



# Land Use Committee Report

## City of Newton In City Council

**Tuesday, January 7, 2020**

**Present:** Councilors Lipof (Chair), Greenberg, Auchincloss, Kelley, Markiewicz, Downs, Bowman, Laredo

**Also Present:** Councilors Wright and Ryan

**City Staff Present:** Associate City Solicitor Jonah Temple, Senior Planner Michael Gleba, Chief Planner Jennifer Cairra, Senior Planner Neil Cronin, Planning Associate Katie Whewell

All Special Permit Plans, Plan Memoranda and Application Materials can be found at [http://www.newtonma.gov/gov/aldermen/special\\_permits/current\\_special\\_permits.asp](http://www.newtonma.gov/gov/aldermen/special_permits/current_special_permits.asp). Presentations for each project can be found at the end of this report.

**#11-20      Special Permit to increase nonconforming FAR at 95 Suffolk Road**

SARAH SHERMAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 189 sq. ft. one-story addition behind an existing detached garage, increasing the FAR to .43 where .41 exists and .33 is required at 95 Suffolk Road, Ward 7, Chestnut Hill, on land known as Section 72 Block 20 Lot 07, containing approximately 11,178 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Approved Subject to Second Call 8-0; Public Hearing Closed 01/07/2020**

**Note:**      The petitioner, Ms. Sarah Sherman presented the request to construct a 189 sq. ft. rear addition for a mudroom at 95 Suffolk Road. The proposed addition creates a Floor Area Ratio of .43 where .41 exists and .33 is allowed. Ms. Sherman noted that the proposed plans have been reviewed and approved by the Chestnut Hill Historic District Commission (CHHDC).

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, zoning, land use, proposed plans and photos of the site as shown on the attached presentation. Mr. Gleba noted that much of the proposed addition is shielded from street view. The proposed addition projects from the rear of the dwelling to an area behind the existing garage. The petitioner submitted revised plans on January 6, 2020 (shown on the attached presentation). Mr. Gleba noted that in the revised plans, a portion of the proposed addition will be visible from Suffolk Road. He explained that the original plans received approval from the Historic District Commission and the revised plans are being reviewed administratively. He stated that it is expected that administrative approval will be granted prior to the next Council meeting.

The public hearing was opened. Seeing no member of the public who wished to speak, Councilor Laredo motioned to close the public hearing. The motion carried unanimously. Committee members expressed no concerns relative to the request. Councilor Laredo moved approval of the petition, subject to second

call, pending notification of administrative approval from the CHHDC. The Committee reviewed the draft findings and conditions as shown on the attached presentation. Ms. Sherman noted that the abutters to the property have signed a petition in support of the proposed addition without a landscape plan. The Committee noted that no condition relative to landscaping is necessary. With that, the Committee voted 8-0 in favor of the motion to approve, subject to second call.

**#12-20 Special Permit to extend nonconforming setbacks at 18 Arapahoe Road**

TRACY BASCETTA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing garage and replace it with a larger garage, extending the nonconforming side and rear setbacks at 18 Arapahoe Road, Ward 4, West Newton, on land known as Section 43 Block 07 Lot 23, containing approximately 5,086 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.3.A.1, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Approved 8-0; Public Hearing Closed 01//07/2020

**Note:** The petitioner, Ms. Tracy Bascetta presented the request to raze an existing garage and replace it with a wider and deeper garage to accommodate a car.

Senior Planner Neil Cronin reviewed the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. Mr. Cronin noted the proposed garage will be 3' taller and 6' wider than the existing garage and will result in an increase of approximately 128 sq. ft. Mr. Cronin stated that the Planning Department is unconcerned about the proposed garage and believes the increase in square footage is a de minimis change from the existing structure.

The Public Hearing was Opened. No member of the public wished to speak. Councilor Markiewicz motioned to close the public hearing which carried 7-0-1 (Councilor Laredo abstaining). Committee members expressed no concerns relative to the petition. Councilor Markiewicz moved approval of the item. The Committee reviewed the draft findings and conditions as shown on the attached presentation and voted unanimously in favor of approval.

**#10-20 Special Permit to extend nonconforming setbacks and exceed FAR at 68 Manet Road**

MOHAMMED AND JOSEPHINE AREF petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct dormers in the attic level to add 769 sq. ft. of habitable space for an accessory apartment creating an FAR of .65 where .55 is allowed and .53 exists, and to install a staircase to access the roof of an existing detached garage, extending the side and rear setbacks vertically at 68 Manet Road, Ward 7, Chestnut Hill, on land known as Section 61 Block 12 Lot 10, containing approximately 6,300 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 3.2.11, 7.8.2.C.2, 3.4.3.A.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Approved 8-0; Public Hearing Closed 01//07/2020

**Note:** The petitioner, Mr. Mohammed Aref presented the request to allow a special permit petition at 68 Manet Road to extend the nonconforming side and rear setbacks and to allow an FAR

increase from .53 to .65 where .55 is allowed. Mr. Aref confirmed that he communicated the proposed plans with the immediate abutters and neighbors who are supportive of the plans.

Planning Associate Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. The proposed plans include the installation of dormers at the attic level at the existing two-family dwelling and will add approximately 769 sq. ft. for use as an accessory apartment. It was confirmed that there is an internal staircase that will be widened and will provide access to the accessory apartment. The petitioner also proposes to install an external spiral staircase to allow access to the roof of the detached garage. The railings on the proposed staircase extend into the nonconforming side and rear setbacks, requiring relief to extend the nonconforming setbacks. Ms. Whewell noted that there are several homes with dormers on similarly sized lots in the neighborhood

The public hearing was opened. No member of the public wished to speak. Councilor Laredo motioned to close the public hearing which carried 8-0. Ms. Whewell confirmed that the proposed spiral staircase is not visible from the street. Councilor Laredo motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation. Committee members expressed no concerns relative to the petition and voted unanimously in favor of approval.

