



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
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**#225-22**

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Barney S. Heath  
Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date: April 26, 2022  
Land Use Action Date: July 5, 2022  
City Council Action Date: July 18, 2022  
90-Day Expiration Date: July 25, 2022

DATE: April 22, 2022

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development  
Michael Gleba, Senior Planner

SUBJECT: **Petition #225-22** for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing attached garage and construct a new porch and attached two-car garage, further extending the nonconforming front setback at **54 Goddard Street**, Ward 8, Newton, on land known as Section 83 Block 34 Lot 07, containing approximately 10,000 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017

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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.



**54 Goddard Street**

## EXECUTIVE SUMMARY

The subject property at 54 Goddard Street consists of a 10,000 square foot lot in a Single Residence 3 (SR3) zoning district improved with a 2 ½ story, 26.2 foot high, 3,216 square foot single-family dwelling constructed in 1929, and a 199 square foot detached garage.

The petitioners propose to raze the detached garage located in the left rear (east) corner of the property and construct a new porch that would connect the dwelling with a new attached two-car, 440 square foot garage, and new driveway on right front (west) side of the parcel.

As the proposed addition would further extend the dwelling's nonconforming front setback of 20.3 feet where 25 feet is required per Section 3.1.3 of the Newton Zoning Ordinance (NZO), a special permit per Secs. 3.1.3 and 7.8.2.C.2 is required.

### I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The proposed extension of the property's existing nonconforming front setback would be substantially more detrimental than the existing nonconforming front setback is to the neighborhood (§7.8.2.C.2)

### II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

#### A. Neighborhood and Zoning

The subject property is located on the south side of Goddard Street between Winchester and Christina streets. The site is developed with a single family dwelling consistent with the predominately residential nature of the neighborhood, with exceptions being vacant City-owned land across Goddard Street to the north and the Charles River Country Club to the south (**Attachment A**). The site and surrounding area are zoned largely Single Residence 3 (SR3), with the vacant City-owned land to the north being zoned Public Use (PU) (**Attachment B**).

#### B. Site

The property consists of a 10,000 square foot lot in a Single Residence 3 (SR3) improved with a 2 ½ story, 26.2 foot high, 3,216 square foot single-family dwelling constructed in 1929, and a 199 square foot detached garage. Vehicular access is provided by a driveway along the left side of the parcel that extends to the detached garage in the rear left of the property. The remaining portions of the site feature lawn areas and mature trees and shrubs.

