



City of Newton, Massachusetts

Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

617-796-1120

Ruthanne Fuller
Mayor

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: April 3, 2025

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
Joseph Iadonisi, Senior Planner

SUBJECT: **Working Session Memorandum** for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a rear addition of two dwelling units resulting in four attached single-family dwellings with associated dimensional relief for the building and parking configuration at 75 Prescott Street, Ward 2, Newtonville, on land known as Section 23 Block 15 Lot 16, containing approximately 18,630 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 3.4.1, 3.2.4, 7.8.2.C.2, 5.1.7.A, 5.1.13, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

PROJECT MATERIALS: <https://newtonma.portal.opengov.com/records/859010>

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the City Council. 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 City Council will want to consider in its discussion at a subsequent Working Session.



75 Prescott Street

Background

On April 1, 2025, the Land Use Committee opened the public hearing for Petition #69-25, a Special Permit to approve an addition to an existing two-family dwelling creating a four-unit single-family attached dwelling with associated relief. The site plans presented showed two pre-existing nonconforming eight-foot by sixteen-foot tandem parking stalls on the right side driveway. Councilors expressed concern about the ability of these nonconforming stalls to accommodate vehicles of average or greater length and voted unanimously to hold the item and directed the petitioner to explore ways to make the parking more compliant. The petitioners have chosen to pursue one of the options discussed during the hearing, which was to remove a small, landscaped area between the end of the driveway and the dwelling.

Project Updates

The revised site plans (April 2, 2025) show the removal of approximately 20 square feet of existing landscaped area at the front right of the dwelling and expansion of the driveway by three feet to the rear. As previously and currently proposed, there will be four tandem parking stalls on each of the two driveways in a two by two configuration, two of them were considered “compact” at eight feet by sixteen feet. By removing a portion of the landscaped area and expanding the driveway, the petitioners were able to lengthen the driveway by approximately three feet, resulting in two eight-foot by 17.5-foot parking stalls in the same location as the previously compact stalls.

To accommodate this, the petitioners relocated the trash bin area from the end of the right-side driveway to a location along the left lot line near the end of the left-side driveway, but do not propose any other site plan changes or any changes to the dwelling or hardscaping. As the proposed changes do not affect any existing or proposed structures, no additional review from the Newtonville Historical Commission is required. Further, the changes bring a prior-existing nonconforming aspect of the site plan closer to conformance with the zoning ordinance and do not require any additional relief.

Analysis

Given the positioning of the existing dwelling and narrowness of the lot and parking requirement of eight stalls for four dwelling units and approval for the current design by the Newtonville Historical Commission, options for expanding the parking area are limited. The petitioner’s proposal for four stalls in each driveway has a practical advantage of providing each unit with a two-stall allotment in tandem configuration that does not require coordination between occupants of different units to move vehicles in or out of the driveway. Otherwise, the relocation of a parking stall to the left-side driveway would require coordination between units to move vehicles and would be onerous to the petitioners and future occupants. Another remaining option would be to expand the left-side driveway to provide all of the required parking at the rear of the building, but this would trigger the need for relief for parking facilities containing more

than five stalls and potentially increase the impervious surfaces and decrease open space on site. Planning is supportive of the current proposal expansion of the right-side driveway into the existing landscaped buffer between the end of the driveway and the front right corner of the dwelling. All options require some level of responsibility on the part of future occupants to park legally, but as currently proposed, the additional three feet in parking area may be able to accommodate a larger variety of vehicles and reduce the risk that future occupants and guests do not comply with the parking arrangement in the site plan.

ATTACHMENTS:

- ATTACHMENT A:** Land Use Committee Memorandum, March 28, 2025
- ATTACHMENT B:** Zoning Review Memorandum
- ATTACHMENT C:** Newtonville Historic District Commission Certificate of Appropriateness
- ATTACHMENT D:** DPW Engineering Memorandum
- ATTACHMENT E:** DRAFT Council Order



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SUBJECT: **Petition #69-25** for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a rear addition of two dwelling units resulting in four attached single-family dwellings with associated dimensional relief for the building and parking configuration at 75 Prescott Street, Ward 2, Newtonville, on land known as Section 23 Block 15 Lot 16, containing approximately 18,630 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 3.4.1, 3.2.4, 7.8.2.C.2, 5.1.7.A, 5.1.13, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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75 Prescott Street

I. Project Description

Background

The subject property consists of a two family dwelling 18,630 square foot parcel in the Multi Residence 1 (MR-1) zoning district. The parcel is located in the Newtonville local historic district and is under the jurisdiction of the local historic district commission.

