



Land Use Committee Report

City of Newton In City Council

Tuesday, January 9, 2018

Present: Councilors Schwartz (Chair), Lipof, Greenberg, Auchincloss, Kelley, Markiewicz, Crossley, Laredo

City Staff Present: Associate City Solicitor Bob Waddick, Chief Planner Jennifer Caira, Senior Planner Neil Cronin, Senior Planner Michael Gleba

All Special Permit Plans, Memos and Application Materials can be found at http://www.newtonma.gov/gov/aldermen/special_permits/current_special_permits.aspx. Planning Department Presentations for each project can be found at the end of this report.

#18-18 **Special Permit Petition to allow oversized dormer at 165 Harvard Street**
DIEGO TEBALDI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow dormer greater than 50% of the exterior wall below it at 165 Harvard Street, Ward 2, Newtonville, on land known as Section 22, Block 23, Lot 2, containing approximately 9,273 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 1.5.4.G.2, 1.5.4.G.2.b of the City of Newton Rev Zoning Ord, 2015.

Action: **Land Use Held to 02/06/2018**

Note: The Committee was informed that petitioner Diego Tebaldi requested a continuance until February 6, 2018. The Public Hearing was opened. Committee members voted 8-0 to hold the item until February 6, 2018.

#21-18 **Special Permit Petition to exceed FAR at 43 Fisher Avenue**
DOUGLAS WHITAKER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a first floor kitchen and mudroom and second floor bedroom and bath after razing the existing first floor bump out, creating an FAR of .47 where .44 is allowed and .40 exists at 43 Fisher Avenue, Ward 6, Newton Highlands, on land known as Section 52 Block 13 Lot 06, containing approximately 7,430 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9.A.2 of the City of Newton Rev Zoning Ord, 2015.

Action: **Public Hearing Closed 01/09/2018; Land Use Approved 8-0**

Note: Petitioner Douglas Whitaker presented the request to construct two expansions on the existing structure at 43 Fisher Avenue. The proposed extensions of the structure would add a mudroom, kitchen, bathroom and additional bedroom space on the second floor. The combined

additions would increase the FAR from .40 to .47 where .44 is allowed at the site. Mr. Whitaker noted that the proposed extensions of the house were designed to be considerate of the neighborhood context and stated that the changes to the exterior of the site will be minor.

Senior Planner Michael Gleba reviewed the requested relief to allow an increase of FAR to .47 where .44 is allowed. He provided an overview of the criteria for consideration; Whether the increase is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. Mr. Gleba demonstrated an aerial photo of the site, noting the abutting aqueduct property, the site plan with existing and proposed conditions, elevations and the location of the two proposed additions. He noted that the second story rear addition protrudes over the existing deck. In response to a question, Mr. Gleba confirmed that due to the sloped grading of the lot, 106 sq. ft. of basement space count towards the FAR.

The Public Hearing was opened. With no member of the public wishing to speak, Councilor Crossley motioned to close the public hearing which carried unanimously. Councilor Crossley motioned to approve the petition. Committee members reviewed draft findings and conditions. With no proposed changes, Committee members voted unanimously in favor of the petition.

#19-18 **Special Permit Petition to extend non-conforming use at 307-309 Lexington Street**
LESVOS PROPERTIES LLC./MARIA BANIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the non-conforming use to allow reconfiguration of the existing two-family dwelling into one unit and adding a second two-story attached dwelling unit at 307-309 Lexington Street, Ward 4, Auburndale, on land known as Section 41, Block 30, Lot 36 and Section 41, Block 30, Lot 37, containing approximately 15,216 sq. ft. of land in a district zoned SINGLE RESIDENCE 3.Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

Action: **Public Hearing Closed 01/09/2018; Land Use Held to 01/23/2018**

Note: Architect Peter Sachs, 20 Hunter Street, represented petitioner George Banis and presented the request to extend the non-conforming use at 307-309 Lexington Street by converting the existing two-family into a one family and constructing a 3,000 sq. ft. attached second unit. Mr. Sachs noted that the petitioner hopes to construct the second unit as a multi-generational opportunity with the intent for their parents to move in. The existing two-family will remain and the proposed second unit will be recessed and to the right of the existing structure. As part of the proposal, a second curb cut, garage and driveway would be constructed. The proposed plans show garage doors facing the side lot line. Mr. Sachs noted that the Historic Commission supports the proposal in addition to five abutters at the site. Mr. Sachs stated that although there is an existing garage at the site, expansion of the garage is not practical due to its proximity to the existing structure and the amount of yard space it would require. In response to the Planning Department's concerns relative to the second curb cut and driveway, Mr. Sachs confirmed that the petitioner would be amenable to moving the driveway to allow for additional landscaping.

Senior Planner Michael Gleba reviewed the relief to extend the existing non-conforming use.

Mr. Gleba reviewed the criteria for consideration as follows; Whether the proposed extension is substantially more detrimental than the existing non-conforming use to the neighborhood. Mr. Gleba showed the proposed site plan, proposed addition and location of the existing structure on an aerial photo. He noted that the Planning Department has suggested that the petitioner use the existing driveway to access the second garage in order to minimize the need for a second curb cut and additional paving. Mr. Gleba stated that the Engineering Department has not yet reviewed the proposed project.

A Committee member questioned why the petitioner did not put a second house on the lot. Mr. Sachs noted that it was the petitioner's intent to encourage multi-generational living and the Historic Commission approved the proposed plans. Some Committee members were in agreement that additional landscaping at the front of the site could mitigate the impact of the driveway, acknowledging the limitations of the site. It was noted that by reducing the size of the second proposed unit, the availability of yard space could be increased. One Committee noted that the proposed unit is set back significantly on the site and it was noted that the petitioner is not seeking FAR relief.

The Public Hearing Was Opened. Seeing no member of the public wishing to speak Councilor Markiewicz motioned to close the public hearing which carried unanimously. Committee members noted that there were some discrepancies in the Zoning Review Memo and asked that the Planning Department provide clarification. Because drainage calculations were not submitted the City's Engineering Department has not reviewed the project. Mr. Sachs noted without knowing whether the Council will approve the project, obtaining Engineering plans can be cost prohibitive. Mr. Sachs confirmed that with Council approval and issuance of the Special Permit, the petitioner must comply with the City's Engineering standards. Committee members were in agreement that a draft Board Order, revised Zoning Review calculations and a landscaping plan should be reviewed prior to approval. With a motion from Councilor Markiewicz to hold the item until January 23, 2018, Committee members voted unanimously in favor.

