



Ruthanne Fuller
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Barney Heath
Director

WORKING SESSION MEMORANDUM

Public Hearing Date:	October 3, 2019
Land Use Action Date:	December 10, 2019
City Council Action Date:	December 17, 2019
90-Day Expiration Date:	January 1, 2020

DATE: September 27, 2019

TO: City Council

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

SUBJECT: **Petition #175-19 (2)**, for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwellings in ~~two~~ one buildings, to allow reduced side setbacks, to allow three-stories, to increase the allowed lot coverage, to decrease the minimum open space, to allow a driveway within ten feet of the side lot line and to allow retaining walls greater than 4' within a setback at 145 Warren Street, Ward 6, Newton Centre, on land known as Section 61 Block 39 Lot 10, containing approximately 23,399 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2, 5.4.2.B 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 for consideration at a subsequent working session by the Land Use Committee of the City Council.



145 Warren Street

EXECUTIVE SUMMARY

The property located at 145 Warren Street consists of a 23,399 square foot lot in the Multi Residence 1 (MR-1) zone in Newton Centre. The lot is improved with a one-story single-family bungalow style dwelling constructed in 1916, referred to as the William L. Church House. The petitioner is seeking to construct three additional dwelling units on site, resulting in four single family attached dwellings. The William L. Church House was deemed Preferably Preserved by the Newton Historical Commission, and is incorporated by attaching a unit to the rear and connecting two proposed units via a green roof with a shared driveway below. Due to the design of the site of incorporating the existing single family dwelling the petitioner is seeking relief for: reduced required side and rear setbacks, increased lot coverage, to allow a driveway within ten feet of the side lot line, to allow a three story structure and to allow retaining walls of four feet or more within a setback.

On June 11, 2019 the public hearing was opened at the Land Use Committee. Members of the public raised concerns about the historical significance of the existing structure, and the size of the project. Other members of the public expressed support of the project and efforts to incorporate the existing single-family home. No changes to the project are proposed, however, additional relief to allow a three-story structure is requested due to a determination from the Commissioner of Inspectional Services that the building is considered one structure, bisected by the green roof. This determination altered the average grade of the structure and as a result the structure is considered three stories. No physical changes to the structure are proposed, it is solely a result of the change in how the average grade is calculated if the project is considered one structure instead of two. Additionally, Councilors questioned the unit sizes and correct unit sizes have also been submitted as part of the amended petition and can be found in the Building Design section of this memorandum.

At the public hearing, concerns regarding discrepancies between submitted plans as part of the special permit application and plans that were submitted to the Newton Historical Commission were raised. On July 17, 2019, the Chief Preservation Planner, Katy Hax Holmes determined the special permit plans improve upon the original design, with a reduction in height and massing for the rear part of the structure. The plans submitted as part of the special permit application are deemed consistent with the plans submitted to NHC.

Planning Staff is unconcerned with the petition to allow four single family attached dwellings at 145 Warren Street. The size of the site lends itself to single family attached dwellings and the proposed project meets the lot area per unit. Warren Street has several multifamily residential uses and adding three additional units fits within the context of the neighborhood. The relief for lot coverage, a three story building, reduction of side and rear setbacks, and allowing a driveway within ten feet of the side lot line is requested due to the design of the project as a whole and the efforts to keep the architectural integrity of the William L. Church House. The Newton Historical Commission limited the height of the additional units to ensure they did not overshadow the historic home. Due to this restriction the buildings are lower in height but cover

more of the lot. Additionally, while the proposed project appears as two structures, it has been determined to be one structure, which increases the height calculation. Because of this, the Planning Department is unconcerned with the petition that requests to waive or reduce certain dimensional requirements.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed four single-family attached dwellings. (§7.3.3.C.1)
- The proposed four single-family attached dwellings will adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed single-family attached dwelling 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 dimensional standards for the side and rear setbacks, lot coverage and a driveway located within ten feet of the 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, §6.2.3.B.2)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Warren Street in the Multi Residence 1 (MR-1) zone in Newton Centre. Warren Street is a one-way street running east to west. The surrounding neighborhood is zoned Multi Residence 1 (**Attachment A**). The rear of the property abuts the MBTA Green Line. The property's current land use is single family residential and is surrounded by multi-family residential uses (**Attachment B**).

