



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459
617-796-1120

Petition: #336-23
Public Hearing:
11/14/23

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: November 9, 2023

TO: City Council

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

SUBJECT: **Petition #336-23**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a covered farmer's porch at the front entry, further extending the nonconforming front setback and lot coverage at 62 Maple Street

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.



62 Maple Street

I. Project Description

Use: Single family dwelling

Zoning: Multi-Residence 2 (MR-2)

Lot size: 4,765 square feet

Site constraints: Portions of site lie within protected wetland buffer area and riverfront area

Existing Nonconformities:

- Lot size of 4,765 square feet where 7,000 square feet is required
- Frontage of 53 feet where 70 feet is required
- Front setback of 4.9 feet where 25 feet is required
- Side setback of 1.4 feet where 7.5 feet is required
- Maximum lot coverage of 33.9% where 30% is the maximum

Proposal: The petitioner proposes to construct a covered porch at the front entry. This would further extend the nonconforming front setback and lot coverage, requiring a special permit.

Analysis: The Planning Department is unconcerned with the petition that would further extend the nonconforming front setback and lot coverage. The subject property was constructed in 1915, predating the zoning requirement of a 25-foot front setback. Many homes in this area were constructed within the front setback prior to zoning, thus have nonconforming front setbacks including immediate abutters. The proposed enclosed porch is modest in size at only 92 square feet and is likely to have a minimal impact on the neighborhood.

II. Zoning Relief Requested:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.2.3 §7.8.2.C.2	To extend the nonconforming front setback	S.P. per §7.3.3
§3.2.3 §7.8.2.C.2	To extend the nonconforming lot coverage	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:

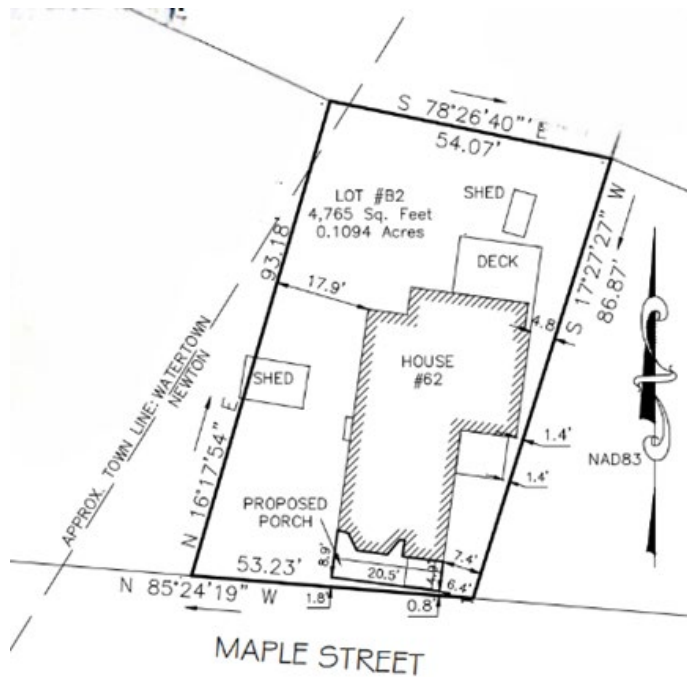
- The site is an appropriate location for the proposed addition that will further extend the nonconforming front setback and lot coverage (7.3.3.C.1)
- The proposed addition will not adversely affect the neighborhood (§7.3.3.C.2)
- The proposed addition will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)

- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- The proposed addition which will further extend the nonconforming front setback and lot coverage will be substantially more detrimental than the existing nonconforming structure is to the neighborhood (§7.8.2.C.2)

IV. Project Proposal and Site Characteristics

The petitioner is proposing to remove the existing open porch canopy at the front of the dwelling and replace it with a covered porch. The plan also indicates that the existing concrete walkway will be extended to meet the new porch. The existing single-family dwelling already has a nonconforming front setback of 4.9 feet where 25 feet is required and construct a covered farmer's porch along the full length of the front of the dwelling, further reducing the nonconforming front setback to 0.8 feet. The addition of this porch would increase the nonconforming lot coverage on the site from 33.9% to 35.8%, where a maximum of 30% is allowed. This amounts to an increase from 1,616 square feet of lot coverage to 1,708 square feet, an increase of 92 feet. Open space will decrease from 66.5% to 63.8%.