#22-18 Special Permit Petition to allow oversized dormer and office at 9 Crofton Road
JOSEPH AND KELLY ROGERS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the second level of an existing detached garage structure for home business office use and construct a dormer greater than 50% of the wall below it, on the detached garage structure at 9 Crofton Road, Ward 5, Waban, on land known as Section 55, Block 14, Lot 13, containing approximately 38,197 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 1.5.4.G.2, 1.5.4.G.2.b, 6.7.3.B.1.k.iv of the City of Newton Rev Zoning Ord, 2015.

Action: Public Hearing Closed 01/09/2018; Land Use Approved 6-0 (Auchincloss, Lipof not Voting)

Note: Architect Peter Sachs represented petitioner Kelly Rogers. Mr. Sachs presented the request to use the attic space of an existing garage at 9 Crofton Road as a studio for interior design work. Mr. Sachs noted that the proposal has been shared with neighbors who have not indicated any concerns. It is the petitioner's intent to limit the on-site business to one client at a time with no on-site

retail. Mr. Sachs noted that incorrect FAR calculations were submitted at the time of application but noted that corrected calculations have been subsequently submitted. No FAR relief is required for the petition.

Mr. Gleba reviewed the requested relief as follows; To allow a home business in an accessory structure and to locate a dormer, greater than 50% of the wall below it, in an accessory structure. Mr. Gleba reviewed the criteria for the Council's consideration as follows; The site is an appropriate location for a home business, The proposed home business will not adversely affect the neighborhood, The proposed home business will not be a nuisance or create a serious hazard to vehicles or pedestrians, The site is an appropriate location for an accessory structure with a second floor dormer wider than 50% of the exterior wall below, The proposed second floor dormer wider than 50% of the exterior wall below will not adversely affect the neighborhood, The structure as proposed will not be a nuisance or create a serious hazard to vehicles or pedestrian, and, Access to the site over streets is appropriate for the types and numbers of vehicles involved. Mr. Gleba showed photos, zoning and land use of the site. He noted that the Home Business would be subject to the standards as set forth in the Zoning Ordinance.

The Public Hearing was opened. Seeing no member of the public wishing to speak, Councilor Crossley motioned to close the public hearing which carried 7-0, Councilor Auchincloss not voting. Councilor Crossley motioned to approve the petition. Committee members reviewed the draft findings and conditions. A Committee member noted that the business is well set back and the nature of the business should have no impact on traffic as there is sufficient parking on site. With no changes to the draft Board Order, Committee members voted 6-0 in favor of the petition (Councilors Auchincloss, Lipof not Voting).

#20-18 **Special Permit Petition to extend non-conforming commercial use at 203 Elliot St**
BRICE BEN HOBBS AND REBECCA BELLA WANGH petition for **SPECIAL PERMIT/SITE PLAN**
APPROVAL to extend the non-conforming commercial use, extend the non-conforming front setback, extend the non-conforming side setback and exceeding the maximum FAR by extending the commercial use from retail to an art studio and constructing a second floor residence at 203 Elliot Street, Ward 5, Newton Upper Falls, on land known as Section 51, Block 18, Lot 4, containing approximately 4,164 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.1.4, 7.8.2.C.2, 3.2.3, 3.2.11 of the City of Newton Rev Zoning Ord, 2015.

Action: **Public Hearing Closed 01/09/2018; Land Use Approved 8-0**

Note: Attorney Laurance Lee, of Rosenberg, Freedman and Lee represented petitioners Brice Ben Hobbs and Rebecca Bella Wangh. Atty. Lee presented the proposal to locate a second story to the existing brick structure at 203 Elliot Street, formerly a convenience store. The renovated structure would include a residential component and private art studio. The petitioners are seeking to extend the non-conforming setbacks, use and FAR, requiring relief for the non-conforming structure at 203 Eliot Street. Atty. Lee noted that the Upper Falls and NHC are in support as well as abutters to the property. Mr. Travis Anderson, Design Director of Placetaylor Design reviewed the proposed renovations. He noted that the context of the neighborhood was considered during design. Mr.

Anderson noted that the proposed dwelling will be designed as a net zero project with the opportunity to be positively performing if the petitioners choose to increase the solar array at the site. The petitioners intend to maintain green space and plantings.

Mr. Cronin reviewed the requested relief including relief to extend the non-conforming use of the site, extend the non-conforming setbacks and relief for increased FAR. Mr. Cronin reviewed the criteria for consideration whether the proposed extensions of setbacks and non-conforming use are substantially more detrimental than the existing use on the neighborhood and whether the FAR increase is consistent with the size, scale and not in derogation of other homes in the neighborhood. Mr. Cronin stated that much of the footprint will be contained within the existing footprint of the structure, but noted that some deck space will extend beyond the footprint to provide deck space and a vehicle shelter.

The Public Hearing was opened.

Phil Wesalowski, Mechanic Street, expressed support for the proposed renovations.

With no member of the public wishing to speak, Councilor Crossley motioned to close the public hearing which carried unanimously. Committee members were excited and supportive of the proposed plans and commended the creative design and the sustainability components of the proposed project. Councilor Crossley moved approval of the petition. Committee members reviewed draft findings and conditions. A Committee member asked whether site lines will be impacted by the increased height of the structure. Mr. Anderson confirmed that the structure is setback on the site, utilizing the slope at the rear of the lot to minimize the impact. He confirmed that there should be no sight line changes for drivers. Committee members asked that the Planning Department work with the Law Department to modify the conditions in the Board Order so that they do not limit the petitioners from participating in open studios or occasional art sales, but limit regular retail use of the site. Committee members voted unanimously in favor of the petition.

#8-18 **Class 1 Auto Dealer License**
VILLAGE MOTORS GROUP, INC. D/B/A HONDA VILLAGE
371 Washington Street
Newton, MA. 02458

Action: **Land Use Approved 8-0**

#9-18 **Class 1 Auto Dealer License**
FLAHERTY EQUIPMENT SALES CORPORATION
846 Walnut Street
Newton, MA. 02459

Action: **Land Use Approved 8-0**

#10-18 **Class 1 Auto Dealer License**
NEWTON CENTRE SHELL
1365 Centre Street

Newton, MA. 02459

Action: **Land Use Approved 8-0**

#11-18 Class 1 Auto Dealer License

MMAG RETAIL HOLDINGS – CJ LLC. D/B/A MCGOVERN CHRYSLER JEEP DODGE RAM
777 Washington Street
Newton, MA. 02460