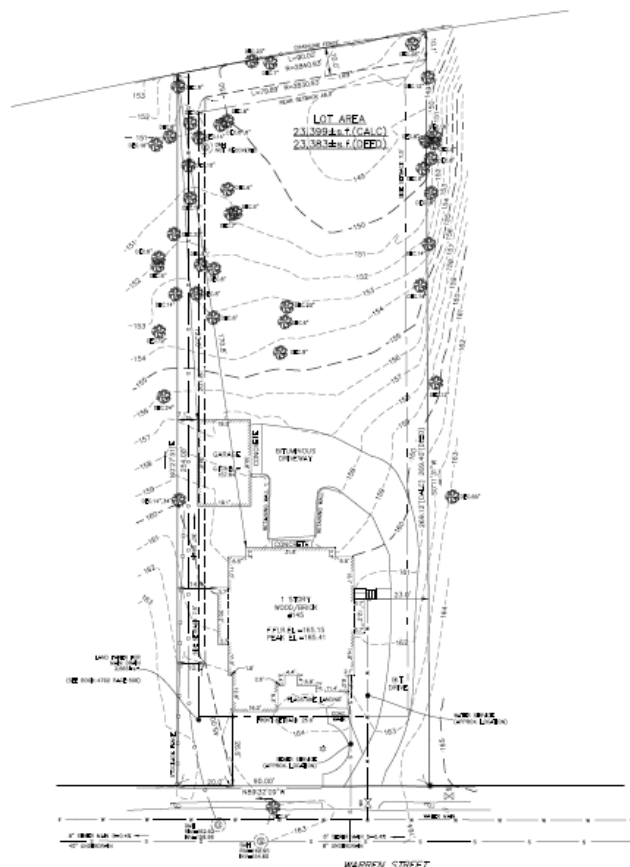
B. Site

The site consists of 23,399 square feet of land and is improved with a single-family dwelling built in 1916 and a detached accessory building. There is one curb cut along Warren Street that leads to a walkway and an adjacent driveway that runs along the eastern property line. There is an existing accessory building on the western property line that is to be removed. The existing setbacks are 14.4 feet between the western

property line and existing building, and a rear setback of 170.8 feet. Existing frontage along Warren Street is 90 feet. The site slopes downwards from the front to the rear of the lot. There is mature landscaping at the front of the site that screens much of the front façade of the one-story home when viewed from the street. There is also mature landscaping along the side property lines.

The site is home to the William L. Church House, which has historical significance and possesses integrity of location, design, materials, setting, workmanship, feeling, and association according to the Massachusetts Cultural Resource Information System. It is also an example of an exceptionally detailed Craftsman style bungalow. The Church family were the original owners, and their niece, a music teacher and concert pianist lived with them. Due to this, the home was designed with proper acoustics for the piano. The Planning Department is supportive of the efforts to incorporate the existing historic structure, and the proposed complementary design with approval from the Newton Historical Commission.

Existing Conditions:



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will change from a single-family use to a multi-family use, with an additional three units proposed for the site. There will be a total of four single family attached dwellings on site.

B. Site Design

The petitioners are proposing to construct an additional three units of housing, resulting in four single family attached dwellings within one structure that will be connected via a lower level shared driveway and first floor green roof. To keep with the architectural integrity of the existing historic structure, the Newton Historical Commission requested that the proposed design and proposed structure align with the existing shape and design. This resulted in a design for the single family attached dwellings that is lower and wider in scale, requiring relief from dimensional standards of the Newton Zoning Ordinance.

The proposed project maintains the existing side setbacks but does not comply with the required 25-foot setbacks for single family attached dwellings, requiring relief from the required setbacks. The proposed setbacks consist of a rear setback of 20.8 feet and a side setback of 14.4 feet from the western property line, which is also the existing setback. The side setback along the eastern property line is 23.5 feet.

The existing driveway is being extended in order to provide access to the lower level parking facility, which also requires relief for being within ten feet of the side lot line. There is also an extension of the driveway beyond the entrance to the garage that is to be used for snow storage. The petitioner is planning to reduce the driveway in order to increase proposed open space, currently calculated at 49.9%, where 50% is the minimum allowed. The Planning Department recommends that the petitioner comply with the open space requirement of 50%.

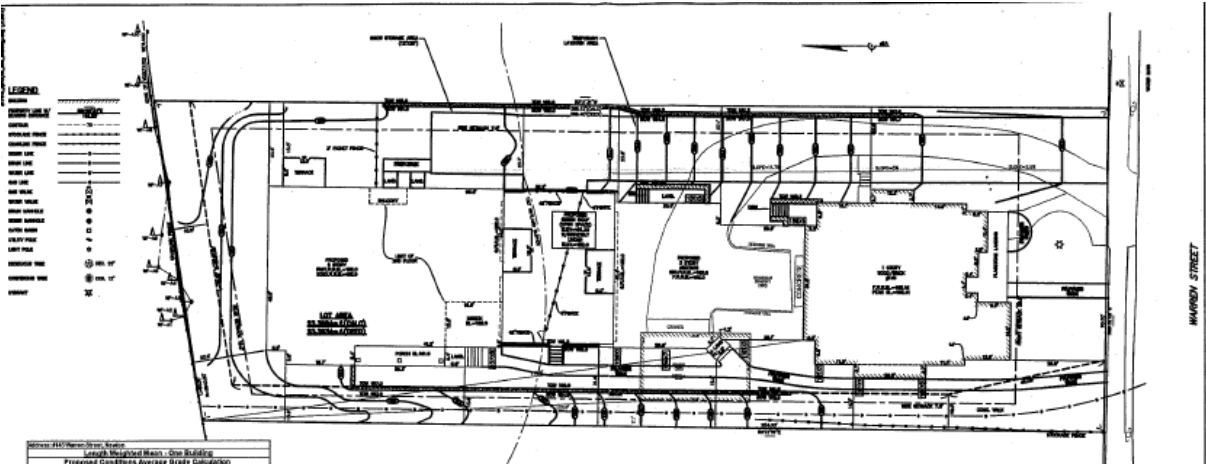
Due to the historic structure and efforts to complement the existing structure, the design is lower and wider in scale, therefore requiring relief to increase allowed lot coverage from 12.9% to 37.6% where 25% is the maximum allowed.

The proposed retaining wall along the western property line gradually increases in height from the front of the site to the rear. The beginning of the wall at the front of the site is ½ foot, and gradually increases to a height of four feet towards the rear of the site. The proposed retaining wall at the eastern property line starts off at 1.3 feet and reaches a maximum of height of six feet toward the middle of the site and declines to a height of

one foot at the end of the wall/rear of the site.