### III. PROJECT DESCRIPTION AND ANALYSIS

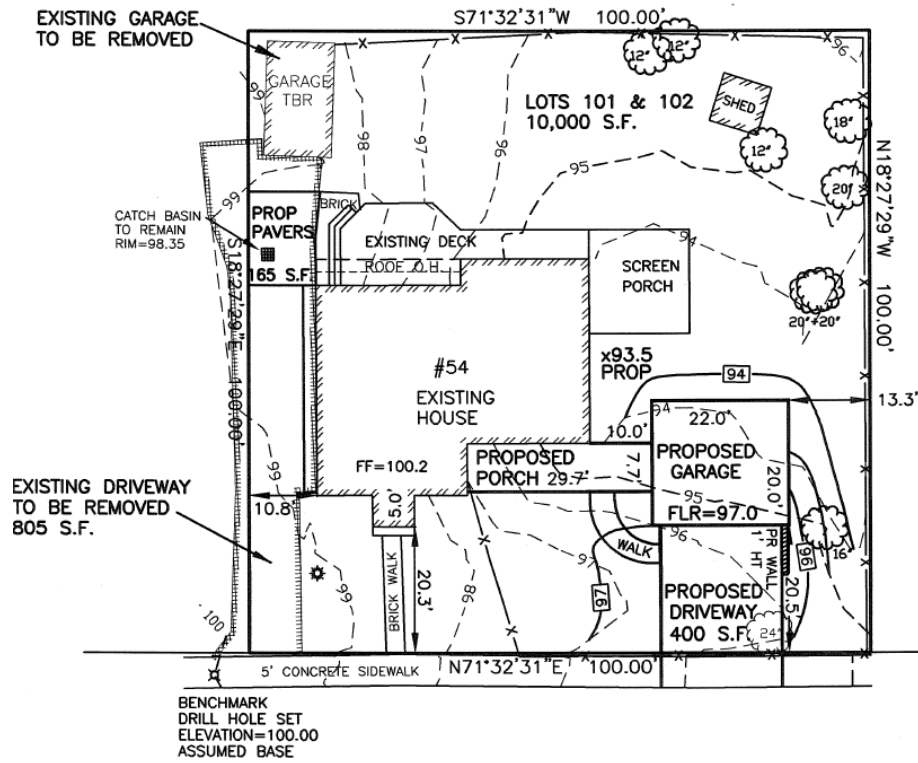
#### A. Land Use

The principal use of the site will remain a single-family residence.

**B. Building and Site Design**

The subject property consists of a 10,000 square foot lot improved with a 2 ½ story, 26.2 foot high, 3,216 square foot single-family dwelling, and a 199 square foot, one-car detached garage in the left rear (east) corner of the property.

The petitioners propose to raze the existing garage and construct a new attached two-car, 440 square foot garage on the right side of the property. It would be connected to the dwelling by a new, approximately 230 square foot front porch.



**GODDARD STREET**  
 (40' WIDE PUBLIC)

**Proposed site plan**

The dwelling's height (26 feet) and number of stories (2 1/2 ) would remain unchanged. The area countable toward the floor area ratio (FAR) would increase by 241 square feet, from 3,415 to 3,656 square feet. As such, the proposed work would increase the property's conforming floor area ratio (FAR) of 0.34 to 0.37 where 0.41 is the maximum allowed by right.

Regarding setbacks, as the proposed attached garage's front (measuring 22 feet in width) would be set back 20.5 feet from the front property line, it would further extend the dwelling's nonconforming front setback of 20.3 feet (established by the dwelling's existing front entry) where 25 feet is required. The left side and rear setbacks would remain

unchanged, while the right side setback would be reduced from 45.3 to 13.3 feet, remaining more than the required 7.5 feet.

The property's Lot Coverage would increase from 20.3% to 25%, remaining well below the maximum 30% allowed. Its Open Space would be decreased slightly, from 69% to 68%, remaining well above the minimum 50% required.

Impervious area on the property would be increased, in the aggregate, by 298 square feet.

C. Parking and Circulation

As discussed above, the petitioners are proposing to replace the existing detached garage in the rear left corner of the property with a new attached two-car garage in the front right of the site. Located 20.5 feet from the front property line, the proposed garage would extend the property's nonconforming front setback of 20.3 feet.

The existing 805 square foot paved driveway along the left side of the property would be removed, and the proposed garage would be accessed via a new 400 square foot (approx. 20 feet by 20 feet) paved driveway.

The Planning Department notes that were the proposed location of the new garage be shifted to the rear by four and a half feet the project would likely be conforming and not require the requested relief.

D. Landscape, Lighting and Signage

A landscaping plan was not submitted with this petition. The Planning Department suggests that the petitioner ensure that adequate screening is maintained along the right side of the property in the vicinity of the proposed attached garage.

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 the following relief:

- Special Permit per §7.3.3 to
  - to further extend a nonconforming front setback (§3.1.3, §7.8.2.C.2)

B. Engineering Review

Review of this proposal by the Engineering Division is not required at this time.

C. Historic Review

On April 4, 2022, Newton Historical Commission staff determined that the detached garage to be removed is not historically significant and required no further review.

