



Ruthanne Fuller
Mayor

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

Petition: #141-24
Public Hearing:
3/12/24

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: March 7, 2024

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 #141-24**, for SPECIAL PERMIT/SITE PLAN APPROVAL to amend special permit #316-20 to raze the detached garage and construct an attached garage with an accessory apartment above as well as a rear addition which exceeds the allowable FAR

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.



432 Dedham Street

I. Project Description

Use: Single family dwelling

Zoning: Single Residence 2 (SR-2)

Lot size: 31,308 square feet

Existing Nonconformities: Building height of 37.64 feet where up to 36 feet is allowed by right

Proposal: The petitioner proposes to demolish the detached garage. In its place, an attached garage will be constructed with an accessory dwelling unit on the upper level, and a new addition will be created at the rear of the home. The work proposed needs special permit relief to amend Council Order #316-20 and to exceed the FAR allowed by right.

Analysis: The Planning Department has no objection with the petition that would amend Council Order #316-20 and grant relief for increased FAR. Though FAR will increase from .17 to .23, the project does not need relief for open space, lot coverage, or setbacks. A new by-right internal accessory unit will be created in the building, which is supportive of the city’s interest in facilitating the creation of residential units in a variety of sizes and configurations.

II. Zoning Relief Requested:

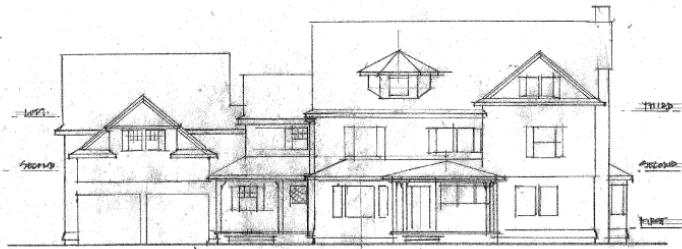
Zoning Relief Required		
Ordinance	Site	Action Required
	Request to amend Special Permit # 316-20	S.P. per §7.3.3
§3.1.5 §3.1.9	Request to exceed FAR	S.P. per §7.3.3

For more details around the zoning analysis please refer to **ATTACHMENT A.**

III. Criteria for Consideration per §7.8.2.C.2:

- The site is an appropriate location for the proposed amendment to Council Order #316-20 and additions which require relief for FAR. (7.3.3.C.1)
- The proposed additions will not adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed additions 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 increase in FAR is not substantially more detrimental than the existing structure is to the neighborhood. (§3.1.5 and §3.1.9)

Proposed Front Elevation



Proposed Right Elevation



Proposed Rear Elevation



Proposed Left Elevation



V. Interdepartmental Review

On December 19, 2023 the City's Chief Preservation Planner, David Lewis, determined administratively that though this property is historically significant, the demolition of the garage may proceed without a demolition delay. Review from other departments is not required at this time.

VI. Petitioner's Responsibilities

The petition is complete.

ATTACHMENTS:

- ATTACHMENT A:** Zoning Review Memorandum
ATTACHMENT B: DRAFT Council Order



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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: January 12, 2024

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

Cc: David Geffen, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to amend Special Permit #316-20 and to exceed FAR

Applicant: David Geffen	
Site: 432 Dedham Street	SBL: 81011A0047
Zoning: SR2	Lot Area: 31,308 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 432 Dedham Street consists of 31,308 square feet and is improved with a single-family dwelling built in 1890 and a detached garage in the SR2 zoning district. The property was created as part of a rear lot subdivision having been approved in 2020 and is situated behind two lots fronting Dedham Street. The applicant proposes to raze the detached garage and construct an attached garage with an accessory apartment above as well as a rear addition, requiring an amendment to the special permit and a special permit to exceed the FAR.

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

- Zoning Review Application, prepared by David Geffen, dated 12/18/2023
- Existing Conditions Plan, signed and stamped by Christopher C. Charlton, surveyor, dated 8/30/2023
- Civil Plan, signed and stamped by Christopher Charlton, surveyor, and Edmond Spruhan, engineer, dated 12/12/2023
- FAR worksheet, signed and stamped by Jeffrey D. Yates, architect, submitted 12/18/2023
- Architectural plans and elevations, prepared by Jeffrey Yates Architects LLC, dated 12/13/2023

ADMINISTRATIVE DETERMINATIONS:

1. The subject property was created by Special Permit #316-20 through a rear lot subdivision. The dwelling on the lot was in existence at the time of the subdivision, having been constructed in 1890, and was not altered. The petitioner now seeks to raze the existing detached garage and construct additions including an attached garage with an accessory apartment above on the side of the dwelling and living space to the rear. The proposed additions require an amendment to the special permit.
2. The proposed construction adds 2,049 square feet to the existing dwelling, resulting in a total of 7,345 square feet. The additions increase the existing FAR from .17 to .23, where .20 is the maximum allowed per sections 3.1.5 and 3.1.9. A special permit to exceed FAR is required per section 3.1.9.A.2.
3. The existing dwelling has a nonconforming height of 37.64 feet where 36 feet is the maximum allowed per section 3.1.5. The proposed additions raise the average grade, thereby lowering the height (decreases the distance between the average grade and peak of the roof) of the dwelling, bringing it into conformance.
4. The petitioner proposes to construct a 1,000 square foot internal accessory apartment over the attached garage. Per section 6.7.1.D.2 an internal accessory apartment may be no larger than 33% of the total habitable space of the dwelling or 1,000 square feet, whichever is less. The proposed apartment is 1,000 square feet, or 15% of the total habitable space of the dwelling, requiring no relief.

SR2 Zone	Required/Allowed	Existing	Proposed
Lot Size	18,000 square feet	31,308 square feet	No change
Frontage	100 feet	119.9 feet	No change
Setbacks			
• Front	30 feet	± 55 feet	No change
• Side	23 feet	30.1 feet	23.6 feet
• Side	23 feet	93.8 feet	No change
• Rear	23 feet	69.3 feet	51.7 feet
FAR	.20	.17	.23*
Building Height	36 feet	37.64 feet	34.77 feet
Maximum Stories	2.5	2.5	No change
Max. Lot Coverage	17%	8.1%	10.8%
Min. Open Space	65%	79.9%	77.8%

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
	Request to amend Special Permit # 316-20	S.P. per §7.3.3
§3.1.5 §3.1.9	Request to exceed FAR	S.P. per §7.3.3

#141-24
432 Dedham 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 to amend Special Permit #316-20 to grant relief for FAR as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The site in a Single Residence 2 (SR-2) district is an appropriate location for the proposed additions that require relief for FAR because the additional massing is well screened from Dedham Street and will allow for an accessory dwelling unit. (§7.3.3.C.1)
2. The proposed additions that exceed the FAR will not adversely affect the neighborhood because the additions are set far back from Dedham Street and will be well-screened by trees and greenery. (§7.3.3.C.2)
3. The proposed additions will not create a nuisance or serious hazard to vehicles or pedestrians because the curb cut and driveway location will not change. (§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 increase in FAR is not substantially more detrimental than the existing structure is to the neighborhood because it will add one new unit of housing on the site. The flexibility to renovate a historic structure and add a modestly sized accessory unit supports the city's goals of increasing housing stock in a way that utilizes existing infrastructure and increases the variety of residential unit configurations. (§3.4.1 and §7.8.2.C.2)

PETITION NUMBER: #141-24

PETITIONER: David Geffen

LOCATION: 432 Dedham Street, Ward 8, Newton Centre, on land known as Section 81 Block 11 Lot 47, containing approximately 31,308 sq. ft. of land

OWNER: David Geffen

ADDRESS OF OWNER: 432 Dedham Street
Newton, MA 02459

TO BE USED FOR: Amend Special Permit Special Permit #316-20 to grant relief for additions in excess of allowed FAR

RELIEF GRANTED: Special Permit to allow an amendment to Special Permit #316-20 to exceed FAR (§3.1.5, §3.1.9)

ZONING: Single Residence 2 (SR-2) District

This special permit supersedes, consolidates, and restates provisions of prior special permit (#316-20) for this location to the extent that those provisions are still in full force and effect.

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 Spruhan Engineering, stamped and signed by Joe Christopher C. Charlton, professional land surveyor dated August 30, 2023 and revised December 12, 2023
 - b. Set of plans prepared by Jeffrey Yates Architects LLC, stamped and signed by Jeffrey Yates, registered architect, and dated December 15, 2023:
 - “Front elevation sketch”
 - “Left elevation sketch”
 - “Rear elevation sketch”
 - “Right elevation sketch”
2. The petitioner shall comply with the City’s Accessory Apartment and Short Term Rental Ordinances - Chapter 30 §6.7.1. and Article IX Sec. 20-159
3. 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.

4. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit unless all applicable terms and conditions have been complied with 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.
 - b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.