The Planning Department views the proposed project as an exception to the literal compliance with dimensional standards due to the design of the structure maintaining and incorporating the existing historical structure. The setbacks that require relief are well screened with landscaping and the rear of the site abuts the MBTA green line tracks and encroaching into the rear setback will have little to no impact on the surrounding neighborhood.

Proposed Site Plan:



C. Building Design

The petitioner is proposing a total of four dwelling units that are connected via an underground garage with a green roof. The existing single-family dwelling was deemed preferably preserved and will be incorporated into the design of the single family attached dwellings. The existing dwelling makes up Unit 1. Unit 2 is being added directly to the rear of Unit 1. Between Units 2 and 3 is the green roof at the first-floor level and a lower level driveway with dedicated space for each unit to park two cars.

Updated Unit Sizes

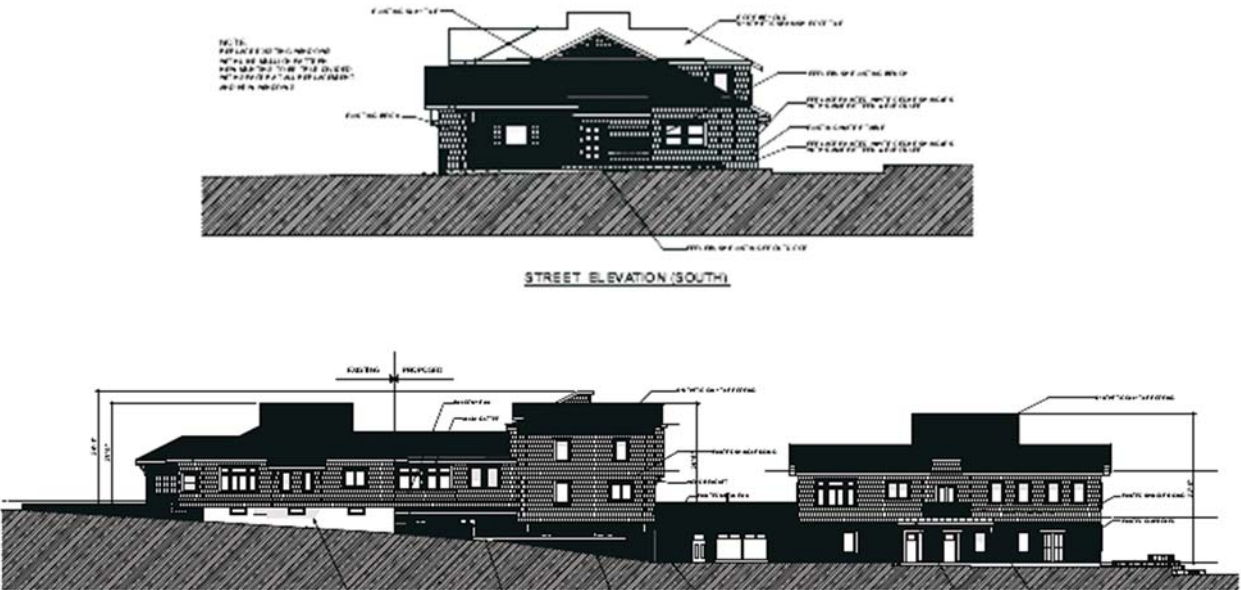
	Unit 1	Unit 2	Unit 3	Unit 4
Living Space				
Lower Level	737	220	284	1687
Street Level	3025	1217	2241	427
Second Floor		1334	539	

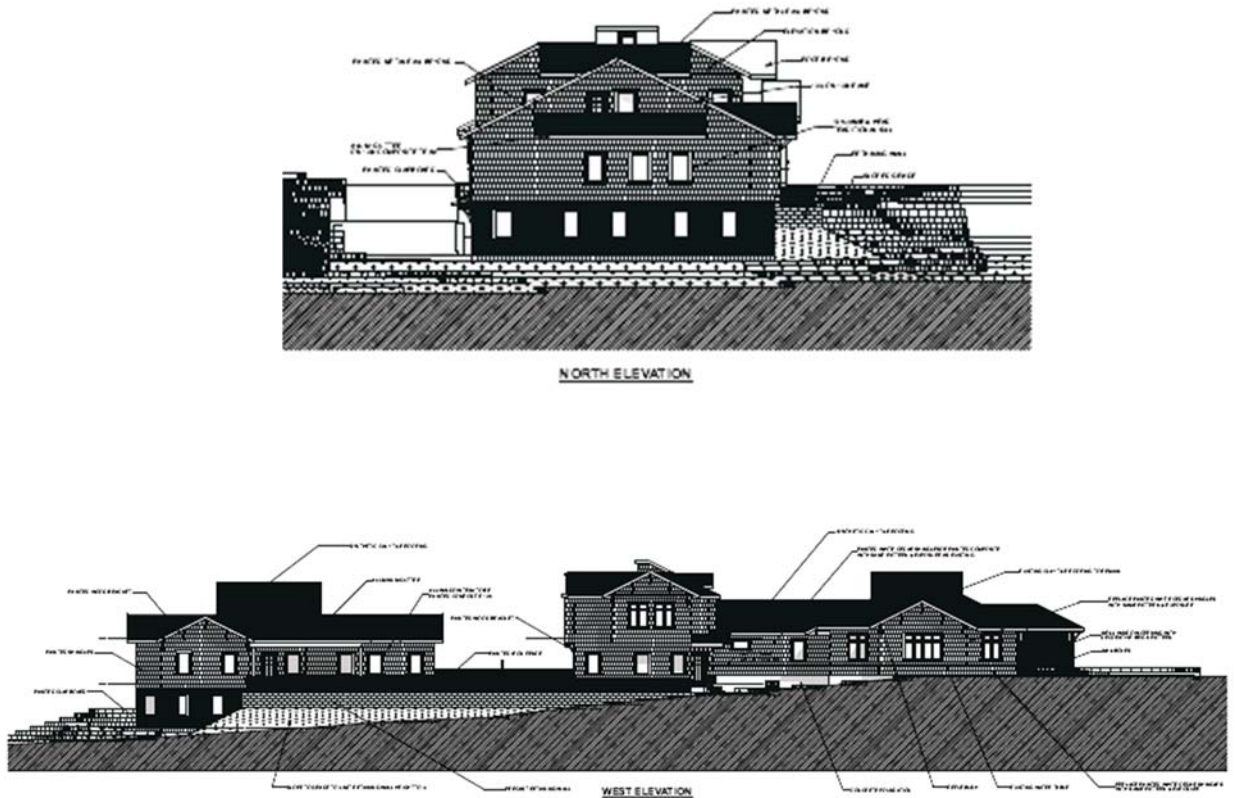
Total Living Space	3762	2771	3064	2114
Garage	486	378	464	452
Total with Garage Space	4248	3149	3528	2566

