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#360-22

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	August 9, 2022
Land Use Action Date:	October 25, 2022
City Council Action Date:	November 7, 2022
90-Day Expiration Date:	November 7, 2022

DATE: August 5, 2022

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 #360-22** for SPECIAL PERMIT/SITE PLAN APPROVAL to construct first and second story additions at the front and rear of the dwelling, further extending the nonconforming two-family residential dwelling use at **336 Cabot Street**, Ward 2, Newton, on land known as Section 22 Block 19 Lot 09, containing approximately 9817 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.1, 7.8.2.C.2 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 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.



336 Cabot Street

EXECUTIVE SUMMARY

The property at 336 Cabot Street consists of a 9,817 square foot lot in a Single Residence 2 (SR2) zoning district improved with a legal nonconforming 3,485 square foot, two story , two-family dwelling constructed circa 1850.

The petitioner proposes to construct a first story addition that would include enclosing a portion of the existing front porch as well as a second story addition at the rear of the dwelling. The additions would be constructed largely within the dwelling's existing footprint. The proposed additions require a special permit per Sections 3.4.1 and 7.8.2.C.2 of the Newton Zoning Ordinance (NZO) to extend a nonconforming two-family dwelling in an SR2 district.

Given the modest scale of the proposed additions and their limit visual impact on nearby properties and public ways, the Planning Department is generally not concerned with the proposal.

I.

II. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- As designed, the extended nonconforming two-family dwelling would be substantially more detrimental than the existing nonconforming dwelling to the neighborhood (§7.8.2.C.2)

III. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on the south side of Cabot Street between Gay and Pulsifer streets. The surrounding area features single-, two- and multifamily dwellings as well as several vacant and open space parcels, the latter of which is related to a brook/wetland (**Attachment A**). The site and surrounding parcels to the west and south are zoned SR2, while areas to the east and north are zoned Multi Residence 1 (MR1) (**Attachment B**).

B. Site

The subject property consists of a level 9,817 square foot lot improved with a legal nonconforming two-family dwelling. Vehicular access to the site is provided by a partially paved driveway in the right (west) side of the property. The balance of the property features mature lawn area and other vegetation.

