



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: September 13, 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 #341-24** for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a detached garage and make various modifications to the two family dwelling including enclosing the rear porches, constructing a covered front porch, and raising the roof as well as the construction of dormers, further extending the nonconforming use and front setback, and resulting in a three-story structure at 52-54 Hatfield Road, Ward 3, West Newton, on land known as Section 34 Block 16 Lot 45, containing approximately 7,051 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 3.4.1, 7.8.2.C.2, 3.2.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

APPLICATION RECORD: <https://newtonma.viewpointcloud.com/records/837559>

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.



52-54 Hatfield Road

I. Project Description

Use –nonconforming two-family

Zone – Single Residence 3 (as noted in the zoning review memorandum, Multi-Residence 1 new lot standards are applied)

Lot size – 7,051 square feet

Existing Nonconformities –lot area, frontage, lot area per unit requirement for two-family use, and nonconforming two family use

Proposal- The petitioner is seeking to raise the roof and construct additional living space above the second story, add a single-car detached garage, enclose the rear porch, and construct a covered front porch.

Analysis

The proposed project does not significantly exacerbate the existing nonconforming two-family use. The creation of the third story by adding additional habitable space under the proposed dormers will appear similar in height and massing to 2.5 story dwellings in the neighborhood and City. The petitioners propose further reducing the nonconforming front setback by 4.5 feet. This reduction of the front setback is due to the construction of a porch rather than additional living space. Given the majority of the neighborhood’s dwellings were constructed with lots created prior to 1953, Single Residence 3 standards for a 25 foot setback applies for much of the neighborhood. The proposed reduction in the nonconforming setback to 24.7 feet is contextual with the neighborhood.

II. Zoning Relief Requested:

Zoning Relief Required		
Ordinance		Action Required
§3.4.1 §7.8.2.C.2	Request to alter and extend a nonconforming two-family dwelling use	S.P. per §7.3.3
§3.2.3 §7.8.2.C.2	Request to extend the nonconforming front setback	S.P. per §7.3.3
§3.2.3	Request to allow three stories	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:

1. The specific site is an appropriate location for the proposed additions resulting in a three-story structure as designed. (§7.3.3.C.1)
2. The additions that will further resulting in a three-story structure as designed will not

- adversely affect the neighborhood. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians created by the additions that resulting in a three-story structure as designed. (§7.3.3.C.3)
 4. Access to the site over streets is appropriate for the types and numbers of vehicles involved in the additions that will resulting in a three-story structure as designed. (§7.3.3.C.4)
 5. The proposed additions that will further extend the nonconforming two-family use in a single-residence zone and further extend the nonconforming front setback is not substantially more detrimental than the existing nonconforming use to the neighborhood. (§7.8.2.C.2)

IV. Project Proposal and Site Characteristics

Existing Conditions

The site is an undersized lot, totaling 7,050 square feet improved with a two-family dwelling that was constructed in 1947. The lot is relatively flat with an approximate increase of two feet over the approximately 90 feet from the front to the rear of the lot. No changes to the grading of the site or average grade plane of the building are proposed. No landscaping changes are required or proposed.

Proposed Project

The proposed project consists of an addition of a porch with a deck above within the front setback, raising the roof and adding dormers, replacing the existing deck in the rear with living space up to the second floor and a deck above. These changes will add a total of 1,016 square feet of gross floor area to the existing dwelling, but the dwelling will remain within compliance for Floor Area Ratio despite the lot being undersized. The additions to the front will consist of changes to the façade and the addition of a porch that will extend 4.5 feet further into the front setback and 4.5' feet from the front façade while spanning most of the length of the front façade. There is proposed to be a second story deck of the same width and depth directly above. To the right façade, the proposal adds a 120 square foot deck and removes stairs from the rear-right side of the building. The project includes additions to the rear along the first two stories, the area below the first story, and including a terrace above the second story to the rear. Each level will be approximately 126 square feet. The ridge of the roof will increase by three feet and proposed to add dormers; these changes will add 396 square feet of living space above the second story and enough living space to render the third story a full floor. Lastly, changes to parking on the site are proposed with the addition of a detached garage to the rear left of the property, the garage will meet required accessory building setbacks and building separation.

The existing driveway is proposed to be replaced with permeable materials and an additional parking area is proposed to the front right of the lot. This added parking area will require a 26-foot-wide curb cut but will not add sufficient impervious area to trigger the need for relief of lot coverage. This parking area is not dimensioned on the proposed conditions survey, however it is dimensioned on the architectural site plan. The petitioner should update their proposed conditions survey to confirm this does not trigger any zoning relief for driveway width per section 5.1.7. If the architectural site plan is accurate, Planning recommends the petitioners consider alternatives to an additional curb cut and parking area to the front as additional curb cuts and parking in the front setback may cause additional issues with pedestrian and vehicular safety in the immediate area and second driveways are not common in the area given the predominant single-family use of most lots. However, Planning notes that this is likely compliant with zoning and will need to demonstrate compliance prior to the issuance of any building permit, should this project be approved.

I. Interdepartmental Review

The Department of Public Works Engineering Division will review the proposed curb cut prior to the issuance of a Building Permit should the proposed Site Plan be approved.

II. Petitioner's Responsibilities

The petition is complete.

