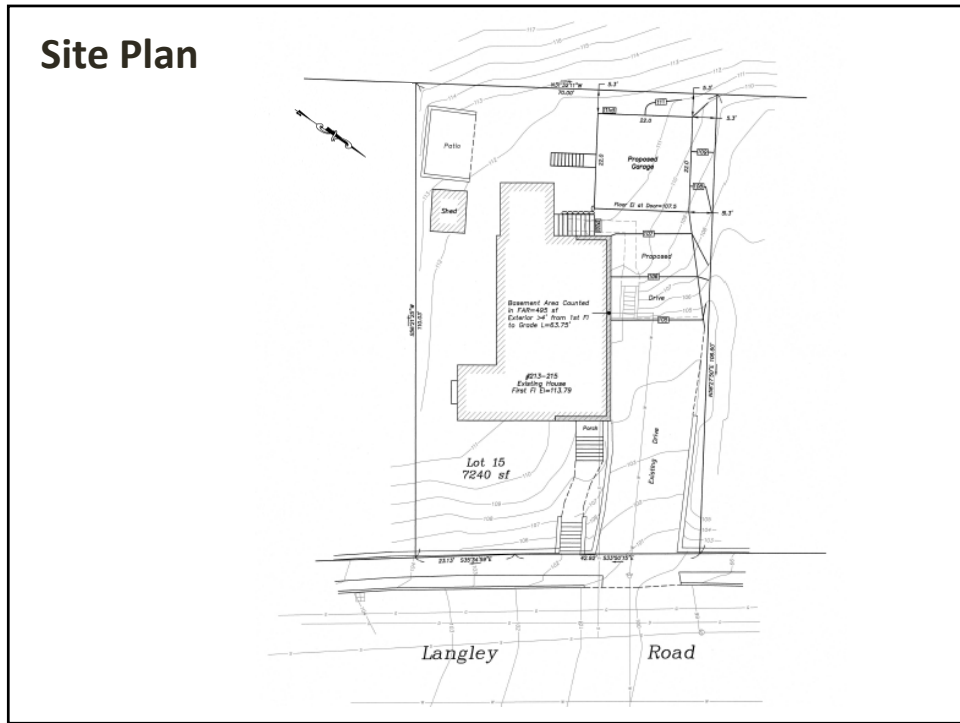
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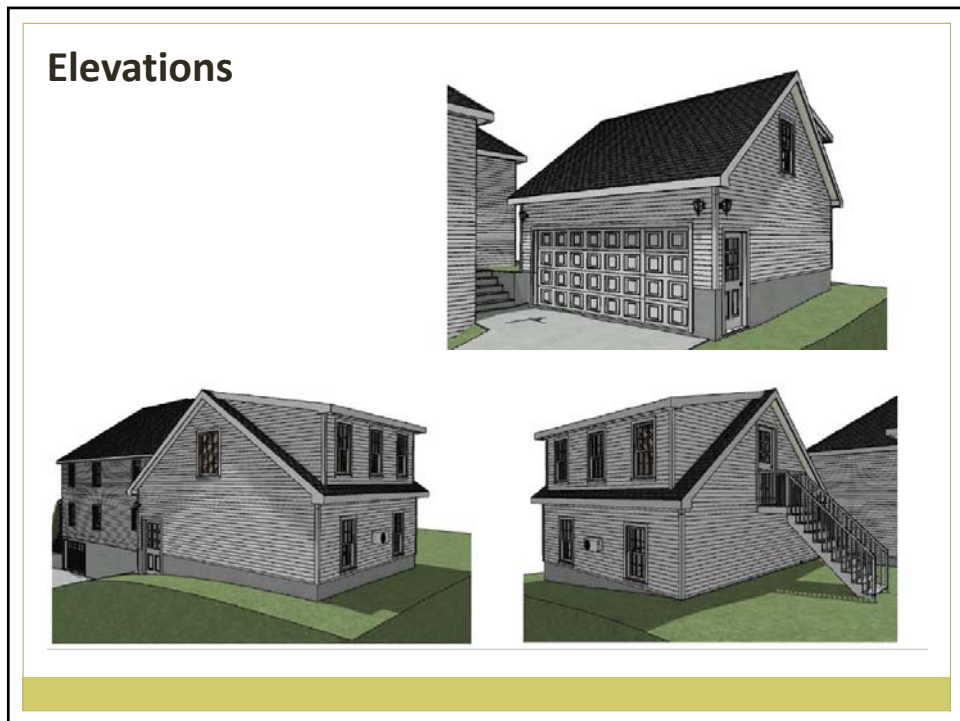
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7