III. PROJECT DESCRIPTION AND ANALYSIS

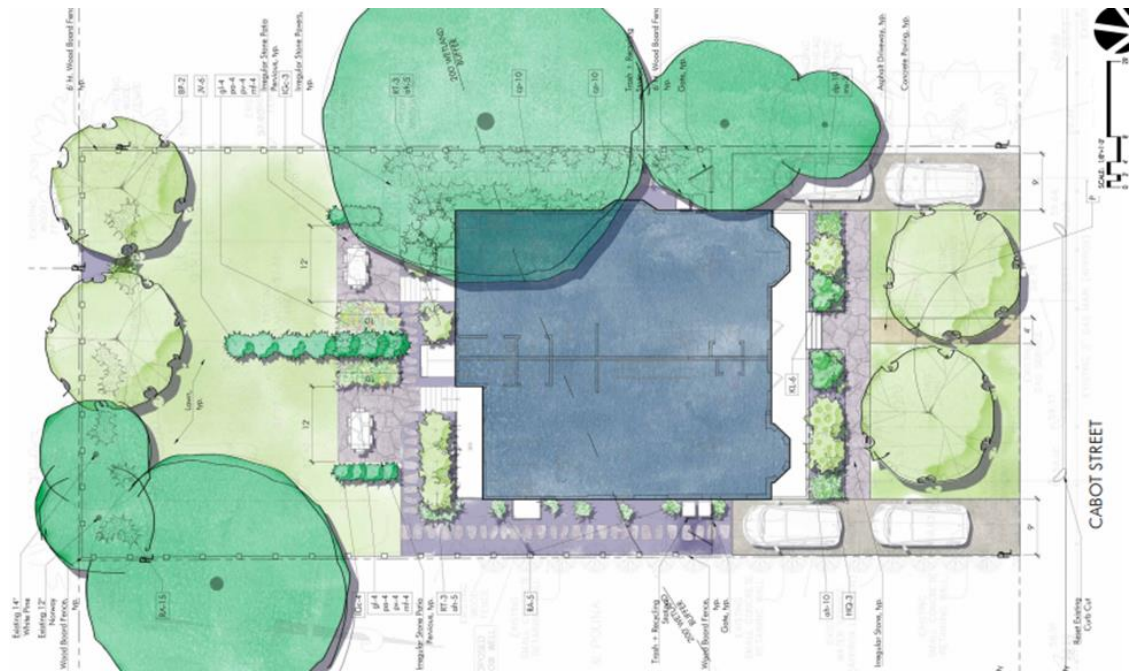
A. Land Use

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

B. Building and Site Design

The petitioner proposes to construct a first-floor level addition to the front left of the house, including partially enclosing a portion of the existing front porch, and a second story addition at the rear of the dwelling. As the second-floor rear addition would extend the existing structure's ridge line, the dwelling's height of 33 feet and two stories would remain unchanged. The existing front porch would be extended leftward to match the extent of the front addition. A new bay window similar to an existing one on the right side of the front façade would be included on the left front addition. In the aggregate the construction would increase the property's square footage by 266 square feet, increasing its floor area ratio (FAR) from 0.35 to 0.38, where 0.38 is the maximum allowed by right.

Both additions would be constructed largely within the dwelling's existing footprint and there would be no changes to the dwelling's setbacks (that said, the conforming 9.2-foot left side setback would be extended approx. 16 feet toward the street). The proposed changes (which also include the creation of decks, stairs, etc.) would slightly increase the lot coverage from 26% to 28.2%. Regarding the open space on the parcel, the Planning Department requests that the petitioner confirm the open space calculation in advance of or at the upcoming public hearing.



Proposed site/landscaping plan

C. Parking and Circulation

The petitioners are providing the four required parking stalls in two sets of tandem stalls, one set on each the left and right sides of the property, which reflect the existing conditions of the

site. Each set would be nine feet wide, located between the dwelling and its respective side property line, and accessed via its own curb cut.

D. Landscaping

The petitioner submitted a landscaping plan for the property. It includes the retention of two mature trees in the rear left of the property. Four new trees would be installed: two in the front of the property flanking the center walkway to the dwelling's entrance and two in the rear right of the lot. A six-foot board fence would be located along the rear property line as well as along the sides from the rear to approximately the front of the structure. Also, numerous shrubs and other vegetation would be planted throughout the property.

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 extend a nonconforming two-family dwelling use (§3.4.1, §7.8.2.C.2)

B. Engineering Review

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

C. Historic Review

On December 23, 2021, the Newton Historic Commission found the structure historically significant and approved the project based on submitted plans for structure, requiring only review of final construction plans.