In so far that the structure is considered one structure bisected by the green roof, the height of the building is 32.36 feet. This is under the 36 feet that is allowed in the MR-1 zone.

The Planning Department is unconcerned with the request to allow single-family attached dwellings that requires dimensional relief. The design was carefully considered to incorporate the existing historic structure which resulted in a lower, wider design that requires a reduction from the required side and rear setbacks.

Elevations:





D. Parking and Circulation

As designed, the lower level parking facility has designated space for two cars per unit. An existing driveway is being extended in order to provide access to the parking facility and has space allocated for snow storage. The Planning Department recommends the petitioner reduce paved areas as much as possible in order to comply with the minimum open space requirement.

E. Landscaping

The petitioner provided a landscape plan that shows landscaping and compliance with the Newton Tree Ordinance. This landscape plan will be incorporated as a condition in the final Council Order.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal regarding

zoning. Based on the Zoning Review Memorandum, the petitioner is seeking the following relief:

- §3.4.1 and §7.3.3 of Section 30, to allow attached single-family dwellings.
- §3.2.4 and §7.3.3 of Section 30, to allow three stories
- §3.2.4 and §7.3.3 of Section 30, to reduce required side and rear setbacks
- §3.2.4 and §7.3.3 to increase allowed lot coverage
- §6.2.3.B.2 and §7.3.3 to allow a driveway within 10 feet of the side lot line
- §5.4.2.B and §7.3.3 of Section 30, to allow retaining walls of four feet or more in height within a setback.

B. Engineering Review

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

C. Historic Preservation Review

At the July 13, 2018 meeting of the Newton Historical Commission (NHC), NHC waived the demolition delay based on the submitted plans and requires final review of construction plans (**Attachment E**).

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Zoning Review Memorandum, revised and reissued on August 13, 2019
- Attachment D:** Engineering Review Memorandum
- Attachment E:** NHC Decision
- Attachment F:** Draft Council Order

