



Ruthanne Fuller  
Mayor

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

Petition: #338-23  
Public Hearing:  
11/21/23

Barney Heath  
Director

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**PUBLIC HEARING MEMORANDUM**

**DATE:** November 17, 2023

**TO:** City Council

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

**SUBJECT:** **Petition #338-23**, for SPECIAL PERMIT/SITE PLAN APPROVAL to raze a portion of the existing dwelling and construct two-story additions to the front, side and rear of the structure, exceeding maximum FAR at 538 Ward Street, Ward 2, Newton Centre, on land known as Section 13 Block 32 Lot 05, containing approximately 16,575 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 3.1.3, 3.1.9 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 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.



**538 Ward Street**

I. Project Description

**Use:** Single family dwelling

**Lot size:** 16,575 square feet

**Existing Nonconformities:** N/A

**Proposal:** The petitioner proposes to raze a portion of the dwelling and construct two story additions to the front, side, and rear of the dwelling. The proposed additions will exceed the maximum FAR, requiring a special permit.

The Craftsman style single-family dwelling was permitted and constructed circa 1897. There is also a detached garage with a 676 square foot footprint at the southwestern corner of the parcel. The parcel is located on Ward Street in Newton Centre and the neighborhood is comprised of two to three story single-family dwellings, aside from a religious use at the corner of Morseland Ave and Ward Street.

The petitioners require a special permit to increase the property's floor area with additions to the front, side, and rear of the dwelling. The Planning Department is unconcerned with the petition that exceeds the FAR allowed by right. The additions have been carefully designed to complement the existing dwelling and the additions are not taller than the existing dwelling and maintain the character of the single-family dwelling.

II. Zoning Relief Requested:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9	To exceed FAR	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:

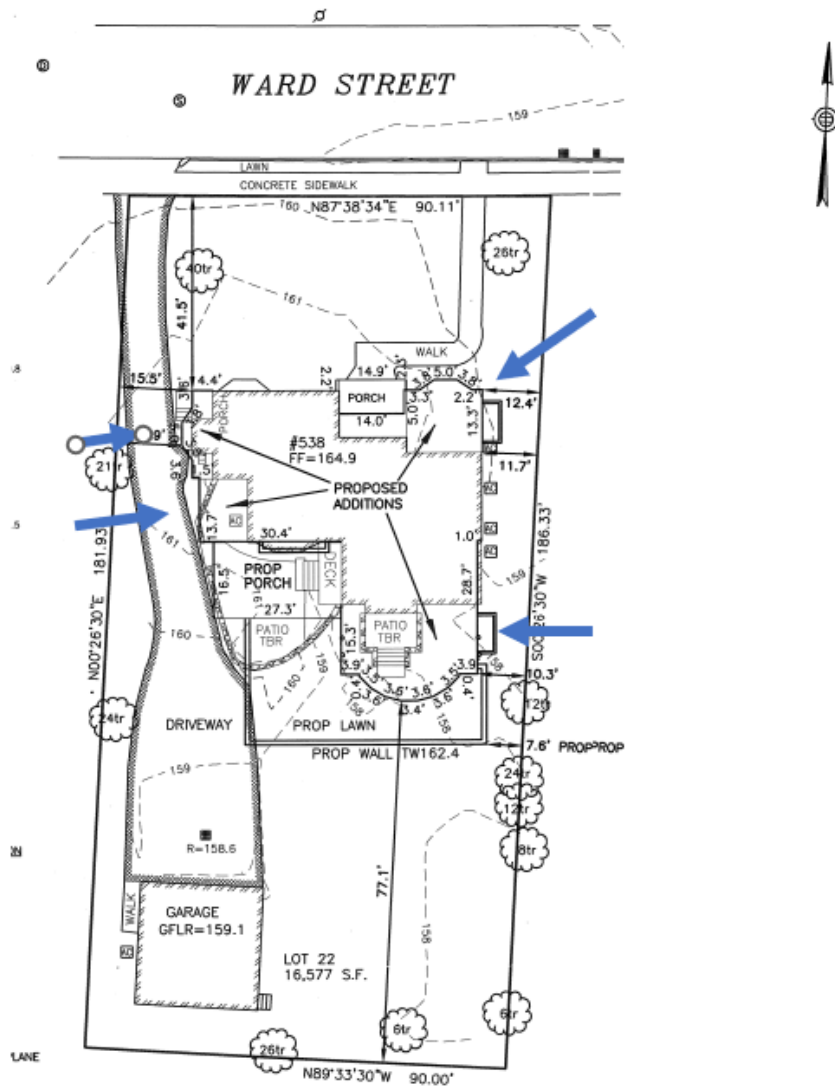
- The proposed increase in the FAR from .31 to .40 where .33 is the maximum allowed by right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.3, §3.1.9).

