



City of Newton, Massachusetts

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

Ruthanne Fuller
Mayor

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: March 15, 2024

TO: City Council

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

SUBJECT: **Petition #142-24**, for SPECIAL PERMIT/SITE PLAN APPROVAL to allow for dormers exceeding 50% of the length of the wall below and projecting above the existing ridge line at 20 Wachusett Rd., Ward 7, Chestnut Hill, on land known as Section 61 Block 15 Lot 04, containing approximately 23,114 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 1.5.4.G.2.b and 7.3.3 of Chapter 30 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 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.



20 Wachusett Rd.

I. Project Description

Use – Single-family, detached

Zone – Single-Residence 1 (SR1)

Lot size – 23,114 square feet

Existing Nonconformities – southwest/right side setback is approximately eight feet where 12.5 feet is required.

Proposal – the petitioner is seeking to establish an accessory dwelling in a preexisting carriage house. To increase habitable space, the petitioners are seeking to add dormers that exceed those allowed by right in the Zoning Ordinance.

Analysis

The proposed addition of dormers will increase the habitable space for the accessory dwelling unit while maintaining the integrity of the original carriage house. While the proposed dormers will exceed those allowed by-right, they will increase the height of the dwelling by only two feet. These changes will not be visible from the street and will be at least partially screened by vegetation on the east/rear lot line of the property. While Planning believes that the impact of this additional height will be negligible on the surrounding neighborhood, at 21.9 feet, the proposed height is just under allowed standards and any miscalculation or error during construction could easily result in a structure that exceeds the 22 feet allowed by the Zoning Ordinance and result in a Zoning Violation. If approved, the petitioner should be aware of this to ensure that the actual height after construction does not exceed the height allowed.

II. Zoning Relief Requested:

Zoning Relief Required		
Ordinance		Action Required
§1.5.4.G.2.b	To allow a dormer exceeding 50% of the length of the wall below	S.P. per §7.3.3
§1.5.4.G.2.d	To allow a dormer projecting above the existing ridge line	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 of dormers exceeding 50% of the length of the wall below and projecting above the existing ridge line. (§7.3.3.C.1)
- The proposed addition of dormers exceeding 50% of the length of the wall below and projecting above the existing ridge line as developed and operated will not adversely affect the neighborhood. (§7.3.3.C.2)
- The site is an appropriate location for the proposed addition of dormers exceeding 50%

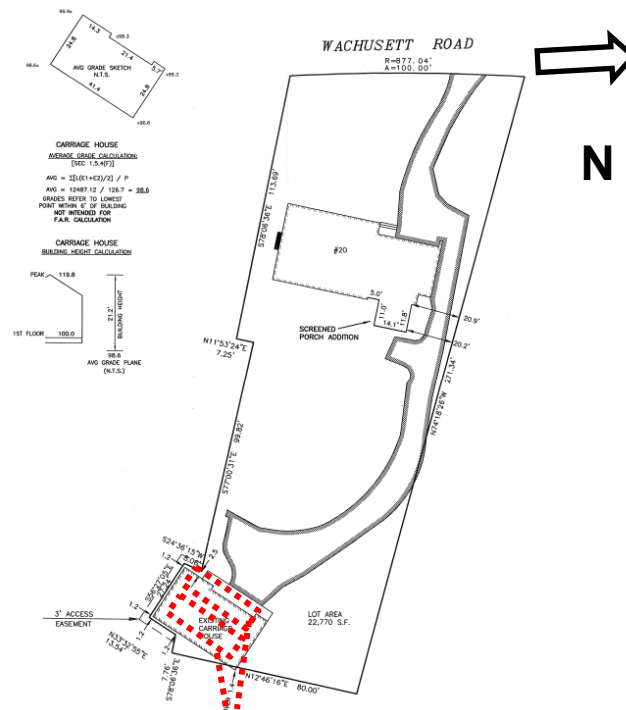
of the length of the wall below and projecting above the existing ridge line will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)