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:** DRAFT Order

# ATTACHMENT A

## Land Use

54 Goddard St.

*City of Newton,  
Massachusetts*

## Land Use

### Land Use

-  Single Family Residential
-  Golf Course
-  Open Space
-  Vacant Land

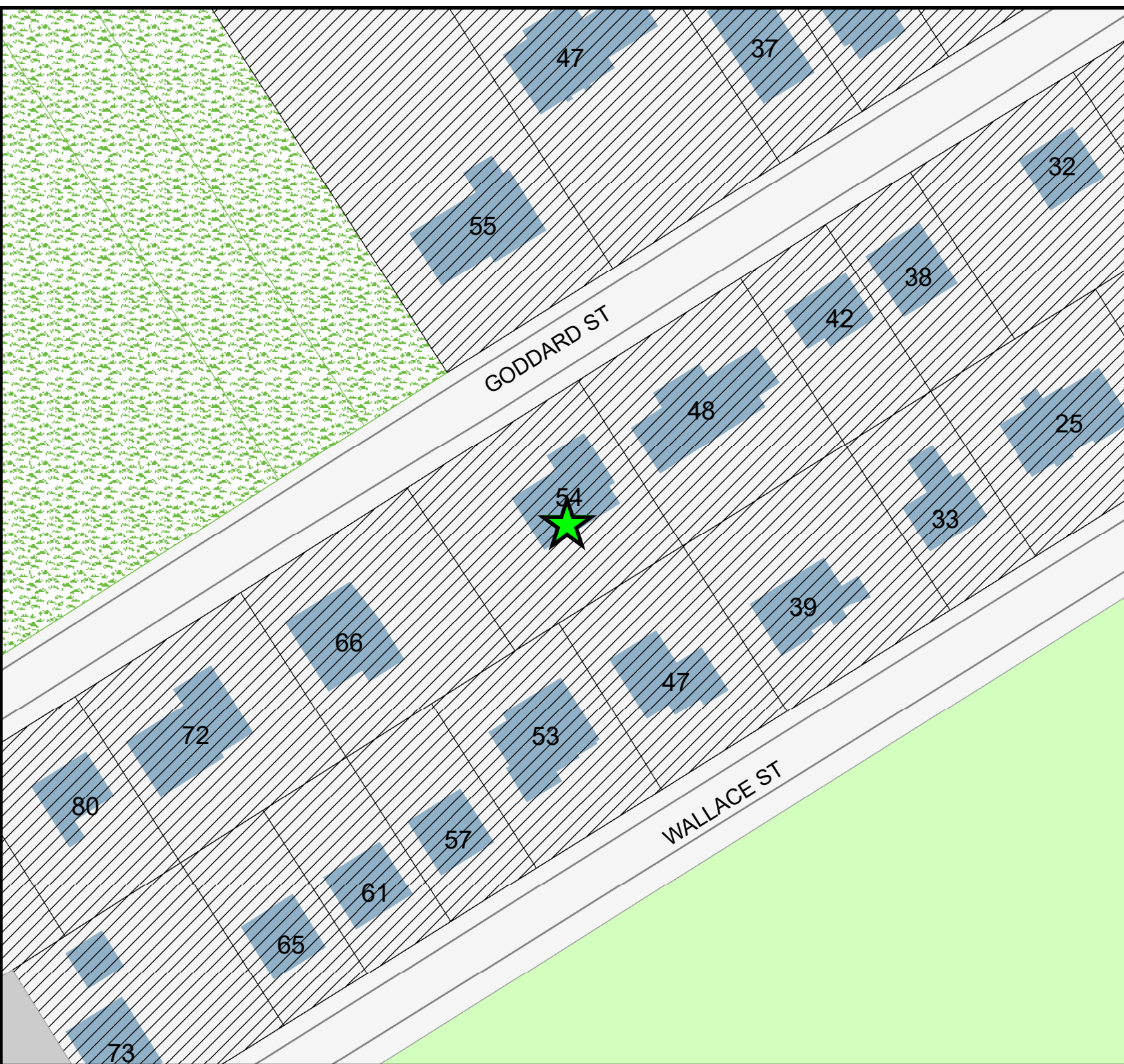


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: April 14, 2022







# ATTACHMENT B

## Zoning

**54 Goddard St.**

*City of Newton,  
Massachusetts*

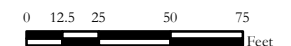
### Legend

-  Single Residence 3
-  Public Use

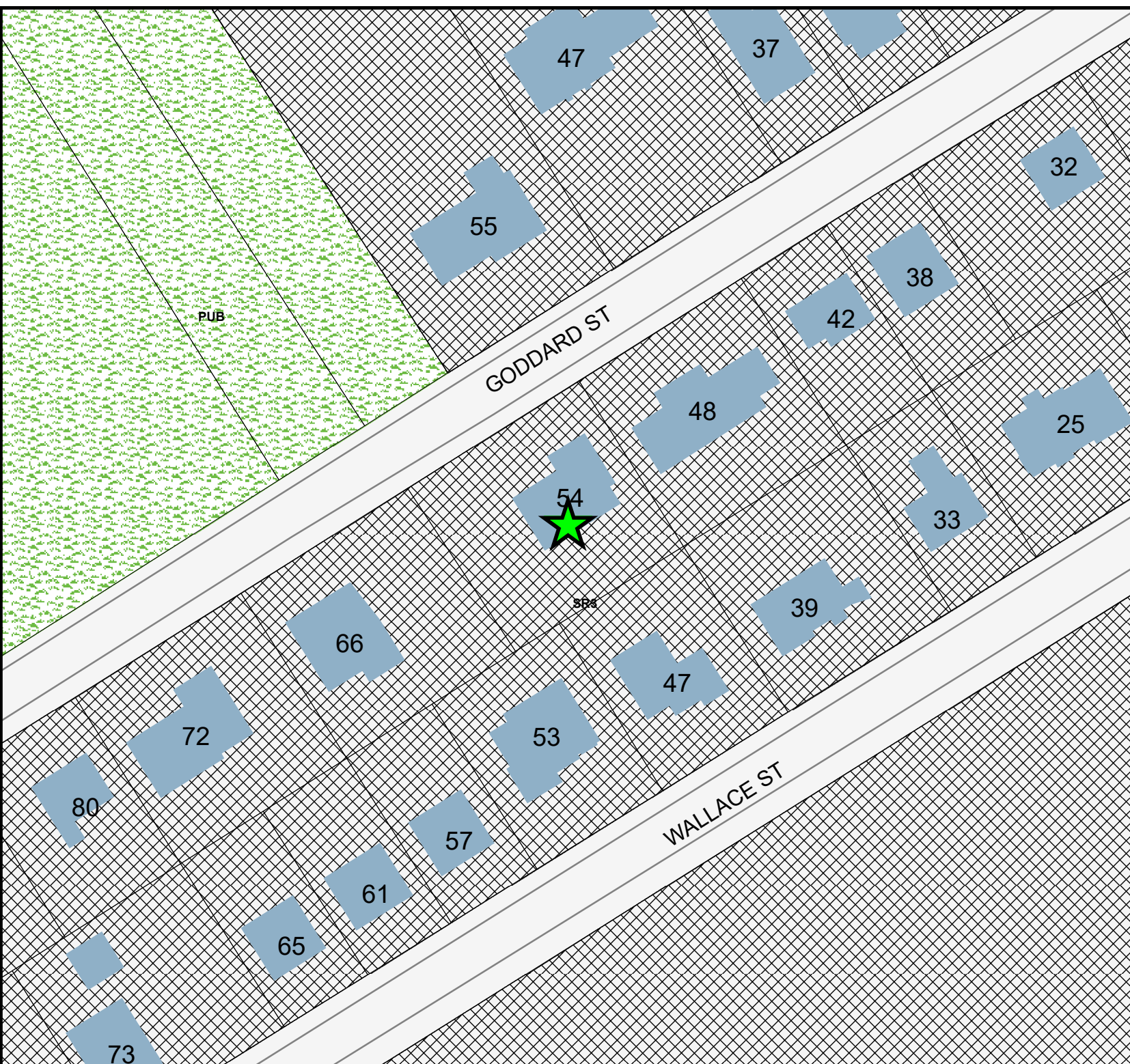


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## ZONING REVIEW MEMORANDUM

Date: March 8, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Neil Cronin, Chief Planner for Current Planning

Cc: Jay Walter, Architect  
Dan Miller and Linda Green, Applicants  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

RE: Request to further extend a nonconforming front setback

Applicant: Dan Miller and Linda Green	
Site: 54 Goddard Street	SBL: 83034 0007
Zoning: SR3	Lot Area: 10,000 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 54 Goddard Street consists of a 10,000 square foot lot improved with a single-family dwelling constructed in 1929. The petitioners propose to raze an existing detached garage construct an attached garage addition and new driveway on the western side which further extends the nonconforming front setback, requiring a special permit.