**#13-20      Petition for parking facility waivers at 55-67 Border Street**

55 BORDER STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow parking facility waivers including; to allow parking in the front setback, to waive interior landscape requirements, to waive lighting requirements and to waive bicycle parking requirements in order to expand an existing parking area at 55-67 Border Street, Ward 3, West Newton, on land known as Section 33 Block 13 Lot 17, containing approximately 38,036 sq. ft. of land in a district zoned MANUFACTURING. Ref: Sec. 7.3.3, 7.4, 5.1.8.A.1, 5.1.13, 5.1.9.B, 5.1.10, 5.1.11 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      Land Use Held 8-0; Public Hearing Continued

**Note:**      Attorney Michael Peirce, offices at 60 Walnut Street, Wellesley, MA, represented the petitioner 55 Border Street, LLC. Atty. Peirce presented an overview of the petition to allow parking facility waivers at 55-67 Border Street. The site at 55 Border Street contains a paved parking area in addition to a gravel area that has been used for parking. The petitioner proposes to pave the gravel portion of the lot. The petitioner has submitted a landscape plan which reflects the installation of landscaping at the back of the property, which abuts a residential home on Webster Street. The proposed plans also include defining of the curb cut to access the parking lot. Atty. Peirce stated that the petitioner sought relief relative to the bicycle parking facilities but found space on site to locate bicycle parking and a waiver is no longer necessary. Atty. Peirce noted that the site does not have any existing drainage system and the petitioner proposes the installation of some stormwater mitigation measures as part of the site improvements. He noted that the Engineering Department issued a memo on January 7, 2020 and the petitioner has not had sufficient time to review the recommendations. The petitioner, Mr. Scott Scarpato confirmed that he has met with or communicated the proposed plans to members of the neighborhood.

The Public Hearing was Opened.

Matt Mahoney, 79 Border Street, is supportive of the proposed improvements.

Dominic Caruso, 11 Harvey Place, expressed support for the petition but noted that curbing along Harvey Place is not practical given the narrow width of the road. He stated that curbing on Harvey Place would make it difficult to access his property. Mr. Caruso suggested that paving the gravel portion of the site will help eliminate dust.

Attorney Peirce explained that the petitioner requires time to review the Engineering recommendations as well as evaluate the options relative to the location of accessible parking stalls on site. The Committee requested that the petitioner consider the following items prior to the next meeting; separation between parking and the sidewalk on Border Street, any additional landscaping possible.

No other member of the public wished to speak. With that, Councilor Kelley motioned to hold the item which carried unanimously.

The Committee adjourned at 8:00 pm.

**Respectfully Submitted,**

**Richard Lipof, Chair**

## Department of Planning and Development



**PETITION #11-20**  
**95 SUFFOLK ROAD**  
SPECIAL PERMIT/SITE PLAN  
APPROVAL TO CONSTRUCT A  
189 SQ. FT. ONE-STORY  
ADDITION BEHIND AN  
EXISTING DETACHED GARAGE,  
INCREASING THE FAR TO .43  
WHERE .41 EXISTS AND .33 IS  
REQUIRED



*JANUARY 7, 2020*

1

## Requested Relief



Special permit per §7.3.3 to:

- further increase nonconforming FAR (§3.1.9; §7.8.2.C.2)

2

## Criteria to Consider



When reviewing the requested special permits the Council should consider whether:

1. The proposed resulting structure with a floor area ratio (FAR) of 0.43 is substantially more detrimental than the existing structure with a floor area ratio of 0.41 is to the neighborhood (§7.8.2.C.2).