- Access to the site over streets is appropriate for the types and numbers of vehicles involved site is an appropriate location for the proposed addition of dormers exceeding 50% of the length of the wall below and projecting above the existing ridge line (§7.3.3.C.4)

IV. Project Proposal and Site Characteristics

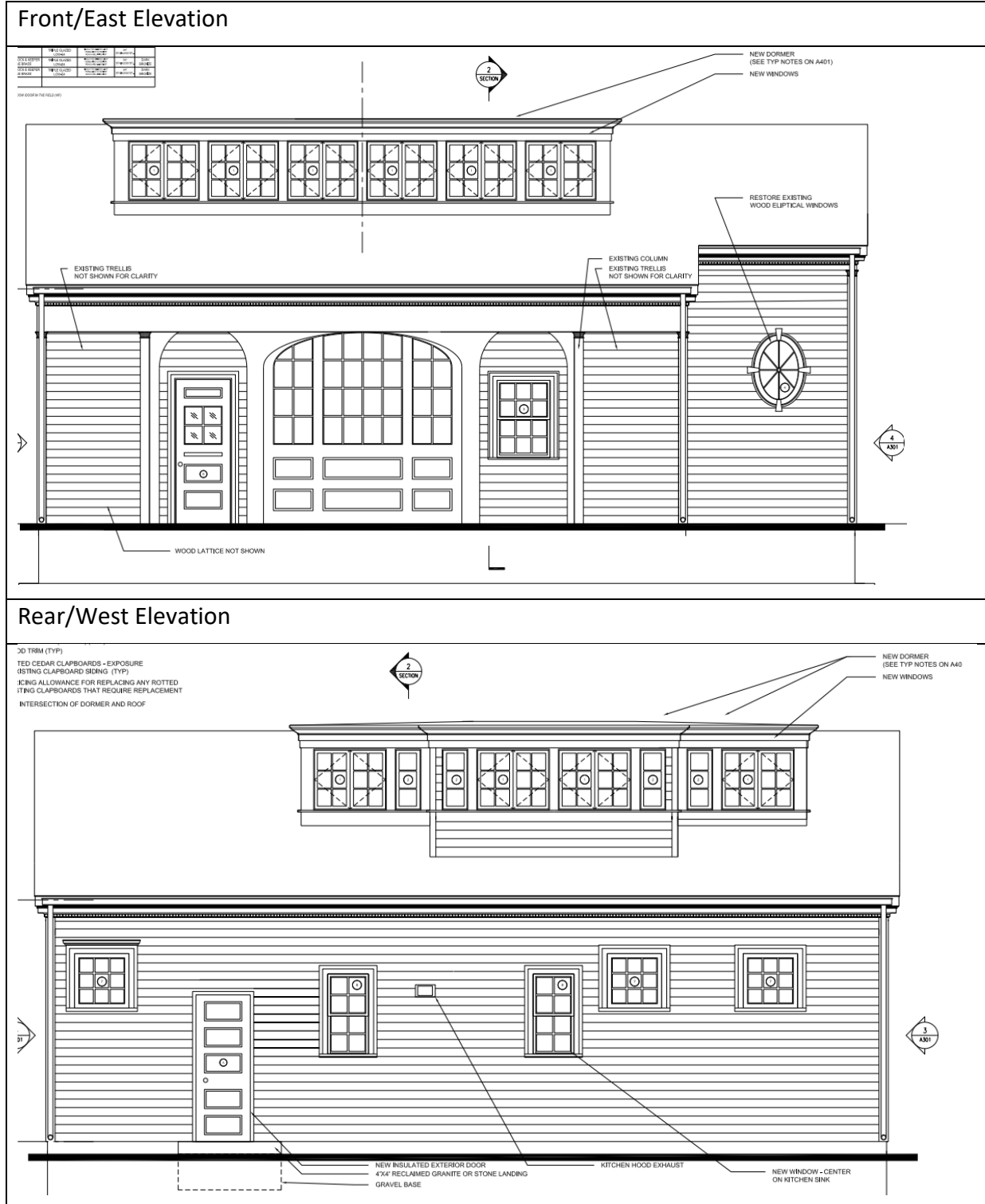
The subject property consists of a single-family dwelling with a carriage house from a historic estate that predates the principal dwelling and subdivision of the neighborhood. The petitioner’s plan to change the layout of the existing carriage house and add dormers to the second story. The proposed project would increase the habitable space in the carriage house by 268 square feet, giving the carriage house the ability to convert to an accessory dwelling unit with a kitchen and full bathroom. The proposed dormers will extend 25 feet, which is greater than 50% of the exterior wall below, requiring relief, and will be 1.3 feet above the existing ridgeline, also requiring relief. The proposed added porch space for the principal dwelling unit and proposed interior renovations for the carriage house do not require any relief.