Action: **Land Use Approved 8-0**

#12-18 Class 2 Auto Dealer License

NEW ENGLAND MOTOR MART, INC.
1231-2 Washington Street
West Newton, MA. 02465

Action: **Land Use Approved 8-0**

#13-18 Class 2 Auto Dealer License

KC AUTO
55 Farwell Street Apt. 13
Newton, MA. 02460

Action: **Land Use Approved 8-0**

#14-18 Class 2 Auto Dealer License

JACOBS AUTO SERVICE
HUSSEM JACOB/JACOB & ASSOCIATES
1232 Washington Street
Newton, MA. 02465

Action: **Land Use Approved 8-0**

#15-18 Class 2 Auto Dealer License

MOTORCARS OF BOSTON, INC.
1191 Washington Street
Newton, MA. 02465

Action: **Land Use Approved 8-0**

#16-18 Class 3 Auto Dealer License

SCHIAVONE BROTHERS, INC.
16 MAGUIRE COURT
Newton, MA. 02458

Action: **Land Use Approved 8-0**

#17-18 Class 3 Auto Dealer License

ECHO BRIDGE SALVAGE CO.
16 MAGUIRE COURT
Newton, MA. 02458

Action: **Land Use Approved 8-0**

Note: Committee members had no concerns relative to approval of Auto Dealers Licenses for items #8-18, #9-18, #10-18, #11-18, #12-18, #13-18, #14-18, #15-18, #16-18, #17-18. Committee members voted unanimously to approve the Auto Dealer's Licenses.

Respectfully Submitted,

Greg Schwartz, Chair

Department of Planning and Development



PETITION #21-18

43 FISHER AVENUE

SPECIAL PERMIT/SITE PLAN APPROVAL TO CONSTRUCT A FIRST FLOOR KITCHEN AND MUDROOM AND SECOND FLOOR BEDROOM AND BATH AFTER RAZING THE EXISTING FIRST FLOOR BUMP OUT, CREATING AN FAR OF .47 WHERE .44 IS ALLOWED AND .40 EXISTS



JANUARY 9, 2018

Requested Relief

Special permit per §7.3.3 to:

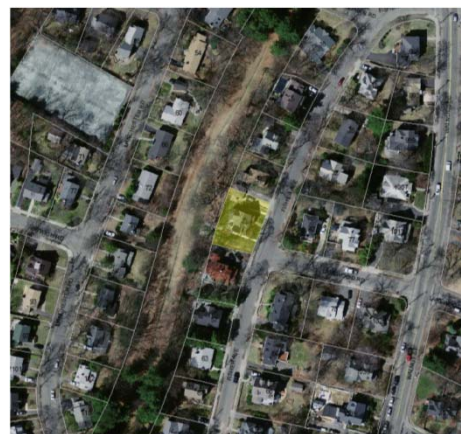
- exceed the maximum floor area ratio (FAR) (§3.1.9.A.2)

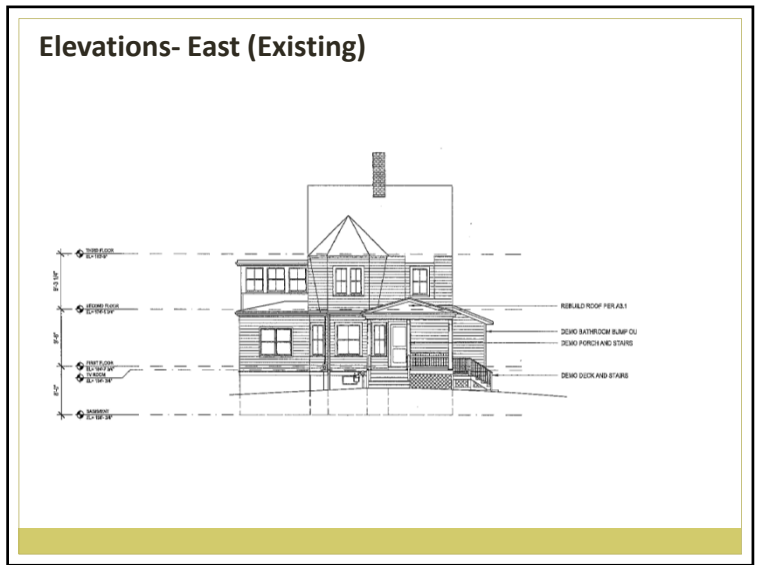
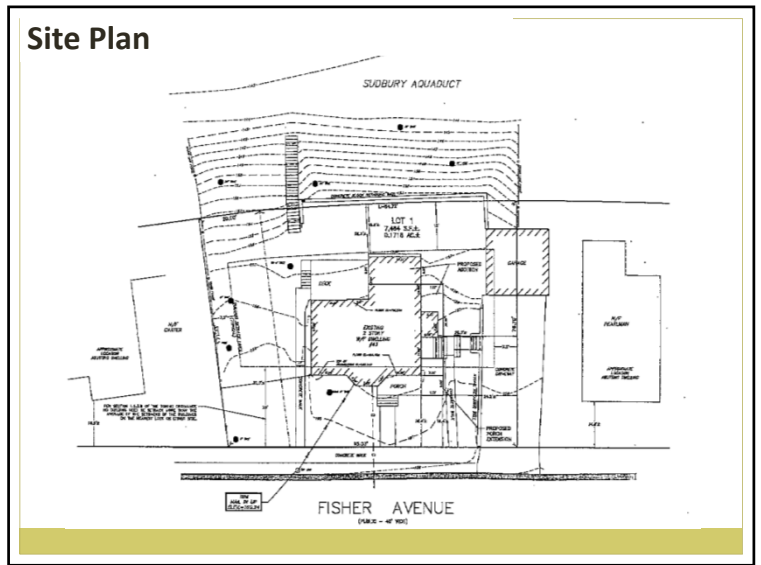
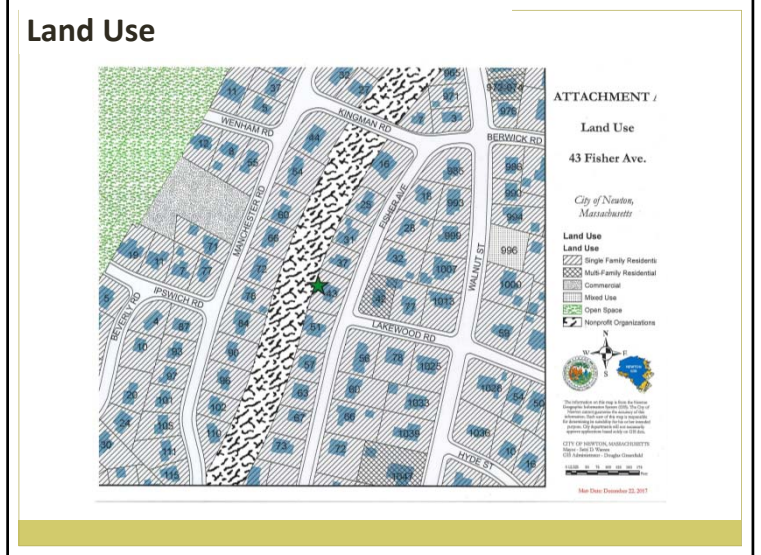
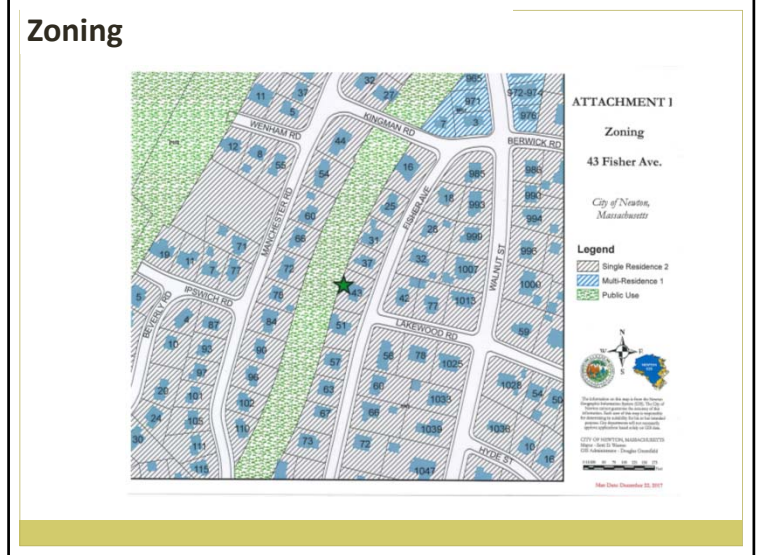
Criteria to Consider