8



**Photos**



9

**Photos**



10

## Proposed Findings

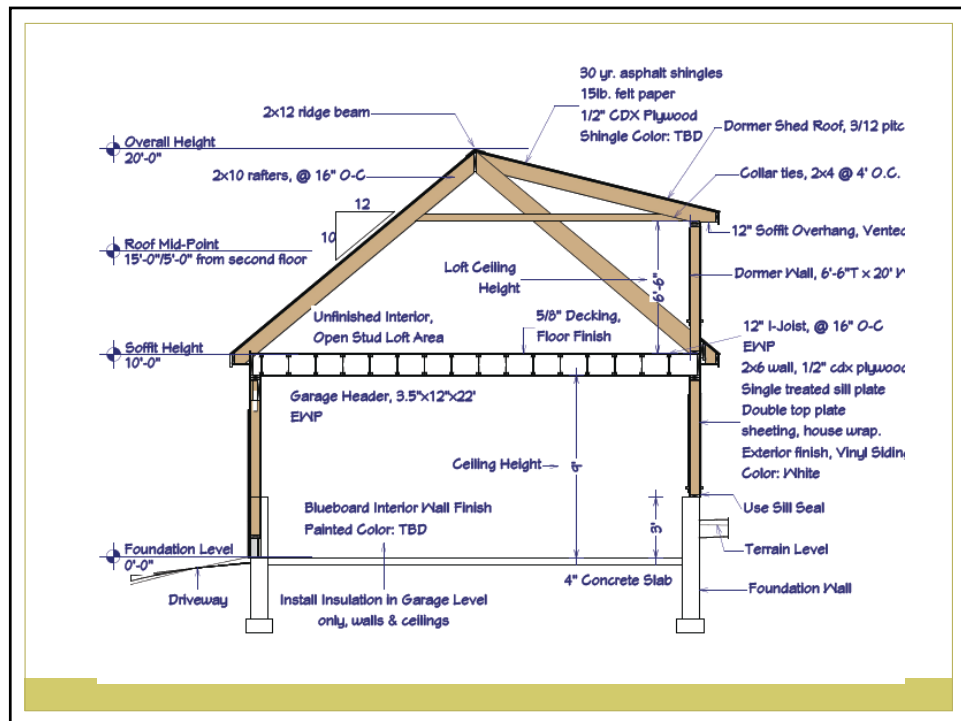
- The site is an appropriate location for the project as designed, with total garage space in excess of 700 square feet on site, and an oversized dormer on the proposed garage because the project meets all other dimensional requirements. (§7.3.3.C.1);
- The project as designed, with total garage space in excess of 700 square feet on site, and an oversized dormer on the proposed garage will not adversely affect the neighborhood because the site will not appear to have two garages and the dormer on the garage will be well screened and not visible from the street. (§7.3.3.C.2);
- The project as designed, with total garage space in excess of 700 square feet on site, and an oversized dormer on the proposed garage, will not 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).