Proposed Site Plan

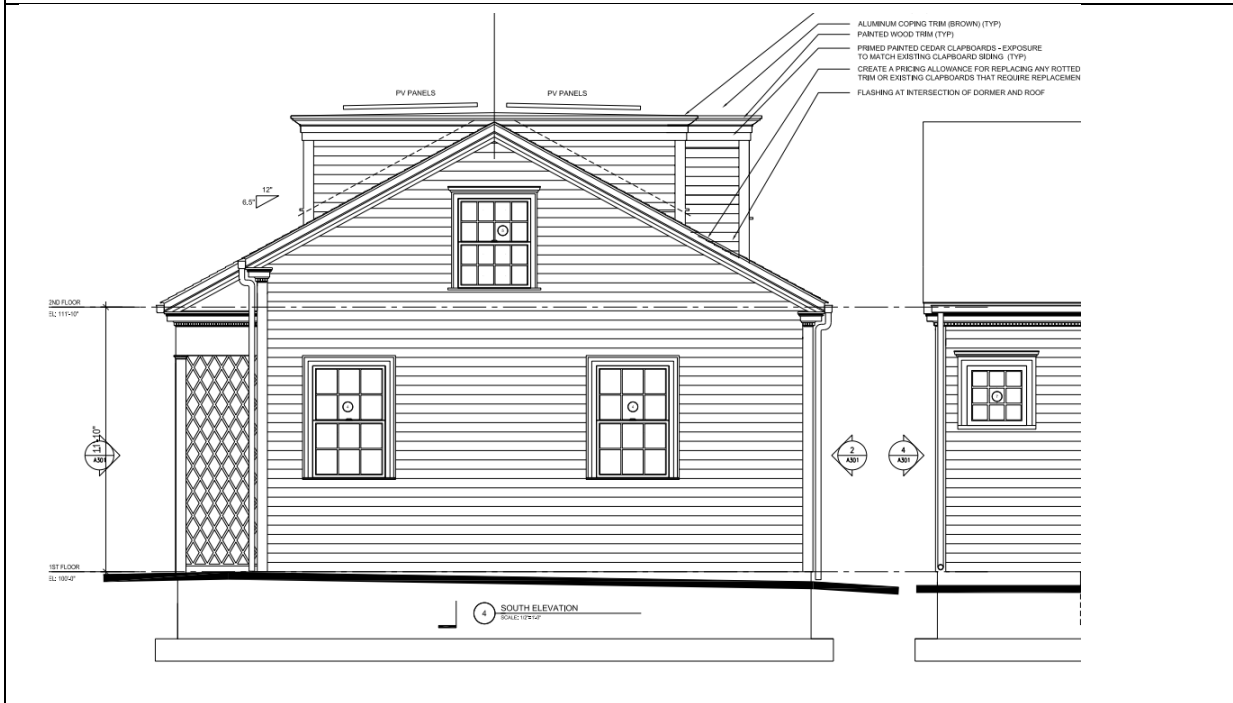


Proposed Addition of Dormers

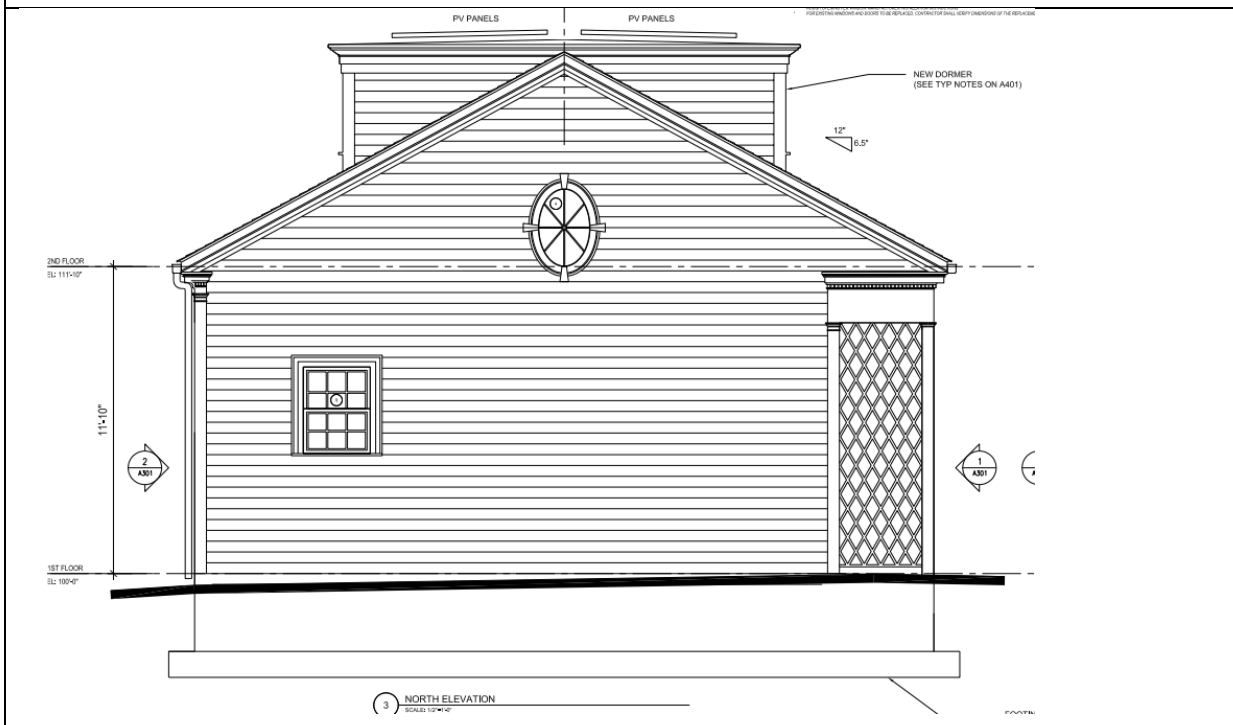
Proposed Elevations



Right/North Elevation



Left/North Elevation



I. Interdepartmental Review

Review from other departments is not necessary or required at this time.

II. Petitioner's Responsibilities

The petition is complete.

ATTACHMENTS:

- ATTACHMENT A:** Zoning Review Memorandum
ATTACHMENT B: Newton Historical Commission Decision
ATTACHMENT C: DRAFT Council Order



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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: February 8, 2024

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

Cc: Andrew Jonic, Architect
Marianne Bechet, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to allow oversized dormers in a detached accessory building

Applicant: Marianne Bechet	
Site: 20 Wachusett Road	SBL: 61015 0004
Zoning: SR1	Lot Area: 22,770 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling with a detached accessory apartment

BACKGROUND:

The property at 20 Wachusett Road consists of a 22,770 square foot lot in the Single Residence 1 zoning district improved with a single-family dwelling constructed in 1937 and a detached carriage house. The carriage house predates the principal dwelling, having previously been associated with a larger estate before the neighborhood was subdivided. The petitioners seek to establish an accessory apartment as of right within the carriage house and construct oversized dormers to allow for additional habitable space, requiring a special permit.

