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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: July 14, 2015
Land Use Action Date: September 10, 2015
Board of Aldermen Action Date: October 5, 2015
90-Day Expiration Date: October 13, 2015

DATE: July 10, 2015

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Daniel Sexton, Senior Planner

SUBJECT: **Petition #149-15**, JOAN DEVINE, TRUSTEE, for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow an increase in Floor Area Ratio from 0.45 to 0.58 for a customized modular home that was permitted at 14 CHARLEMONT STREET, Ward 8, Newton Highlands, on land known as SBL 83, 33, 18, containing approximately 8,251 square feet of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15(u)(2) of the City of Newton Rev. Zoning Ord., 2012.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision-making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent working session.



14 Charlemont Street

EXECUTIVE SUMMARY

The property located at 14 Charlemont Street consists of an 8,251 square foot lot. The property was previously developed with a single-family dwelling, constructed in 1924, and a detached garage. The petitioner received building permits from the Inspectional Service Department (ISD) for the demolition (#15010403) of the previous dwelling and the construction (#15030056) of the new modular home. ISD issued the building permit for the new home contingent on the petitioner obtaining a special permit to exceed the maximum allowable floor area ratio (FAR) or the regrading of portions of the site and removal of the detached garage prior to issuance of a certificate of occupancy for the dwelling. In order to retain the detached garage and not substantially change the grade of the property, the petitioner is requesting a special permit to exceed the maximum allowable FAR of 0.45 by 1,081 square feet (or 29%), for a total FAR of 0.58.

The Planning Department has reservations about how the bulk and mass of the buildings will impact the character of the surrounding neighborhood. While the development patterns of the surrounding neighborhood contain a mix of one- and 2½-story homes, this project represents a departure from the size and scale of buildings on similarly sized lots in the immediate neighborhood. As such, the Planning Department believes the proposed project represents a significant level of development for the site, and is inconsistent with and in derogation of the size, scale, and design of other structures in the neighborhood. The Planning Department recommends the petitioner remove the detached garage and consider installing plantings along the front and sides of the property to diminish the visual impact of the dwelling.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The buildings are consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. (§30-15(u)(2))
- This site is an appropriate location for the proposed bulk and mass of buildings, which exceeds the maximum allowable FAR of 0.45 by 1,081 square feet (or 29%). (§30-24(d)(1))
- The proposed single-family dwelling and detached garage will not adversely affect the neighborhood. (§30-24(d)(2))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located along Charlemont Street, near the intersection of Charlemont Street with Winchester Street. The surrounding neighborhood contains single-family residences (**ATTACHMENT A**). The project site and surrounding parcels are zoned Single Residence 3 (**Attachment B**).

B. Site

The property consists of 8,251 square feet of land and was improved with a one-story single-family dwelling and a single-story detached garage. The one-story dwelling was demolished earlier this year. A building permit was recently issued by ISD for the construction of a new 2½-story dwelling, which is presently under construction. There is vehicular access on the west side of the site via a driveway constructed with bituminous. The remaining portions of the site consist of lawn. A small number of trees currently exist at the rear of the site and on adjacent parcels, which partially screen the subject property.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The property will remain a single-family use.

B. Building and Site Design

The petitioner is in the process of constructing a new customized modular home on the subject property, with approximately 4,339 square feet of floor area. At the time of building permit issuance, ISD determined that the total gross floor area for the proposed dwelling combined with the floors area of the detached garage exceed the maximum allowable FAR of 0.45 by 1,081 square feet (or 29%). Since the modular structure was already under construction off-site, the petitioner's alternatives were to obtain the special permit to exceed the maximum allowable FAR or demolish the detached garage and modify the grades around the home to bring the FAR on the site into compliance. The petitioner chose to seek the special permit approval.

The Planning Department has reservations about how the bulk and mass of the buildings will impact the character of the surrounding neighborhood. While the development patterns of the surrounding neighborhood contain a mix of one- and 2½-story homes, many with attached and detached garages, this project represents a departure from the development patterns of similarly sized lots. As such, the Planning Department believes the project is not consistent with and in derogation of the size, scale, and design of other structures in the neighborhood. To reduce the impact of the development on the site and in the surrounding neighborhood, the Planning Department recommends the petitioner remove the detached garage and install plantings along the front and sides of the property to diminish the visual impact of the dwelling.

C. Parking and Circulation

There will be no changes to the parking or circulation of the site.

D. Landscape Screening

No landscape plan was required for this petition. The existing trees in the rear of the site partially screen the subject structure. The Planning Department notes that the parcel is uniquely shaped, which limits the potential for additional screening

measures to be installed in certain areas. The Planning Department encourages the petitioner to consider installing plantings along the front and sides of the property to diminish the visual impact of the dwelling.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**ATTACHMENT C**) provides an analysis of the proposal with regard to zoning. Based on this review, the petitioner is seeking a Special Permit/Site Plan Approval for the following relief:

- §30-15(u)(2) to exceed the maximum allowable FAR.

