



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
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**#257-22**

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Barney S. Heath  
Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date: May 3, 2022  
Land Use Action Date: July 23, 2022  
City Council Action Date: August 1, 2022  
90-Day Expiration Date: August 1, 2022

DATE: April 29, 2022

TO: City Council

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

SUBJECT: **Petition #257-22** SPECIAL PERMIT/SITE PLAN APPROVAL to allow reconfiguration of an existing two-family dwelling to one unit and construction of a rear addition second unit, exceeding maximum allowable FAR at **99-101 Crafts Street**, Newton, Ward 1, on land known as Section 14 Block 17 Lot 24, containing approximately 8737 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 7.4, 3.2.2, 3.2.11 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.



**99-101 Crafts Street**

## EXECUTIVE SUMMARY

The subject property at 99-101 Crafts Street consists of an 8,737 square foot corner lot in a Multi Residence 2 (MR2) zoning district improved with a two-family dwelling constructed circa 1880.

A building permit was issued in 2021 to allow for conversion of the existing dwelling into a single unit and the construction of a rear addition that would contain a second unit.

Per that building permit, an approximately 243 square feet portion of the original house is to be demolished so as to result in a floor area ratio (FAR) of 0.53, the maximum allowed per Sections 3.2.3 and 3.2.11 of the Newton Zoning Ordinance (NZO).

The petitioner now seeks to maintain the original structure in its entirety and retain the 243 square feet of living space in the original structure that was intended to be demolished. Retaining that square footage would increase the property's FAR from 0.53 to 0.58, 0.05 above the maximum allowed, requiring a special permit.

### I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- the proposed structure with a floor area ratio of 0.58 where 0.53 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 (§3.2.11)

### II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

#### A. Neighborhood and Zoning

The subject property is located on the southeast corner of Crafts Street and Ashmont Avenue. The site is developed with a two-family dwelling as are most other properties in the immediate area. Exceptions include a City-owned property directly across Crafts Street and several vacant parcels (**Attachment A**). The site and surrounding area to the south of Ashmont Street are zoned MR2, while areas to the north are zoned Multi Residence 1 (MR1); the above-referenced City-owned property is zoned Public Use (PUB), and there is a Manufacturing district (MAN) approximately 200 feet to the south (**Attachment B**).

#### B. Site

The subject property is a level 8,737 square foot corner lot improved with a two-family dwelling. Vehicular access is provided by a paved driveway off Ashmont Avenue along the northeast property line. The remaining portions of the site are lawn with some mature trees and other vegetation.

### III. PROJECT DESCRIPTION AND ANALYSIS

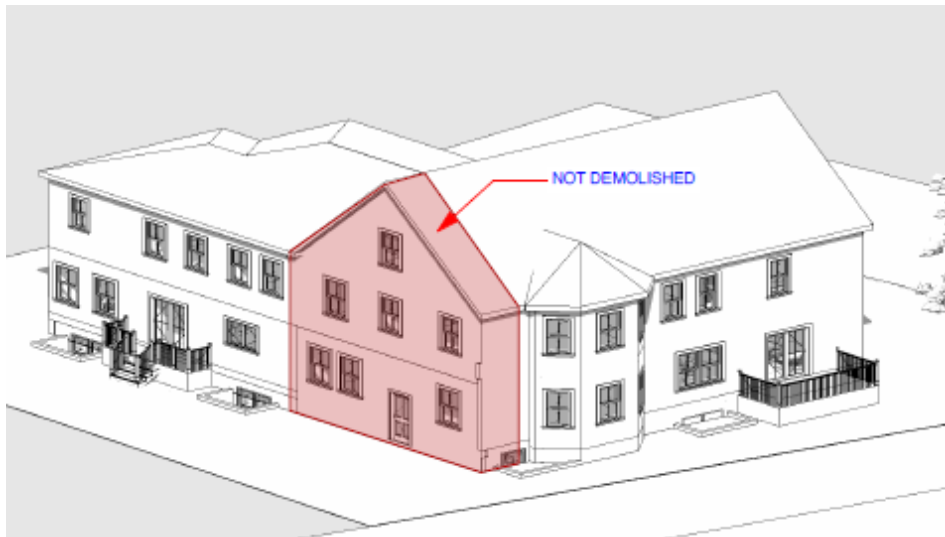
#### A. Land Use

The principal use of the site will remain a two-family dwelling.

