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Mayor

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Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: October 29, 2019
Land Use Action Date: December 10, 2019
City Council Action Date: December 16, 2019
90-Day Expiration Date: January 27, 2020

DATE: October 25, 2019

TO: City Council

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

SUBJECT: **Petition #320-19**, for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwelling units in two, three-story structures, to further extend the nonconforming height, to reduce the required side setback, to exceed maximum lot coverage and to allow a driveway within ten feet of the side lot line at **70 Walker Street**, Ward 2, Newtonville, on land known as Section 21 Block 33 Lot 7, containing 21,962 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.4, 7.8.2.C.2, 6.2.3.B.2 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.



70 Walker Street

EXECUTIVE SUMMARY

The property at 70 Walker Street consists of 21,962 square foot “L” shaped lot located in a Multi Residence 1 (MR1) zoning district. The lot is improved with a 2.5 story, single-family dwelling built circa 1865 and a detached accessory building with a basement accessed via a paved drive. The petitioners propose to create four attached single-family dwellings in two separate structures on the property. This would be done by expanding the existing single-family dwelling on its rear and right sides to add a second dwelling unit on its rear (Units 1 and 2) and building a new second structure containing two attached single-family dwellings (Units 3 and 4) in the rear of the lot. Each of the four units would have attached ground level garages.

Per section 3.4.1, a special permit is required to construct attached single-family dwellings in the MR1 district. A special permit would also be needed to grant relief for several dimensional aspects of the proposed project:

- the proposed addition to the existing single-family dwelling would further extend (but not increase) its current nonconforming height of 38.65 feet, requiring a special permit per Sections 3.2.4 and 7.8.2.C.2
- construction of the proposed addition would also have the effect of rendering the attic level a full third story, requiring a special permit per section 3.2.4 is required to allow single-family attached dwellings with three stories
- single-family attached dwellings are required to have 25-foot front, side and rear setbacks per Section 3.2.4. As proposed, the development would maintain the existing 25.1-foot front setback and create a 25.9 foot rear setback; however, the existing 11.8 foot side left setback of the existing (but to be demolished) garage would be maintained by the proposed rear dwelling, and the addition to the existing dwelling would reduce its right side setback to approximately 11 feet, requiring a special permit
- as proposed, the parcel would have 27% lot coverage, requiring a special permit to exceed the maximum 25% lot coverage allowed by right per Section 3.2.4
- per section 6.2.3.B.2, a special permit is required for the driveway proposed to be located within ten feet of parcel’s right (north) property boundary.

The Planning Department notes that while the project could diversify Newton’s housing stock, several of the nonconforming aspects of the proposal, such as its nonconforming side setbacks and excessive lot coverage, could be addressed by reconfiguring the proposed structures to conform to the relevant requirements. For examples, the rear structure (Units 3 and 4) could be shifted to the right (south) and made smaller, and the addition to the existing structure (Units 1 and 2) could similarly be reconfigured and/or made smaller. The Planning Department recommends that the petitioner explore making such modifications so the proposal would require less relief and have less of an impact on abutting properties. The Planning Department also recommends that the petitioner provide additional detail regarding proposed landscaping and screening of the site.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- The site in a Multi-Residence 1 (MR1) district is an appropriate location for the proposed four single-family attached dwellings in two structures as designed (§7.3.3.C.1);
- The proposed four single-family attached dwellings in two structures as designed will adversely affect the neighborhood (§7.3.3.C.2);
- The proposed four single-family attached dwellings in two structures as designed 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);
- The further extension of the existing dwelling's nonconforming height would be substantially more detrimental than the existing nonconforming height to the neighborhood (§7.8.2.C.2);
- Granting an exception to the provisions of Sec 6.2.3.B.2 requiring that no driveway shall be located within 10 feet of a side or rear lot line is appropriate as literal compliance 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.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD:

A. Neighborhood and Zoning

The neighborhood is predominantly residential with a mix of single- and two- family dwellings. There are five relatively small (approx. 3,900-5,100 square feet) lots clustered around Roberts Avenue just north of the site. Other uses include several multi-family dwellings interspersed throughout, such as a three-family across Walker Street, a twelve-unit multi-family dwelling about 400 feet to the south at the corner of Walker and Washington streets, and a multi-building apartment complex to the north at Walker and Watertown streets; as well as several commercial properties along Washington Street (across from the Massachusetts Turnpike)(**Attachment A**).