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## AERIAL/GIS MAP



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# Zoning

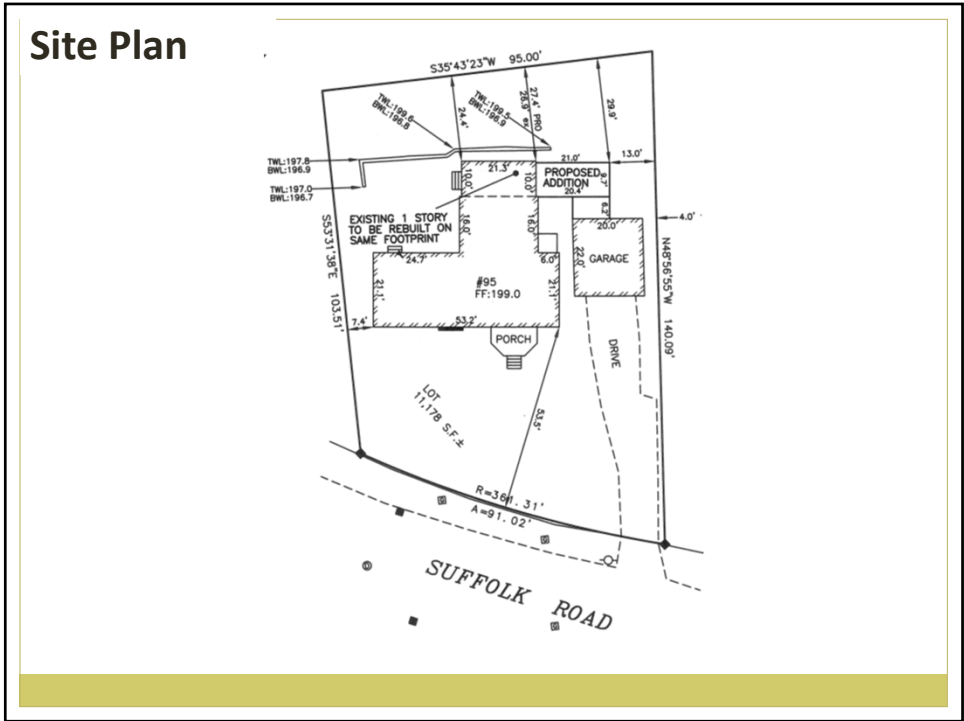


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# Land Use



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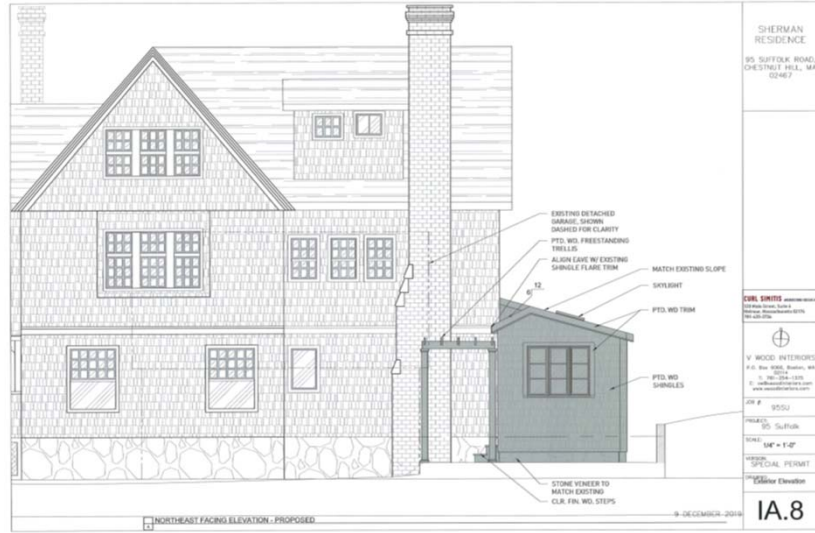
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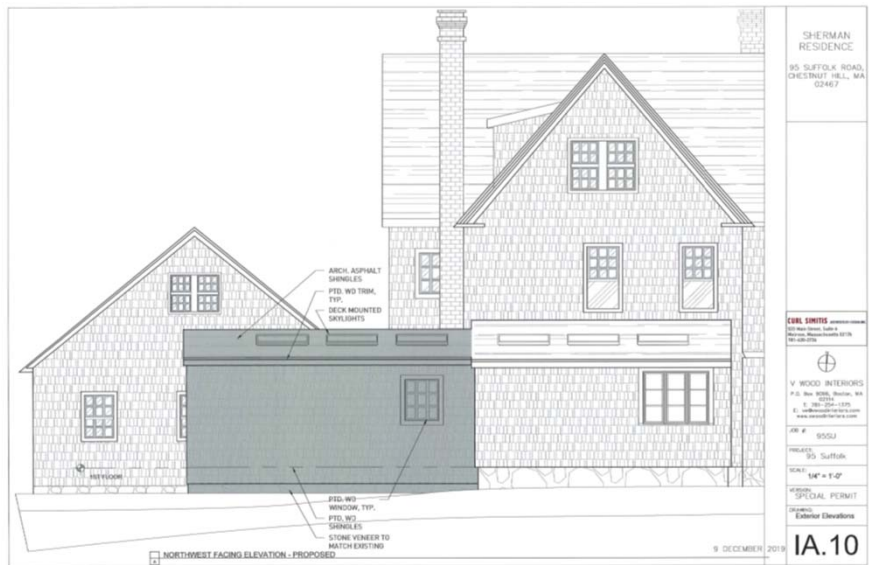