ATTACHMENT A

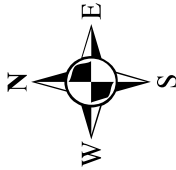
Zoning

145 Warren Street

City of Newton,
Massachusetts

Legend

- Single Residence 2
- Multi-Residence 1
- Multi-Residence 2
- Business 2

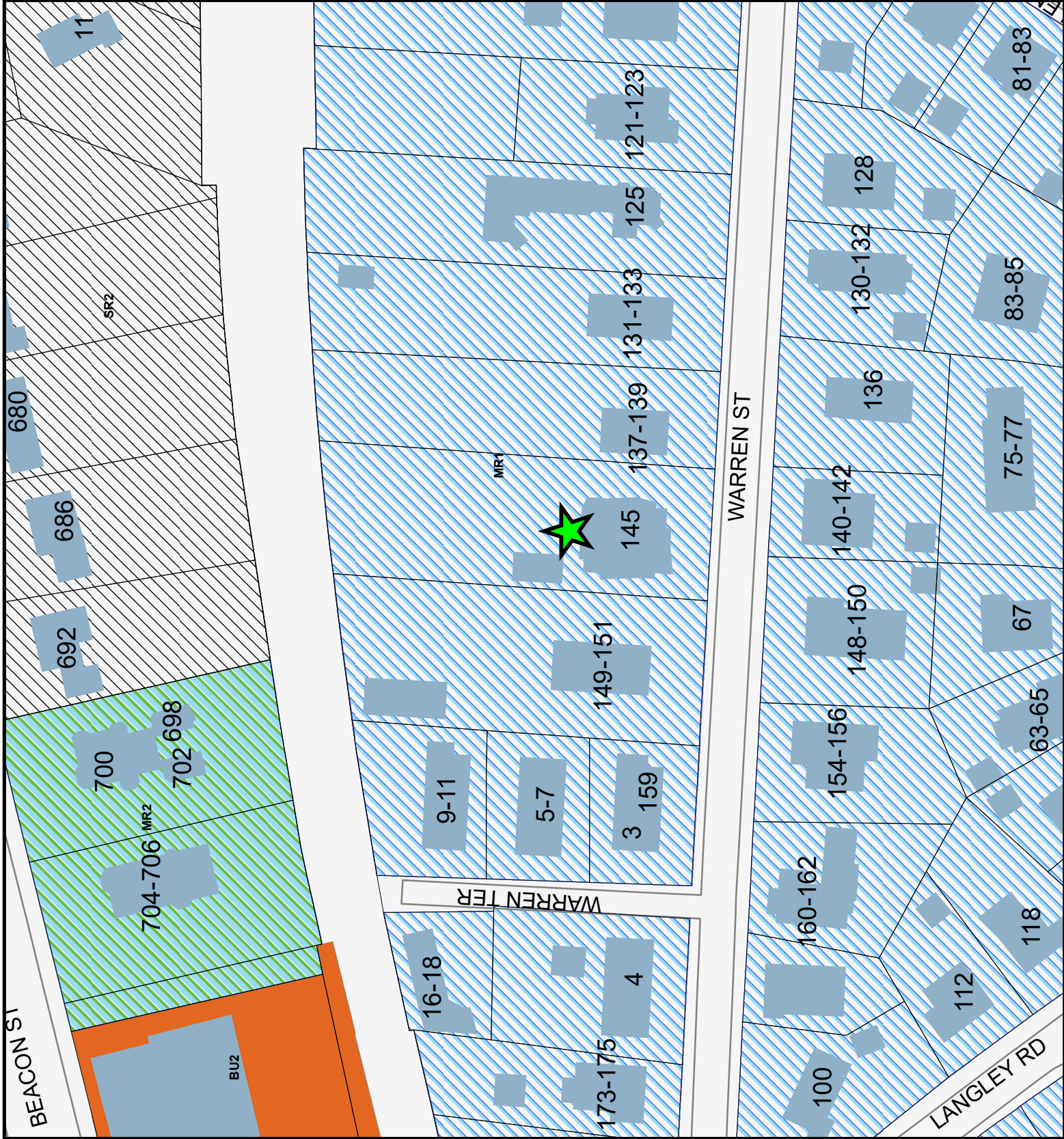


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve 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: May 30, 2019



ATTACHMENT B

Land Use

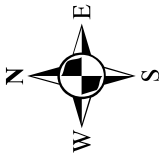
145 Warren Street

*City of Newton,
Massachusetts*

Legend

Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Vacant Land



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
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Map Date: May 30, 2019





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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: August 13, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Laurance Lee, Attorney
145 Warren Street LLC, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to allow four single-family attached dwellings

Applicant: 145 Warren Street LLC	
Site: 145 Warren Street	SBL: 61039 0010
Zoning: MR1	Lot Area: 23,399 square feet
Current use: Single-family dwelling	Proposed use: Four single-family attached dwellings

BACKGROUND:

The property at 145 Warren Street consists of 23,399 square feet and is improved with a single-family dwelling built in 1916 and a detached accessory building in the MR1 zoning district. The property abuts MBTA train tracks to the north.

The existing single-family dwelling was deemed "preferably preserved" by the Newton Historical Commission. The petitioners propose to add one unit directly to the back of the existing dwelling, and construct two additional units behind them connected by an elevated courtyard. Under the courtyard will be a shared driveway that serves all four units.

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

- Zoning Review Application, prepared by Laurance Lee, Attorney, dated 2/14/2019
- FAR worksheet, signed and stamped by Mark Sangiolo, architect, dated 1/15/2019
- Elevations and sections, signed and stamped by Mark Sangiolo, architect, dated 1/1/2019
- Zoning Plan, prepared by VTP Associates, surveyors, dated 2/8/2019

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners propose to construct four attached single-family dwellings a single structure split by a shared parking structure in the Multi Residence 1 zoning district. Per section 3.4.1, a special permit is required to construct attached dwellings in the MR1 district.
2. The petitioners intend to preserve the existing single-family dwelling and make rear additions. The existing structure has existing side setbacks of 14.4 feet on the westerly side and 23 feet on the easterly side. Section 3.2.4 requires a 25-foot setback for attached dwellings. The proposed side setbacks of the new units will not be less than the existing side setbacks, but will also not meet the 25-foot requirement. Waivers from the side and rear setbacks of 25 feet are required per section 3.2.4.
3. Section 3.2.4 allows for 2.5 stories by right, but requires a special permit for a three story structure. The Commissioner of Inspectional Services has interpreted that the green roof court bisecting the structure renders it one structure total instead of two separate structures with a connection. As such, the average grade is calculated as one structure, rendering it three stories and requiring a special permit.
4. The Newton Historical Commission requested that the rear addition to the existing dwelling align with the design and style of the single-story structure, requiring it to be low and wide. As such, the resulting proposed lot coverage of 37.6% exceeds the allowable 25% per section 3.2.4 requiring a waiver.
5. Section 3.2.4 requires a minimum of 50% open space for attached dwelling projects. The proposed construction creates 49.9% open space, requiring a waiver.
6. The petitioners propose to utilize and extend the existing driveway along the eastern property line to serve all four units. Per section 6.2.3.B.2, no driveway may be located within 10 feet of a side or rear lot line. The driveway runs along the side lot line, requiring a waiver.
7. Retaining walls are proposed at the rear of the property on the northern and southern property boundaries. The walls are located within the required 25-foot setback, and both are four feet in height. Per section 5.4.2.B, a retaining wall four feet or more in height in the setback requires a special permit.