11

## Proposed Conditions

1. Plan Referencing Condition
2. Standard Building Permit Condition.
3. Standard Final Inspection/Certificate of Occupancy Condition.
4. Operations and Maintenance Plan Condition

12



13



14





15

## Department of Planning and Development



**PETITION #259-19**  
**264 PEARL STREET**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO ALLOW SINGLE-  
FAMILY ATTACHED DWELLINGS  
WITH WAIVERS TO THE  
DIMENSIONAL STANDARDS

SEPTEMBER 5, 2019



1

### Requested Relief



Special permits per §7.3.3 of the Newton Zoning Ordinance to:

- Allow attached three Single-Family Attached Dwellings in a Multi-Residence 2 zoning district (§3.2.4 and §7.3.3).
- To reduce the lot area requirement (§3.2.4 and §7.3.3).
- To reduce the frontage requirement (§3.2.4 and §7.3.3).
- To reduce the side setback requirement (§3.2.4 and §7.3.3).
- To allow a driveway along a side lot line (§3.2.4 and §7.3.3).

2

## Criteria to Consider

When reviewing the requested special permits the Council should consider whether:

- The specific site is an appropriate location for the proposed Single-Family Attached Dwellings (§7.3.3.C.1).
- The Single-Family Attached Dwellings will adversely affect the neighborhood (§7.3.3.C.2).
- The Single-Family Attached Dwellings 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).

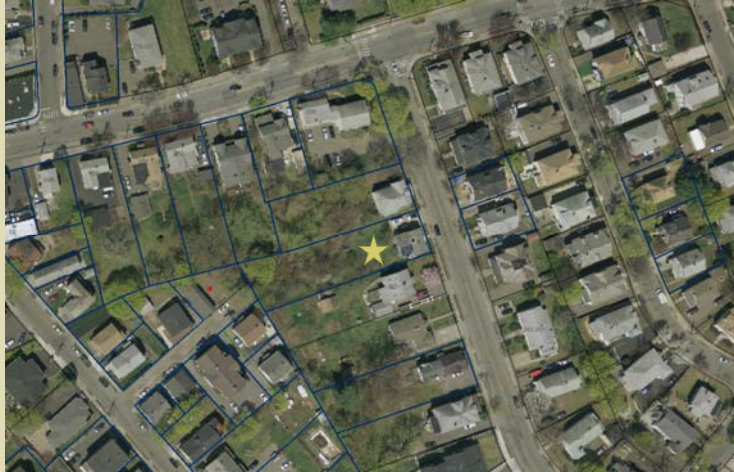
3

## Criteria to Consider Continued

- Literal compliance with the dimensional standards of Single-Family Attached Dwellings, specifically lot area, frontage, side setback, and to allow a driveway within ten feet of a side lot line 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 and §6.2.3.B.2)

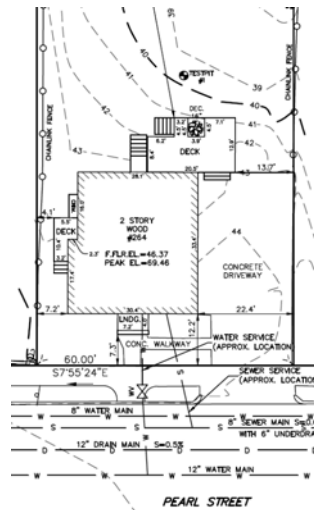
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## AERIAL/GIS MAP



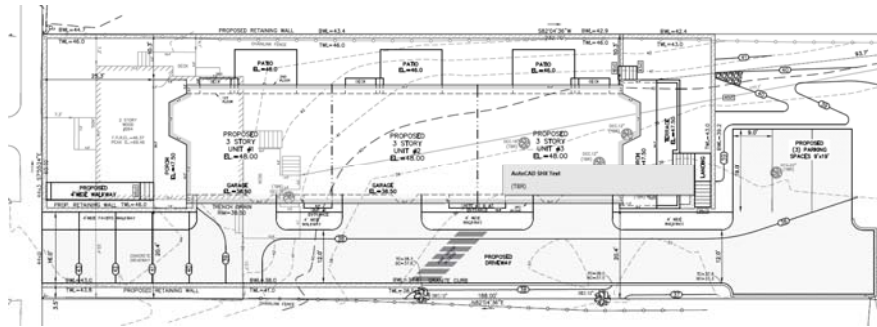
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## Existing Site Plan