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

- The proposed increase in FAR from 0.40 to 0.47, where 0.44 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 (§3.1.9.A.2).

AERIAL/GIS MAP



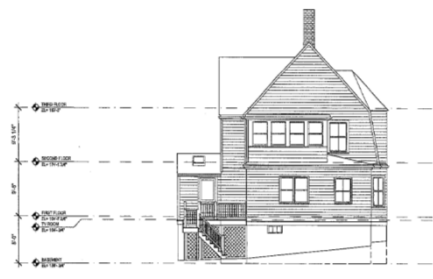


Elevations- East (Proposed)

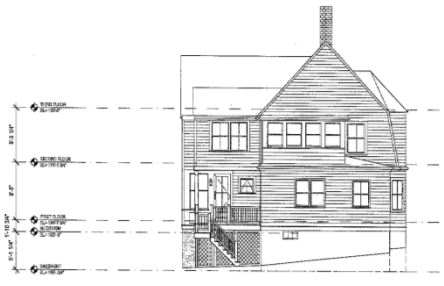


- OUTLETS AND DOWNSPOUTS TO MATCH EXISTING PROFILE
- PAINTED PVC CLAD POST WITH BASE AND CAPITAL TO MATCH EXISTING
- PAINTED MANDARIN HORIZONTAL, 1 1/4\"/>

Elevations- South (Existing)



Elevations- South (Proposed)



Elevations- West (Existing)



- REMOVE WINDOW, PATCH AND PAINT
- DEMO DINING AREA
- ETG DECK TO REMAIN, SHORE UP DURING DEMO
- EXISTING VENT TO BE REINSTALLABLE OR REROUTED OUTSIDE, SEE TO ARCHITECT WITH ARCHITECT
- RELOCATE CONDENSING MECHANICAL, SEE TO REVIEW IF EXISTING CAN BE REUSED.

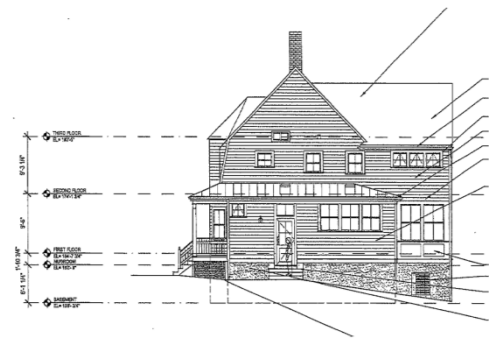
Elevations- West (Proposed)



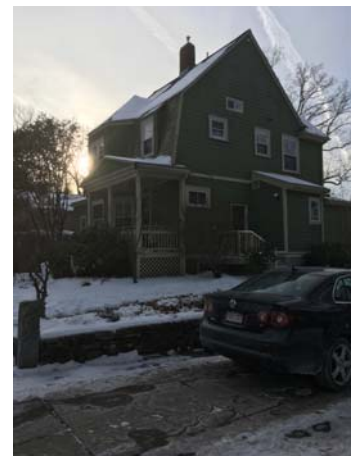
Elevations- North (Existing)



Elevations- North (Proposed)



Photos



Photos



Photos



Photos



Photos

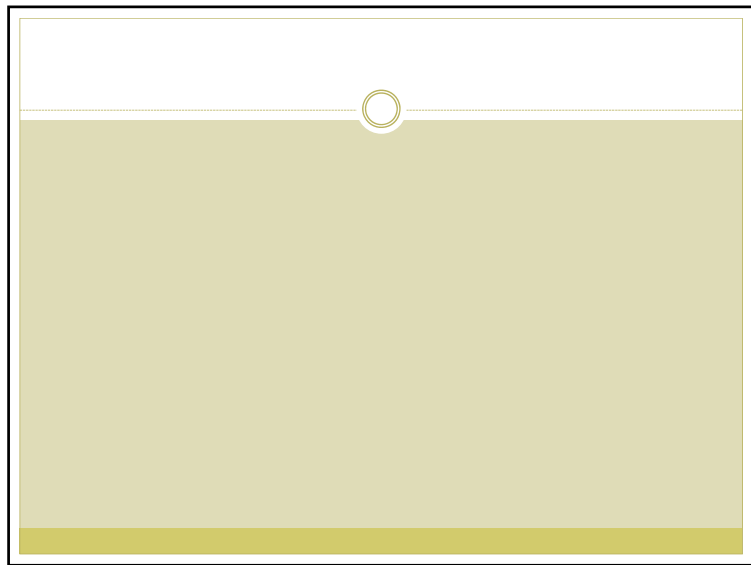


Proposed Findings

1. The expanded structure that would result from the proposed increase in floor area ratio (FAR) from 0.40 to 0.47, where 0.44 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 as it will be similar in regard to those characteristics of other structures in the surrounding area and conform to other relevant dimensional requirements (§3.1.9).-