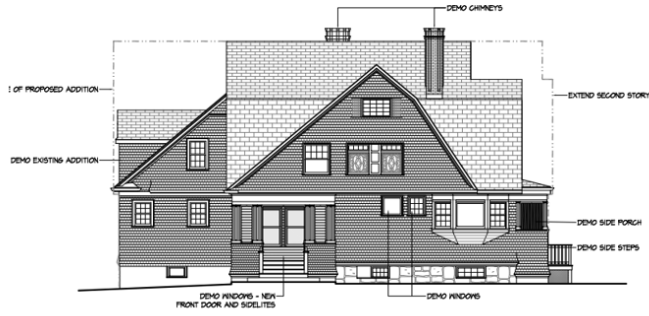
IV. Project Proposal and Site Characteristics

The petitioner proposes to raze a portion of the dwelling and construct two story additions to the front, side, and rear of the dwelling. The addition will add 1,489 square feet of floor area, resulting in a structure consisting of 6,607 square feet, where 5,118 square feet exists. The addition will increase the FAR from .31 to .40 where .33 (5,469.75 square feet) is the maximum allowed

by right, necessitating a special permit. The dwelling is subject to Newton Historic Commission, and the Chief Preservation Planner noted the Craftsman style single-family dwelling has retained many of the features that define the style including the shingle siding, the eclectic roofline, and the knee wall on the wide front porch. At the September 28, 2023 meeting of the Newton Historical Commission, the NHC voted to preferably preserve the home and waive the demolition delay with final review of the plans prior to the issuance of a building permit. The arrows below point to the various additions to the single-family dwelling.

### Proposed Site Plan





Existing Front Elevation



Proposed Front Elevation



Existing Side (right) Elevation



Proposed Side (right) Elevation



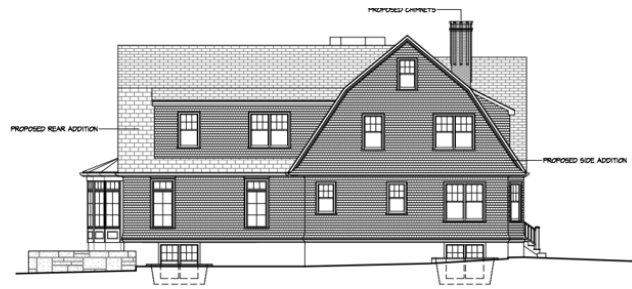
Existing Rear Elevation



Proposed Rear Elevation



Existing Side (left) Elevation



Proposed Side (left) Elevation

I. Interdepartmental Review

**Engineering** - Due to the amount of square footage being added to the first story (over 400 square feet), the Engineering Division will review the building permit application, if approved, for compliance with the City of Newton Stormwater Ordinance.

**Historic**- The Newton Historic Commission voted to find the property preferably preserved, however, the NHC also voted to waive the demolition delay based on the submitted plans.