MR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	23,399 square feet	No change
Frontage	80 feet	90 feet	No change
Setbacks • Front • Side • Rear	25 feet 25 feet 25 feet	26.6 feet 14.4 feet 170.8 feet	No change 14.4 feet 20.8 feet
Building Height	36 feet	24.34 feet	32.36 feet
Max Number of Stories	2.5 (3 by special permit)	1	3
Lot Coverage	25%	12.9%	37.6%
Open Space	50%	77.2%	49.9%
Lot Area Per Unit	4,000 square feet	23,399 square feet	5,850 square feet

See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
§3.4.1	To allow attached single-family dwellings	S.P. per §7.3.3
§3.2.4	To reduce required side setbacks	S.P. per §7.3.3
§3.2.4	To allow three stories	S.P. per §7.3.3
§3.2.4	To increase allowed lot coverage	S.P. per §7.3.3
§3.2.4	To decrease minimum open space	S.P. per §7.3.3
§6.2.3.B.2	To allow a driveway within 10 feet of the side lot line	S.P. per §7.3.3
§5.4.2.B	To allow retaining walls of four feet or more in height within a setback	S.P. per §7.3.3

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Council Gregory Schwartz, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit – 145 Warren Street

Date: May 13, 2019

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

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

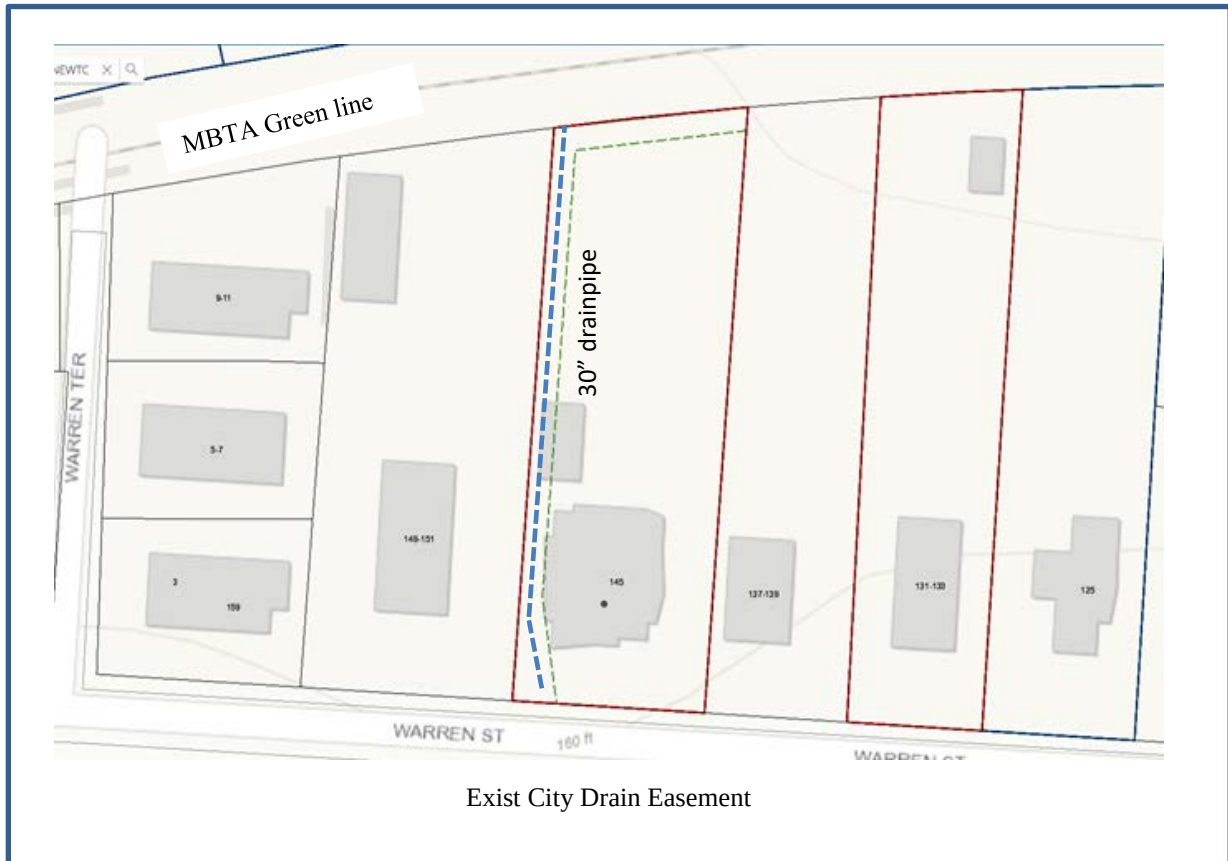
*Topographic Site Plan
Showing Proposed Conditions at
#145 Warren Street
Newton, MA
Prepared by: VTP Associates Inc.
Dated: April 1, 2019*

Executive Summary:

This application entails the demolition of a circa 1930 single-family dwelling and the construction of a three-unit residential development. The property has 22,383 square feet [0.51 acres] with 90 feet of frontage along Warren Street. The site is bound by residential homes on the east & west, Warren Street to the south and the MBTA green line along its northern border. The site has a high point at elevation of 163-feet near Warren Street and slopes down towards the north near the MBTA tracks at elevation of 149-feet.