Special Permit

The petitioners propose to construct two units to the rear, creating a total of four single family attached dwelling units. The new construction will be located to the rear and largely match the existing dwelling in size, scale, and design. The proposed roofline is designed to be lower than that of the existing dwelling but the extension of the nonconforming height requires relief as the downward slope of the property means that the distance between the average grade and the peak of the roof is increasing. While the petitioners will largely maintain the current parking arrangement and driveway configuration, relief is required for parking within setbacks and five feet of the street. The project as designed requires zoning relief for the building type, front and side setbacks, nonconforming height, and parking configuration.

Analysis

Given the relatively narrow lot, the current parking arrangement, and the dimensions of the existing dwelling, the petitioners have effectively minimized the relief required for a four-unit single-family attached dwelling and obtained approval for the site plan and design of the building from the local historic district commission. Planning finds the location to be within the intent of the Newton Comprehensive Plan's section on "Priorities for Where Development Occurs." 75 Prescott is within a half mile of the Newtonville Commuter Rail station and the location of additional two units of housing in proximity to transit and amenities is appropriate. Further, the maintenance of the existing dwelling, constructed circa 1900, fits within the Comprehensive Plan's emphasis on historic preservation and adaptive reuse and ensures the proposed dwelling fits within the neighborhood context. As the site is located within the Newtonville Historic District, the petitioners have undergone review for and obtained a certificate of appropriateness for the proposed project.

II. Zoning Relief Requested:

Zoning Relief Required		
<i>Ordinance</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 front and side setbacks	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
§5.1.7.A §5.1.13	To allow parking within the front and side setbacks and within 5 feet of the street	S.P. per §7.3.3
§6.2.3.B.2	To allow parking within 10 feet of a side lot line and parking within 20 feet	S.P. per §7.3.3

For more details around the zoning analysis please refer to **Attachment A**.

III. Criteria for Consideration per §7.8.2.C.2:

- The specific site is an appropriate location for the four single-family attached dwellings as designed;
- The four single-family attached dwellings as designed will not adversely affect the neighborhood;
- There will be no nuisance or serious hazard to vehicles or pedestrians created by the four single-family attached dwellings as designed.
- Access to the site over streets is appropriate for the types and numbers of vehicles involved in four single-family attached dwellings as designed.
- The increase in nonconforming height to 40.1 feet shall not be substantially more detrimental than the existing nonconforming height is to the neighborhood;
- Literal compliance with city’s parking regulations is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features.

IV. Project Proposal and Site Characteristics

A. Site

The subject property is currently improved with a 3.5-story two-family dwelling constructed circa 1900 on a lot totaling 18,630 square feet. 75 Prescott Street is located in the MR-1 zone as well as the Newtonville Historic District. The immediate area is characterized by a mixture of single and two-

family dwellings mostly constructed in the 19th and early 20th centuries. The only abutting property not fitting within those uses and design is the Crafts Street Department of Public Works facility to the rear of the site. 75 Prescott Street is located within a half mile of the Newtonville Commuter Rail Station and Village Center and the Nonantum Village Center.

75 Prescott Street is an oversized lot at 18,630 square feet, but it is relatively narrow with 86 feet of frontage. The front setback is nonconforming for the existing two family dwelling at 17.7 feet. The current parking arrangement features two curb cuts and corresponding driveways to the left and right of the existing house and a two-car garage at the end of the left driveway.

The lot has a minor downward slope to the south, dropping about ten feet over from the front to the rear lot lines. In addition to the existing dwelling, there is a two-car garage to the rear-left of the dwelling, a patio area immediately to the rear of the dwelling and a walkway spanning the majority of the rear setback. The lot also features fencing on the majority of the perimeter with wood fencing to the left and right of the dwelling and chain link fencing along the rear and rear-right lot lines.

V. Project Description and Analysis

A. Land Use

If approved, the use will change from a two-family dwelling to a single-family attached dwelling containing four units in one building by constructing an addition with two units.