The subject property and the vicinity are generally zoned Single Residence 3 (SR3), with some Multi Residence 2 (MR2) areas to the south (generally along Washington Street), a Multi Residence 3 (MR3) property to the north (the location of the aforementioned multi-building apartment complex) and some Business (BUS) zoned properties to the south east along Washington Street and the Turnpike (**Attachment B**).

B. Site

The subject property consists of 21,962 square foot “L” shaped lot with approximately 80 feet of frontage located on the east side of Walker Street between Washington Street to the south and Roberts Avenue and Proctor Street to the north. Beyond about 100 feet of depth into the lot it widens to approximately 144 feet in width.

Improved with a 2.5 story, single-family dwelling built circa 1865 and a detached 1,050 square foot (not including its basement) accessory building, the site is generally level, with a slight downward grade of about five feet across the rear portion of the lot from left to right (north to south).

The property is accessed via a drive along the left (north) side of the dwelling that is paved with concrete near the street and transitions to gravel further to the rear. The accessory building’s basement is accessed by a ramp on its right (southern) side. The remaining portions of the site feature lawn area, mature trees and shrubs in various states of maintenance and a wooden deck off the rear right side of the dwelling.

III. PROJECT DESCRIPTION AND ANALYSIS:

A. Land Use

The proposed use of the site is four attached single-family dwellings (two in each of two structures) with eight parking spaces, all within ground level garages attached to each of the dwelling units.

B. Building and Site Design

The petitioner is proposing to create four attached dwelling units, two within each of two structures. One structure would be the existing single-family dwelling expanded with a new single-family dwelling attached to its rear and side (Units 1 & 2). The other structure, which would also contain two attached single-family dwellings (Units 3 & 4), would be new construction in the rear of the property. Part of this new structure’s footprint (approx. one- third) would be located on the site of the existing rear accessory structure. The proposal’s resulting lot area per unit is 5,490 square feet, more than the minimum 4,000 square feet required.

Single-family attached dwellings require 25-foot front, side and rear setbacks. While the property’s 25.1-foot front and 25.9-foot rear setbacks each slightly exceed the 25-foot requirement, the proposal’s left side and right side setbacks of, respectively, 11.8 feet (the same as the current rear garage structure) and approx. 11 feet, each fall well short of the requirement.

Single-family attached dwellings may have up to 2 ½ stories and measure 36 feet in height by right. As proposed, the expanded front dwelling (Units 1 and 2) would measure

38.65 feet, slightly more than the 36 feet allowed but be the same as the existing structure. That said, the addition proposed for its rear would therefore extend this nonconforming height and also have the effect of rendering its attic floor into a full story, thus making the expanded dwelling into a three-story structure. The proposed rear dwelling (Units 3 and 4) would have 2½ stories and measure 32.34 feet in height, below the allowed 36 feet.

Although the NZO does not establish floor area ratio (FAR) requirements for single family attached dwellings, the petitioner has indicated that the project's floor area ratio (FAR) is 0.57 (non-inclusive of attic space). The Planning Department notes, for comparison, that this is considerably more than the allowable FAR for single- and two- family structures on a similarly sized lot in an MR1 district which would be 0.41 with a possible bonus of 0.02 for new construction that complies with the "new lot" front, side and rear setback requirements of 25, 7.5 and 15 feet.

Open space on the lot would decrease from the previously existing 85.6% to 59% but remain above the required 50%. The property's lot coverage would be 27%, higher than the 6.1% that currently exists and more than the maximum 25% allowed by right.

The Planning Department notes that several of the nonconforming aspects of the proposed project, namely the insufficient side setbacks and the excessive lot coverage, could be addressed by reconfiguring the proposed structures to conform to the relevant requirements. For example, the rear structure (Units 3 and 4) could be shifted to the right (south) and perhaps made smaller. The addition to the existing structure (Units 1 and 2) could be reconfigured and/or made smaller. The Planning Department recommends that the petitioner make some combination of these modifications so the proposal would require less relief and have less of an impact on abutting properties.