#### B. Building and Site Design

Per the building permit issued in 2021, the existing dwelling two-family dwelling is being converted into a single unit and a rear addition is being constructed that would contain a second unit. Under the present building permit an approximately 243 square feet of the original house, located near corner of Crafts and Ashmont is to be demolished so as to result in a FAR of 0.53, the maximum allowed by right

The petitioner now seeks to maintain the original structure in its entirety and retain the 243 square feet of living space in the original structure that is to be demolished under the issued building permit. The retention of that area would increase the property's FAR from 0.53 to 0.58, 0.05 above the maximum allowed, requiring a special permit.



***Portion of dwelling proposed to be retained***

The ridgeline of the portion to be retained would be the same as the existing structure. Of the 243 square feet off area that would be retained, 127 would be located on the first floor, and 116 on the second. The property's footprint would be increased by 127 square feet over that indicated by the current building permit. The resulting lot coverage would be 29.8%, slightly below the maximum of 30%; the open space measurement would be 51.9 feet, slightly above the required 50% minimum.

#### C. Parking and Circulation

Four stalls are proposed for the site, three exterior stalls and one within a new one-car garage located in the proposed addition.

As discussed above, vehicular access is currently provided by a paved driveway off Ashmont

Avenue along the northeast property line. The petitioners are proposing to maintain the existing curb cut in that location but to shorten the existing driveway so it extends only to two exterior parking stalls to located between the existing dwelling and the property line to the left on Ashmont Avenue. Existing paving on that side that currently extends to the rear corner of the property would be eliminated.

A new second driveway is to be created on Crafts Street to serve a new one-car garage in the addition and a new exterior parking stall parallel to Crafts. So-called “hammerhead” paved areas appurtenant to that new driveway should allow drivers to leave the property facing the street rather than backing out onto Crafts Street.

The Planning Department notes that as shown on the submitted site plan the proposed Crafts Street driveway does not seem to be aligned with the curb cut shown along that frontage. The petitioner should ensure that plans accurately depict the proposed condition.

D. Landscaping

A landscape plan was not submitted with this petition.

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:

- exceed floor area ratio (FAR)(§3.2.3, §3.2.11)

B. Engineering Review

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

C. Historic Review

On July 1, 2020, the Newton Historical Commission found the property not preferably preserved.

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

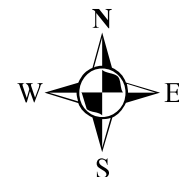
### 99-101 Crafts St.