B. Site and Building Design

The existing dwelling is to be largely maintained with a sizable addition of two new units directly to the rear and a minor addition to the existing two units consisting of a bumpout to the dwelling's right elevation and additional. These two units are proposed to be located in the rear and largely echo the size, scale, and design of the existing dwelling. The petitioners propose to remove the deck at the rear of the existing dwelling and add a two story "connector" between the existing dwelling and proposed addition that will belong solely to the proposed two new units. While the proposal increases the height of the dwelling from 38.6 to 40.1 feet, the ridgeline of the proposed addition will be lower than the existing ridgeline and the increase in height will be because of the property slopes downward towards the rear, lowering the average grade for the entire building. With the proposed units being relatively similar in scale, changes to the side setbacks are relatively minor. The petitioners propose a decrease in the right-side setback from 15.7 to 13.9 feet coming from an addition of about 88 square feet and a small deck area at the rear right of the existing dwelling. The proposed new two units will decrease the left side setback from 25.8 to 24.5 feet, however, this setback is considered 12.5 feet due to the proposed location

of the transformer, which is considered a structure. Single Family Attached Dwellings require setbacks of 25 feet, however these can be reduced by the City Council through the special permit process.

The petitioners obtained a Certificate of Appropriateness on June 6, 2024 for the proposed project, which can be found as Attachment B. The minutes and staff memorandum for the June 6, 2024 meeting can be found here: <https://www.newtonma.gov/government/planning/historic-preservation/local-historic-districts-commissions/newtonville-historic-district-commission/agendas-minutes-packets>. Newtonville Historic District Commission members noted appreciation for the changes since the April 23, 2024 meeting during which multiple Commission members voiced concerns about the massing of the proposed addition. During the June 6, 2024, the Commission granted the approval contingent on enclosing the exterior fire escape, with the revised materials submitted for this petition, all fire escapes are enclosed.

C. Parking and Circulation

While much of the existing parking arrangement is to be maintained, the petitioners propose to remove the garage on the left side of the dwelling and remove a total of 759 square feet in driveway area. The proposed parking arrangement features four parking stalls on the right, or east, side of the house, with two tandem standard-sized parking stalls and two legally nonconforming compact parking stalls. On the left, or west, driveway, the petitioners propose a two-by-two arrangement of four standard sized parking stalls. All eight proposed parking stalls are located within 20-feet of lot lines and two parking stalls on the right side are within ten feet of the front lot line, requiring relief as the use is changing. On the right side of the dwelling, given a 15.7 foot setback for the existing dwelling, there is not sufficient room for maneuvering space and parking area. As the existing dwelling is set back 25.8 feet on the left side, an alternative parking arrangement with a single driveway on the left leading to eight stalls to the rear of the proposed dwelling is potentially feasible, but this would require significantly more paved area with a longer driveway and additional maneuvering area required to comply with the requirements for parking facilities with more than five stalls. This arrangement would potentially still require some relief for parking in the rear or side setback and may trigger the need for relief for insufficient open space.

Other sitework includes minor regrading, the addition of patio space, redesign of walkways, and submission of a landscaping plan. Surrounding the existing and proposed dwellings, the petitioners propose to regrade by no more than a foot in any

location. There will be a patio for each unit and the two proposed to the right of the existing dwelling will have small retaining walls, retaining no more than 2.7 feet and requiring no relief.

D. Landscaping

No separate landscaping plan has been provided for the project and instead the existing and proposed landscaping for the site is indicated on the site plans. While the plan is vague and only distinguishes between coniferous and deciduous trees rather than species and caliper sizes, it demonstrates a significant increase to the total tree mass and screening on the site. To accommodate the proposed addition, the petitioners seek to remove seven coniferous trees from the rear of the existing dwelling that appear to be arborvitae. All other trees and shrubs appear to be proposed to remain. The petitioners propose to increase screening along the right property line by adding additional coniferous trees or shrubs and size deciduous trees. There is an additional deciduous tree to the front of the dwelling, one at the end of the driveway on the left, and one to the rear left. Additional coniferous trees and shrubs are proposed along the rear lot line and surrounding the perimeter of the proposed and existing dwelling.

VI. Interdepartmental Review

A. Historic Preservation Review

On June 6, 2024, the Newtonville Historic District Commission voted unanimously to grant a Certificate of Appropriateness, which is available as Attachment B.

B. Tree Warden

The Tree Warden reviewed the landscape plan and noted that the proposed landscaping seemed reasonable. Further details will be required at the time of filing for a tree permit.

C. DPW Engineering

The Associate City Engineer, John Daghlian, has reviewed this project, this review can be found in the attached Engineering Memo, Attachment C. Per the memorandum, the proposed stormwater system and Operations and Maintenance plan show compliance with the City Stormwater Ordinances and Policy. Mr. Daghlian notes some standard housekeeping items required prior to the issuance of a building permit, should the project be approved. During construction the petitioners must comply with all applicable ordinances and procedures regarding the installation of utilities.

VII. Petitioner's Responsibilities

The petition is complete.