C. Parking and Circulation

The petitioners are proposing to provide eight parking spaces as attached two-car ground-level garages would be provided for each of the units. These spaces would be accessed with paved driveway/circulation areas of varying widths that would be located less than ten feet from the left (northern) side lot line, thus requiring a special permit. The Planning Department notes that this design would appear to require the removal of a large mature tree and possibly endanger another. The Department recommends that the petitioner be prepared to discuss this at the public hearing and explore steps, if appropriate, to preserve these trees and, relatedly, reduce the amount of paving currently envisioned for the site.

D. Landscaping

A landscape plan was not submitted with this petition. Given the scale of the proposed structures and their close proximity in certain locations to property lines

and abutting residences, as well as the proposals impact on existing vegetation (discussed in part above), the Planning Department recommends that the petitioner be prepared to address screening and related landscaping issues at the public hearing.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking a Special Permit per §7.3.3 to:

- allow attached single-family dwellings in an MR1 zoning district (§3.2.4)
- allow attached single-family dwellings with three stories (§3.2.4)
- further extend nonconforming height (§3.2.4, §7.8.2.C.2)
- reduce required side setback (§3.2.4)
- exceed maximum lot coverage (§3.2.4)
- allow a driveway within 10 feet of the side lot line (§6.2.3.B.2)

B. Engineering Review

The Engineering Division Memorandum (**Attachment D**) provides an analysis of the proposal with regard to engineering issues. The memorandum raised several issues the petitioner should clarify and/or resolve, including confirming the size of the infiltration galleys to be used on the site.

The memo also notes that a construction management plan (CMP) will be required for this project and such requirement should be included in any Order for this petition. The Engineering Division will also review the project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit for the proposed work in the event this petition is approved.

C. Historic Preservation Review

On May 14, 2019, the Newton Historical Commission (NHC) waived the demolition delay based on revised plans that were presented to it on May 8, 2019, requiring only its review of final plans (**Attachment E**).

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

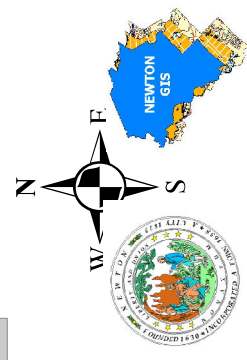
- Attachment A:** Land Use Map
- Attachment B:** Zoning Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** Engineering Review Memorandum
- Attachment E:** Newton Historic Commission Decision, dated May 14, 2019
- Attachment F:** DRAFT Order