6

## Proposed Site Plan



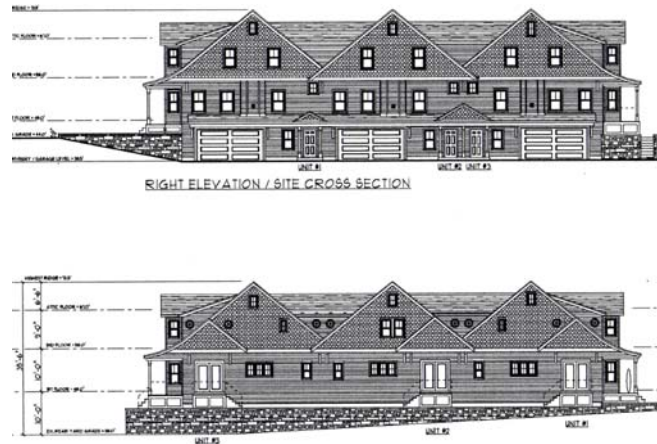
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## Proposed Front and Rear Elevations



8

## Proposed Front and Rear Elevations



9

## Analysis

- The Planning Department is unconcerned with the additional unit on site.
- Staff suggests that the petitioner work to break down the massing of the structure and remove the three guest parking stalls at the rear of the site in favor of more open space.
- The Engineering Division will require additional information regarding the connection to the City's drain line, prior to the issuance of a building permit.

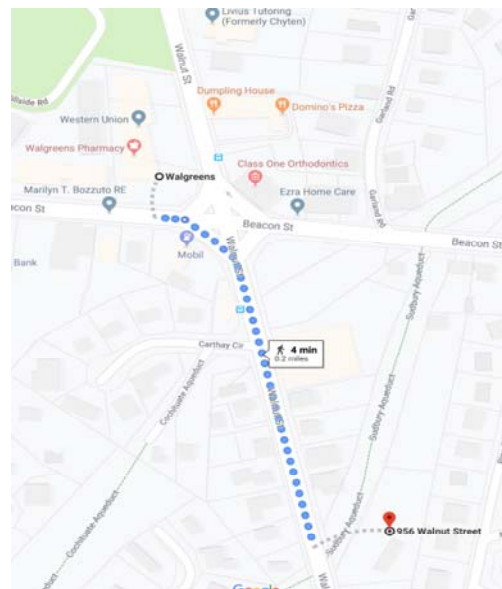
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# 956 WALNUT STREET

Land Use Committee  
Public Hearing  
September 5, 2019

1

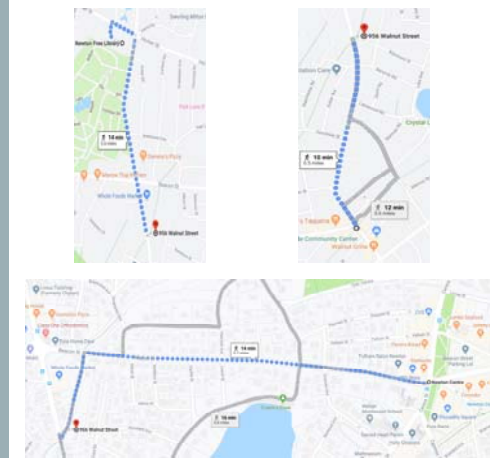
## FOUR CORNERS



2

## PROXIMITY AND PUBLIC TRANSPORTATION

- Short walk to Newton Highlands, City Hall, Newton Free Library, Newton Centre, Cold Springs Park.
- MBTA No. 59 Bus
- Newton Highlands Green Line Station



3



## UNDERGROUND PARKING

4





① Front Elevation - Building 1&2  
1/16" = 1'-0"

## FRONT ELEVATION

5



③ Rear Elevation - Building 1&2  
1/16" = 1'-0"