ATTACHMENTS:

- ATTACHMENT A:** Zoning Review Memorandum
ATTACHMENT B: Newtonville Historic District Commission Certificate of Appropriateness
ATTACHMENT C: DPW Engineering Memorandum
ATTACHMENT D: DRAFT Council Order



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: February 2, 2025

To: Anthony Ciccariello, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Katie Whewell, Chief Planner for Current Planning

Cc: Laurance Lee, Attorney
75 Prescott Street LLC, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to allow four attached single-family dwellings

Applicant: 75 Prescott Street LLC	
Site: 75 Prescott Street	SBL: 23015 0016
Zoning: MR1	Lot Area: 18,630 square feet
Current use: Two-family dwelling	Proposed use: Four attached single-family dwellings

BACKGROUND:

The subject site is located in the Multi Residence 1 zoning district improved with a two-family dwelling constructed circa 1910 and a detached two-car garage. The petitioner seeks to raze the detached garage and construct a rear addition of two dwelling units resulting in four attached single-family dwellings, requiring a special permit.

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

- Zoning Review Application, prepared by Laurance Lee, attorney, submitted 9/20/2024
- Floor Plans, prepared by Peter Sachs, architect, dated 9/9/2024
- Proposed Basement and First Floor Plans, prepared by Peter Sachs, architect, dated 9/9/2024
- Proposed Front & Back, prepared by Peter Sachs, architect, dated 9/9/2024
- Proposed Right Elevation, prepared by Peter Sachs, architect, dated 9/9/2024
- Proposed Left Elevation, prepared by Peter Sachs, architect, dated 9/9/2024
- Topographic Site Plan, signed and stamped by Joseph R. Porter, surveyor, dated 8/14/2024
- Zoning Plan, signed and stamped by Joseph R. Porter, surveyor, dated 1/14/2025

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to construct a rear addition of two units to the existing two-family dwelling, resulting in four attached single-family dwellings. Per section 3.4.1, a special permit is required to allow attached single-family dwellings in the MR1 district.
2. Per the footnote to section 3.2.4, the City Council may grant exceptions to the dimensional standards of section 3.2.4 for attached single-family dwellings if it is determined that literal compliance is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or graded of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or the protection of environmental features. Paragraphs 3-5 below fall under this criteria.
3. Per section 3.2.4, attached single-family dwellings require 25-foot setbacks from each lot line. The petitioner intends to preserve the existing two-family dwelling and construct a rear addition consisting of two additional units. The preserved existing dwelling will maintain the existing front setback of 17.7 feet, requiring a special permit.

The proposed rear addition results in a side setback of 24.5 feet on the eastern side lot line and 13.9 feet on the western, requiring a special permit per section 3.2.4.

The petitioner proposes to locate a transformer 12.5 feet from the eastern side setback. Transformers are considered structures and are required to meet the principal building setback requirements. As such, a special permit is required to allow the reduced setback per section 3.2.4.

4. Section 3.2.4 allows a maximum height of 36 feet for single-family attached dwellings. The existing dwelling has a nonconforming height of 38.6 feet. While the ridgeline of the proposed addition is lower than the existing ridgeline, the downward slope of the property lowers the average grade, resulting in an increase in the nonconforming height to 40.1 feet, requiring a special permit. When the proposed average grade is lower than the original average grade (prior to construction), the lower figure is used in calculating the proposed height.
5. The existing two-family dwelling is nonconforming with 3.5 stories where 2.5 are the maximum allowed per section 3.2.4. With the existing midpoint of the basement (55.4 feet) is higher than the original average grade (54.6 feet), the basement of the existing dwelling is considered the first story.

Due to the downward slope of the property, the rear addition alters the average grade. Additionally, in a building other than a single- or two-family dwelling, the basement measurement is taken at the 2/3 measurement between the floor of the lowest level and the ceiling next above. As the proposed use is four single-family attached dwellings, the 2/3 measurement is used. The change to the average grade and subsequent basement calculation eliminates the nonconformity and renders the proposed enlarged building 2.5 stories, as allowed by section 3.2.4.