### Elevations- Original Proposal (Right Side)

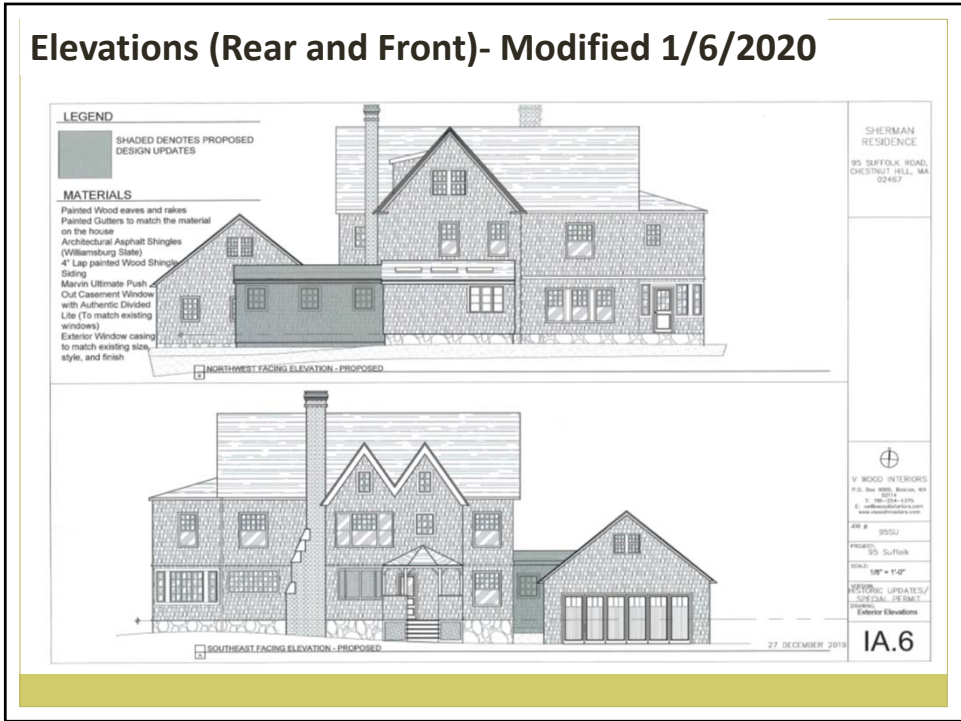


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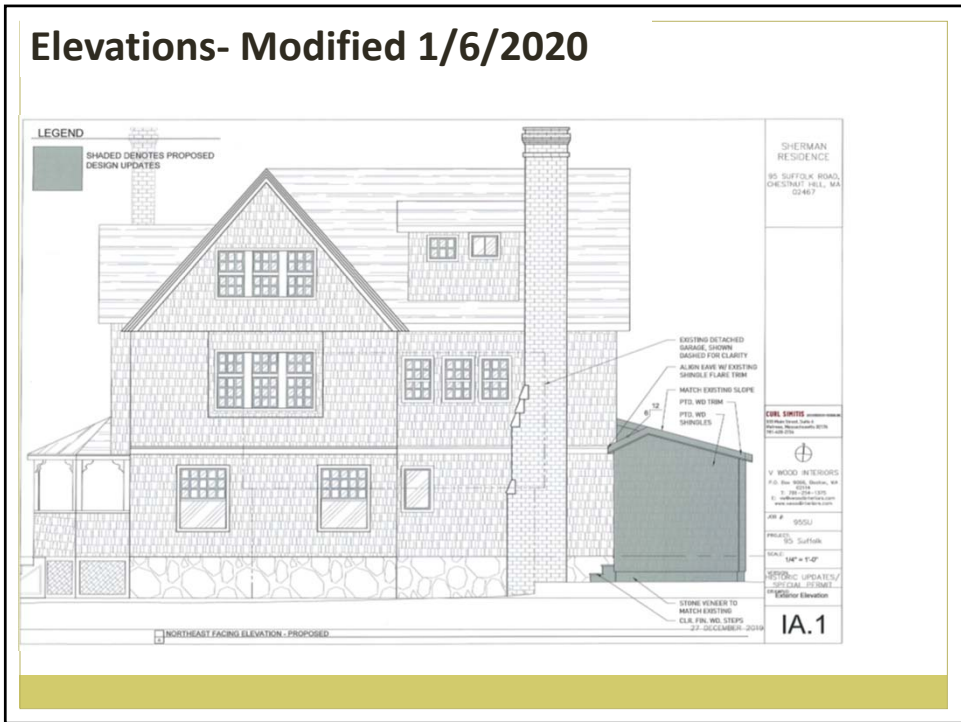
### Elevations (Rear)- Original Proposal



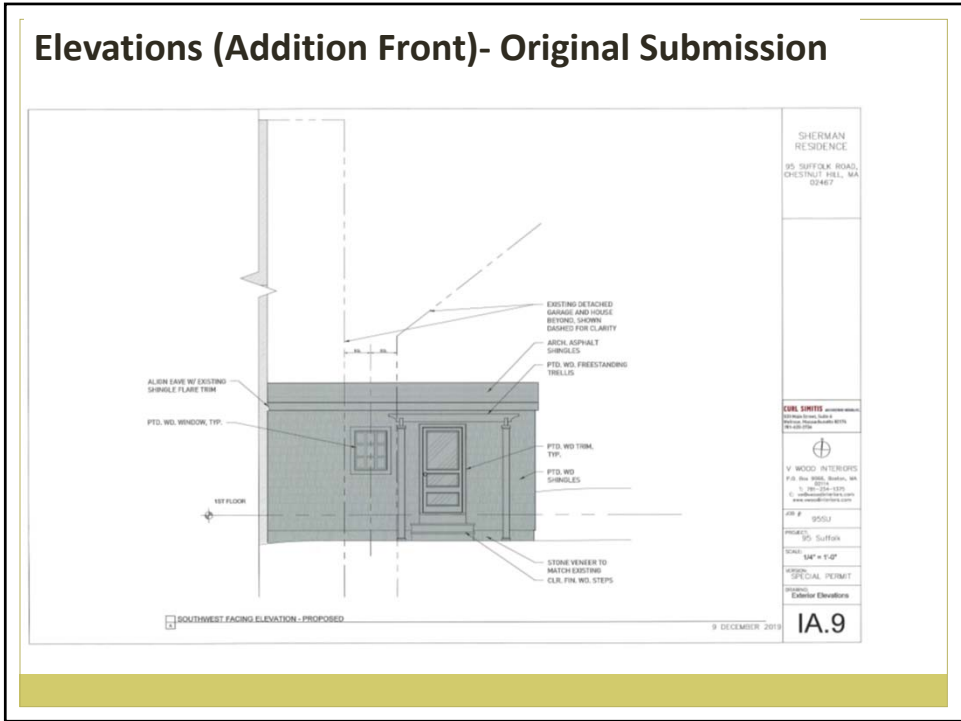
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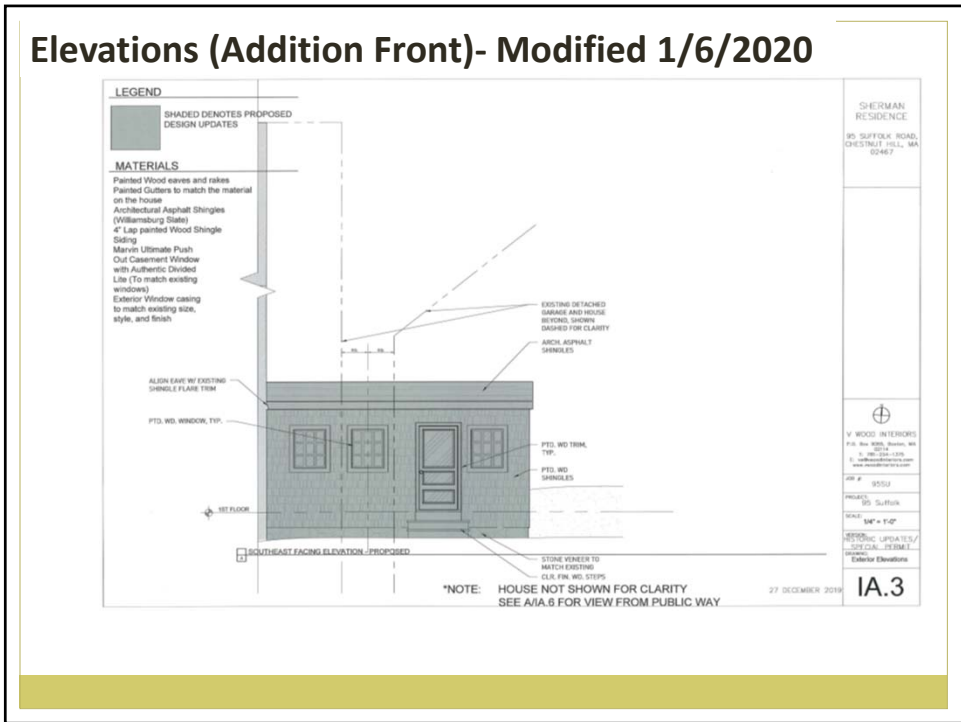
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## Landscape plan

