



Ruthanne Fuller
Mayor

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

Petition: #289-24
Public Hearing:
7/23/24

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: July 18, 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 #289-24** for SPECIAL PERMIT/SITE PLAN APPROVAL to further extend nonconforming FAR at 29 Trowbridge Avenue

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.



29 Trowbridge Ave

I. Project Description

Use: Single family dwelling

Zoning: Single-Residence 2 (SR-2)

Lot size: 28,534 square feet

Existing nonconformities:

- Front setback of 19.2 feet (25 feet required by right)
- FAR of .42 (maximum of .41 allowed by right)
- Lot size of 8,175 square feet (minimum required by right is 10,000 square feet)

Proposal: The petitioner proposes to construct two-story addition which further extends the nonconforming FAR, requiring a special permit. [The project materials can be found here.](#)

Analysis: The Planning Department is not concerned with the proposed project requiring relief to extend nonconforming FAR. The proposed design does not further reduce the nonconforming setback, and much of the massing will be at the rear of the dwelling and thus not visible from the public way. Additionally, several of the dwellings in this neighborhood exhibit similar nonconformities and are built to a comparable size and scale to what is proposed.

II. Zoning Relief Requested:

Zoning Relief Required		
Ordinance		Action Required
§3.1.3 §3.1.9 §7.8.2.C.2	Request to further increase nonconforming FAR	S.P. per §7.3.3

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

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

- The proposed increase of the nonconforming FAR is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. (§3.1.9.A.2)
- The proposed increase of the nonconforming FAR will not be substantially more detrimental than the existing nonconforming structure to the neighborhood (§7.8.2.C.2)

IV. Project Proposal and Site Characteristics

The property at 29 Trowbridge Ave consists of an 8,175 square feet square foot lot improved with a single-family dwelling constructed circa 1890. The petitioner proposes to demolish the existing garage and construct an addition at the rear and side of the property. The addition will

consist of a garage and living space on the first floor while the second floor will be living space only. Also included will be an attic in the addition which does not reach the height threshold to be included in FAR. Altogether the addition will add 1,426 square feet in the basement, first, and second stories. The proposed addition increases the existing nonconforming FAR from .42 to .59 where the maximum allowed is .41. This increase in nonconforming FAR is the only relief required.

An existing walkway and part of the driveway will be removed to make room for the addition, and the driveway will be extended out towards the new garage. Impervious coverage on the lot will increase 354 square feet from 2,565 square feet to 2,919 square feet. Lot coverage will increase from 18.4% to 27% (where a 30% maximum is allowed) and open space will decrease from 72% to 65% (where a 50% minimum is required.)

Front elevation



Side elevation (right)



Rear elevation



Side elevation (left)



V. Interdepartmental Review

Historic Review

On April 8, 2023, it was determined administratively that the garage slated for demolition is not historically significant. (**Attachment B**) Demolition is not delayed and no further

historic review is required for the work proposed.

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: Historic determination
ATTACHMENT C: DRAFT Council Order



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City of Newton, Massachusetts
Department of Planning and Development
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Attachment A

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 31, 2024

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

Cc: Robert Oteri, Applicant
Alan Mayer, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to further extend nonconforming FAR

Applicant: Robert Oteri	
Site: 29 Trowbridge Avenue	SBL: 22024 0015
Zoning: SR2	Lot Area: 8,175 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 29 Trowbridge Avenue consists of an 8,175 square foot lot improved with a single-family dwelling constructed circa 1890 in the SR2 zoning district. The petitioner proposes to construct a 1,426 square foot, two-story addition which further extends the nonconforming FAR, requiring a special permit.

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

- Zoning Review Application, prepared by Alan Mayer, architect, submitted 4/5/2024
- Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 9/22/2022
- Plan of Land Proposed Additions, signed and stamped by Bruce Bradford, surveyor, dated 3/11/2024
- Floor Plans and Elevations, prepared by Alan Mayer, architect, dated 3/29/2024, revised 5/7/2024
- FAR calculations, submitted 4/5/2024, revised 5/7/2024

ADMINISTRATIVE DETERMINATIONS:

- The petitioner proposes to construct a 1,426 square foot addition consisting of an attached garage and living space in the basement, first and second stories. The proposed addition increases the existing nonconforming FAR from .42 to .59 where the maximum allowed per sections 3.1.3 and 3.1.9 is .41. A special permit per section 7.8.2.C.2 is required to further increase the nonconforming FAR.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	8,175 square feet	No change
Frontage	80 feet	80 feet	No change
Setbacks			
• Front	25 feet	19.2 feet	No change
• Side	7.5 feet	16.4 feet	No change
• Side	7.5 feet	23.3 feet	8.1 feet
• Rear	15 feet	36.1 feet	29.7 feet
Height	36 feet	33.3 feet	32.4 feet
Stories	2.5	2.5	No change
FAR	.41	.42	.59*
Max Lot Coverage	30%	18.4%	27%
Min. Open Space	50%	72%	65%

BOLD indicates a nonconformity

*Relief required

- See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9 §7.8.2.C.2	Request to further increase nonconforming FAR	S.P. per §7.3.3



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Mayor

City of Newton, Massachusetts

Department of Planning and Development
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Attachment B
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Barney S. Heath
Director

Newton Historical Commission Demolition Review Decision

Date: April 8, 2024

Application # HRA-24-85

Address of structure: 29 TROWBRIDGE AVE

Type of building: Garage

If partial demolition, feature to be demolished is

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.

Owner of Record:
Carolyn and Robert Oteri

Conditions:

Determination made by:

David Lewis, Chief Preservation Planner

#289-24
29 Trowbridge Avenue

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 further increase nonconforming Floor Area Ratio (FAR) as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The proposed expanded structure with an increased nonconforming FAR of 0.59, where .41 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 given there are other dwellings with a comparable size and scale in the neighborhood. (§3.1.9.A.2)
2. The proposed increase of the nonconforming FAR to 0.59 where 0.41 is the maximum allowed by right will not be substantially more detrimental than the existing nonconforming structure to the neighborhood because the massing is focused towards the rear of the dwelling, mitigating the visual impact from the street. (§7.8.2.C.2)

PETITION NUMBER: #289-24

PETITIONER: Caroline Lamb-Oteri & Robert Oteri

LOCATION: 29 Trowbridge Avenue, Ward 2, Newtonville, on land known as Section 22 Block 24 Lot 15, containing approximately 8,175 sq. ft. of land

OWNER: Caroline Lamb-Oteri & Robert Oteri

ADDRESS OF OWNER: 29 Trowbridge Avenue
Newton, MA 02460

TO BE USED FOR: Single family dwelling

RELIEF GRANTED: Special Permit to further increase nonconforming FAR
(§3.1.3; §3.1.9; §7.8.2.C.2)

ZONING: Single Residence 2

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 prepared by Everett M. Brooks Co., signed and stamped by Bruce Bradford, Professional Land Surveyor, dated April 5, 2024
 - b. Architectural plans prepared by Mayer + Associates Architects, signed and stamped by Alan J. Meyer, registered architect, dated March 29, 2024 and revised May 7, 2024
 - i. Front elevation (A4-1)
 - ii. Side elevation (A4-2)
 - iii. Rear elevation (A4-3)
 - iv. Side elevation (A4-4)
2. No building permit (other than a demolition permit) and unless otherwise specified shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
 - a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.
 - b. Obtained a written statement/sign off from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
3. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
 - a. Filed with the building permit record statements by a registered architect (or professional engineer) and a professional land surveyor (or professional engineer) certifying compliance with Condition #1, including the as built FAR.
 - b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.