Land Use
70 Walker St.
*City of Newton,
Massachusetts*

Land Use

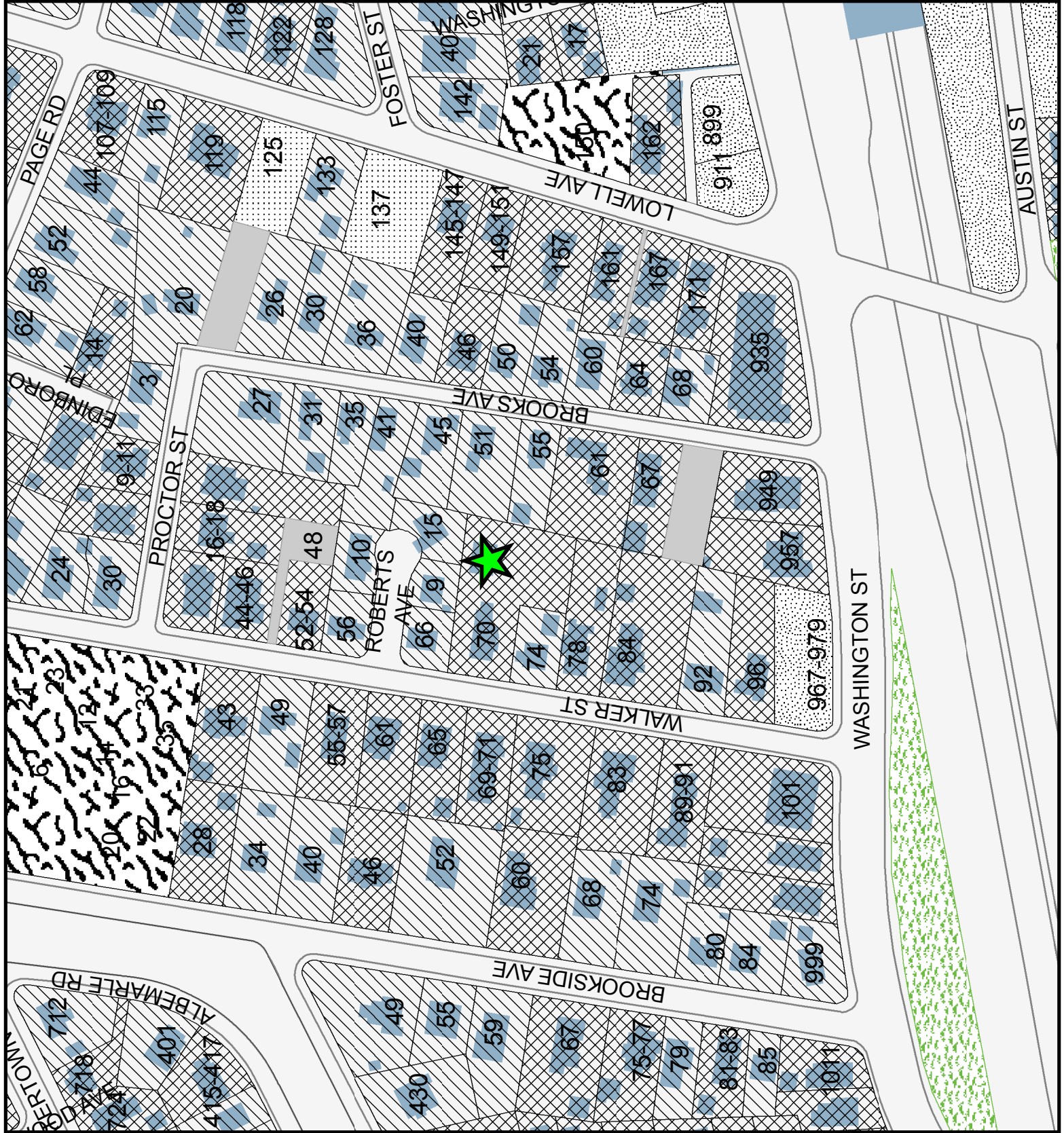
Land Use

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



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

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



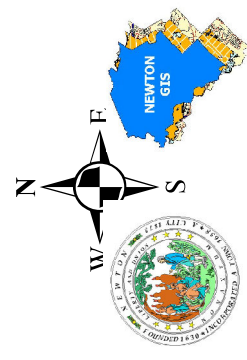
Zoning

70 Walker St.

City of Newton,
Massachusetts

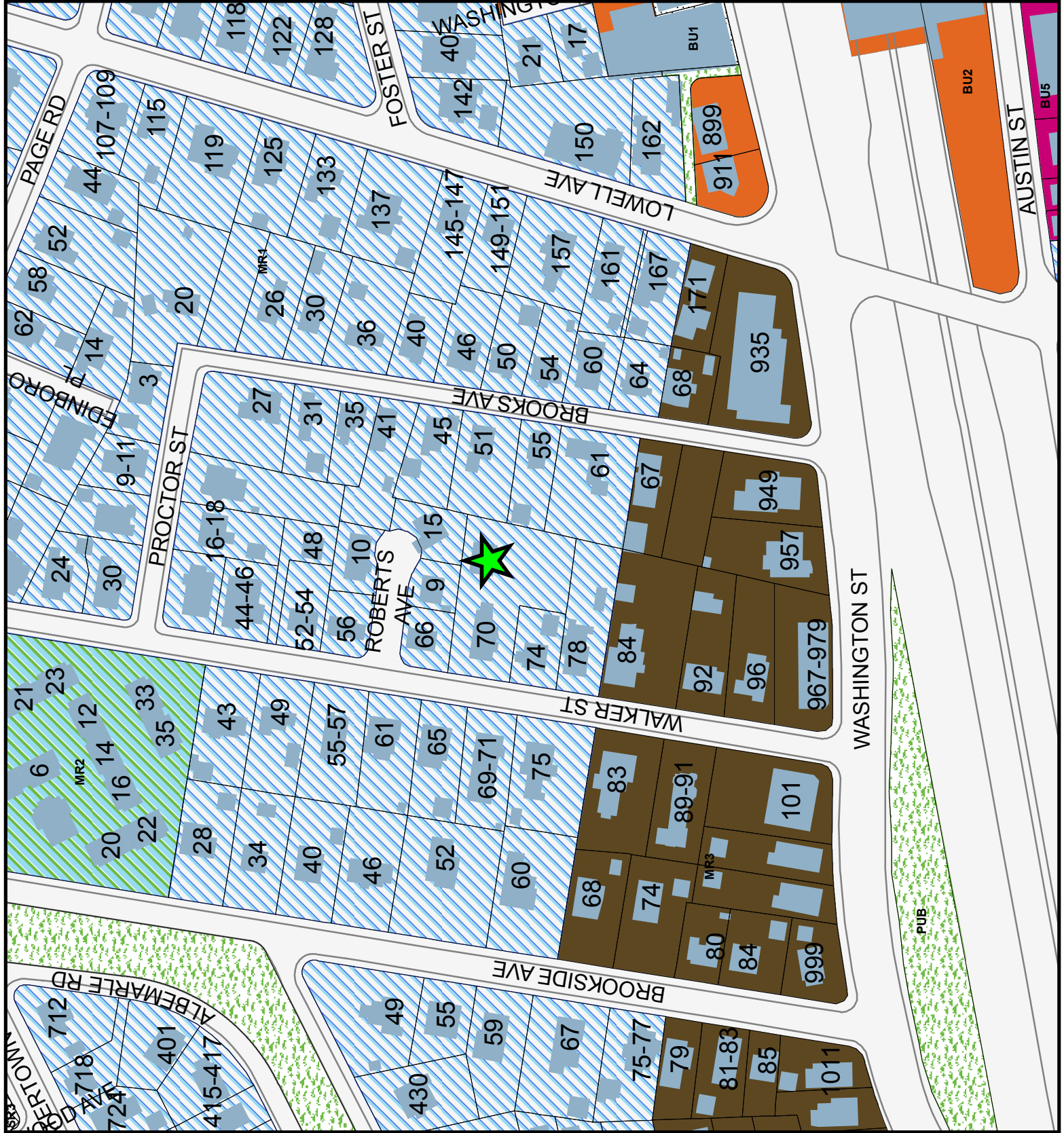
Legend

- Single Residence 3
- Multi-Residence 1
- Multi-Residence 2
- Multi-Residence 3
- Business 1
- Business 2
- Business 5
- Public Use



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CITY OF NEWTON, MASSACHUSETTS
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Ruthanne Fuller
Mayor

ATTACHMENT C

City of Newton, Massachusetts
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: September 9, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Terrence P. Morris, Attorney
70 Walker 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 in two structures

Applicant: 70 Walker Street LLC	
Site: 70 Walker Street	SBL: 21033 0007
Zoning: MR1	Lot Area: 21,962 square feet
Current use: Single-family dwelling	Proposed use: Four single-family attached dwellings

BACKGROUND:

The property at 70 Walker Street consists of 21,962 square feet and is improved with a single-family dwelling built in 1865 and a detached accessory building in the MR1 zoning district. The petitioners propose to add a second dwelling unit to the existing single-family dwelling, and to convert the existing garage into a dwelling unit and attach a second unit to it as well, creating four attached dwellings in two separate structures.