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 #19-18
307-309 LEXINGTON STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO EXTEND THE
NONCONFORMING USE TO
ALLOW RECONFIGURATION OF
THE EXISTING TWO-FAMILY
DWELLING INTO ONE UNIT AND
ADDING A SECOND TWO-STORY
ATTACHED DWELLING UNIT

JANUARY 9, 2018



Requested Relief

Special permit per §7.3.3 to:

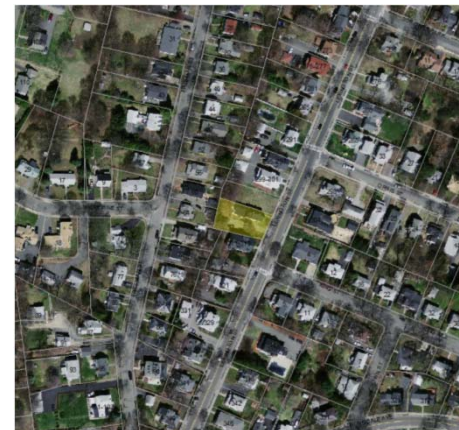
- extend the existing nonconforming two-family use (§3.4.1; §7.8.2.C.2)

Criteria to Consider

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

- the proposed extension an existing nonconforming two-family use in and Single Residence 3 (SR3) zoning district would not be substantially more detrimental than the existing nonconforming use to the neighborhood. (§7.8.2.C.2)

AERIAL/GIS MAP



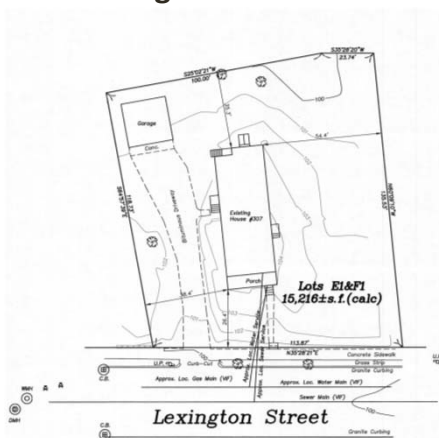
Zoning



Land Use



Site Plan- existing



Site Plan- proposed



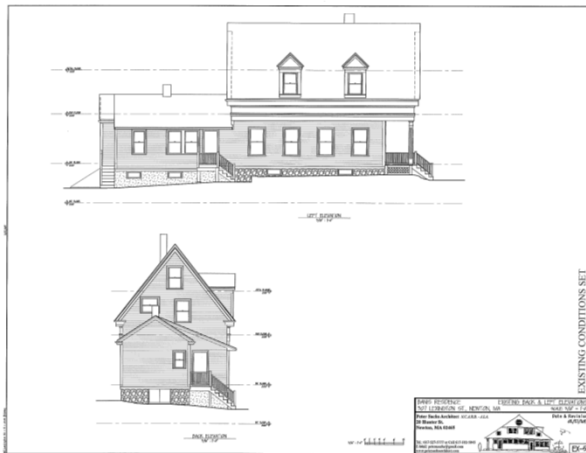
Elevations- Right and Front (Existing)



Elevations- Right and Front (Proposed)



Elevations- Left and Back (Existing)



Elevations- Back and Left (Proposed)



Perspectives



Photos



Photos



Photos



Photos




Photos



Proposed Findings

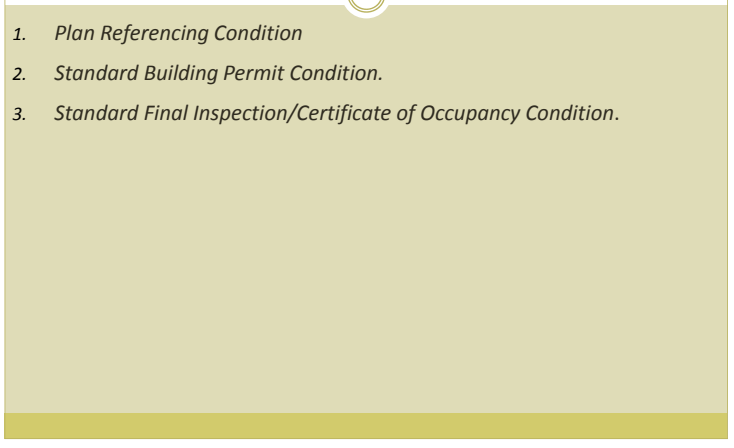
1. -

Proposed Findings (con't)

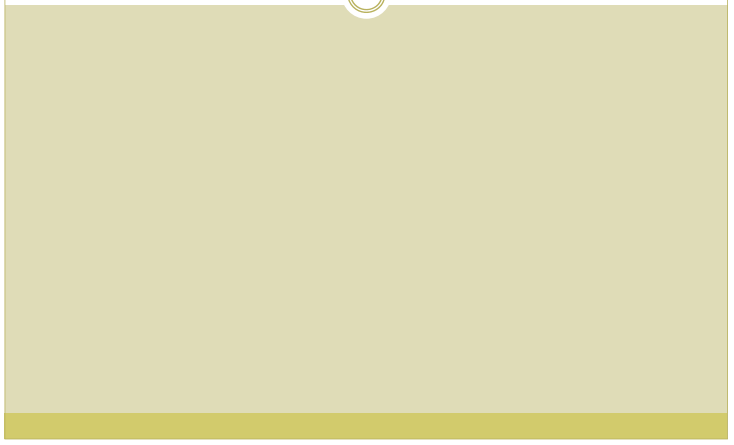


Proposed Conditions

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



Proposed Conditions (con't)



Department of Planning and Development



PETITION #22-18 9 CROFTON ROAD

SPECIAL PERMIT/SITE PLAN APPROVAL TO CONVERT THE SECOND LEVEL OF AN EXISTING DETACHED GARAGE STRUCTURE FOR HOME BUSINESS OFFICE USE AND CONSTRUCT A DORMER GREATER THAN 50% OF THE WALL BELOW IT, ON THE DETACHED GARAGE STRUCTURE



JANUARY 9, 2018

Requested Relief

Special permit per §7.3.3 to:

- to allow a dormer wider than 50% of the exterior wall below (§1.5.4.G.2, §1.5.4.G.2.b)
- to allow a home business in a detached accessory structure (§6.7.3.B.1.k.iv).