*City of Newton,  
Massachusetts*

#### Land Use

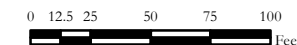
#### Land Use

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

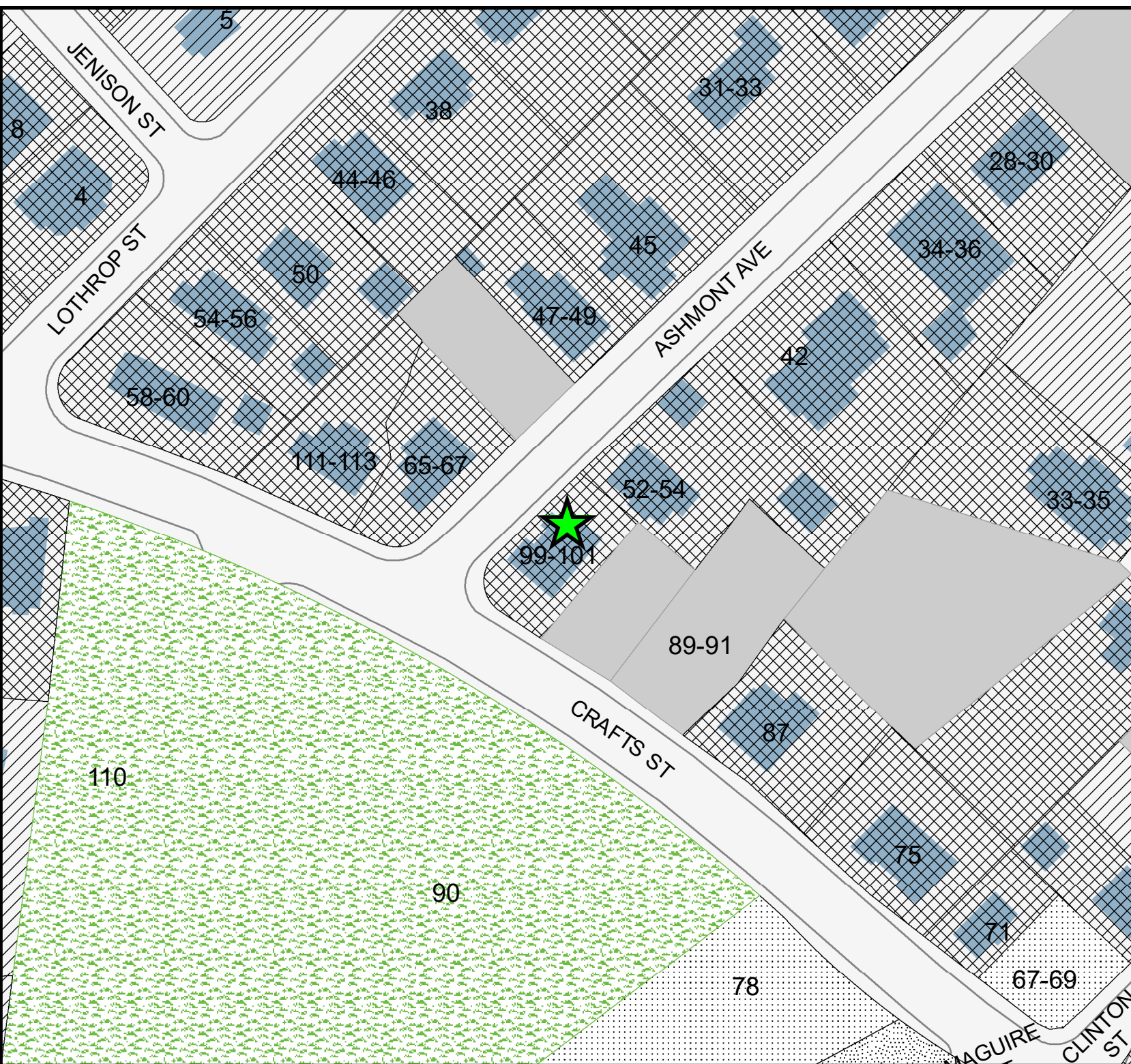


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: April 25, 2022



# ATTACHMENT B

## Zoning

99-101 Crafts St.

*City of Newton,  
Massachusetts*

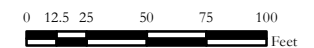
### Legend

-  Multi-Residence 1
-  Multi-Residence 2
-  Business 1
-  Manufacturing
-  Public Use