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

- Zoning Review Application, prepared by Terrence P. Morris, Attorney, dated 6/12/2019
- Topographic Site Plan, prepared by VTP Associates, surveyor, dated 1/21/2019
- Site Plan, signed and stamped by Ronald Jarek, architect, dated 6/5/2019
- Architectural Plans Elevations, prepared by arco design build, dated 6/5/2019

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners propose to construct four attached single-family dwellings within two separate structures 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. Per section 3.2.4, a special permit is required for single-family attached dwellings with three stories. The existing single-family dwelling is 2.5 stories per submitted plans. The petitioner proposes to add an additional unit to the existing dwelling, increasing the overall floor area. The additional floor area renders the attic level a full third story. A special permit per section 3.2.4 is required.
3. The existing single-family dwelling has an existing nonconforming height of 38.65 feet. The petitioners intend to construct a rear addition which further extends the existing height, though does not increase it. A special permit per sections 3.2.4 and 7.8.2.C.2 is required.
4. Section 3.2.4 requires a 25-foot setback for the front, side and rear of a single-family attached dwelling project. The petitioners propose to maintain the existing side setback of the front dwelling of 21.3 feet, and the existing 11.8-foot side setback of the rear garage structure, requiring a special permit from the side setback requirement of section 3.2.4.
5. Section 3.2.4 allows a maximum 25% lot coverage. With the additional dwelling units, the petitioners propose 27% lot coverage, requiring a special permit to exceed the maximum allowed.
6. The petitioners propose to construct a driveway along the northern property boundary, less than ten feet from the side lot line. Per section 6.2.3.B.2, a special permit is required to locate a driveway within ten feet of a side or rear lot line within a single-family attached dwelling project.

SR3 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	21,962 square feet	No change
Frontage	80 feet	80 feet	No change
Setbacks <ul style="list-style-type: none">• Front• Side• Rear	25 feet 25 feet 25 feet	25.1 feet 11.8 feet 29.2 feet	No change No change 25.9 feet
Building Height	36 feet	38.65 feet	Units 1-2: 38.65 feet Units 3-4: 32.34 feet
Max Number of Stories	2.5 (3 by special permit)	2.5	3
Lot Coverage	25%	12.4%	27%
Open Space	50%	85.6%	59%
Lot Area Per Unit	4,000 square feet	21,962 square feet	5,490 square feet

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
§3.2.4	To allow attached single-family dwellings	S.P. per §7.3.3
§3.2.4	To allow attached single-family dwellings with three stories	S.P. per §7.3.3
§3.2.4 §7.8.2.C.2	To further extend nonconforming height	S.P. per §7.3.3
§3.2.4	To reduce required side setback	S.P. per §7.3.3
§3.2.4	To exceed maximum lot coverage	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

ATTACHMENT D

CITY OF NEWTON Department of Public Works ENGINEERING DIVISION

MEMORANDUM

To: Council Gregory Schwartz, Land Use Committee Chairman

From: John Daghlion, Associate City Engineer

Re: Special Permit – 70 Walker Street

Date: October 24, 2019

CC: Barney Heath, Director of Planning
Jennifer Caira, Chief Planner
Lou Taverna, PE City Engineer
Nadia Khan, Committee Clerk
Michael Gleba, Sr. Planner

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

*Building Permit Plan
Showing Proposed Conditions at
#70 Walker Street
Newton, MA
Prepared By: VTP Associates Inc.
Dated: September 24, 2019*

Executive Summary:

This Special Permit application entails the renovation and expansion of a single-family dwelling and demolition of a detached barn on a 20,151 square foot [0.46 acre] lot. The site has approximately 80-feet of frontage on Walker Street towards the west, and residential homes towards the north-east and south property lines. The applicant proposes to build four-unit dwellings in two separate detached buildings. The natural drainage patterns for the site is from a high point of 75-feet near the existing garage/barn and gently slopes towards the west (Walker Street) 74-feet and to the south (abutting neighbor) at 71-feet.

The design incorporates a stormwater collection system for the runoff from the proposed roofs and driveway and infiltrates the water into two underground infiltration galleries located near the front and side yard of the site. However, there is a discrepancy between the calculations and site plan, the calculations indicate a total of 9 -galley units whereas; the site plan shows 10 units, please correct the discrepancy.

An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to 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.