Criteria to Consider

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

1. The site is an appropriate location for a home business (§7.3.3.C.1; §6.7.3.B.1.k.iv);
2. The proposed home business will not adversely affect the neighborhood (§7.3.3.C.2; §6.7.3.B.1.k.iv);
3. The proposed home business will not be a nuisance or create a serious hazard to vehicles or pedestrian (§7.3.3.C.3; §6.7.3.B.1.k.iv);
4. The site is an appropriate location for an accessory structure with a second floor dormer wider than 50% of the exterior wall below (§7.3.3.C.1; §1.5.4.G.2.b);
5. The proposed second floor dormer wider than 50% of the exterior wall below will not adversely affect the neighborhood (§7.3.3.C.2; §1.5.4.G.2.b);
6. The structure as proposed will not be a nuisance or create a serious hazard to vehicles or pedestrian (§7.3.3.C.3; §1.5.4.G.2.b);
7. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4; §1.5.4.G.2.b; §6.7.3.B.1.k.iv).

AERIAL/GIS MAP



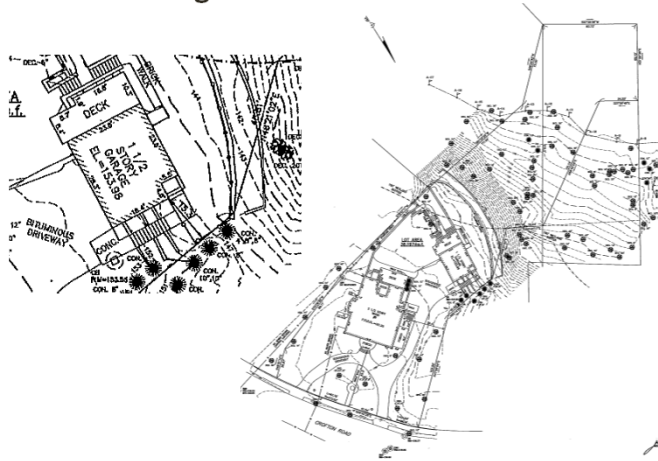
Zoning



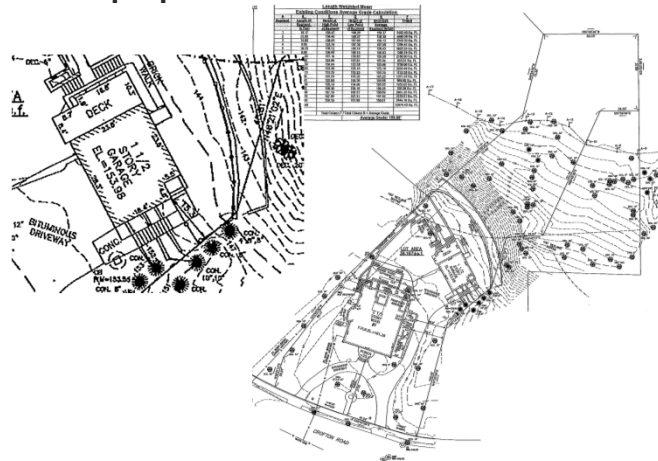
Land Use



Site Plan- existing



Site Plan- proposed



NZO Sec. 6.7.3.B Standards (cont.)

1. In Single Residence districts, a single home business per dwelling unit is permitted as an accessory use so long as such home business does not violate any of the following conditions:
 - a. The home business shall be clearly incidental and secondary to the use of the dwelling as a residence, shall be located within the dwelling unit, and shall not change the residential character of the dwelling;
 - b. Irrespective of the location of the home business within the dwelling unit, the total area of the dwelling unit utilized for the home business shall not exceed 30 percent of the ground floor area of the dwelling unit or 30 percent of the gross floor area of an individual apartment if the dwelling unit is located in a multifamily dwelling;
 - c. Not more than 1 nonresident shall be employed in a secretarial or like position in a home business, except that a physician or dentist may employ 1 technician in a capacity supportive of the practice of the resident professional in addition to 1 secretary;
 - d. Not more than 3 customers, pupils or patients for business or instruction shall be present at any one time;

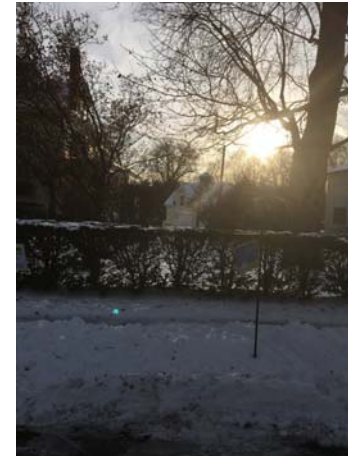
NZO Sec. 6.7.3.B Standards (cont.)

- e. There shall be no on-premises storage of merchandise for sale in any instance where the home business is primarily a direct mail order or telephone-order business, except in instances where the merchandise for sale is produced entirely on the premises;
- f. There shall be no exterior display or exterior storage of merchandise, and no exterior indication of the home business other than 1 non-illuminated identification sign not to exceed 1 square foot in area;
- g. There shall be no retail or wholesale sale of merchandise on the premises;
- h. The home business shall not produce noise, vibration, glare, fumes, odors, electrical interference or traffic congestion beyond that which normally occurs in the immediate residential area, nor shall the home business result in the repeated disruption of the peace, tranquility, or safety of the immediate residential neighborhood;

NZO Sec. 6.7.3.B Standards (cont.)

- i. In addition to the parking required by Sec. 5.1.4 for residential use of the dwelling unit, off street parking designed in compliance with the requirements of Sec. 5.1.4 shall be provided as follows:
 - i. 1 parking stall for each 200 square feet, or fraction thereof, of floor area used for the home business.
 - ii. If more than 1 parking stall is required for the home business, the total number of parking stalls required shall be reduced by 1 stall;
- j. In any dwelling which has an accessory apartment, there shall be no more than 1 home business which shall be located in the principal dwelling unit