B. Engineering Review

This project did not require review by the Engineering Division of Public Works, as the amount of new impervious surfaces did not exceed thresholds established by the Newton Zoning Ordinance. Since the petitioner voluntarily agreed to install an on-site drainage collection and infiltration system, thus the project was reviewed by the Engineering Division. According to the Engineering Review Memorandum (**ATTACHMENT D**), the Engineering Division has no significant concerns with the project. The Engineering Division further advises the petitioner that the water and sanitary sewer service will need to be updated, and that any damage to the existing sidewalks due to the installation of the new water and sanitary sewer services should be repaired to current standards.

V. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time. The petitioner is encouraged to consider the Planning Department's suggestion regarding reducing the impact of the development on the surrounding neighborhood.

ATTACHMENTS:

- ATTACHMENT A:** Land Use Map
ATTACHMENT B: Zoning Map
ATTACHMENT C: Zoning Review Memorandum, July 2, 2015
ATTACHMENT D: Engineering Review Memorandum, June 22, 2015

Land Use Map 14 Charlemont Road

*City of Newton,
Massachusetts*

Legend

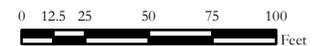
-  Single Family Residential
-  Vacant Land

ATTACHMENT A

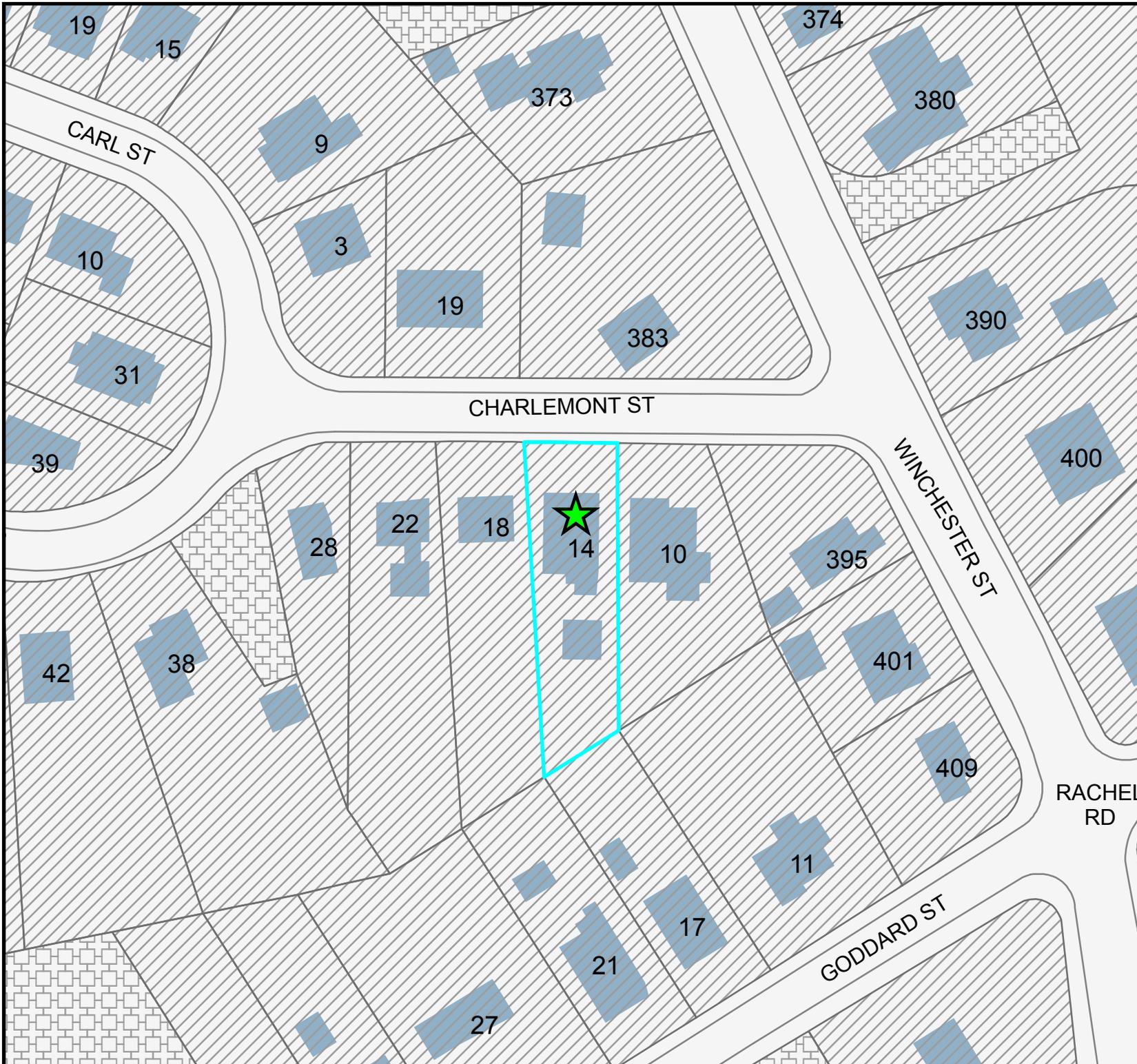


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: June 29, 2015



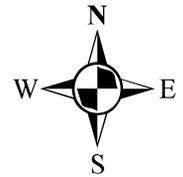
Zoning Map 14 Charlemont Road

*City of Newton,
Massachusetts*

Legend

 Single Residence 3

ATTACHMENT B

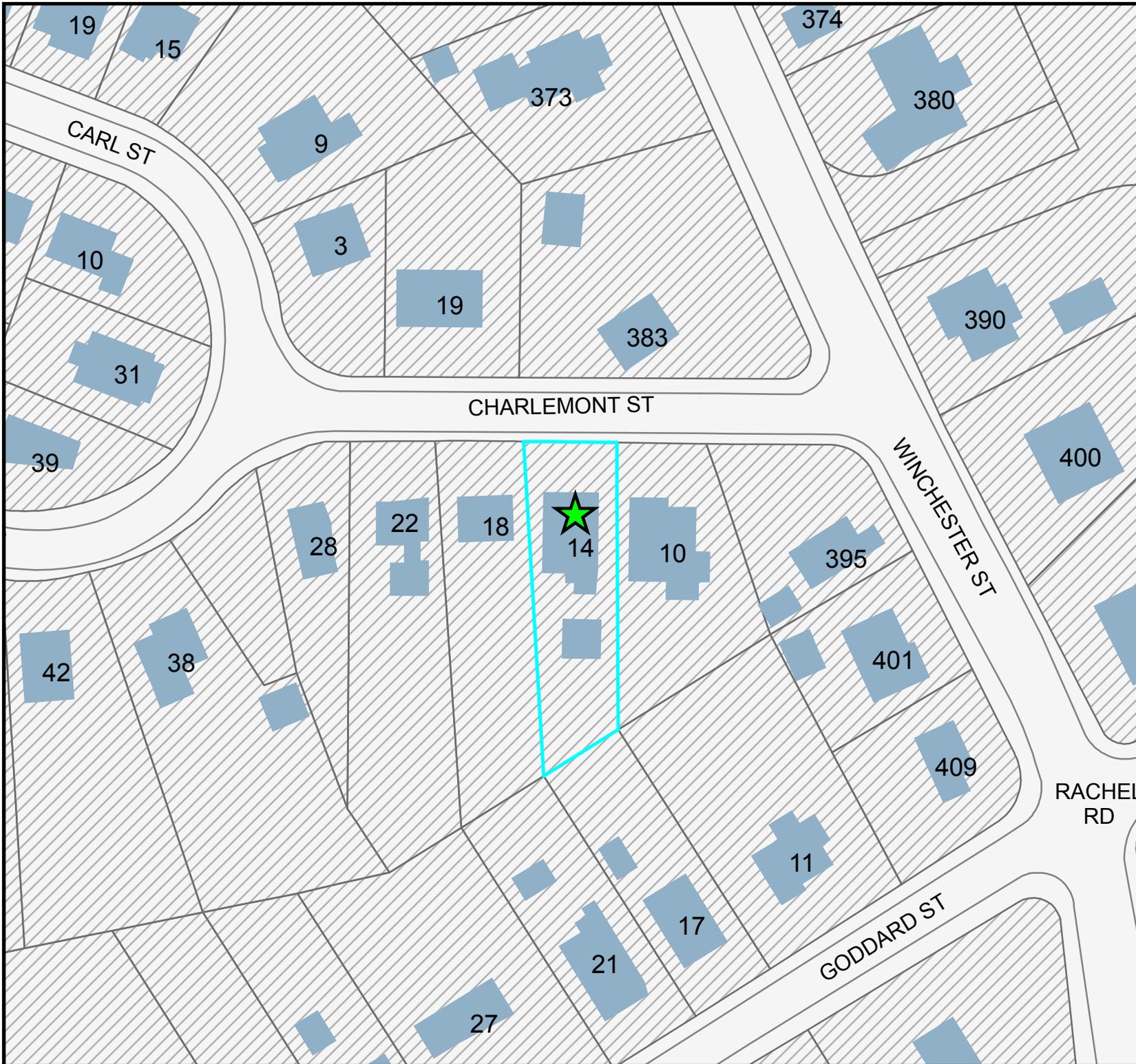


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
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0 12.5 25 50 75 100
Feet