- "...the Planning Department notes that, given the location of the proposed addition and its proximity to abutting properties, the project would benefit from the installation of appropriate screening and recommends that the petitioner consider such addition to the project ..."

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## Photos



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**Photos**



17

**Photos**



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## Proposed Findings

1. The proposed resulting structure with a floor area ratio (FAR) of 0.43 will not be substantially more detrimental than the existing structure with a floor area ratio of 0.41 is to the neighborhood because the proposed addition would be to the rear of the property, subordinate in scale to the existing dwelling, largely not visible from adjacent public ways and compatible with the architecture of the dwelling (§7.8.2.C.2).

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## Proposed Conditions

1. Plan Referencing Condition
  - *Plans should reflect current design (as approved by Historic)*
2. Standard Building Permit Condition.
3. Standard Final Inspection/Certificate of Occupancy Condition.

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## Criteria to Consider



When reviewing the requested special permits the Council should consider whether:

1. The specific site is an appropriate location for the structure (§7.3.3.C.1);
2. The use as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2);
3. There will be no nuisance or serious hazard to vehicles or pedestrians (§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 increase in the nonconforming floor area ratio (FAR) from 0.41 to 0.43 where 0.33 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 neighborhood (§3.1.9); and
6. The proposed resulting structure with a floor area ratio (FAR) of 0.43 is substantially more detrimental than the existing structure with a floor area ratio of 0.41 is to the neighborhood (§7.8.2.C.2).

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## Proposed Findings



1. The specific site is an appropriate location for the structure as designed as the proposed addition would be to the rear of the property, subordinate in scale to the existing dwelling, and largely not visible from adjacent public ways (§7.3.3.C.1);
2. The use as developed and operated will not adversely affect the neighborhood as the proposed addition would be to the rear of the property, subordinate in scale to the existing dwelling, and largely not visible from adjacent public ways (§7.3.3.C.2);
3. There will be no nuisance or serious hazard to vehicles or pedestrians (§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 increase in the nonconforming floor area ratio (FAR) from 0.41 to 0.43 where 0.33 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 neighborhood because the proposed addition would be to the rear of the property, subordinate in scale to the existing dwelling, largely not visible from adjacent public ways and compatible with the architecture of the dwelling (§3.1.9); and
6. The proposed resulting structure with a floor area ratio (FAR) of 0.43 will not be substantially more detrimental than the existing structure with a floor area ratio of 0.41 is to the neighborhood because the proposed addition would be to the rear of

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# Department of Planning and Development



**PETITION #12-20  
18 ARAPAHOE ROAD**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO FURTHER EXTEND  
THE NONCONFORMING SIDE AND  
REAR SETBACKS OF AN  
ACCESSORY BUILDING



JANUARY 7, 2020

1

## Requested Relief



Special Permit per §7.8.2.C.2 of the Newton Zoning Ordinance to:

- Further extend the nonconforming side and rear setbacks of an accessory building (§3.4.3.A.1).