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

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 18, 2023

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

Cc: Grace and Scott Offen, Applicants  
Alan Mayer, Architect  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

**RE: Request to exceed FAR**

Applicant: Grace and Scott Offen	
<b>Site:</b> 538 Ward Street	<b>SBL:</b> 13032 0005
<b>Zoning:</b> SR2	<b>Lot Area:</b> 16,575 square feet
<b>Current use:</b> Single-family dwelling	<b>Proposed use:</b> No change

### BACKGROUND:

The property at 538 Ward Street consists of a 16,575 square foot lot improved with a single-family dwelling constructed circa 1897 and a detached garage. The petitioners propose raze a portion of the dwelling and construct two-story additions to the front, side and rear of the structure. The proposed additions will exceed 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 by Alan Mayer, architect, 8/17/2023
- Existing Conditions Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 3/17/2023
- Proposed Conditions Plan, signed and stamped by Bruce Bradford, surveyor, dated 8/16/2023
- Plans and elevations, prepared by Mayer + Associates, architect, dated 8/1/2023
- FAR calculation, submitted 8/17/2023

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioners propose to raze a side addition constructed in 2008 and construct new two-story additions to the front, rear and western side of the single-family dwelling. The proposed additions increase the FAR from .31 to .40 where .33 is the maximum allowed. A special permit per sections 3.1.3 and 3.1.9 is required.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	16,575 square feet	No change
Frontage	80 feet	90 feet	No change
Setbacks			
• Front	25 feet	39 feet	No change
• Side	7.5 feet	12.1 feet	13.9 feet
• Side	7.5 feet	10.7 feet	10.3 feet
• Rear	15 feet	95.6 feet	77.1 feet
Max Number of Stories	2.5	2.5	No change
Max Height	36 feet	36.3 feet	35.7 feet
FAR	.33	.31	<b>.40*</b>
Max Lot Coverage	30%	16.7%	24.8%
Min. Open Space	50%	75%	61%

\*Requires relief

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9	To exceed FAR	S.P. per §7.3.3

#338-23  
538 Ward Street

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 increase the floor area ratio (FAR) from .31 to .40 where .33 is the maximum allowed by right as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The additions increase the floor area ratio from .31 to .40 where .33 is the maximum allowed by right will be consistent with and not in derogation of the size, scale and design of other structures in the much of the addition given that the bulk of the addition is to the rear of, and not higher than, the existing dwelling (§3.1.3, §3.1.9)
2. The site is an appropriate location for the proposed addition, which increases the FAR from .31 to .40 where .33 is the maximum allowed by right because it conforms to other relevant dimensional requirements for the district. (§7.3.3.C.1)
3. The addition which increases the FAR from .31 to .40 where .33 is the maximum allowed by right will not adversely affect the neighborhood because it is subordinate to the principal roofline of the dwelling. (§7.3.3.C.2)
4. There will be no nuisance or serious hazard to vehicles or pedestrians because the curb cut will be maintained in its current state. (§7.3.3.C.3)
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

PETITION NUMBER: #338-23

PETITIONER: Grace & Scott Offen

LOCATION: 538 Ward Street, on land known as Section 13 Block 32 Lot 5, containing approximately 16,575 sq. ft. of land

OWNER: Grace & Scott Offen



ADDRESS OF OWNER: 271 Mill Street  
Newton, MA 02460

TO BE USED FOR: Single Family dwelling

RELIEF GRANTED: Special Permit per §3.1.3, §3.1.9, and §7.3.3 to exceed the maximum floor area ratio

ZONING: Single 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 site plan entitled "583 Ward Street" signed and stamped by Bruce Bradford, Professional Land Surveyor, dated August 16, 2023
  - b. A set of architectural plans entitled "McAllister-Garza Residence," prepared by Mayer and Associates, unsigned and unstamped, dated October 20, 2023:
    - i. Proposed front elevation (A4-1)
    - ii. Proposed side (left) elevation (A4-2)
    - iii. Proposed rear elevation (A4-3)
    - iv. Proposed side (right) elevation (A4-4)
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.