

Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: June 2, 2023

TO: City Council

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

SUBJECT: **Petition #194-23** for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a sunroom addition at the rear of the dwelling which will further extend the nonconforming FAR at **76 Drumlin Road**, Ward 8, Newton Centre, on land known as Section 82 Block 25 Lot 30, containing approximately 16,000 sq. ft. of land in a district zoned SINGLE FAMILY 1. Ref: 7.3.3, 3.1.3, 3.1.9., 7.8.2.C.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 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.



76 Drumlin Road

Project Description

Background

The subject property at 76 Drumlin Road consists of a 16,000 square foot lot in a Single Residence 1 (SR1) zoning district improved with a 2½ story, 5,676 square foot (including a basement level garage) single-family dwelling constructed in 1955. A full second story addition to the dwelling was constructed in 2005.

The petitioner proposes to construct a 256 square foot glass-walled “sunroom” addition to the rear of the dwelling.

The subject property and the parcels to its north along Drumlin Road and those to the east are within a Single Residence 1 (SR1) zoning district; a Single Residence 2 (SR2) district is located to the west- including directly across the street- and to the south.

Need for Special Permit

The construction of the proposed addition would further increase the property’s nonconforming floor area ratio (FAR) from 0.35 to 0.37 where 0.30 is the maximum allowed per Sections 3.1.3 and 3.1.9, requiring a special permit per Section 7.8.2.C.2.of the Newton Zoning Ordinance (NZO).

Analysis and Recommendations

Planning is generally not concerned with the proposed addition given its size, construction, and limited visibility from nearby properties and/or public rights-of-way.

I. ZONING RELIEF REQUESTED:

| Zoning Relief Required | | |
|--------------------------------|---|------------------------|
| <i>Ordinance</i> | | <i>Action Required</i> |
| §3.1.3 §3.1.9 §7.8.2.C.2 | Request to further extend nonconforming FAR | S.P. per §7.3.3 |

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

II. CRITERIA FOR CONSIDERATION PER §7.3.3. AND/OR §7.8.2.C.2:

When reviewing this request, the Council should consider whether:

- the proposed expanded dwelling with an increased FAR of 0.37 where 0.35 exists and 0.30 is the maximum allowed by right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.1.9)

- the proposed expanded dwelling with an increased FAR of 0.37 where 0.35 exists and 0.30 is the maximum allowed by right is not substantially more detrimental than the existing nonconforming dwelling to the neighborhood. (§7.8.2.C.2)

III. PROJECT PROPOSAL AND SITE CHARACTERISTICS:

A. Site - Existing Conditions

The subject property consists of a 16,000 square foot lot located on the east side of Drumlin Road, just north of its "T" intersection with Hartman Road. It is improved with a 2½ story, 5,676 square foot single-family dwelling constructed in 1955. A full second story addition to the dwelling was constructed in 2005.

The site is accessed by a driveway and curb cut on the left side of the property. The parcel features lawn and paved areas, vegetation and some retaining walls. There is an approximately 30 foot upward grade change from the lowest point at the right (southern) front corner to the highest point in the left (east) rear corner of the lot.

IV. PROJECT DESCRIPTION AND ANALYSIS:

A. Land Use

The use would remain as a single-family dwelling.

B. Site and Building Design

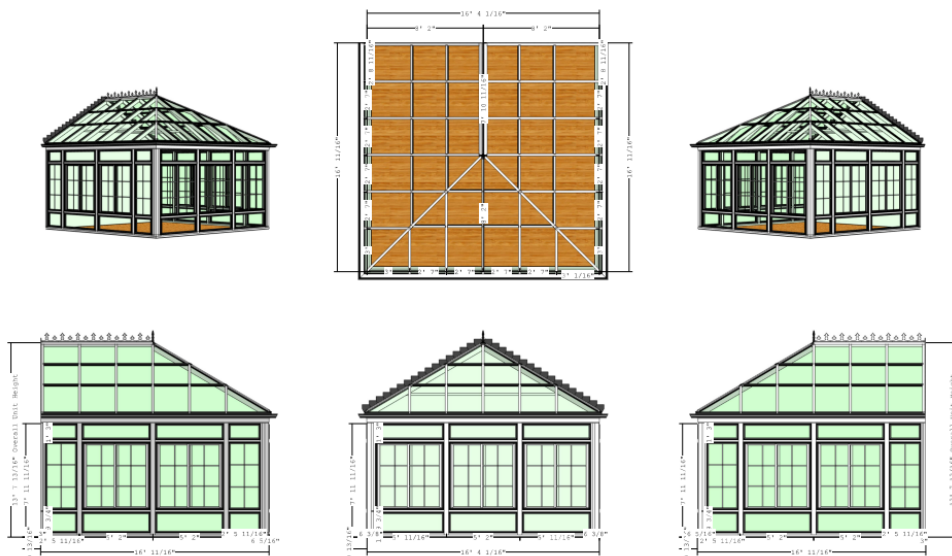
The petitioner proposes to construct a one-story, 256 square foot, glass walled "sunroom" addition on the rear of the dwelling. The proposed modification would increase the property's floor area countable toward the calculated floor area ratio (FAR) from 5,676 to 5,932 square feet. This would increase the already nonconforming FAR from 0.35 to 0.37 where 0.30 is the maximum allowed by right.

Regarding setbacks, there would be no changes to the property's front and two side setbacks. The dwelling's rear setback would be reduced by the proposed sunroom from approx. 72 feet to 55.3 feet, remaining well above the required 25 feet.

As designed, the parcel's lot coverage would be increased from 15.3% to 16.9%, remaining below the maximum 20% allowed by right. The property's open space would be decreased from 76% to 74.3%, remaining above the minimum 65% required.