2



## Criteria to Consider

When reviewing this request, the Council should consider whether:

- The proposed extensions of the nonconforming side and rear setbacks will be substantially more detrimental than the existing nonconforming structure is to the neighborhood (§3.4.3.A.1 and §7.8.2.C.2)

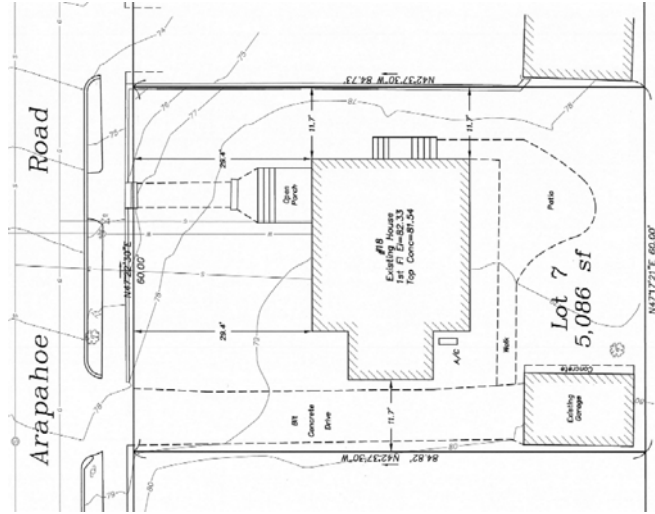
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## Aerial/GIS Map



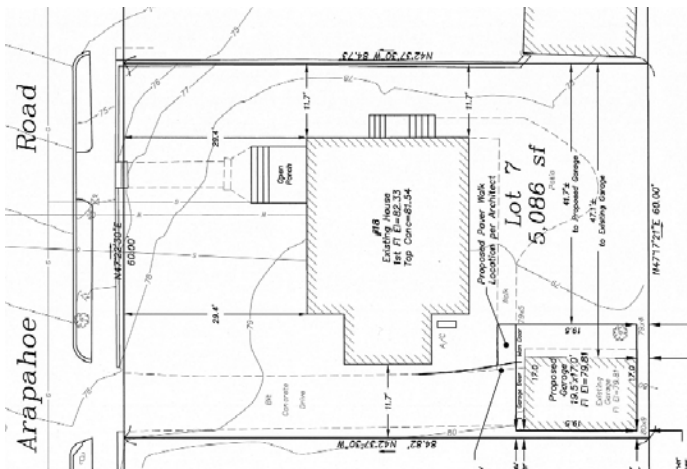
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### Existing Site Plan

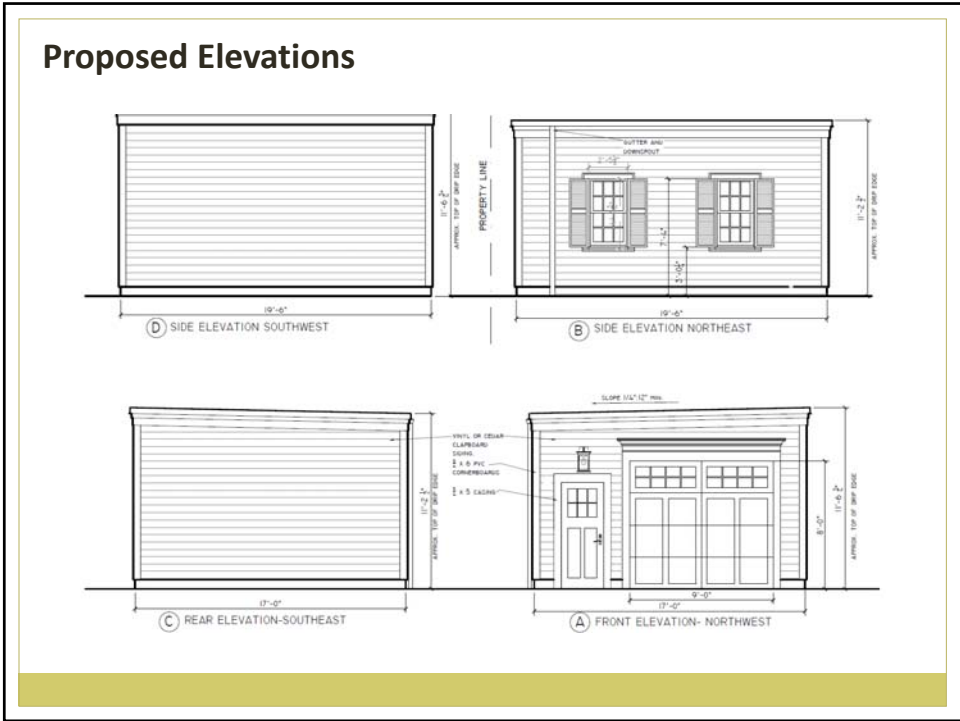


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### Proposed Site Plan



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### Proposed Findings

1. The proposed extension of the nonconforming side and rear setbacks will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood because the increased size and height is di minimis from the existing condition and similar structures located close to the property line exist in the neighborhood. (§3.4.3.A.1 and §7.3.3)

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## Proposed Conditions



1. Plan Referencing Condition.
2. Standard Building Permit Condition.
3. Standard Final Inspection/Certificate of Occupancy Condition.

## Department of Planning and Development



### **PETITION #10-20 68 MANET ROAD**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO EXCEED THE FLOOR  
AREA RATIO, EXTEND A  
NONCONFORMING FRONT SETBACK  
AND TO ALLOW A PARKING STALL  
WITHIN FIVE FEET OF A STREET



JANUARY 7, 2020

1

## Requested Relief



Special Permits per §7.3.3, 7.8.2.C.2, and §5.1.13 of the Newton  
Zoning Ordinance to:

- Exceed the Floor Area Ratio (§3.1.3 and §3.1.9).
- Further extend a nonconforming side and rear setbacks (§3.1.3).