## REAR ELEVATION

6



② Left Elevation - Building 1&2  
1/16" = 1'-0"



④ Right Elevation - Building 1&2  
1/16" = 1'-0"

## SIDE ELEVATIONS

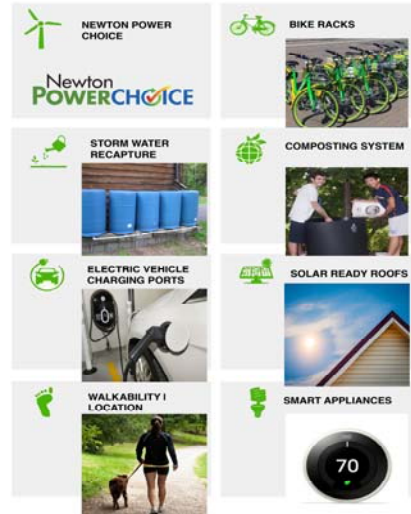
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8

## RESIDENCES @ 4 CORNERS GREEN STRATEGIES

We are dedicated to creating a **sustainable development** that fosters a clean and healthy environment for its residents at the heart of Four Corners, Newton. The intent of this presentation board is to provide a brief narrative of the project's **green strategies** that we are committed to doing.



9

## PROJECT HIGHLIGHTS



LOCATED IN  
HEART OF FOUR  
CORNERS



CLOSE PROXIMITY  
TO OTHER VILLAGE  
CENTERS AND CITY  
HALL



HOUSING UNITS  
WITH FIRST FLOOR  
BEDROOM OPTION



MEETING ALL FIVE  
FAIR HOUSING  
GOALS



ONE AFFORDABLE  
SINGLE-FAMILY  
HOUSING UNIT



ENERGY  
EFFICIENCIES



UNDERGROUND  
PARKING

10

## Department of Planning and Development



### PETITION #257-19

#### 956 WALNUT STREET

SPECIAL PERMIT/SITE PLAN APPROVAL TO RAZE THE EXISTING SINGLE-FAMILY DWELLING AND CONSTRUCT SEVEN SINGLE-FAMILY ATTACHED DWELLINGS IN THREE BUILDINGS, TO REDUCE THE FRONTAGE REQUIREMENT, TO REDUCE THE SIDE SETBACK REQUIREMENT, TO ALLOW THREE-STORIES, TO EXCEED MAXIMUM LOT COVERAGE, TO ALLOW A RETAINING WALL GREATER THAN 4' IN THE SETBACK AND TO ALLOW A DRIVEWAY IN THE SIDE SETBACK



**SEPTEMBER 5, 2019**

1

## Requested Relief



Special Permit per §7.3.3 of the NZO to:

- allow attached single-family dwellings in an MR1 zoning district (§3.4.1)
- *reduce the frontage requirement (§3.2.4)*
- reduce the side setback requirement (§3.2.4)
- allow three stories (§3.2.4)
- exceed maximum lot coverage (§3.2.4)
- allow a driveway in the side setback (§3.2.4, §6.2.3.B.2)
- allow a retaining wall higher than four feet within a setback (§5.4.2.B)

2

## Criteria to Consider



When reviewing this request, the Council should consider whether:

- The site in a Multi-Residence 1 (MR1) district with 35.5 of frontage is an appropriate location for the proposed seven attached single-family dwellings as designed in three, three-story structures with a retaining wall higher than four feet in a setback (§7.3.3.C.1)
- The proposed seven attached single-family dwellings as designed in three, three-story structures with a retaining wall higher than four feet in a setback will adversely affect the neighborhood (§7.3.3.C.2);
- The proposed seven attached single-family dwellings as designed in three, three-story structures with a retaining wall higher than four feet in a setback 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)
- Literal compliance with the provisions of §6.2.3.B.2 of the NZO that do not allow the location of a driveway within 10 feet of a side lot line setback is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that an exception to said provisions would be in the public interest, or in the interest of safety or protection of environmental features)