6. The petitioner intends to maintain the two existing driveways and parking configuration. The driveway along the eastern lot line accommodates four regulation parking stalls. There are an additional four stalls within the driveway on the western property line, of which two are

undersized but legally nonconforming and may remain as such without relief. Per section 5.1.7.A, no parking stall may be located in any required setback unless associated with a single- or two-family dwelling. The existing two-family dwelling use required four parking stalls. The reduced setback requirements for the two-family dwelling use per section 3.2.3 rendered the existing configuration compliant. The change in use to Single-Family Attached dwellings increases the required setback to 25 feet and prohibits parking within the setback without a special permit. All eight of the parking stalls are within the required 25 foot side setbacks (four on each side). Additionally, two stalls along the western lot line are within the front setback, one of which one is within five feet of the street. A special permit is required to allow the current parking configuration for the proposed use per section 5.1.13

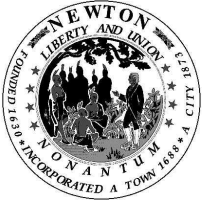
7. Per section 6.2.3.B.2, no driveway may be located within 10 feet, and no parking may be within 20 feet, of a side or rear lot line. The petitioner proposes to maintain the two existing driveways located on each side of the existing dwelling. The eastern driveway is within approximately five feet of the side lot line and the western is within approximately two feet of the side lot line. The western driveway accommodates four parking stalls, all within 20 feet of the side lot line, and the eastern driveway accommodates four stalls within 20 feet of the eastern side lot line, as stated above. A special permit is required to allow driveways within 10 feet and parking within 20 feet of the side lot lines.

8. The petitioner proposes walls around two patios on the western side of the dwelling. The rear patio has a retaining wall whose height exceeds the land it retains. The wall retains a maximum of 2.7 feet where it meets with the dwelling, with the bottom of the wall on one side at 51.4 feet and on the other side at 54.1 feet. The wall extends above the retention, allowing for seating. No relief is required.

MR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	18,630 square feet	No change
Frontage	80 feet	86 feet	No change
Setbacks			
• Front	25 feet	17.7 feet	No change*
• Side	25 feet	25.8 feet	24.5 feet* bldg./ 12.5 feet* trfmr
• Side	25 feet	15.7 feet	13.9 feet*
• Rear	25 feet	137.9 feet	79.6 feet
Height	36 feet	38.6 feet	40.1 feet*
Stories	2.5	3.5	2.5
Lot Area Per Unit	4,000 square feet	9,315 square feet	4,658 square feet
Max Lot Coverage	25%	11.5%	17%
Min. Open Space	50%	72.4%	71%

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</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 front and side setbacks	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
§5.1.7.A §5.1.13	To allow parking within the front and side setbacks and within 5 feet of the street	S.P. per §7.3.3
§6.2.3.B.2	To allow parking within 10 feet of a side lot line and parking within 20 feet	S.P. per §7.3.3



City of Newton, Massachusetts

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Ruthanne Fuller
Mayor

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RECORD OF ACTION:

DATE: June 7, 2024

SUBJECT: 75 PRESCOTT ST - Certificate of Appropriateness

At a scheduled meeting and public hearing on June 6, 2024 the Newtonville Historic District Commission, by roll call

RESOLVED to grant a Certificate of Appropriateness for the project as submitted at 75 PRESCOTT ST to demolish renovate and expand the existing house with a connector to a new unit behind the existing house, and change the house on the site with the requirement that the existing exterior fire escape will be enclosed and the revised plans will be submitted to the commission architect John Martin for review and final approval.

Voting in the Affirmative:

Jim Gross, Chair
John Martin, Member
Scott Friedman, Member
David Weinstein, Member

Voting in the Negative:

Abstained:

Recused:

Barbara Kurze, Commission Staff

DATE TRACKING

Date Notice Sent: May 23, 2024
Date of Hearing: June 6, 2024
Date of Decision: June 6, 2024

ACTION TAKEN

Accepted: **X**
Denied:
Reason for action: Appropriate

TYPE OF CERTIFICATION ISSUED

X Appropriateness

Non-Applicability

Hardship

Chairman or Secretary

June 7, 2024

Date

Please check with Inspectional Services Department to see if a building permit will be required and note that final process requires Historic Preservation staff or Historic District Commission approval (see attached *Historic District Final Project Process*.)

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Council Andrea Kelly, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 25-10 75 Prescott Street

Date: March 3, 2025

CC: Alfredo Vargas, PE City Engineer
Barney Heath, Director of Planning
Jennifer Caira, Deputy Director
Katie Whewell, Chief Planner
Alyssa Sandoval, Deputy Chief Planner

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

ZONING PLAN
NEWTON, MASSACHUSETTS
SHOWING PROPOSED CONDITIONS AT
#75 PRESCOTT STREET

SCALE: 1in.=10ft.

DATE: JANUARY 14, 2025

Prepared by: VTP Associates Inc.

Executive Summary:

The proposed permit entails an existing two-family dwelling and a detached two-stall garage on an 18,652 square foot [0.42 acre] lot. The petitioner wishes to demolish the existing garage and construct a rear addition of two dwelling units resulting in four attached single-family dwellings.