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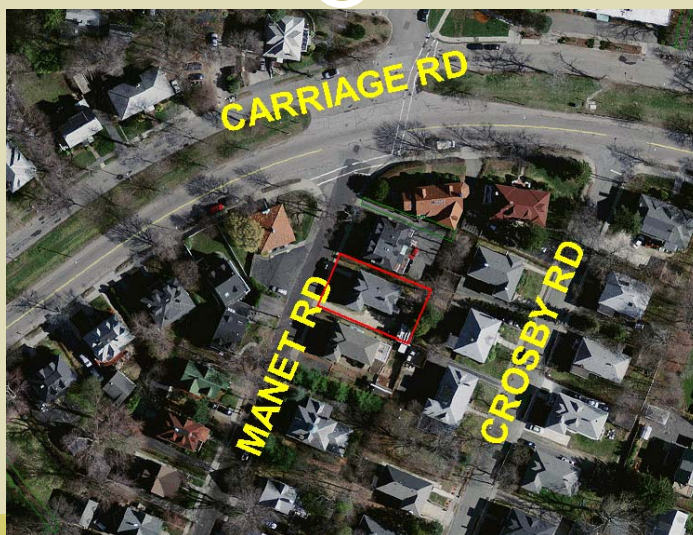
## Criteria to Consider

When reviewing this request, the Council should consider whether:

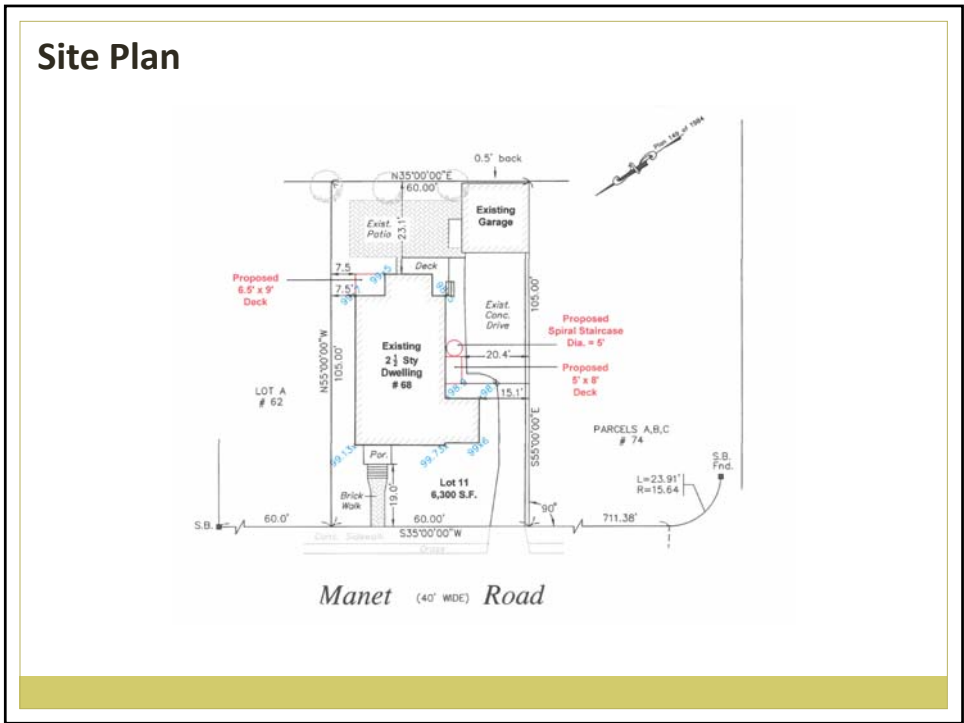
- The specific site is an appropriate location for the proposed increase in FAR because there are homes of similar scale on similarly sized lots in the neighborhood. (§7.3.3.C.1)
- The proposed increase in FAR will not adversely affect the neighborhood because dwellings in the neighborhood feature similar dormers in the same location as the proposed dormers. (§7.3.3.C.2)
- The proposed increase in FAR 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 increase in FAR from .53 to .65, where .55 is the maximum allowed as of right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood (§3.1.9 and §7.3.3)
- The proposed extension of the nonconforming side and rear setbacks will be substantially more detrimental than the existing nonconforming front setback is to the neighborhood (§3.1.3 and §7.8.2.C.2).

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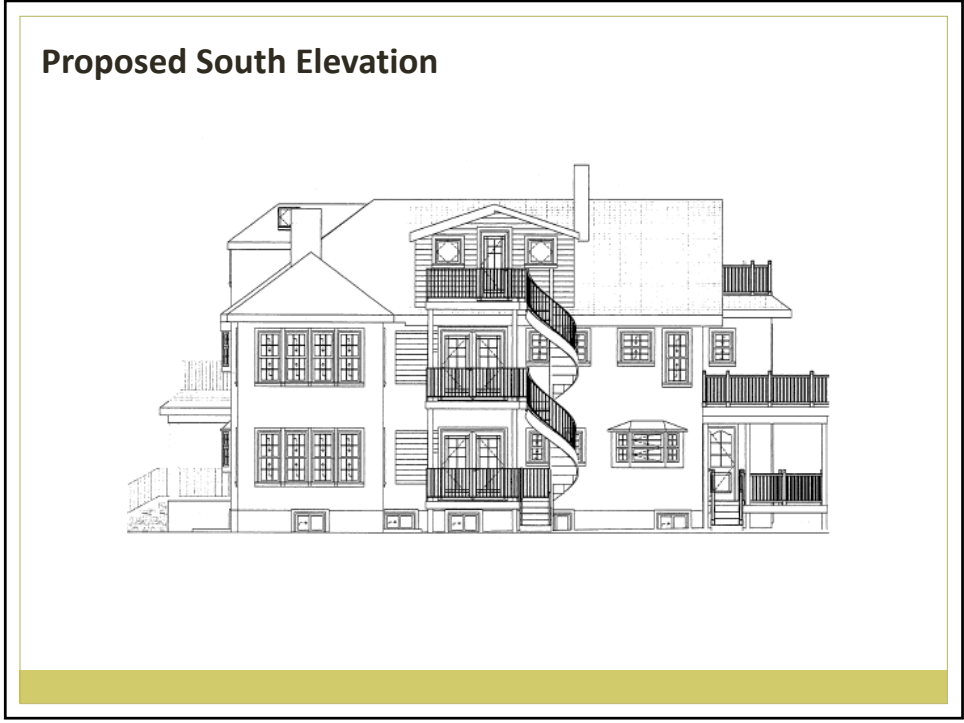
## Aerial/GIS Map