3

## AERIAL/GIS MAP



4



## Zoning



### ATTACHMENT B

#### Zoning

956 Walnut Street

City of Newton,  
Massachusetts

#### Legend

- Single Residence 2
- Multi-Residence 1
- Multi-Residence 2
- Business 1
- 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 the 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 - Barbara Falvo  
GIS Administrator - Douglas Greenfield

Map Date: August 26, 2019

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## Land Use



### ATTACHMENT A

#### Land Use

956 Walnut Street

City of Newton,  
Massachusetts

#### Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Mixed Use
- Nonprofit Organizations
- Vacant Land



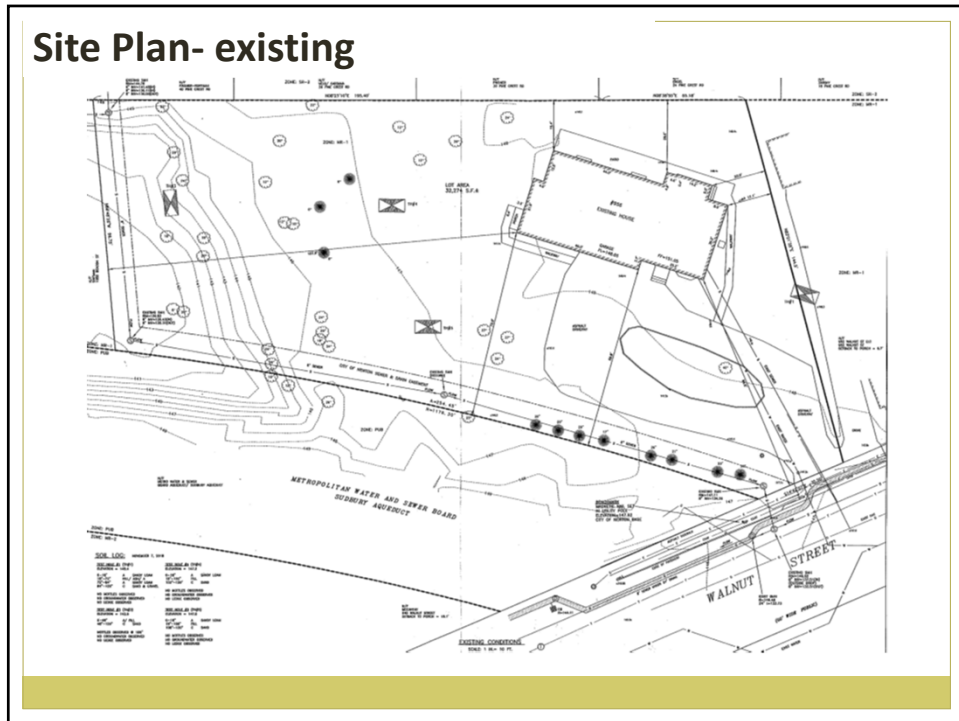
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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Barbara Falvo  
GIS Administrator - Douglas Greenfield