ATTACHMENTS:

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



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: July 31, 2024

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

Cc: James and Ana Morse, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to extend a nonconforming two-family dwelling use, to extend the nonconforming front setback and to allow a three-story structure

Applicant: James & Ana Morse	
Site: 52-54 Hatfield Road	SBL: 34016 0045
Zoning: SR3	Lot Area: 7,051 square feet
Current use: Two-family dwelling	Proposed use: No change

BACKGROUND:

The property at 52-54 Hatfield Road consists of a 7,051 square foot lot improved with a nonconforming two-family dwelling constructed in 1946 in the Single Residence 3 zoning district. The petitioner proposes to construct a detached garage and make various modifications to the two family dwelling which include: enclosing rear porches, constructing a covered front porch, raising the roof as well as the construction of dormers. These changes further extend the nonconforming use and front setback, and result in three stories, requiring a special permit.

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

- Zoning Review Application, prepared by James Morse, applicant, submitted 7/17/2024
- Floor plans and elevations, prepared by Joao Lopes, architect, dated 6/1/2024
- Proposed Plot Plan, signed and stamped by Jonathan D. Bollen, surveyor, dated 5/29/2024
- FAR worksheet, submitted 7/17/2024

ADMINISTRATIVE DETERMINATIONS:

1. The property is located in the Single Residence 3 zoning district and is improved with a legal nonconforming two-family dwelling constructed in 1946. The petitioners propose to enclose rear porches on each story to be converted into living space and to add a covered front porch with a deck above. The roof will be razed and reconstructed with additional height and new dormers on the north and south elevations. Additionally, a one-car detached garage will be constructed at the rear of the property, as well as two parking stalls in a separate parking area at the front. The proposed construction requires a special permit per sections 3.4.1 and 7.8.2.C.2 to alter and extend a nonconforming two-family dwelling use in an SR3 district.
2. The two-family dwelling use is not an allowed use in the SR3 district. Per section 3.1.2.A.3, where a density or dimensional control is not set forth in Section 3.1 Single Residence Districts for a use granted by special permit, the most restrictive density or dimensional control applicable to such use in any district where the use is allowed by right shall be applicable, unless otherwise required in the special permit. Two-family dwellings are allowed by right in the MR1 zoning district, with the most restrictive dimensional controls prescribed for a post-1953 (new) lot. The dimensional controls for a new MR1 lot are applied.
3. The dwelling has an existing nonconforming front setback of 29.2 feet, where a post-1953 MR1 lot requires a front setback of 30 feet per section 3.2.3. The petitioners propose a front porch addition resulting in a reduced front setback of 24.7 feet, requiring a special permit per section 7.8.2.C.2 to further extend the nonconformity.
4. The petitioners propose to add dormers to the north and south elevations of the structure. The proposed dormers increase the square footage of the space above the second story such that the existing half story becomes a full third story. Per section 3.2.3, a special permit is required to allow a three-story structure.
5. The maximum allowable FAR for a two-family dwelling on a 7,051 square foot lot in the MR1 district is .53. The existing FAR of the dwelling is .35. Enclosing the existing porches and adding dormers and the 1.5-story detached garage increases the FAR to .49, requiring no relief.

SR3 (new MR1 lot standards applied)	Required	Existing	Proposed
Lot Size	10,000 square feet	7,051 square feet	No change
Frontage	80 feet	78.5 feet	No change
Setbacks			
• Front	30 feet	29.2 feet	24.7 feet*
• Side	10 feet	24 feet	No change
• Side	10 feet	24.2 feet	14.2 feet
• Rear	15 feet	18.6 feet	No change
Max Number of Stories	2.5	2.5	3*
Height	36 feet	29.3 feet	32.3 feet
FAR	.53	.35	.49

Max Lot Coverage	30%	16.9%	25.2%
Min. Open Space	50%	71.1%	52%

BOLD indicates nonconformity

*Requires relief

See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.4.1 §7.8.2.C.2	Request to alter and extend a nonconforming two-family dwelling use	S.P. per §7.3.3
§3.2.3 §7.8.2.C.2	Request to extend the nonconforming front setback	S.P. per §7.3.3
§3.2.3	Request to allow three stories	S.P. per §7.3.3

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 amend Special Permit for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The specific site is an appropriate location for proposed additions resulting in a three-story structure as designed as the resulting height in stories will appear similar to a 2.5 story dwelling given the sloped roof and dormers. (§7.3.3.C.1)
2. The proposed additions resulting in a three-story structure will not adversely affect the neighborhood as the resulting dwelling will remain in compliance with Floor Area Ratio standards and the third story will maintain the appearance of a half story as it has a sloped roof and dormers. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians created by the additions that proposed additions resulting in a three-story structure as the changes to parking and circulation on the site will meet by-right standards under the Zoning Ordinance. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved in the additions that will result in a three-story structure as the required parking is provided on site. (§7.3.3.C.4)
5. The proposed extension of the nonconforming two-family use in a single-residence and nonconforming front setback and allow three stories, is not substantially more detrimental than the existing nonconforming use to the neighborhood as the additions are relatively minor and will not result in a structure that is significantly larger than others in the vicinity. (§7.8.2.C.2)

PETITION NUMBER: #341-24

PETITIONER: James and Ana Morse

LOCATION: 52-54 Hatfield Road

OWNER: James and Ana Morse

ADDRESS OF OWNER: 55 Atwood Street
Wellesley, MA 02482

TO BE USED FOR: Two-family attached

RELIEF GRANTED: Amendment of Special Permit per § 7.3.3, §3.4.1,
§7.8.2.C.2, and §3.2.3 to allow three stories, alter and
extend a nonconforming two-family use in a single-
residence zone, and extend the nonconforming front
setback

ZONING: Single Residence 3

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 signed and stamped by Jonathan Bollen, Registered Land Surveyor, as revised May 29, 2024.
 - b. Architectural plans signed and stamped by Jose Guzman, Registered Architect, dated June 1, 2024 consisting of the following sheet:
 - i. Elevations (showing front, rear, and sides), A2.1
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 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.