On-site soil evaluation is required to determine the seasonal high groundwater elevation and percolation rate these tests shall be performed within 25-feet of each system; soil logs shall be submitted for review.

Upon completion of decommissioning of existing utilities and installation of new utilities the sidewalks shall be updated to current standards.

Construction Management:

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

Drainage:

1. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the property owner(s).

Environmental:

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

Sewer:

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(s) shall be pressure tested and videotaped after final installation is complete. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service(s) will NOT be accepted until testing is satisfactorily 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.

Water:

1. For water quality issues a fire hydrant is proposed at the end of the proposed water service.
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 in 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. The contractor of record shall contact the Newton Police Department 48 hours in advanced and arrange for Police detail to help residents & commuters navigate around the construction activity.
 9. 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.



Ruthanne Fuller
Mayor

ATTACHMENT E

City of Newton, Massachusetts

Department of Planning and Development

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Barney S. Heath
Director

Newton Historical Commission Demolition Review Decision

Date: 5/14/19 Zoning & Dev. Review Project# 19030032

Address of structure: 70 Walker Street

Type of building : Home

If partial demolition, feature to be demolished is _____

The building or structure:

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

is _____ is not ☒ on the National Register or eligible for listing.

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

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

is _____ is not ☒ 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 ☒ **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.

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

Review of final plans required _____

The Newton Historical Commission finds the building or structure:

is _____ **NOT PREFERABLY PRESERVED**

Demolition is not delayed and no further review is required.

Owner of Record:

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

Delay of Demolition:

_____ is in effect until _____

☒ has been waived - see attached for conditions

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.

Determination made by:

Preserving the Past



Planning for the Future



Ruthanne Fuller
Mayor

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

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Barney S. Heath
Director

RECORD OF ACTION

DATE: May 14, 2019

SUBJECT: 70 Walker Street

At a scheduled meeting and public hearing on May 8th, 2019, the Newton Historical Commission, by a vote of 6-0:

RESOLVED to waive the demo delay on 70 Walker Street based on revised plans presented on May 8th, 2019.

Voting in the Affirmative: Voting in the Negative: Recused:

Peter Dimond, acting Chairman
Deborah Budd, Alternate
Mark Armstrong, Member
Jean Fulkerson, Member
Doug Cornelius, Member
Jennifer Bentley-Houston, Alternate

Title Reference:

Owner of Property:

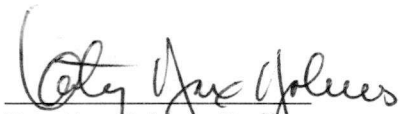
70 Walker Street LLC

Deed recorded at:

Book 72128, Page 109

Date 1/15/2019

Middlesex (South) Registry of Deeds


Katy Hax Holmes, Staff

ATTACHMENT F

DRAFT- #320-19
70 Walker Street

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 attached single-family dwellings in the Multi Residence 1 zoning district (§3.2.4); allow attached single-family dwellings with three stories (§3.2.4); further extend nonconforming height (§3.2.4, §7.8.2.C.2); reduce required side setback (§3.2.4); exceed maximum lot coverage (§3.2.4); and allow a driveway within 10 feet of the side lot line (§6.2.3.B.2), as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The site in a Multi-Residence 1 (MR1) district is an appropriate location for the proposed four single-family attached dwellings in two structures as designed as it is located in a neighborhood with a mix of single-, two- and multi- family dwellings and commercial uses (§7.3.3.C.1);
2. The proposed four single-family attached dwellings in two structures as designed will not adversely affect the neighborhood (§7.3.3.C.2);
3. The proposed four single-family attached dwellings in two structures as designed will not create a 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);
5. The further extension of the existing dwelling's nonconforming height would be substantially more detrimental than the existing nonconforming height to the neighborhood (§7.8.2.C.2);
6. Granting an exception to the provisions of Sec 6.2.3.B.2 requiring that no driveway shall be located within 10 feet of a side or rear lot line is appropriate as literal compliance 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.