The site has 84-feet of frontage along Prescott Street along the north, and residential homes towards the east & west, the DPW Crafts Street maintenance yard & drain easement towards

the south. The property has a high point elevation of 56-feet near the sidewalk and slopes towards the south (backyard) at elevation 47-feet. Currently the site does not appear to have a stormwater system other than roof leaders that discharge onto the ground. The engineer of record has designed a stormwater collection system to capture runoff from the existing home and the proposed addition along with the two driveways and infiltrate the collected water into three (3) separate underground drywell systems. The drainage system complies with the City Stormwater Ordinances & Policy, however; there are some minor math errors in the calculations that need correction. The proposed Operations & Maintenance (O&M) plan is acceptable once the permit is approved it shall be recorded at the Middlesex Registry of Deeds.

New municipal services are proposed for sanitary sewer & water (domestic & fire suppression system) these two services must be separate and dedicated services connection independently tapped to the existing main in Prescott Street. Once the new utilities are installed the driveway aprons & sidewalk along the entire frontage shall be upgraded in accordance with City Ordinance B-42 which requires new cement concrete sidewalks and granite curbing, the limits of this work should be delineated on the final site plan.

There is an existing overhead electric line that traverses the property in the back yard which appears that it will be maintained and very close to the new dwelling, ideally this should be placed underground to be more attractive.

Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction materials and equipment, parking for construction workers vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of the general contractor. It shall also address anticipated dewatering during construction, site safety & stability, siltation & dust control and noise impact to abutters. The CMP must also address surface runoff during construction so that it does not impact abutters nor City streets & the stormwater system. Temporary detention basins, check dams or diversion swales should be considered.
2. Catch basins within and downstream of the construction zone will be required to have siltation control installed for the duration of the project and must be identified on the site plan.

Environmental:

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

Sanitary Sewer & Domestic Water Service(s):

1. All new sewer service(s) shall be pressure tested in accordance with the City Construction Specifications & Standards and inspected via Closed Circuit Television CCTV inspection after installation is completed. A copy of the video inspection and written report shall be submitted to the City Engineer or his representative. The sewer service will NOT be accepted until the two methods of inspection are completed AND witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until these tests are completed to the satisfaction of the City Engineer.
2. All sanitary sewer manhole(s) shall be vacuum tested in accordance to the City's Construction Standards & Specifications, the sewer service and manhole will NOT be accepted until the manhole(s) pass the testing requirements. 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 to the satisfaction of the City Engineer and a written report of the test results is submitted to the City Engineer.
3. With the exception of natural gas service(s), all utility trenches within the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E up to within 18-inches of the asphalt binder level, after which Dense Grade Gravel compacted to 95 % Proctor Testing shall be placed over the CDF. Details of this requirement is the Engineering Division website "Standard Construction Details".
4. Fire Flow testing is required for the proposed fire suppression system. The applicant must coordinate the fire flow test with both the Newton Fire Department and the Utilities Division, representative of each department shall witness the testing. Test results shall be submitted in a written report along with hydraulic calculations that demonstrate the required size of the fire suppression system, these calculations shall be submitted to the Newton Fire Department for approval, and copies give to the Engineering Division.

5. For water quality issues a fire hydrant will be required at the end of the proposed water main/service. This hydrant will be utilized for flushing out the main as required.
6. All water services shall be chlorinated, and pressure tested in accordance with the AWWA and the City Construction Standards & Specifications prior to coming online. These tests MUST be witnessed by a representative of the Engineering Division.
7. Approval of the final configurations of the water service(s) shall be determined by the Utilities Division; the engineer of record shall submit a plan to the Director of Utilities for approval.

General:

1. 5 Year Moratorium – if at time of construction the roadway is under a 5-year moratorium, the roadway must be milled and paved gutter-to-gutter for a distance of 25 feet in each direction from the outermost trenches.
2. All trench excavation shall comply with Massachusetts General Law Chapter 82A, Trench Excavation Safety Requirements, and OSHA Standards to protect the general public from unauthorized access to unattended trenches or excavations. Trench Excavation Permit is required prior to any construction. This applies to all trenches on public and private property. *This note shall be incorporated onto the final plans.*
3. All tree removal shall comply with the City's Tree Ordinance.
4. The contractor of record 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 services 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 Engineer's Inspector has given their approval. *This note shall be incorporated onto the final plans.*
5. The applicant shall apply for a Building Permit with the Inspectional Services Department prior to ANY construction.
6. Before requesting a Certificate of Occupancy, an As Built plan shall be submitted to the Engineering Division in both digital and paper format. The plan shall show all utilities and final grades, any easements and improvements and limits of restoration. The plan shall include profiles of the various new utilities including but not limited to rim & invert elevations (City of Newton Datum), slopes of pipes, pipe materials, and swing ties from permanent building corners. The as built shall be stamped by both a Massachusetts Registered Professional Engineer and Registered Professional Land Surveyor. Once the