Access to the units, garages and auto court is provided via driveway located near the easterly property line. The driveway has a retaining wall directly on the property line for a distance of +/- 65-feet and is 6-feet at the high point; the construction of the wall may encroach the neighboring property. It is recommended that the wall be pulled back 1-2 feet to avoid any potential of encroachment. Retaining walls over 4 feet high will need a structural engineers design to ensure that the wall does not fail in (overturning, sliding or settlement) along with a safety fence along the top of the wall.

A City Drain Main easement traverses the property along the north and west property lines, a 30-inch drainpipe transmits stormwater from the road collection system through the lot and into the wetlands along the MBTA. The design has a proposed retaining wall located within the drainage easement, should this application be approved, a license agreement will be required for the construction and long-term maintenance of this wall; pre & post construction inspection of the 30" drain pipe via a closed circuit television (CCTV) will be required and should be part of any Board Order.



The engineer of record has designed a drainage collection system consistent with the DPW Stormwater Management Policy that collects and infiltrates the 100-year storm event on site. The design includes four infiltration systems for infiltration of roof and driveway runoff.

System #2 is located along the western property line, my concern with the siting of this is the proposed location and long-term maintenance requirement. The Operations and Maintenance [O&M] plan indicates that the system needs to be inspected and cleaned, however; access to this system is difficult at best as it is placed behind the dwelling units and near the drainage easement, there is no easy access to clean the system. I recommend that this proposed infiltration system be located within the proposed auto-court for easier access. The O&M plan does not include any provisions for bi-annual sweeping of the driveway and auto court, this is needed as it impacts the long-term performance of the infiltration systems.

Portions of the site are under the Conservation Commission jurisdiction in regards to wetlands and 100-foot buffer zone, the applicant has applied to the Conservation Commission for an Order of Conditions.

Municipal utilities will be provided for the three units, additionally the sanitary sewer services will require individual pump systems. The design should incorporate a standby generator for these systems in the event of prolonged power outages since these systems do not have a large storage capacity.

As a public benefit the sidewalk should be upgrade to City Standards to include cement concrete sidewalk, driveway apron and granite curbing along its entire frontage.



Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction equipment, construction materials, parking of construction worker's vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of contractor. It shall also address any anticipated dewatering during construction, site safety & stability, and impact to abutting properties.
2. Stabilized driveway entrances are needed during construction which will provide a tire wash and mud removal to ensure City streets are kept clean.

Drainage:

1. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
2. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the property owner(s).

Environmental:

1. Has a 21E investigation & report been performed on the site, if so copies of the report should be submitted to the Newton Board of Health and the Engineering Division.
2. Are there any existing underground oil or fuel tanks, are they to be removed, if they have been evidence should be submitted to the Newton Fire Department, and Newton Board of Health.

Sewer:

1. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the main and the site then properly back filled. The Engineering Division must inspect this work; failure to having this work inspected may result in the delay of issuance of the Utility Connection Permit.
2. With the exception of natural gas service(s), all utility trenches with the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E, detail is available in the City of Newton Construction Standards Detail Book.
3. All new sewer service and/or structures shall be pressure tested or videotaped after final installation is complete. Method of final inspection shall be determined solely by the construction inspector from the City Engineering Division. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***
4. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer.

Water:

1. Fire flow testing is required for the proposed fire suppression system. The applicant must coordinate this test with both the Newton Fire Department and the Utilities Division; representatives of each department shall witness the testing, test results shall be submitted in a write report. Hydraulic calculation shall be submitted to the Newton Fire Department for approval.
2. All water connections shall be chlorinated & pressure tested in accordance to AWWA and the City of Newton Construction Standards and Specifications prior to opening the connection to existing pipes.

3. Approval of the final configuration of the water service(s) shall be determined by the Utilities Division, the engineer of record should submit a plan to the Director of Utilities for approval

General:

1. All trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
4. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
6. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading, improvements and limits of restoration work. The plan shall also include profiles of the various new utilities, indicating rim & invert elevations, slopes of pipes, pipe material, and swing ties from permanent building corners. ***This note must be incorporated onto the final contract plans.***
7. All site work including trench restoration must being completed before a Certificate of Occupancy is issued. *This note must be incorporated onto the site plan.*
8. If any changes from the original approved design plan that are required due to unforeseen site conditions, the engineer of record shall submit a revised design & stamped and submitted for review and approval prior to continuing construction.

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

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Barney S. Heath
Director

Newton Historical Commission Demolition Review Decision

Date: 7/13/18

Zoning & Dev. Review Project# 18040027

Address of structure: 145 Warren Street

Type of building : House

If partial demolition, feature to be demolished is rear facade

The building or structure:

is is not x in a National Register or local historic district not visible from a public way.

is x is not on the National Register or eligible for listing.

is x is not importantly associated with historic person(s), events, or architectural or social history

is x is not historically or architecturally important for period, style, architect, builder, or context.

is is not x located within 150 feet of a historic district and contextually similar.

is **NOT HISTORICALLY SIGNIFICANT** as defined by the Newton Demolition Delay Ordinance.

Demolition is not delayed and no further review is required.

is x **HISTORICALLY SIGNIFICANT** as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

 APPROVES the proposed project based upon materials submitted see below for conditions (if any).

Demolition is not delayed, further staff review may be required.

x **DOES NOT APPROVE** and the project requires
Newton Historical Commission review (See below).

The Newton Historical Commission finds the building or structure:

is **NOT PREFERABLY PRESERVED**

Demolition is not delayed and no further review is required.

is **PREFERABLY PRESERVED – (SEE BELOW).**

Delay of Demolition:

 is in effect until

x has been waived - see attached for conditions **

Determination made by:

Cathy Harp

Preserving the Past  Planning for the Future

Final review of construction plans
required

Owner of Record:

Please Note: if demolition does not occur within two years of the date of expiration of the demolition delay, the demolition will require a resubmittal to the Historical Commission for review and may result in another demolition delay.



