



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: October 18, 2024

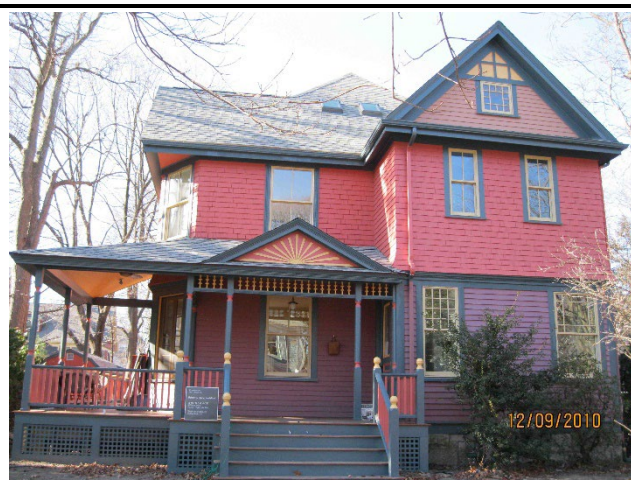
TO: City Council

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

SUBJECT: **Petition #361-24** for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a dormer allowing a combination of dormers exceeding 50% of the length of the wall below at 67 Chester Street, Ward 6, Newton Highlands, on land known as Section 52 Block 03 Lot 12, containing approximately 10,200 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 1.5.4.G.2.b of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

APPLICATION RECORD: <https://newtonma.viewpointcloud.com/records/835189>

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.



67 Chester Street

I. Project Description

Use – Single-family dwelling

Zone – Single Residence 2

Lot size – 10,200 square feet

Existing Nonconformities – None

Proposal- The petitioner proposes to construct a 15.67-foot dormer along the same roof plane as an existing 21.5-foot dormer, resulting in a combined dormer width of 79.9% of the length of the wall below. The project as proposed requires special permit relief for a combination of dormers exceeding 50% of the wall plane below.

Analysis

Planning is supportive of the additional dormer that results in a combined dormer width beyond what is allowed as of right. The additional dormer is a way to create habitable space while maintaining the footprint of the existing single family home. The proposed dormer allows for variation in the visual articulation of the dwelling rather than appearing to have one oversized dormer exceeding the allowed width. Further, Section 1.5.4 limits the area under a sloping roof with a ceiling height of seven feet or greater to two-thirds of the area of the story below. This limits the total area above the second story and prevents the massing and appearance of a full third story, while allowing for additional square footage. The resulting appearance will continue to remain fitting within a neighborhood context that features a wide variety of architectural features above the second story as a result of many dwellings being constructed in the latter half of the 19th century.

II. Zoning Relief Requested:

Zoning Relief Required		
Ordinance		Action Required
§1.5.4.G.2.b	To allow a combination of dormers exceeding 50% of the length of the wall below	S.P. per §7.3.3

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

III. Criteria for Consideration per §7.3.3:

1. The specific site is an appropriate location for the addition of a combination of dormers exceeding 50% of the length of the wall below. (§7.3.3.C.1)
2. The combination of dormers exceeding 50% of the length of the wall below as

- developed and operated 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 proposed combination of dormers exceeding 50% of the length of the wall below. (§7.3.3.C.3)
 4. Access to the site over streets is appropriate for the types and numbers of vehicles involved with the creation of a combination of dormers exceeding 50% of the length of the wall below. (§7.3.3.C.4)

IV. Project Proposal and Site Characteristics

Existing Conditions

The site consists of a single-family dwelling constructed in 1888 on a 10,200 square foot lot. The building maintains the architectural style and structure of the original house, with the exception of the addition of a large gable on the front elevation that was constructed in 2010. The roof has varying rooflines and results in a visually interesting appearance. While alterations have been made to the roofline, it is in keeping with the style of 19th century construction, which reflects the overall pattern of neighborhood. In this neighborhood, the area to the west of the Newton Highlands MBTA station, there is an abundance of similar architectural features, such as turrets, apparently oversized dormers, gables, cupolas, and other features.