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

- Zoning Review Application, prepared Jay Walter, architect, submitted 1/31/2022
- Existing Conditions Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 12/31/2021
- Proposed Conditions Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 1/27/2022
- Floor Plans and Elevations, prepared by Jay Walter, architect, dated 1/24/2022
- FAR calculations, submitted 1/31/2022



**ADMINISTRATIVE DETERMINATIONS:**

1. The dwelling has a nonconforming front setback of 20.3 feet where 25 feet is required per section 3.1.3. The petitioners propose to construct a new porch and attached two-car garage. The proposed addition further extends the nonconforming front setback. A special permit per sections 3.1.3 and 7.8.2.C.2 is required.

<b>SR3 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	7,000 square feet	10,000 square feet	No change
Frontage	70 feet	100 feet	No change
Setbacks			
• Front (Fessenden St)	25 feet	<b>20.3 feet</b>	<b>No change*</b>
• Side	7.5 feet	10.8 feet	No change
• Side	7.5 feet	45.3 feet	13.3 feet
• Rear	15 feet	± 25 feet	No change
Height	36 feet	26.2 feet	26.1 feet
Stories	2.5	2.5	No change
FAR	.41	.34	.37
Max Lot Coverage	30%	20.3%	25%
Min. Open Space	50%	69%	68%

\*Requires relief

1. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §7.8.2.C.2	Request to further extend a nonconforming front setback	S.P. per §7.3.3

### **Next Steps**

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

### **The following must be included when filing a Special Permit Application:**

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
  - Site Plans showing existing and proposed conditions (including topography as applicable)
  - Architectural plans showing existing and proposed conditions (including façade materials)
  - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

### **Incomplete applications will delay the intake and review of your project.**

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners?      Y/N

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the 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 a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a nonconforming front setback (§3.1.3, §7.8.2.C.2), as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The proposed extension of the existing front setback nonconformity would not be substantially more detrimental than the existing nonconforming use to the neighborhood as the proposed garage addition's front setback would not be less than that of the existing structure (§3.1.3, §7.8.2.C.2)

PETITION NUMBER: #225-22

PETITIONER: Dan Miller and Linda Green

LOCATION: 54 Goddard Street, Section 83, Block 34 Lot 7, containing approximately 2,596 square feet of land

OWNER: Dan Miller and Linda Green

ADDRESS OF OWNER: 54 Goddard Street  
Newton, MA

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to:

- extend a nonconforming front setback (§3.1.3, §7.8.2.C.2)

ZONING: Single Residence 3 (SR3)

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 "Plan of Land in Newton, MA, Proposed Site Plan, 54 Goddard Street, Proposed Additions," dated December 15, 2021, as revised through January 27, 2022, prepared by Everett M. Brooks Co., stamped and signed by Bruce Bradford, Professional Land Surveyor on January 27, 2022
  - b. a set of architectural drawings entitled "Miller Green Addition, 54 Goddard Road, Newton, MA 02445," prepared by Entasis Architects, dated January 24, 2022, stamped and signed and stamped by Jay Walter, Registered Architect, consisting of the following sheets:
    - i. First Floor Plan (A1)
    - ii. Front/Street Elevation, Building Section (A2)
    - iii. Side & Rear Elevation (A3)
  - c. A document entitled "Floor Area Worksheet- 54 Goddard Street," indicating a proposed total gross floor area of 3,656 square feet, signed and stamped by Jay Walter, Registered Architect
2. 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 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. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No Final Inspection and/or Occupancy Permit for the buildings 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 certifying compliance with Condition #1.
  - b. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement from the Engineering Division



of the Department of Public Works certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.

- c. 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 licensed land surveyor.