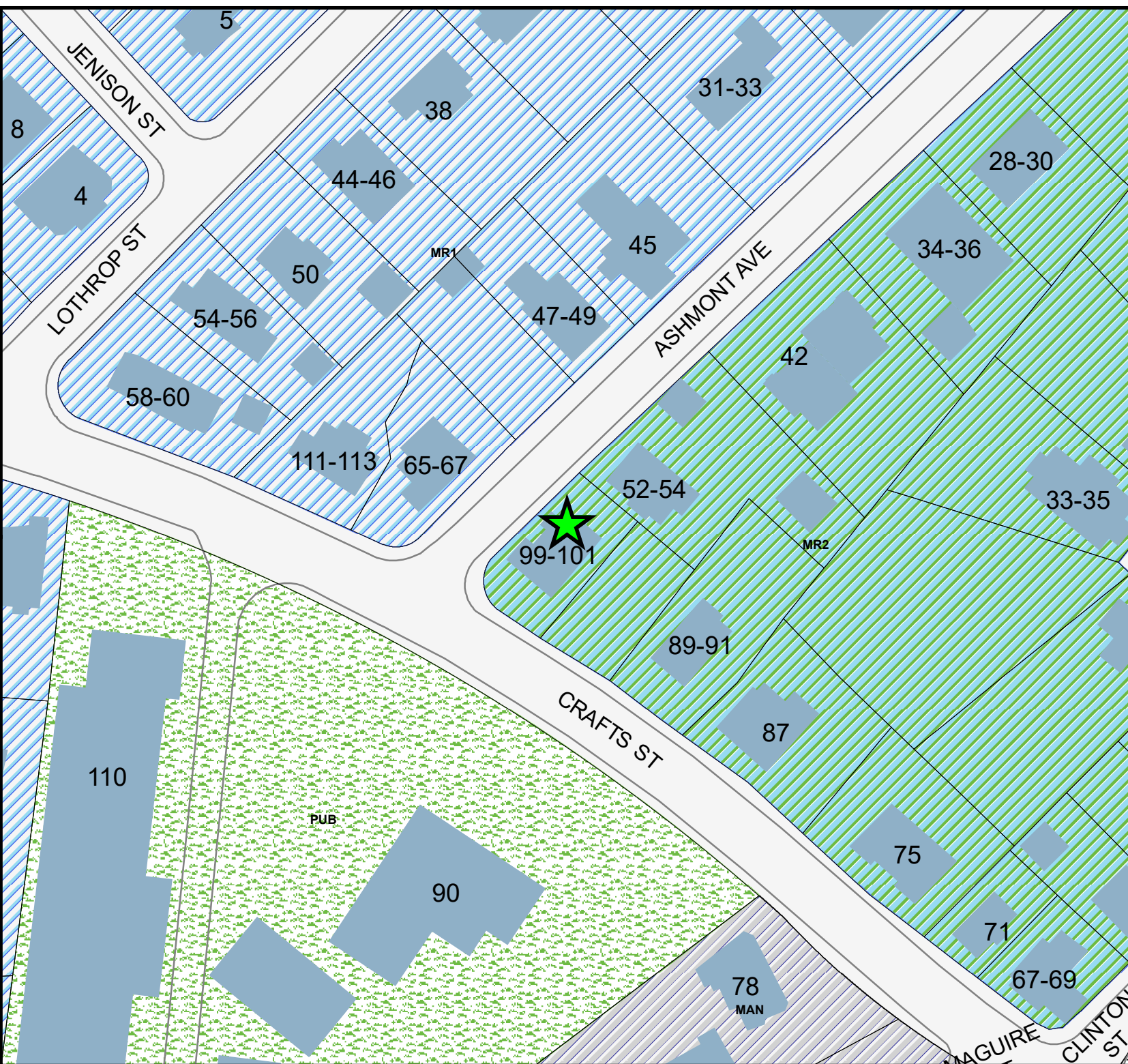


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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: April 4, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Terrence P. Morris, Attorney  
99-101 Crafts St LLC  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

RE: **Request to exceed FAR**

| Applicant: 99-101 Crafts St LLC  |                             |
|----------------------------------|-----------------------------|
| Site: 99-101 Crafts Street       | SBL: 14017 0024             |
| Zoning: MR2                      | Lot Area: 8,737 square feet |
| Current use: Two-family dwelling | Proposed use: No change     |

### BACKGROUND:

The property at 99-101 Crafts Street consists of an 8,737 square foot lot improved with a two-family dwelling constructed circa 1880. A building permit was issued in 2021 to allow for conversion of the existing dwelling into a single unit and construction of a rear addition of a second unit. A portion of the original house was to be demolished as part of this building permit. The petitioner seeks to maintain the original structure in its entirety, exceeding the maximum FAR, requiring a special permit.

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

- Zoning Review Application, prepared Terence P. Morris, attorney, submitted 2/22/2022
- Proposed Plot Plan, prepared by Peter Nolan & Associates, surveyor, dated 11/19/2021
- FAR calculations, submitted 2/22/2022



**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioners propose to maintain 243 square feet of living space in the original structure that was intended to be demolished. Maintaining the square footage increases the permitted FAR from .53 to .58, where .53 is the maximum allowed per sections 3.2.3 and 3.2.11, requiring a special permit.

1. See “Zoning Relief Summary” below:

| <b>Zoning Relief Required</b> |                       |                        |
|-------------------------------|-----------------------|------------------------|
| <i>Ordinance</i>              |                       | <i>Action Required</i> |
| §3.2.3<br>§3.2.11             | Request to exceed FAR | 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 increase the floor area ratio (FAR) from 0.53, the maximum allowed by right, to 0.58 (§3.2.3, §3.2.11) as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. the proposed structure is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood (§3.2.11)

PETITION NUMBER: #257-22

PETITIONER: 99-101 Crafts Street LLC

LOCATION: 99-101 Crafts Street, Section 14, Block 17, Lot 24, containing approximately 8,737 square feet of land

OWNER: 99-101 Crafts Street LLC

ADDRESS OF OWNER: 28 Brooks Street  
Brighton, MA 02135

TO BE USED FOR: Two-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to:

- exceed floor area ratio (FAR)(§3.2.3, §3.2.11)

ZONING: Multi-Residence 2 (MR2)

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 "99-101 Crafts Street, Newton, Massachusetts, Proposed Plot Plan (Sheet 1)," dated November 19, 2021, prepared by Peter Nolan & Associates
  - b. A document entitled "Floor Area Worksheet- 99-101 Crafts St." indicating a total gross floor area of 4,867 square feet and a proposed FAR of 0.58
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 and the Engineering Division of Public Works
  - 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.