



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: November 8, 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 #420-24** for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the raze the detached garage and construct a two-story rear addition exceeding maximum FAR at 16 Chaske Avenue, Ward 4, Auburndale, on land known as Section 41 Block 19 Lot 20, containing approximately 5,253 sq. ft. of land in a district zoned SINGLE RESIDENCE 3 Ref: Sec. 7.3.3, 3.1.3, 3.1.9 of the City of Newton Rev Zoning Ord, 2017.

APPLICATION RECORD: <https://newtonma.viewpointcloud.com/records/843606>

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.



16 Chaske Avenue

I. Project Description

Use – Single-family dwelling

Zone – Single Residence 3

Lot size – 5,235 square feet

Existing Nonconformities – Lot size, frontage, right side setback

Proposal- The petitioners propose to extend the existing dwelling to the rear by way of a two-story addition that will add a net total of 848 square feet in gross floor area, exceeding the maximum allowed Floor Area Ratio (FAR) for the dwelling.

Grading – there is no proposed change to the average grade of the house and no additional site work proposed necessitating significant regrading on the lot

Analysis

Given the addition is entirely to the rear and will not be visible from the street, Planning does not believe that the addition will result in a structure that will render the dwelling as out of context from other dwellings in the neighborhood. The dwelling will maintain the same appearance from the street and there are larger buildings on similarly sized lots along Chaske Avenue. The undersized, nonconforming lot size of 5,235 square feet, where 7,000 square feet is required, contributes to the sizable increase in FAR from .43 to .60, where .48 is the maximum allowed as of right. Despite the lot size of only 5,235 square feet, the proposal does not exacerbate any existing nonconformities and the project has been designed to maintain or improve upon the existing setbacks.

II. Zoning Relief Requested:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9	Request to exceed FAR	S.P. per §7.3.3

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

III. Criteria for Consideration per §7.3.3:

1. The specific site is an appropriate location for the additions that will exceed maximum Floor Area Ratio (FAR). (§7.3.3.C.1)
2. The additions that will exceed maximum FAR 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

additions that will exceed maximum FAR. (§7.3.3.C.3)

4. Access to the site over streets is appropriate for the types and numbers of vehicles involved with the additions that will exceed maximum FAR. (§7.3.3.C.4)
5. The proposed the additions that will exceed maximum FAR is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. (§3.1.3, §3.1.9)

IV. Project Proposal and Site Characteristics

Existing Conditions

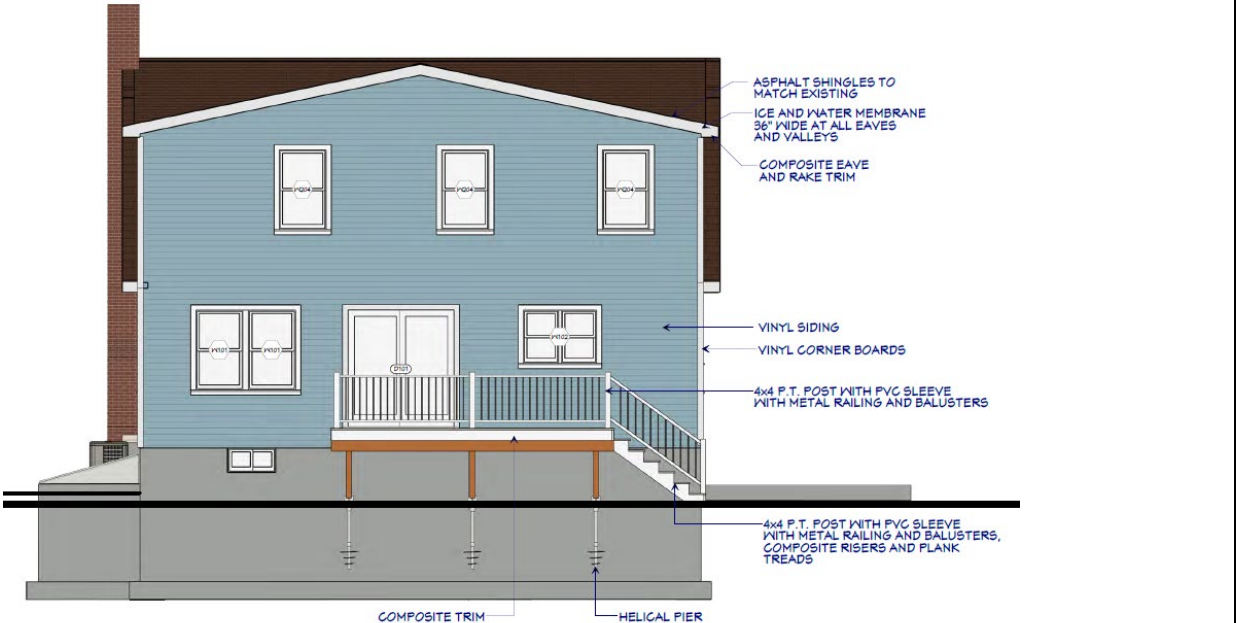
The site consists of a two-story single-family dwelling constructed in 1927 on a 5,235 square foot lot and a detached garage constructed in 1950. The dwelling was constructed in the Dutch-colonial style and has not had any additions or external changes since its initial construction. The lot is undersized at 5,235 square feet where 7,000 square feet is required and consists of 50 feet of frontage where 70 feet is required. The lot slopes gently downwards to the rear, exposing some of the basement as the site slopes downwards.

The lot is located within a half-mile of the Auburndale village center and commuter rail station. Given this location, the majority of abutting and surrounding dwellings are also on undersized lots and some of the abutting dwellings and others in the neighborhood also appear to exceed FAR or have other nonconformities related to the small lot sizes, such as undersized frontages or setbacks. Nonconforming two-family dwellings are also common in the area.