As built plan is received the Engineering Division shall perform a final site inspection and then make a determination to issue a Certificate of Occupancy. *This note shall be incorporated onto the final plans.*

7. All site work including trench restoration, sidewalk, curb, apron, and loam border (where applicable) shall be completed before a Certificate of Occupancy is issued. *This note shall be incorporated onto the final plans.*
8. The contractor of record shall obtain a Sidewalk Crossing, Trench Utility Connection permits with DPW prior to any construction. *This note shall be on the final approved plans.*
9. The contractor of record shall contact the Newton Police Department 48-hours in advanced and arrange for Police Detail to help residents and commuters navigate around the construction zone.
10. If any changes from the final approved design plan that are required due to unforeseen site conditions, the contractor of record shall contact the design engineer of record and submit revised design and stamped full scale plans for review and approval prior to continuing with construction.
11. *The engineer of record shall add the following attestation to the plans when applying for a building permit:*

I certify that the construction so shown was inspected prior to backfill and that all work conforms with the Approved Plan and meets or exceeds the City of Newton Construction Standards.

Signature

Note: If the plans are updated it is the responsibility of the applicant to provide all City Departments [ISD, Conservation Commission, Planning 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 at 617-796-1023.

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 construct a rear addition of two dwelling units resulting in four attached single-family dwellings with associated dimensional relief for the building and parking configuration for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The specific site is an appropriate location for the four single-family attached dwellings as designed as the lot is within one half mile of the Newtonville Commuter Rail Station and Village Center and locating additional housing units near transit and amenities is within the intent of Newton's Comprehensive plan. Further the right-side setback will be 12.5 feet as a result of the transformer location and the building setback on the right will only decrease to 24.5 feet from 25.8 feet, representing a minor change. While there is currently parking in the side setbacks, the change of use to single-family attached dwellings creates the need for relief and the narrowness of the lot and relative width of the dwelling makes alternative parking arrangements especially difficult and would result in additional paving. (§7.3.3.C.1)
2. The four single-family attached dwellings as designed will not adversely affect the neighborhood as the existing dwelling will be preserved and the design received the approval of the local historic commission, retaining its historic character that is appropriate for the neighborhood. Further, the proposed construction will be subordinate to the existing dwelling, so the appearance of additional massing will be minimal and maintain the same street presence. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians created by the four single-family attached dwellings as designed. As the site currently has two driveways that will be maintained and the site is located near the end of a dead-end street, the impact of the additional parking relief will be negligible. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved in the construction and use of the property as the four single-family attached dwellings as designed. As the site is located near the end of a dead end street those utilizing the site will have no significant obstruction or difficulty entering or exiting the site. (§7.3.3.C.4)

5. The increase in nonconforming height to 40.1 feet shall not be substantially more detrimental than the existing nonconforming height is to the neighborhood. While the addition to the rear of the existing dwelling increases the overall height, the additional height measurement is due to lowering of the average grade. (§7.8.2.B)
6. Literal compliance with parking restrictions preventing parking within the front and side setbacks, five feet of the street, and within 20 feet of a side lot line in public interest as compliance with these standards would require significantly more paving and reduced open space. (§5.1.13)

PETITION NUMBER: #69-25

PETITIONER: 75 Prescott Street LLC

LOCATION: 75 Prescott Street, Ward 2, Newtonville, on land known as Section 23 Block 15 Lot 16, containing approximately 18,630 sq. ft. of land in a district zoned MULTI RESIDENCE 1.

OWNER: 75 Prescott Street LLC

ADDRESS OF OWNER: 1535 Beacon Street, Newton, MA 02468

TO BE USED FOR: Single-Family Attached Dwelling

RELIEF GRANTED: Special Permit per §7.3.3, to allow the following:

- Single-family attached dwellings (§3.4.1),
- Reduced front and side setbacks (§3.2.4),
- Extension of nonconforming height (§3.2.4, 7.8.2.C.2),
- Parking within front and side setbacks and within five feet of the street (§5.1.7.A, §5.1.13),
- Parking within 10 feet of a side lot line, and parking within 20 feet of a lot line (§6.2.3.B.2).