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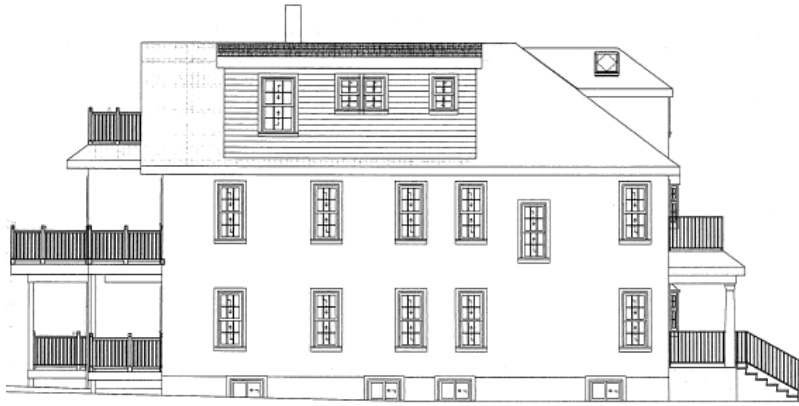


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### Proposed North Elevation



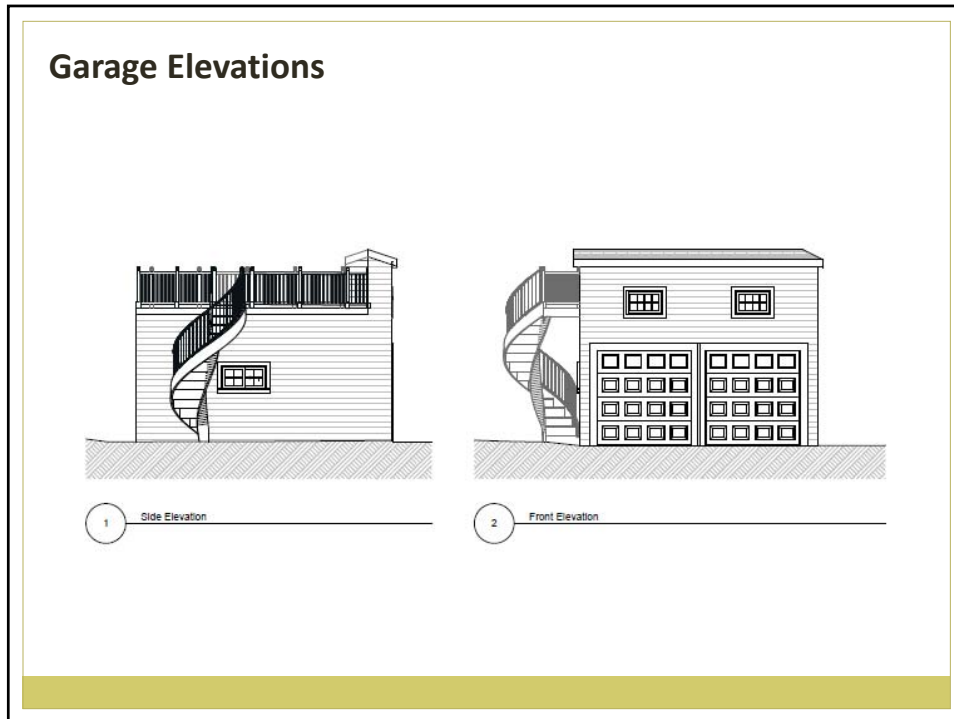
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### Proposed West Elevation *View from the Street*



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### Proposed Findings

- The specific site is an appropriate location for the proposed increase in FAR because there are homes of similar scale on similarly sized lots in the neighborhood. (§7.3.3.C.1)
- The proposed increase in FAR will not adversely affect the neighborhood because dwellings in the neighborhood feature similar dormers in the same location as the proposed dormers. (§7.3.3.C.2)
- The proposed increase in FAR 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 increase in FAR from .53 to .65, where .55 is the maximum allowed as of right is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood as there are similarly sized structures in the neighborhood on similarly sized lots and meets all other dimensional standards. (§3.1.9 and §7.3.3)
- The vertical extension of the nonconforming side and rear setbacks in an accessory structure is not substantially more detrimental than the existing nonconforming setbacks as the only modification to the garage is an external stairwell and railings which do not alter the setback. (§3.4.3.A.1, §7.8.2.C.2 and §7.3.3)

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## Proposed Conditions

1. Plan Referencing Condition.
2. Standard Building Permit Condition.
3. Standard Final Inspection/Certificate of Occupancy Condition.