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 Council Order

ATTACHMENT A





Land Use

336 Cabot St.

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  Vacant Land

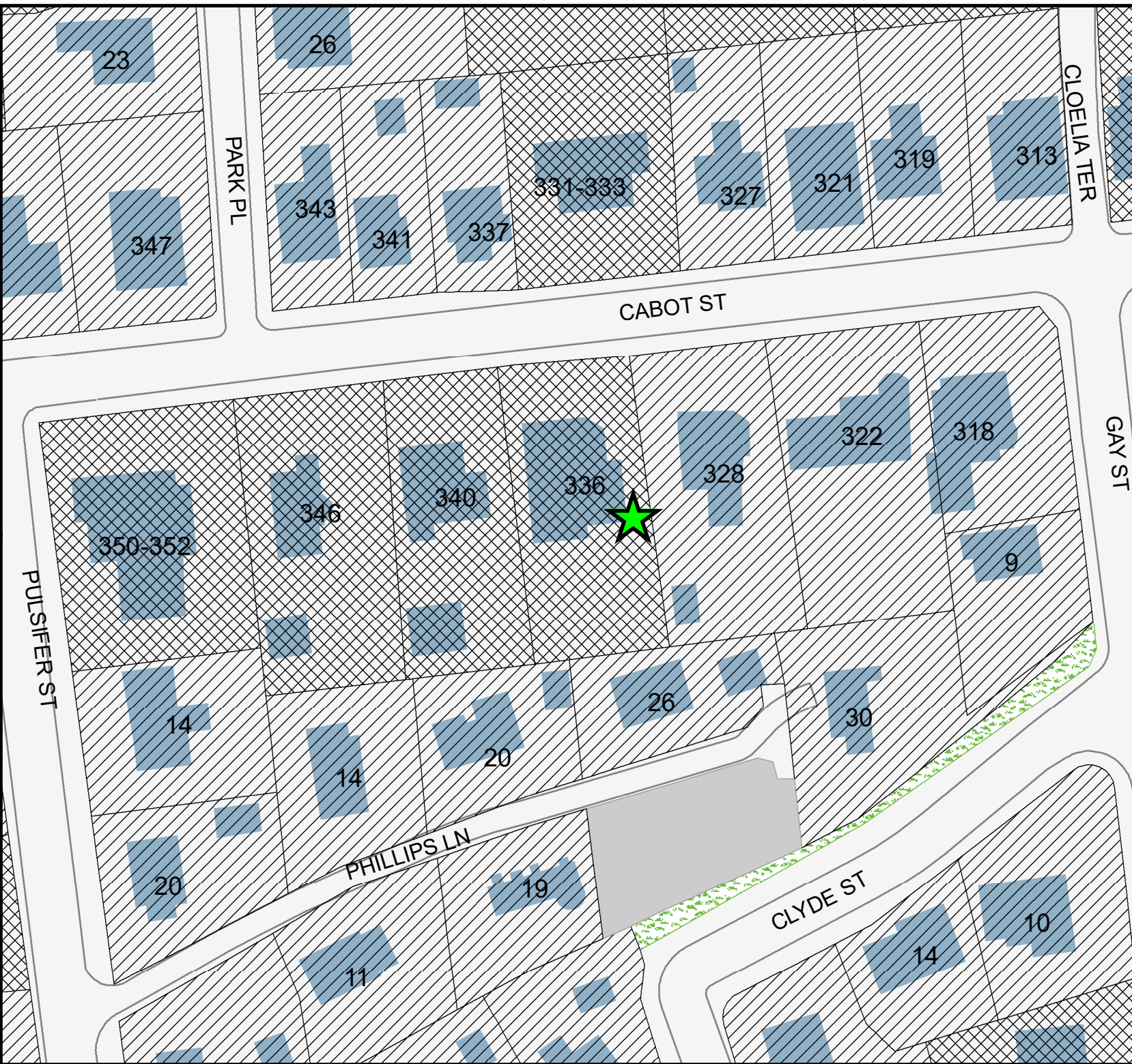


The information on this map is Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based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