Photos



Photos



Photos



Photos



Photos



Photos



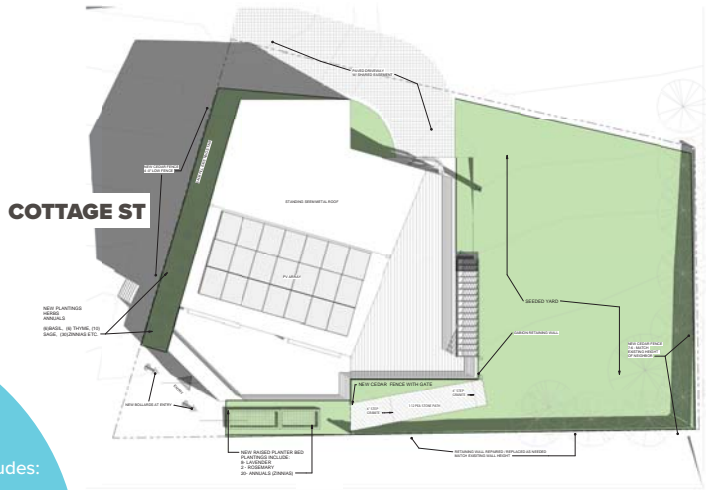
Proposed Findings

1. The proposed home business (interior design office) is an appropriate use for the existing detached garage;
2. The site is an appropriate location for a home business (§7.3.3.C.1; §6.7.3.B.1.k.iv);
3. The proposed home business will not adversely affect the neighborhood (§7.3.3.C.2; §6.7.3.B.1.k.iv);
4. The proposed home business will not be a nuisance or create a serious hazard to vehicles or pedestrian (§7.3.3.C.3; §6.7.3.B.1.k.iv);
5. The site is an appropriate location for an accessory structure with a second floor dormer wider than 50% of the exterior wall below (§7.3.3.C.1; §1.5.4.G.2.b);
6. The proposed second floor dormer wider than 50% of the exterior wall below will not adversely affect the neighborhood (§7.3.3.C.2; §1.5.4.G.2.b);
7. The structure as proposed will not be a nuisance or create a serious hazard to vehicles or pedestrians (§7.3.3.C.3; §1.5.4.G.2.b);
8. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4; §1.5.4.G.2.b; §6.7.3.B.1.k.iv).
9. With the restrictions included in this order there will be adequate parking provided on-site.

Proposed Conditions

1. *Plan Referencing Condition*
2. The home business use approved through this Special Permit/Site Plan Approval shall be operated subject to the provisions and standards provided by Sec. 6.7.3 (Home Business) of the Newton Zoning Ordinance.
3. The detached structure shall not be used as an accessory apartment or as sleeping quarters, temporary or otherwise.
4. *Standard Building Permit Condition.*
5. *Standard Final Inspection/Certificate of Occupancy Condition.*

203 Elliot Street • "Lil Elliot" • A Placetaylor design



ELLIOT ST

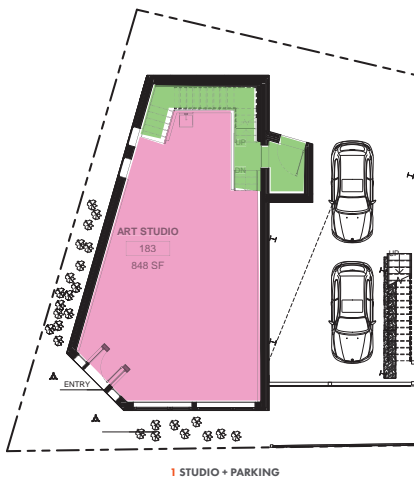
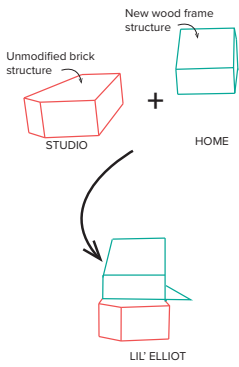


PROJECT DESCRIPTION

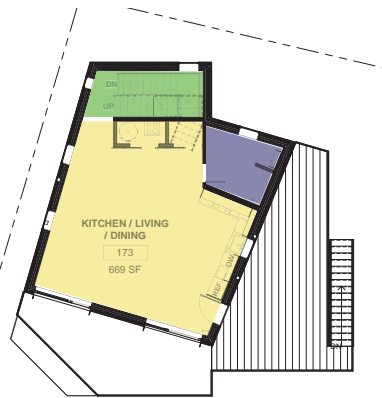
Proposed structure: 2.5 story building. Includes:
 -1-story existing structure
 -1.5 story addition built above the existing structure
 -The existing first floor will be converted into a private art studio.

The addition will include:
 -Open living, dining and kitchen area
 -Two bedrooms on the top (.5) floor
 -1.5 bathrooms

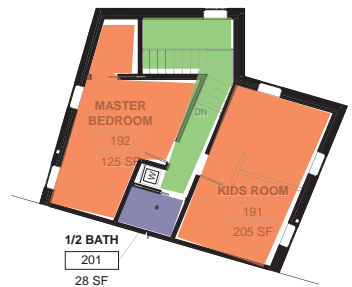
-There will be two 9'x19' parking spaces behind the house.
 -The building is design to passive house standards, to achieve a net-zero/net-positive goal.



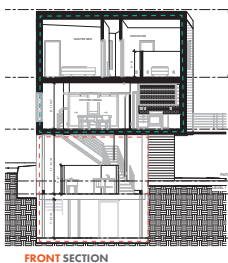
1 STUDIO + PARKING



FLOOR 2 LIVING + KITCHEN



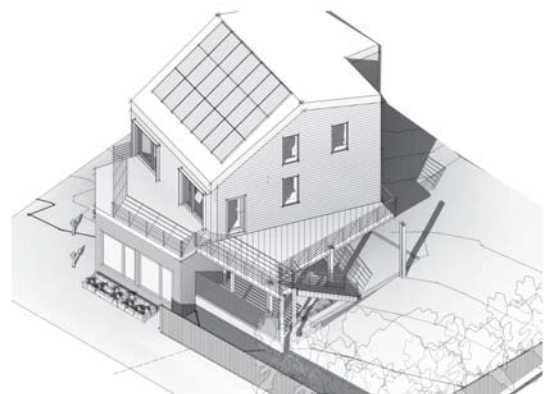
FLOOR 2.5 - BEDROOMS



FRONT SECTION



PATIO SECTION



203 Elliot Street • Floor Plans • Section



Energy Usage:

(kBtu/ft²/yr)

Target Criteria is based on Passive House US Metrics for Boston Climate

Heating Demand: **3.54** (target: 6.19)