Map Date: June 20, 2019

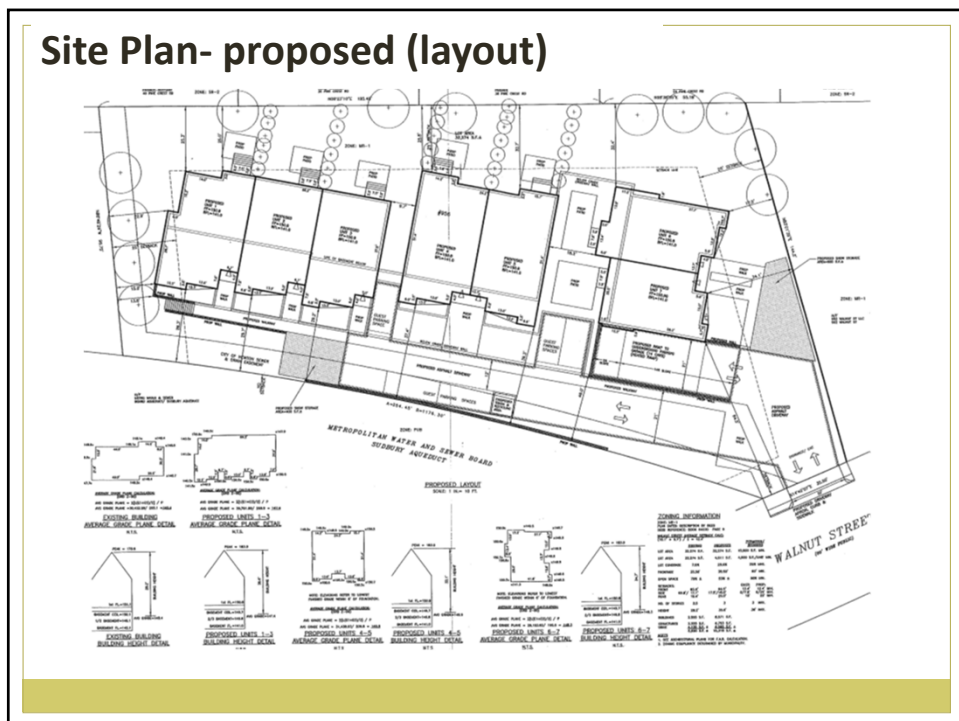
6

## Site Plan- existing



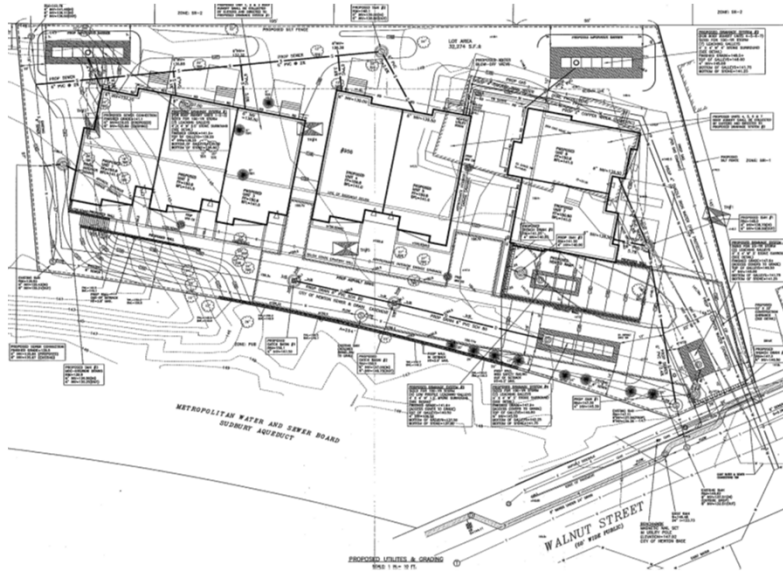
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## Site Plan- proposed (layout)



8

## Site Plan- proposed (grading, etc.)



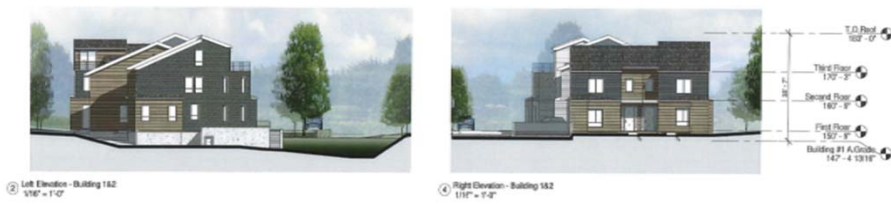


## Elevations- Rear



11

## Elevations- Left & Right



12

## Landscape Plan



13

## Photos



14

**Photos**



15

**Photos**



16



**Photos**



17

**Photos**



18

## Photos