Map Date: June 29, 2015





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ATTACHMNET C

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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: July 2, 2015

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: 14 Charlemont Street Realty Trust, Applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to exceed FAR

Applicant: 14 Charlemont Street Realty Trust	
Site: 14 Charlemont Street	SBL: 83033 0018
Zoning: SR-3	Lot Area: 8,251 square feet
Current use: Vacant (formerly single-family dwelling)	Proposed use: Single-family dwelling

BACKGROUND:

The property at 14 Charlemont Street consists of a 8,251 square foot vacant lot. The lot was previously the site of a single-family residence constructed in 1924, which has since been demolished. The applicant proposes to construct a new two and one-half story single-family modular home on the property, which will exceed the allowable FAR.

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

- Zoning Review Application, prepared by 14 Charlemont Street Realty Trust, submitted 3/3/2015
- FAR Worksheet, submitted 3/3/2015
- Site Plan, signed and stamped by David A. Dwyer Jr., surveyor, dated 7/15/2014
- Architectural Plans, prepared by Westchester Modular Homes, signed and stamped by John A. Wallen, engineer, dated 8/13/2014
 - Elevations
 - First Floor Plan
 - Second Floor Plan
 - Attic Plan
 - Cross Section

ADMINISTRATIVE DETERMINATIONS:

1. The maximum allowed for an 8,251 square foot lot in the SR3 district is .45. The proposed structure results in an FAR of .58. A special permit pursuant to Section 30-15(u)(2) is required.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	8,251 square feet	No change
Frontage	70 feet	50 feet	No change
Setbacks			
• Front	25 feet		27.5 feet
• Side	7.5 feet		8.2 feet
• Rear	15 feet		81.8 feet
Building Height	36		34.5 feet
Max Number of Stories	2.5		2.5
FAR	.45		.58
Max Lot Coverage	30%		19.9%
Min. Open Space	50%		80.1%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance	Relief	Action Required
§30-15(u)(2)	To exceed FAR	S.P. per §30-24

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Alderman Mark Laredo, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – #14 Charlemont Street

Date: June 22, 2015

CC: Lou Taverna, PE City Engineer
Linda Finucane, Associate City Clerk
Alexandria Ananth, Chief Planner
Dan Sexton, Sr. Planner

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

*Renovations to 14 Charlemont Street
Newton, MA
Prepared by: ArchiPlicity
Dated: 10-18-'14
Revised: 3/10/15*

Executive Summary:

The proposed 2-story dwelling is erected and was being worked upon today as discovered during a site visit. The prefabricated building is only slightly larger than the old dwelling that was razed. The applicant's engineer has designed an on-site drainage system that will collect the runoff from the existing garage only. The drainage policy is to collect and infiltrate surface runoff from all new impervious surfaces and the threshold is the less of 400 square feet additional or 4% of the lot surface; in this case the net increase is 144 square feet, since this is below the threshold the applicant is installing a voluntary system.

Both water and sanitary sewer services shall be updated to current City standards. As a public benefit the existing sidewalks should be replaced to current standards since they will be damaged during the installation of the water & sewer services.

Drainage:

1. The proposed infiltration system needs to specify “*double washed crushed stone*”, thickness of the stone around and beneath the pipe. The elevation of the bottom of the stone, bottom of the pipe and depth to groundwater table need to be labeled. A detail is needed with filter fabric - 3” layer of peastone on top of the system, and then covered over with filter fabric. An access port is needed for inspection and future maintenance.
2. 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.
3. 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).

Sewer:

1. Based in the profile provided a chimney drop connection is needed for the sanitary sewer connection. Please use the detail on the City website for the utility connection, this detail must be on the Utility Connection permit if this Special Permit is approved.
2. 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.
3. Use City of Newton Details in lieu of the details submitted they are in PDF format on the City’s website.

4. 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.
5. A trench restoration detail is needed, see City website for Construction details.
6. 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.***
7. 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:

- The water service shall be a minimum of 1" Type K copper from the main to the meter.

General:

1. Finalized utility connection plan reflecting the above changes that meets the minimal design standards of the City of Newton must be submitted for approval by the contractor of record with appropriate Bonds & Insurance. The Engineering Division makes no representations and assumes no responsibility for the design(s) in terms of suitability for the particular site conditions or of the functionality or performance of any items constructed in accordance with the design(s). The City of Newton assumes no liabilities for design assumption, error or omissions by the Engineer of Record.
2. 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*

3. All tree removal shall comply with the City's Tree Ordinance.
4. 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*
5. 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.*
6. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
7. 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. *This note must be incorporated onto the site plan.*
8. All site work being completed before a Certificate of Occupancy can be issued. *This note must be incorporated onto the site plan.*

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.