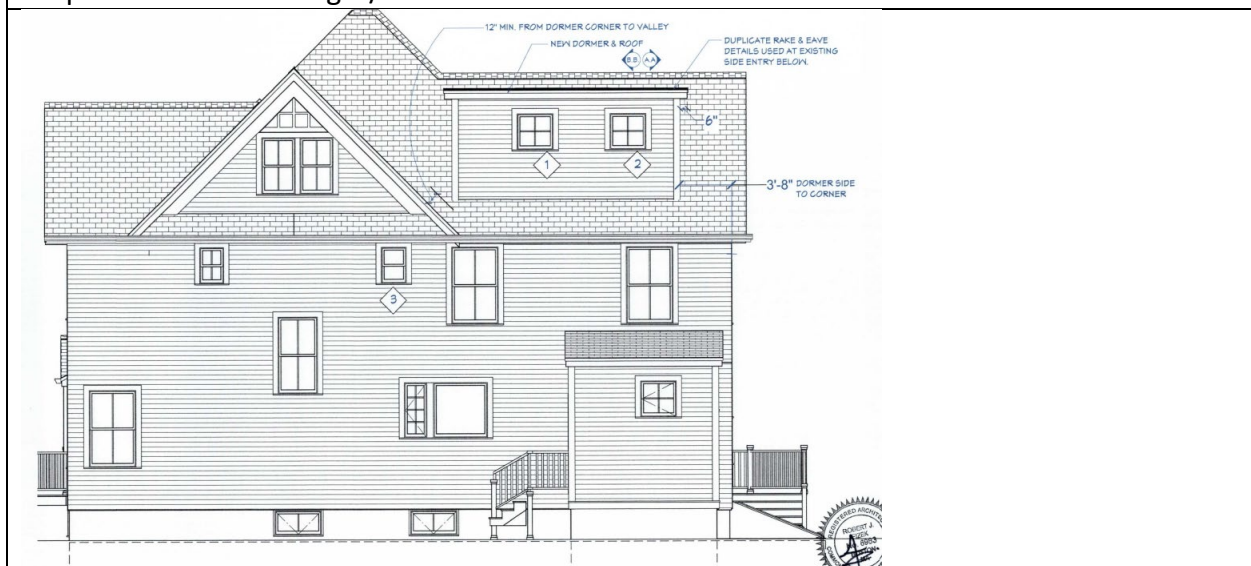
Proposed Project

The proposed project consists of the addition of a 15.67-foot dormer along the right side of the roof of the dwelling and additional by-right renovations to the dwelling. The wall directly below this proposed dormer has a length of 46.5 feet. To the left of the location of the proposed dormer and above the same wall is a dormer with a length of 21.5 feet. This dormer has the appearance of a gable as it is flush with the wall below and its roof slopes downward to meet the top of the second story, however, because the peak of the dormer is below the peak of the roof, it is considered a dormer and contributes to the relief needed for the proposed dormer. Other than the proposed dormer, there are no aspects of this project that require a special permit. As the modifications are limited to the attic level, no changes to grading on the site are proposed.

Proposed Elevations- Right/West



Proposed Elevations- Right/North



V. Interdepartmental Review

No further departmental review is required.

VI. 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: September 3, 2024

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

Cc: Robert Fizek, Architect
Nancy Bauer and Mark Richard, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to allow a dormer exceeding 50% of the wall plane below

Applicant: Nancy Bauer and Mark Richard	
Site: 67 Chester Street	SBL: 52003 0012
Zoning: SR2	Lot Area: 10,200 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 67 Chester Street consists of a 10,200 square foot lot in the Single Residence 2 zoning district improved with a single-family dwelling constructed circa 1888. The petitioner seeks to construct a dormer on the half story. The width of the combination of an existing dormer and the proposed dormer is greater than 50% of the wall plane below, requiring a special permit.

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

- Zoning Review Application, prepared by Robert Fizek, architect, submitted 7/24/2024
- FAR Worksheet, submitted 7/24/2024
- Plot Plan, signed and stamped by Frank Iebba, surveyor, dated 1/15/2011
- Floor plans and elevations, signed and stamped by Robert Fizek, architect, dated 7/20/2024

ADMINISTRATIVE DETERMINATIONS:

1. Per section 1.5.4.G.2.b, a dormer, or combination of dormers, may be no wider than 50% of the length of the exterior wall next below. The building has an overall width of 46.5 feet with an existing dormer with an approximate width of 21.5 feet. The petitioners propose an additional 15.67-foot-wide dormer along the same roof plane as the existing dormer, resulting in a combined width of 37.17 feet, or 79.9% of the length of the exterior wall next below, requiring a special permit.

See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§1.5.4.G.2.b	To allow a combination of dormers exceeding 50% of the length of the wall below	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 allow a combination of dormers exceeding 50% of the length of the wall below for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The specific site is an appropriate location for the addition of a combination of dormers exceeding 50% of the length of the wall below as a majority of the existing dormer is gabled, so the resulting appearance will not appear as those more than 50% of the right façade above the second floor is dormered. (§7.3.3.C.1)
2. The combination of dormers exceeding 50% of the length of the wall below as developed and operated will not adversely affect the neighborhood as the proposed project will preserve the appearance of the existing dwelling with the exception of the addition of a twelve-foot dormer to the right façade. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians created by the proposed combination of dormers exceeding 50% of the length of the wall below as the proposed addition will not require any changes to parking or circulation on or around the site. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved with the creation of a combination of dormers exceeding 50% of the length of the wall below as the site has sufficient driveway area and parking stalls. (§7.3.3.C.4)

PETITION NUMBER: #361-24

PETITIONER: Nancy Bauer and Mark Richard

LOCATION: 67 Chester Street

OWNER: Nancy Bauer and Mark Richard

ADDRESS OF OWNER: 67 Chester Street
Newton, MA 02461

TO BE USED FOR: Single-family dwelling

RELIEF GRANTED: Special Permit per §7.3.3 to allow a combination of
dormers exceeding 50% of the length of the wall below
(§1.5.4.G.2.b)

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, signed and stamped by Frank Iebba, dated January 15, 2011.
 - b. Architectural Plan signed and stamped by Robert Fizek, dated July 20, 2024, containing the following sheets:
 - i. Proposed West/Right Elevation, page A5
 - ii. Proposed North/Rear Elevation, page A6
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.