PETITION NUMBER: #320-19

PETITIONER: 70 Walker Street LLC

LOCATION: 70 Walker Street, Ward 2, Newtonville, on land known as Section 21 Block 33 Lot 7, containing 21,962 sq. ft. of land

OWNER: 70 Walker Street LLC

ADDRESS OF OWNER: 15 Cypress Street
Suite 301
Newton Centre, MA 02459

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

EXPLANATORY NOTES: Special permit as per §7.3.3:

- allow attached single-family dwellings in an MR1 zoning district (§3.2.4)
- allow attached single-family dwellings with three stories (§3.2.4)
- further extend nonconforming height (§3.2.4, §7.8.2.C.2)
- reduce required side setback (§3.2.4)
- exceed maximum lot coverage (§3.2.4)
- allow a driveway within 10 feet of the side lot line (§6.2.3.B.2)

ZONING: Multi-Residence 1 district

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:
 - a. Site plans, prepared by VTP Associates, Inc., signed and stamped by Joseph R. Porter, Professional Land Surveyor, consisting of the following sheets:
 - i. "Topographic Site Plan, Newton, Massachusetts, Showing Existing Conditions at #70 Walker Street," dated January 21, 2019;
 - ii. "Zoning Plan Newton, Massachusetts, Showing Proposed Conditions at #70 Walker Street," dated September 6, 2019.
 - b. Architectural plans entitled "70 Walker St.- Newton, MA, Two Buildings, Four Townhomes, 70 Walker St, Units 1 & 2," prepared by ARCO Design+Build, signed and stamped by Ronald F. Jarek, Registered Architect, dated September 6, 2019, consisting of the following ten (10) sheets:
 - i. Cover Sheet;

- ii. First Floor (A-1.01);
 - iii. Second Floor (A-1.02);
 - iv. Third Floor (A-1.03);
 - v. Front Elevation (A-2.00);
 - vi. Left Elevation (A-2.01);
 - vii. Rear Elevation (A-2.02);
 - viii. Right Elevation (A-2.03).
- c. Architectural plans entitled “70 Walker St.- Newton, MA, Two Buildings, Four Townhomes, 70 Walker St Units 3 & 4,” prepared by ARCO Design+Build, signed and stamped by Ronald F. Jarek, Registered Architect, dated September 6, 2019, consisting of the following ten (10) sheets:
- i. Cover Sheet;
 - ii. First Floor (A-1.01);
 - iii. Second Floor (A-1.02);
 - iv. Third Floor (A-1.03);
 - v. Front Elevation (A-2.00);
 - vi. Left Elevation (A-2.01);
 - vii. Rear Elevation (A-2.02);
 - viii. Right Elevation (A-2.03).
- d. Two architectural renderings prepared by ARCO Design+Build, each labeled “70 Walker St., Proposal- 3D Views,” depicting the front of the proposed project from the left and right sides of the property.
2. The petitioner shall preserve the existing proportions, substrate (underlying shell) and architectural details that contribute to the historic significance of the portions of the existing house structure to be preserved, including but not limited to all exterior walls, roof structure, and window openings. Any unforeseen changes to the existing proportions or substrate and architectural details that contribute to the historic significance of the portions of the existing house structure to be preserved shall not be made without approval by the Newton Historical Commission.
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, incorporated into the deeds; and recorded at the Registry of Deeds for the Southern District of Middlesex County. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
 - g. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
6. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall submit a Construction Management Plan for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer. The Construction Management Plan shall be consistent and not in conflict with relevant conditions of this Order and shall include, but not be limited to, the following provisions:
- a. staging site for construction equipment,
 - b. construction materials,
 - c. parking of construction workers' vehicles,
 - d. phasing of the project with anticipated completion dates and milestones,
 - e. safety precautions,
 - f. emergency contact personnel of contractor
 - g. anticipated dewatering during construction,
 - h. site safety & stability, and
 - i. impacts to abutting properties.
7. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 5:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services.
8. 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 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 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 and the Commissioner of Inspectional Services, a statement from the Planning Department approving final location, number and type of plant materials and final landscape features.
9. Notwithstanding the provisions of Condition #8 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provided that the petitioner shall first have filed 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 landscaping to secure installation of such landscaping.
10. All landscaping shall be maintained in good condition and shall be replaced with similar material as necessary.