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



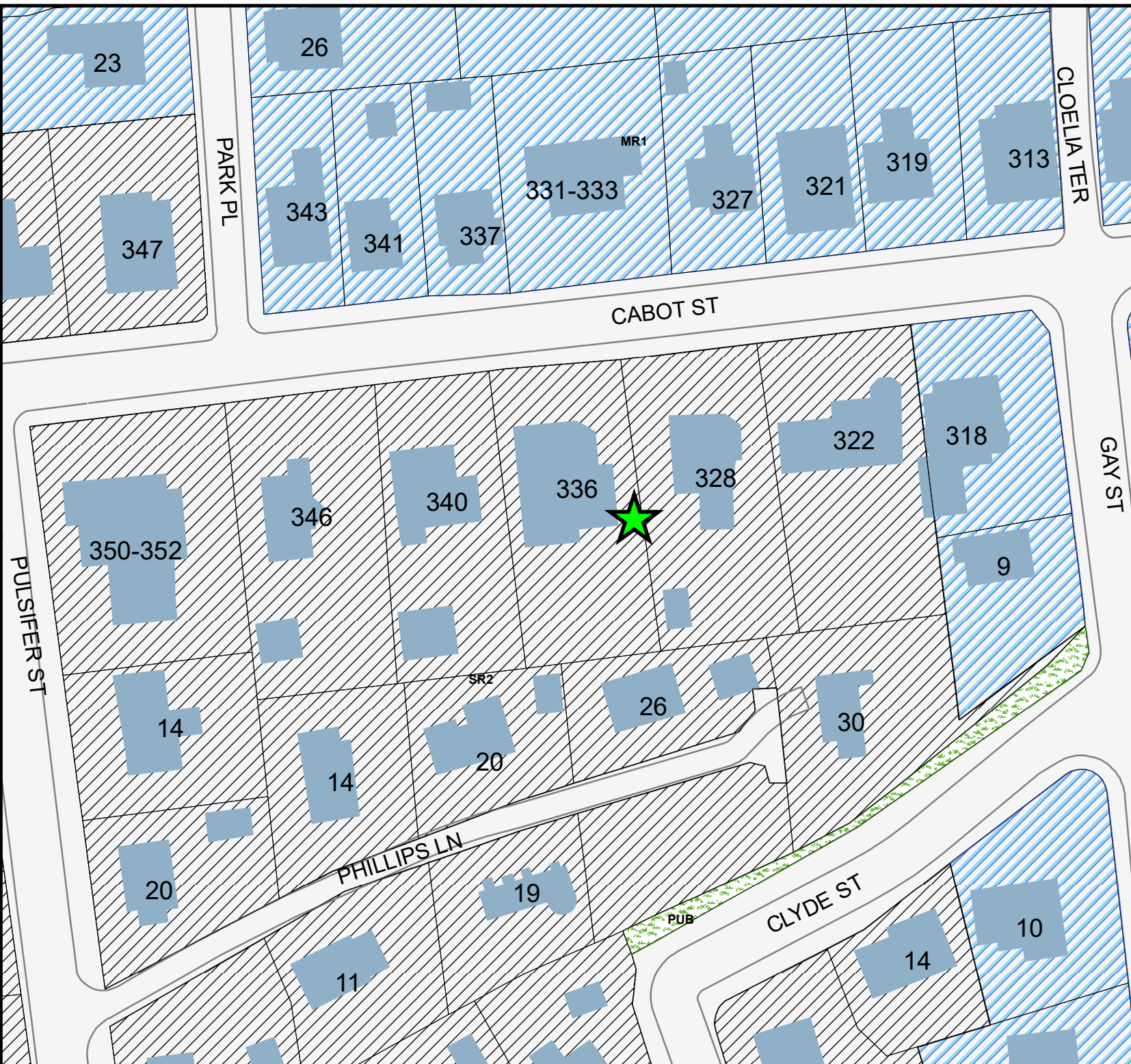
Map Date: July 25, 2022






Zoning

336 Cabot St.

*City of Newton,
Massachusetts*



-  Single Residence 2
-  Multi-Residence 1
-  Public Use



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Director

ZONING REVIEW MEMORANDUM

Date: June 2, 2022

To: John Lojek, Commissioner of Inspectional Services

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

Cc: 336 Cabot Street LLC, Applicant
Maria Correa, Project Manager
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: **Request to extend a nonconforming two-family dwelling use**

Applicant: 336 Cabot Street LLC	
Site: 336 Cabot Street	SBL: 22019 0009
Zoning: SR2	Lot Area: 9,817 square feet
Current use: Two-family dwelling	Proposed use: No change

BACKGROUND:

The property at 336 Cabot Street consists of 9,817 square feet in the Single Residence 2 zoning district improved with a nonconforming two-family dwelling constructed circa 1850. The petitioner proposes first and second story additions at the front and rear, further extending the nonconforming two-family dwelling use, requiring a special permit.