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

RECORD OF ACTION:

DATE: July 13, 2018

SUBJECT: 145 Warren Street

At a scheduled meeting and public hearing on June 28, 2018, the Newton Historical Commission, by a vote of 6-0:

RESOLVED to waive the demo delay on 145 Warren Street, NR and approve the proposed plans as most recently amended.

<u>Voting in the Affirmative:</u>	<u>Voting in the Negative:</u>	<u>Abstained:</u>
Nancy Grissom, Chairman		
Mark Armstrong, Member		
Peter Dimond, Member		
Doug Cornelius, Member		
Laura Fitzmaurice, Member		
Ellen Klapper, Alternate		

Title Reference:

Owner of Property:

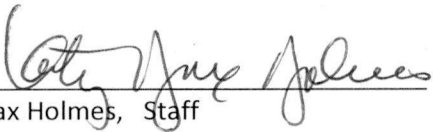
145 Warren Street LLC

Deed recorded at:

Middlesex (South) Registry of Deeds

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Date 7/11/17


Katy Hax Holmes, Staff

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwellings and grant exceptions to dimensional requirements for front, side and rear setbacks and lot coverage, retaining walls within four feet or more in height within a setback, to allow three stories, and to allow a driveway within ten feet of the side lot line, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

- The specific site is an appropriate location for the proposed four single-family attached dwellings due to the surrounding and largely multifamily residential uses in on Warren Street in the multi-residence 1 zone. (§7.3.3.C.1)
- The proposed four single-family attached dwellings will not adversely affect the neighborhood as there are only three additional units being proposed in a largely multi-family residential neighborhood. (§7.3.3.C.2)
- The proposed single-family attached dwelling 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)
- Literal compliance with the dimensional standards for the side and rear setbacks, lot coverage and a driveway located within ten feet of the 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 due to the proposed project incorporating and existing historically significant structure. (§3.2.4, §6.2.3.B.2)

PETITION NUMBER: #175-19

PETITIONER: 145 Warren Street LLC

LOCATION: 145 Warren Street, Ward 6, on land known as Section 61, Block 39, Lot 10, containing approximately 29,399 sq. ft. of land

OWNER: 145 Warren Street LLC

ADDRESS OF OWNER: c/o Laurance Lee
246 Walnut Street Suite 201
Newton, MA 02460

TO BE USED FOR: Four single-family attached dwellings

EXPLANATORY NOTES: Special permit as per §7.3.3 to:

- allow four attached single-family dwellings in a Multi-Residence 1 (MR1) zoning district (§3.4.1)
- allow three stories (§3.2.4)
- reduce the side setback requirement for attached single-family dwellings in an MR1 zoning district (§3.2.4)
- reduce the rear setback requirement for attached single-family dwellings in an MR1 zoning district (§3.2.4)
- reduce the lot coverage requirement for attached dwellings in the an MR1 zoning district (§3.2.4)
- allow a driveway within ten feet of the side lot line (§6.2.3.B.2)
- allow retaining walls of four feet or more in height within a setback (§5.4.2.B)

ZONING: Multi-Residence 1 (MR1) district

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:
 - a. A set of plans prepared by VTP Associates, Inc., signed and stamped by Joseph R. Porter, Professional Land Surveyor, and Mark Besio, Professional Engineer:
 - i. “Zoning Plan, Newton, Massachusetts, Showing Proposed Conditions at #145 Warren Street,”, dated April 1, 2019, revised: April 18, 2019; May 2, 2019; June 3, 2019; June 26, 2019; July 11, 2019
 - b. Architectural plans entitled “Additional & Alterations to 145 Warren Street” prepared by Susan E. Sangiolo, dated March 26, 2019, signed and stamped by Susan E. Sangiolo, Registered Architect:
 - i. Lower Level/Site Plan (A1);

- ii. First Floor Plan (A2);
 - iii. Second Floor Plan and Roof Plan (A3).
 - iv. Elevations (East, North, and Street) (A4)
 - v. Elevation and Long Section (West and Longitudinal) (A5)
 - vi. Landscape Plan (L1)
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. The petitioner shall comply with the Tree Preservation Ordinance.
4. All lighting fixtures shall be residential in scale.
5. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
- a. Recorded a certified copy of this Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Provided a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
 - d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - e. Provided a Final Landscape Plan showing compliance with the Tree Preservation Ordinance and all new plantings, for review and approval by the Director of Planning and Development.
 - f. Provided a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, and recorded at the Registry of Deeds for the Southern District of Middlesex County. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
 - g. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
 - h. Filed with the City Clerk, Inspectional Services, and the Planning Department a statement from the Newton Historical Commission approving the final plans.
6. No Occupancy Permit for the use covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:

- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services and the Department of Planning and Development a final as-built survey plan in paper and digital format.
 - c. Filed with the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that all engineering details for the project site have been constructed to standards of the City of Newton Public Works Department.
 - d. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number, and type of plant materials, final landscape features, fencing, and parking areas.
7. Notwithstanding the provisions of Condition #6 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the site prior to installation of final landscaping, fencing, and/or benches provided that the Petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining site work to secure installation of such landscaping, fencing, signage and parking areas. This condition shall not apply to the public footpath.