ZONING: Multi-Residence 1

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 Plan, signed and stamped by Edmond Spruhan, Professional Engineer, and Christopher Charlton, dated 9/24/2024 as revised 4/2/2025
 - b. Architectural Plans, signed and stamped by Peter Sachs, Registered Architect, dated 2/21/2025, consisting of the following sheets:
 - i. A-2: Front and Rear Elevations
 - ii. A-3: Right Elevation
 - iii. A-4: Left Elevation

2. Prior to the issuance of any Building Permit pursuant to this Special Permit/Site Plan Approval, the Petitioner shall provide a final Operations and Maintenance Plan (the "O&M Plan") for stormwater management to the Engineering Division of Public Works for review and approval, should a system be required. Once approved, the O&M Plan must be adopted by the Petitioner and recorded at the Middlesex South District Registry of Deeds. A copy of the recorded O&M Plan shall be filed with the Engineering Division of Public Works and submitted with the Building Permit application.
3. The Petitioner shall do the following to remediate pest and rodent activity:
 - a. Prior to issuance of any demolition or building permit, the Petitioner, at its sole cost and expense, shall hire a licensed Pest Control Operator to assess the property for pest and rodent activity and develop and implement a pest remediation action plan to eliminate the activity and prevent off-site migration. The plan shall include the target pest, the methods for eliminating activity, and plan for preventing pest migration off-site during demolition and construction.
 - b. A copy of the Pest Control inspection report and the remediation action plan shall be submitted to the Inspectional Services Department for review and approval prior to issuance of any demolition or building permit. A copy of such approval shall be provided to the Department of Planning and Development.
 - c. The Pest Control Operator shall implement the approved remediation action plan, monitor the site for the duration of the project, and take whatever action the Operator deems necessary to control pest infestation and migration.
4. Prior to the issuance of any Building Permit, the Petitioner shall submit a Construction Management Plan (the "CMP") for review and approval to the Commissioner of Inspectional Services, the Director of Planning and Development, the City Engineer, and the Chief of the Fire Department. The CMP shall be in compliance with all applicable policies and ordinances in effect at the time of submission. The Petitioner shall comply in all material respects with the Construction Management Plan, which shall be consistent with and not in conflict with relevant conditions of this Order and shall include, but not be limited to, the following provisions:
 - a. 24-hour contact information for the general contractor. This information shall also be posted in a clear and visible manner at the construction site.
 - b. The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones.
 - c. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for construction materials and delivery vehicles and equipment, and location of any security fencing and erosion control.
 - d. A plan showing temporary pedestrian access within work zones in accordance with DPW Policy.

- e. Proposed methods for dust control including, but not limited to: watering, covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - f. Proposed methods of noise control, in accordance with the Revised Ordinances, §20-13. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.
 - g. Tree preservation plan to define the proposed method(s) for protection of any existing trees to remain on site.
 - h. The CMP shall also address the following: safety precautions; anticipated dewatering during construction; site safety and stability; and impacts on abutting properties.
5. All construction activity shall be limited to 7:00AM-7:00PM Monday through Friday and 8:00AM-7:00PM on Saturdays, excluding federal, state, and local holidays, unless waived by the Mayor in accordance with Revised Ordinances, § 20-13.
6. No building permit (other than a demolition permit) and unless otherwise specified shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
 - a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.
 - b. Submitted final engineering, utility, and drainage plans, and a recorded copy of the O&M Plan with the Middlesex South District Registry of Deeds and provided a copy of the recorded document to the City Engineer in accordance with this Order.
 - c. Submitted a Final CMP for review and approval by the Commissioner of Inspectional Services in consultation with the Director of Planning and Development, the Fire Department, the Commissioner of Public Works, and the City Engineer in accordance with this Order.
 - d. Obtained a written statement/sign off from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
7. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with for the portion of the project for which occupancy is requested and the Petitioner has:

- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by professional land surveyor and registered architect certifying compliance with Condition #1.
 - b. Obtained approval from the City Engineer certifying that all engineering details for the portion of the Project for which a certificate of occupancy is requested have been constructed to standards of the City of Newton Public Works Department.
 - c. 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, landscape features, fencing and parking areas related to or for the portion of the Project for which a certificate of occupancy is requested.
 - d. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a professional land surveyor.
8. The Petitioner shall install all landscaping consistent with this Special Permit/Site Plan approval and shall maintain landscaping in good condition. Any plant material that becomes diseased or dies shall be replaced as soon as feasibly possible with similar material.