Site plan- location of addition indicated



Perspectives and elevations of proposed rear addition

C. Parking and Circulation

No changes to the existing basement level garage or the associated driveway and curb cut are contemplated by this petition.

D. Landscaping

A landscape plan was not provided with this petition.

V. INTERDEPARTMENTAL REVIEW:

- **Engineering Review:** Review of this petition by the Engineering Division is not required at this time.
- **Newton Historical Commission:** The petitioner should ensure compliance with Newton Historical Commission requirements for the project's review.

VI. PETITIONER'S RESPONSIBILITIES:

The petition is considered complete at this time.

ATTACHMENTS:

Attachment A: Zoning Review Memorandum

Attachment B: DRAFT Council Order



Ruthanne Fuller
Mayor

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

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: April 19, 2023

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Na'ama and Amir Yacoby, Applicants
Peter Lavenson, New England Sunrooms & Conservatories
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to further extend nonconforming FAR

| Applicant: Na'ama & Amir Yacoby | |
|--|-------------------------------------|
| Site: 76 Drumlin Road | SBL: 82025 0030 |
| Zoning: SR1 | Lot Area: 16,000 square feet |
| Current use: Single-family dwelling | Proposed use: No change |

BACKGROUND:

The property at 76 Drumlin Road consists of a 16,000 square foot lot improved with a single-family dwelling constructed in 1955 with a full second story addition constructed in 2005. The petitioner proposes to construct a sunroom addition at the rear of the dwelling which will further extend the nonconforming FAR, requiring a special permit.

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

- Zoning Review Application, prepared by Peter Lavanson, New England Sunrooms & Conservatories, submitted 3/22/2023
- Plot Plan of Land, signed and stamped by David Philip Terenzoni, surveyor, dated 3/5/2023
- Floor Plans and Elevations, prepared by Four Seasons Sunrooms, dated 12/12/2022
- FAR calculations, submitted 3/22/2023, revised 4/18/2023

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to construct a one-story sunroom addition at the rear of the dwelling. The proposed construction increases the nonconforming FAR from .35 to .37, where .30 is the maximum allowed per sections 3.1.3 and 3.1.9, requiring a special permit per section 7.8.2.C.2.

| SR1 Zone | Required | Existing | Proposed |
|------------------|--------------------|--------------------|-----------------|
| Lot Size | 15,000 square feet | 16,000 square feet | No change |
| Frontage | 100 feet | 100 feet | No change |
| Setbacks | | | |
| • Front | 25 feet | 33.2 feet | No change |
| • Side | 12.5 feet | 13.2 feet | No change |
| • Side | 12.5 feet | 22.3 feet | No change |
| • Rear | 25 feet | 27.2 feet | 23.9 feet |
| Height | 36 feet | 33.1 feet | No change |
| Stories | 2.5 | 2.5 | No change |
| FAR | .30 | .35 | .37* |
| Max Lot Coverage | 20% | 19% | 21.8% |
| Min. Open Space | 65% | 72% | 69% |

BOLD indicates a nonconformity

*Relief required

1. See “Zoning Relief Summary” below:

| Zoning Relief Required | | |
|--------------------------------|---|------------------------|
| <i>Ordinance</i> | | <i>Action Required</i> |
| §3.1.3 §3.1.9 §7.8.2.C.2 | Request to further extend nonconforming FAR | S.P. per §7.3.3 |

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to further extend the nonconforming floor area ratio (FAR), as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The proposed expanded structure with an increased nonconforming FAR of 0.37 where 0.35 exists and 0.30 is the maximum allowed by-right is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood given the neighborhood features similar dwellings throughout. (§3.1.9)
2. The proposed expanded structure with an increased nonconforming FAR of 0.37 where 0.35 exists and 0.30 is the maximum allowed by-right would not be substantially more detrimental than the existing nonconforming structure is to the neighborhood given its size, construction, and limited visibility from nearby properties and/or public rights-of-way (§7.8.2.C.2)

PETITION NUMBER: #142-23

PETITIONER: Amir and Naama Yacoby

LOCATION: 76 Drumlin Road, Ward 8, Newton Centre, on land known as Section 82 Block 25 Lot 30, containing approximately 16,000 sq. ft. of land

OWNER: Amir and Naama Yacoby

ADDRESS OF OWNER: 76 Drumlin Road
Newton, MA 02459

TO BE USED FOR: Single-family dwelling

RELIEF GRANTED: Special permit as per §7.3.3 to further extend nonconforming FAR (§3.1.3, §3.1.9, §7.8.2.C.2)

ZONING: Single Residence 1 (SR1)

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 the following plans:
 - a. A site plan entitled "Plot Plan of Land, MA.," (*note*: No. 76 Drumlin Road depicted), dated March 5, 2023, prepared by David Philip Terenzoni, Professional Land Surveyor, signed and stamped by David Philip Terenzoni, Professional Land Surveyor on March 5, 2023,
 - b. Architectural drawings entitled "Four Seasons Sunrooms, 59 Fuller Rd (*sic*)" prepared by Peter Lavenson, dated October 29, 2022, consisting of the following sheets:
 - i. Elevations, roof (including dimensions) and a perspective (page 1)
 - ii. Roof and Elevation 1 (page 2)
 - iii. Elevation 2 and Elevation 3 (page 3)
2. 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. 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.
3. 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 and the petitioner has:
 - a. Filed with the building permit record statements by a registered architect (or professional engineer) and a professional land surveyor (or professional engineer) certifying compliance with Condition #1, including the as built FAR.
 - b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.