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

- Zoning Review Application, prepared by Andrew Jonic, architect, submitted 11/14/2023, completed 1/2/2024
- FAR Worksheet, submitted 11/14/2023, completed 1/2/2024
- Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 3/31/2021

ADMINISTRATIVE DETERMINATIONS:

1. The detached accessory building was originally associated with a larger estate prior to subdivision of the land into the current configuration, predating the principal dwelling to which it is now accessory. The accessory building was deemed historic by the Newton Historical Commission in December 2023. Per section 6.7.1.E.7, accessory apartments within detached structures deemed historically significant are allowed by right.

Per section 6.7.1.E.7.b, an accessory apartment in a detached historic accessory building must be more than 15 feet from an existing dwelling on an abutting property. The proposed unit is approximately 25 feet from the abutting dwelling.

An accessory apartment in a detached historic accessory building does not have to meet any of the setbacks prescribed by section 6.7.1.E.5. The existing structure has a side setback of 1.2 feet and is 1.4 feet over the rear lot line.

2. The petitioners propose to construct dormer additions on each side of the existing half story. Per section 1.5.4.G.2.b, a dormer may be no wider than 50% of the length of the exterior wall next below. The building has an overall width of 41.25 feet. The dormer proposed for the front of the building is 25 feet wide, or 61% of the length of the exterior wall next below, requiring a special permit.
3. Per section 1.5.4.G.2.d, no dormer may project above the main ridgeline of an accessory structure. The two proposed dormers extend approximately 1.3 feet above the ridgeline, requiring a special permit.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	22,770 square feet	No change
Frontage	100 feet	100 feet	No change
Setbacks - Principal <ul style="list-style-type: none"> • Front • Side • Side • Rear Setbacks – Accessory Apartment <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 12.5 feet 12.5 feet 25 feet NA NA NA	± 55 feet ± 8 feet 20.2 feet ± 150 feet >150 feet 1.2 feet 0 feet	No change No change No change No change No change No change No change No change
Stories <ul style="list-style-type: none"> • Principal • Accessory 	2.5 1.5	2.5 1.5	No change No change
Height <ul style="list-style-type: none"> • Principal • Accessory 	36 feet 22 feet	NA 19.9 feet	No change 21.9 feet
FAR	.26	.23	.25
Max Lot Coverage	20%	14.9%	No change
Min. Open Space	65%	68%	No change

See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§1.5.4.G.2.b	To allow a dormer exceeding 50% of the length of the wall below	S.P. per §7.3.3
§1.5.4.G.2.d	To allow a dormer projecting above the existing ridge line	S.P. per §7.3.3



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Newton Historical Commission Demolition Review Decision

Date: December 29, 2023

Application # HRA-23-244

Address of structure: 20 WACHUSETT RD

Type of building: Other - Selective demolition of the existing roof is required to install the proposed dormer. Current headroom on the 2nd floor is only 7'-0" clear directly below the ridge line.

If partial demolition, feature to be demolished is Roof - Selective Demolition

The building or structure is:

- in a National Register historic district or in a historic district eligible for listing
- individually listed on the National Register or individually eligible for listing.
- importantly associated with historic person(s), events, or architectural or social history
- historically or architecturally important for period, style, architect, builder, or context.
- in a local historic district not visible from a public way

is **NOT HISTORICALLY SIGNIFICANT** as defined by the Newton Demolition Delay Ordinance.

Demolition is not delayed and no further review is required.

is **HISTORICALLY SIGNIFICANT** as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

APPROVES the proposed project based upon materials submitted see below for conditions (if any).

Demolition is not delayed, further staff review may be required.

DOES NOT APPROVE and the project requires Newton Historical Commission review on this date December 28, 2023 (See below).