Site Plan



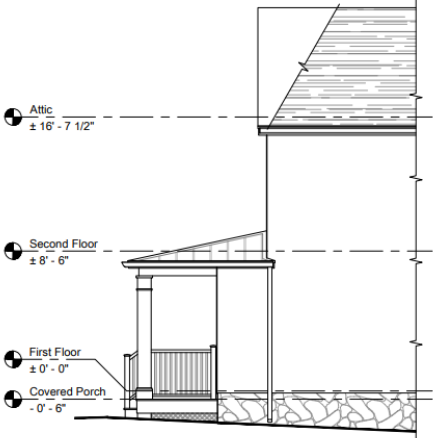
Existing Front Elevation



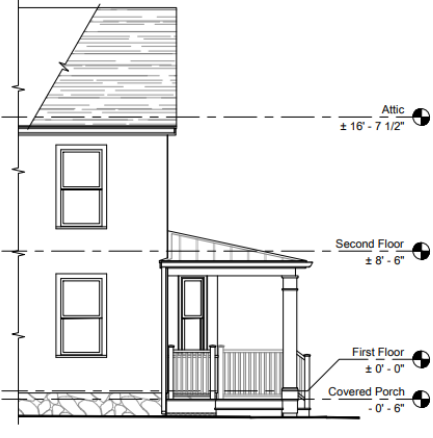
Proposed Front Elevation



Details of proposed east and west elevations



2 Proposed Partial East Elevation
Scale: 1/4" = 1'-0"



3 Proposed Partial West Elevation
Scale: 1/4" = 1'-0"

I. Interdepartmental Review

Because the portions of the site lie within a protected Wetland Resource Area and buffer zone, this petition is subject to review by the Conservation Commission. On June 13, 2023 this plan was administratively approved by staff, who determined that the work proposed will not alter the jurisdictional wetland area.

Review from other departments is not required at this time.

II. Petitioner's Responsibilities

The petition is complete.

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

Attachment A

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

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: September 13, 2023

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

Cc: Joseph Luna, Architect
John LeDoyt, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to further extend a nonconforming front setback and nonconforming lot coverage

Applicant: John LeDoyt	
Site: 62 Maple Street	SBL: 71010 0002
Zoning: MR2	Lot Area: 4,765 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 62 Maple Street consists of a 4,765 square foot lot improved with a single-family dwelling constructed circa 1915. The petitioner proposes to construct a covered farmer's porch at the front entry, further extending the nonconforming front setback and lot coverage, requiring a special permit.

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

- Zoning Review Application, prepared by Joseph Luna, architect, dated 8/19/2023
- Proposed plot plan, signed and stamped by Kevin J. Jarvis, surveyor, dated 4/13/2023
- Plans and elevations, prepared by Joseph Luna, architect, dated 3/28/2023

ADMINISTRATIVE DETERMINATIONS:

1. The existing single family dwelling has a nonconforming front setback of 4.9 feet where 25 feet is required per section 3.2.3. The petitioner proposes to construct a covered farmer's porch along the entire front façade, further reducing the nonconforming front setback to 0.8 feet, requiring a special permit per sections 3.2.3 and 7.8.2.C.2.
2. The lot has an existing nonconforming lot coverage of 33.9% where a maximum of 30% is allowed per section 3.2.3. The proposed construction further increases the lot coverage to 35.8%, requiring a special permit per sections 3.2.3 and 7.8.2.C.2.

MR2 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	4,765 square feet	No change
Frontage	70 feet	53 feet	No change
Setbacks			
• Front	25 feet	4.9 feet	0.8 feet*
• Side	7.5 feet	17.9 feet	No change
• Side	7.5 feet	1.4 feet	No change
• Rear	15 feet	Not provided	No change
Max Lot Coverage	30%	33.9%	35.8%*
Min. Open Space	50%	66.5%	63.8%

Nonconformity indicated in **BOLD**

*Requires relief

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.2.3 §7.8.2.C.2	To extend the nonconforming front setback	S.P. per §7.3.3
§3.2.3 §7.8.2.C.2	To extend the nonconforming lot coverage	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 construct a covered porch at the front entry, further extending the nonconforming front setback and lot coverage as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed addition that will further extend the nonconforming front setback and lot coverage is an appropriate location because it is located at the front of the dwelling and away from the wetland and wetland buffer area on the site. Additionally, the existing dwelling was constructed in 1915, predating the required 25-foot front setback (§7.3.3.C.1)
2. The proposed addition that will further extend the nonconforming front setback and lot coverage will not adversely affect the neighborhood because it is small and in a similar scale to other nearby residences. (§7.3.3.C.2)
3. The proposed addition that will further extend the nonconforming front setback and lot coverage will not create a nuisance or serious hazard to vehicles or pedestrians because the driveway location and orientation is being maintained. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. The proposed alterations of the nonconforming structure are not substantially more detrimental than the existing nonconforming structure because the addition totals less than 100 square feet. (§7.8.2.C.2)

PETITION NUMBER: #336-23

PETITIONER: John LeDoyt

LOCATION: 62 Maple Street, Ward 1, Newton, on land known as Section 71 Block 10 Lot 02, containing approximately 4,765

OWNER: sq. ft. of land
John LeDoyt

ADDRESS OF OWNER: 62 Maple Street
Newton, MA 02458

TO BE USED FOR: Single Family dwelling

RELIEF GRANTED: Special Permit per §3.2.3 and §7.8.2.C.2 to extend a nonconforming front setback and nonconforming lot coverage

ZONING: Multi Residence 2 District

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. A plot plan prepared by Jarvis Land Survey, Inc signed and stamped by Kevin J. Jarvis, Professional Land Surveyor, dated April 13, 2023
 - b. A set of architectural plans entitled "The Residence at 62 Maple Street," prepared by Luna Design Group, unsigned and unstamped, dated March 28, 2023:
 - i. Proposed partial first floor and front porch roof plan (Sheet A1.01)
 - ii. Proposed south and partial east and west elevations (Sheet A4.01)
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 for the portion of the project for which occupancy is requested 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.