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

- Zoning Review Application, prepared by Maria Correa, project manager, submitted 4/27/2022
- Floor plans and elevations, signed and stamped by Eric Zachrison, architect, dated 10/28/2021, revised 3/30/2022
- Proposed Plot Plan, signed and stamped by Peter Nolan, surveyor, dated 4/5/2022
- Landscape Plan, signed and stamped by Katya Podsiadlo, landscape architect, dated 4/28/2022
- FAR worksheet, submitted 5/1/2022

ADMINISTRATIVE DETERMINATIONS:

1. The property is located in the Single Residence 2 zoning district and is improved with a legal nonconforming two-family dwelling. The petitioner proposes to construct a first story addition filling in a portion of the front porch and second story addition at the rear, both within the existing footprint. The proposed additions require a special permit per sections 3.4.1 and 7.8.2.C.2 to extend a nonconforming two-family dwelling in an SR2 district.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	9,817 square feet	No change
Frontage	80 feet	65 feet	No change
Setbacks			
• Front	25 feet	33.4 feet	No change
• Side	7.5 feet	9.2 feet	No change
• Side	7.5 feet	8.4 feet	No change
• Rear	15 feet	55.7 feet	No change
Max Number of Stories	2.5	2	No change
Height	36 feet	33 feet	No change
FAR	.38	.35	.38
Max Lot Coverage	30%	26%	28.2%
Min. Open Space	50%	44.5%	58.2%

BOLD indicates nonconformity

See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.4.1 §7.8.2.C.2	Request to extend a nonconforming two-family dwelling use	S.P. per §7.3.3

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 further a nonconforming two-family dwelling use (§3.4.1, §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. As designed, the extended nonconforming two-family dwelling would not be substantially more detrimental than the existing nonconforming dwelling to the neighborhood (§7.8.2.C.2)*

PETITION NUMBER: #360-22

PETITIONER: 336 Cabot Street LLC

LOCATION: 336 Cabot Street, Section 22, Block 19 Lot 9, containing approximately 9,817 square feet of land

OWNER: 336 Cabot Street LLC

ADDRESS OF OWNER: 470 West Broadway
Boston, MA 02127

TO BE USED FOR: Two-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to:

- extend a nonconforming two-family dwelling use (§3.4.1, §7.8.2.C.2)

ZONING: Single Residence 2 (SR2)

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 "336 Cabot Street, Newton, Massachusetts, Proposed Plot Plan," dated February 2, 2022, as revised through April 5, 2022, prepared by Peter Nolan & Associates LLC, stamped and signed by Peter J. Nolan, Professional Land Surveyor
 - b. a set of architectural drawings entitled "336 Cabot Street, Newton, Massachusetts," prepared by Context, dated October 28, 2021, as revised through March 30, 2022, signed and stamped by Eric Zachrison, Registered Architect, consisting of the following sheets:
 - i. Analysis, Dwg List, Notes (A-01)
 - ii. Proposed Plans (A-10)
 - iii. Proposed Plans (A-11)
 - iv. Proposed Plans (A-12)
 - v. FAR Diagram (A-20)
 - vi. FAR Diagram (A-21)
 - vii. Proposed Elevations (A-30)
 - viii. Proposed Elevations (A-31)
 - ix. Proposed Elevations (A-32)
 - x. Proposed Elevations (A-33)
 - xi. Proposed Section and Details (A-40)
 - c. A document entitled "Floor Area Worksheet- 336 Cabot Street, Newton MA," indicating a proposed total gross floor area of 3,751 square feet and a proposed FAR (floor area ratio) of 0.38
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.