Conditions:

The Newton Historical Commission finds the building or structure:

is **NOT PREFERABLY PRESERVED**

Demolition is not delayed and no further review is required.

is **PREFERABLY PRESERVED - (SEE BELOW).**

Owner of Record:
Marianne Bechet

Delay of Demolition:

is in effect until

has been waived - see conditions

Please Note: if demolition does not occur within two years of the date of expiration of the demolition delay, the demolition will require a resubmittal to the Historical Commission for review and may result in another demolition delay.

Determination made by:

David Lewis, Chief Preservation Planner



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Director

RECORD OF ACTION

DATE: December 29, 2023

SUBJECT: 20 WACHUSETT RD

At a scheduled meeting and public hearing on December 28, 2023, the Newton Historical Commission, by vote of 5-0 RESOLVED to:

Find the property preferably preserved.

Voting in the Affirmative:

Anne Marie Stein
Harvey Schorr
Katie Kubie
Nancy Grissom
Doug Cornelius, Chair

Voting in the Negative:

Abstained:

Recused:

At a scheduled meeting and public hearing on December 28, 2023, the Newton Historical Commission, by vote of 5-0 RESOLVED to:

Waive demolition delay and approve the plans as proposed.

Voting in the Affirmative:

Anne Marie Stein
Harvey Schorr
Katie Kubie
Nancy Grissom
Doug Cornelius, Chair

Voting in the Negative:

Abstained:

Recused:

Title Reference:

Owner of Property: Marianne Bechet
Deed recorded at: Middlesex County Registry of Deeds
Book/Page
Date

David Lewis, Chief Preservation Planner

Newton Historical Commission
1000 Commonwealth Avenue, Newton, Massachusetts 02459
Email: dlewis@newtonma.gov
www.newtonma.gov

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 allow for dormers exceeding 50% of the wall below and projecting above the existing ridge line as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The site is an appropriate location for the proposed addition of dormers exceeding 50% of the length of the wall below and projecting above the existing ridge line as the additional dormers will allow for sufficient habitable space for the preservation and conversion of a historic carriage house to an accessory dwelling unit. (§7.3.3.C.1)
2. The proposed addition of dormers exceeding 50% of the length of the wall below and projecting above the existing ridge line as developed and operated will not adversely affect the neighborhood as the carriage house is located to the rear of the lot and obscured from the right-of-way. (§7.3.3.C.2)
3. The site is an appropriate location for the proposed addition of dormers exceeding 50% of the length of the wall below and projecting above the existing ridge line will be no nuisance or serious hazard to vehicles or pedestrians as no changes to parking or circulation are planned or required. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved site is an appropriate location for the proposed addition of dormers exceeding 50% of the length of the wall below and projecting above the existing ridge line as no changes to parking or circulation are planned or required. (§7.3.3.C.4)

PETITION NUMBER: #142-24

PETITIONER: Marianne Bechet

LOCATION: 20 Wachusett Rd., Ward 7, Chestnut Hill, on land known as Section 61 Block 15 Lot 04, containing approximately 23,114 sq. ft. of land

OWNER: Paul and Marianne Bechet

ADDRESS OF OWNER: 20 Wachusett Rd.
Chestnut Hill, MA 02467

TO BE USED FOR: Single-family dwelling

RELIEF GRANTED: Special Permit per §1.5.4.G.2.b to allow dormers exceeding 50% of the wall below and projecting above the existing ridgeline.

ZONING: Single Residence 1

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. Plot Plan stamped and signed by Bruce Bradford, Registered Land Surveyor dated January 21, 2023
 - b. Architectural plans signed and stamped by Andrew Jonic, Registered Architect, dated February 20, 2024 consisting of the following sheet:
 - i. Proposed elevations (showing front, rear, right, and left), Page 15
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.
 - b. Submitted final as-built survey plans in digital format, stamped, and signed by a professional land surveyor or professional engineer, as applicable.