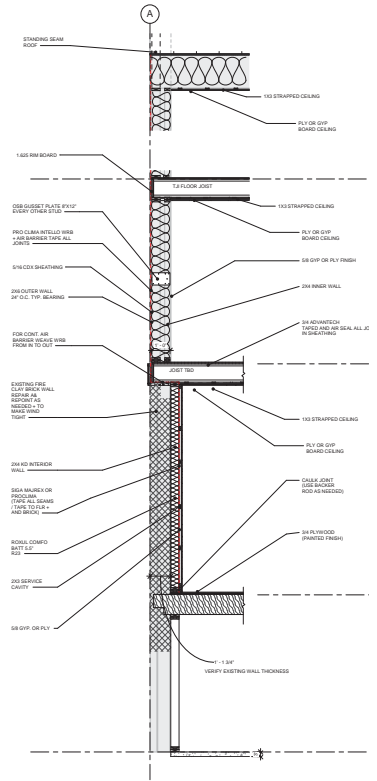
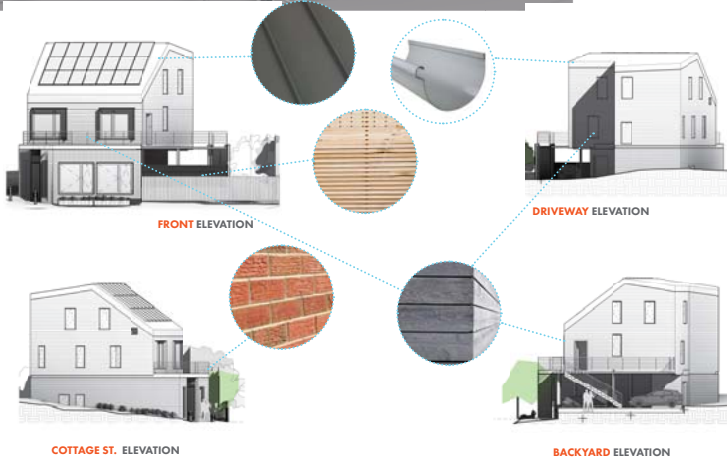
Cooling Demand: **4.03** (target: 2.45)

Heating Load: **3.82** (target: 4.62)

Cooling Load: **5.27** (3.25)

Source Energy: **4,192** kWh/person yr
(target 6200 kWh/person yr)

Site Energy: **5.9** kW PV array
Produces **7,949** kWh/Yr



203 Elliot Street • Elevations + Materials • Energy Performance

Department of Planning and Development



PETITION #20-18
203 ELLIOT STREET

FOR SPECIAL PERMIT/SITE PLAN
APPROVAL TO EXTEND THE
NONCONFORMING COMMERCIAL
USE, EXTEND THE
NONCONFORMING FRONT AND
REAR SETBACKS, AND EXCEED
THE FLOOR AREA RATIO



JANUARY 9, 2018

Requested Relief

Special permits per §7.3.3 to:

- Extend the existing nonconforming commercial use to allow a residential unit above (§3.4.1 and §7.8.2.C.2).
- Extend the existing nonconforming front setbacks (§3.2.3 and §7.8.2.C.2).
- Extend the existing nonconforming rear setback (§3.2.3 and §7.8.2.C.2).
- Exceed the floor area ratio (FAR) (§3.2.3 , §3.2.11, and §7.3.3)

Criteria to Consider

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

- The proposed extension in the nonconforming commercial use to create a residential unit above is substantially more detrimental than the existing nonconforming use is to the neighborhood (§3.4.1 and §7.8.2.C.2).
- The proposed extension in the nonconforming front setbacks is substantially more detrimental than the existing nonconforming front setbacks are to the neighborhood (§3.2.3 and §7.8.2.C.2).
- The proposed extension in the nonconforming rear setback is substantially more detrimental than the existing nonconforming rear setback is to the neighborhood (§3.2.3 and §7.8.2.C.2).

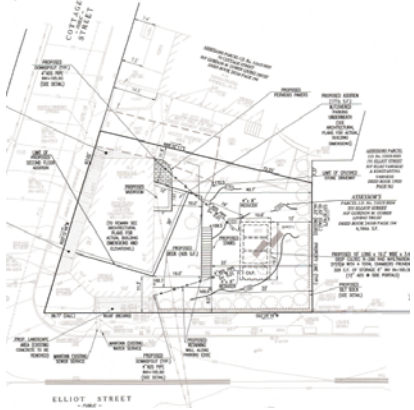
Criteria to Consider (cont.)

- The proposed increase in FAR from .26 to .63, where .58 is the maximum allowed is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood (§3.2.3 and §3.2.11)

AERIAL/GIS MAP



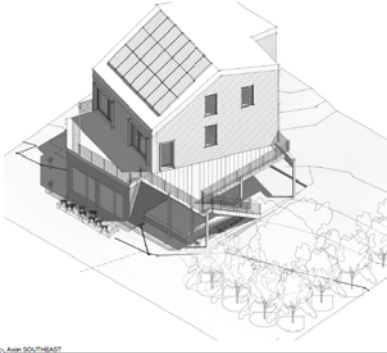
Site Plan



Renderings



Renderings



Renderings



Outstanding Items

- The petitioner has decided to make proposed the art studio a private business which will not be open to the public. Therefore, there will be no classes or events held on site. Staff has provided conditions in the draft Council Order to address this fact.
- The Law Department has determined that a supplemental advertisement is not necessary given the language of the Zoning Review Memorandum.
- Staff will work with the Law Department and petitioner regarding additional conditions, including the ownership of the two uses.

Proposed Findings

1. The proposed extension of the existing nonconforming commercial use to allow a single-family dwelling above will not be substantially more detrimental than the existing nonconforming use is to the neighborhood because the proposed residential unit is a by-right use in the Multi Residence 1 zone and will increase the City's diversity of housing stock (§3.4.1 and §7.8.2.C.2).
2. The proposed extension of the existing nonconforming front setbacks will not be substantially more detrimental than the existing nonconforming setbacks are to the neighborhood because the addition will not encroach any farther into the setback than the existing footprint and the addition is set back from the existing footprint to add depth to the facade (§3.2.3 and §7.8.2.C.2).

Proposed Findings (con't)

3. The proposed extension of the existing nonconforming rear setback will not be substantially more detrimental than the existing setback is to the neighborhood because the addition will not encroach any farther into the setback than the existing structure and different materials will be used to avoid the appearance of a continual wall plane (§3.2.3 and §7.8.2.C.2).
4. The proposed increase in FAR from .26 to .63, where .58 is the maximum allowed is consistent with and will not be in derogation of the size, scale, and design of other structures in the neighborhood because the design of the structure will utilize elements and techniques to reduce the bulk and mass of the structure and preserve the existing commercial structure (§3.2.3 and §3.2.11).

Proposed Conditions

1. Plan Referencing Condition
2. The commercial space shall not be made accessible to the public and shall only be for the use of the owners of the building and their guests. Any updates to the building which allow for public access per the Massachusetts Architectural Access Board shall require an amendment to this Special Permit/Site Plan Approval.
3. All goods produced on site shall be sold off site.
4. The commercial space shall not be used for lessons or events. If the petitioners seek to offer lessons or participate in events, an amendment to this Special Permit/Site Plan Approval shall be required in concert with compliance from the Massachusetts Architectural Access Board.

Proposed Conditions (con't)

5. Standard O&M Condition.
6. Standard Building Permit Condition.
7. Standard Occupancy Permit Condition.