Proposed Project

The proposed project consists of a two-story addition and deck to the rear of the existing dwelling, decreasing the rear setback to 26 feet from 46.9 feet where 15 feet is required . No additions to the front or along the existing side elevations are proposed. The petitioners also plan to demolish the existing garage towards the southeast corner of the lot. With the addition of 1,028 square feet in gross floor area to the basement, first and second stories as and demolition of the garage (eliminates 236 feet of floor area), there will be a net increase of 848 square feet in gross floor area. This will bring the FAR from 0.43 to 0.60 where 0.48 is the maximum allowed by-right.

Elevations



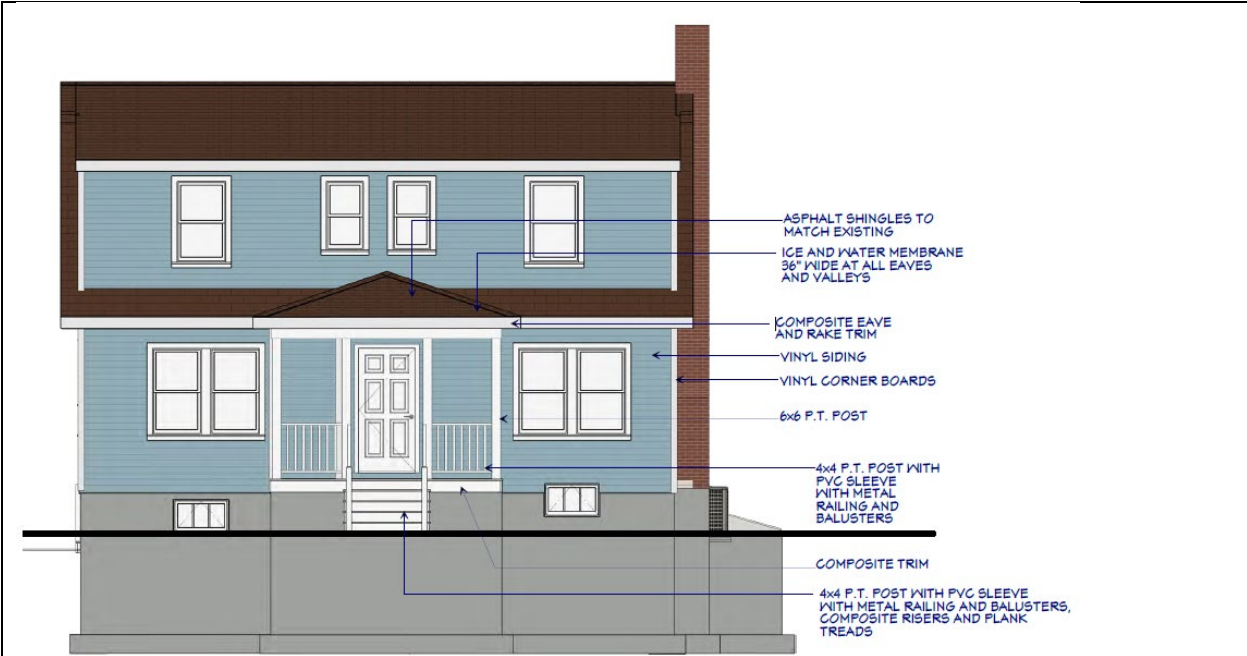
REAR ELEVATION

SCALE: 1/4" 1'-0"



RIGHT SIDE ELEVATION

SCALE: 1/4" 1'-0"



FRONT ELEVATION

SCALE: 1/4" = 1'-0"



LEFT SIDE ELEVATION

V. Interdepartmental Review

No further departmental review is required.

VI. Petitioner's Responsibilities

The petitioner must ensure architectural plans are signed and stamped prior to applying for a building permit.

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 19, 2024

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

Cc: Josh and Katie Rissmiller, Applicants
Jacob Gadbois, Agent
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to exceed FAR

Applicant: Josh & Katie Rissmiller	
Site: 16 Chaske Avenue	SBL: 41019 0020
Zoning: SR3	Lot Area: 5,253 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 16 Chaske Avenue consists of a 5,253 square foot lot improved with a single-family dwelling constructed in 1927 and a detached garage. The petitioners propose to raze the detached garage and construct a two-story rear addition, exceeding the maximum 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 Jacob Gadbois, agent, submitted 8/21/2024
- Plot Plan (existing), prepared by Land Planning, Inc, dated 3/2024
- Plot Plan (proposed), signed and stamped by Norman G. Hill, engineer, dated 7/17/2024
- Floor Plans and Elevations, prepared by Master Touch Design Build, dated 7/2/2024
- FAR calculations, signed and stamped by Norman G. Hill, engineer, dated 8/6/2024

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to construct a two-story rear addition with additional basement space as well. The proposed additions increase the existing FAR from .43 to .60 where the maximum allowed per sections 3.1.3 and 3.1.9 is .48. A special permit is required to exceed the maximum FAR.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	5,253 square feet	No change
Frontage	70 feet	50 feet	No change
Setbacks			
• Front	25 feet	16.4 feet	No change
• Side	7.5 feet	8.8 feet	No change
• Side	7.5 feet	7.4 feet	No change
• Rear	15 feet	46.9 feet	26 feet
Height	36 feet	Not provided	27.8 feet
Stories	2.5	2	No change
FAR	.48	.43	.60*
Max Lot Coverage	30%	24.5%	26%
Min. Open Space	50%	60.9%	61%

BOLD indicates a nonconformity

*Relief required

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9	Request to exceed FAR	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 construct a two-story rear addition exceeding maximum Floor Area Ratio for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The specific site is an appropriate location for the additions that will exceed maximum Floor Area Ratio (FAR) as undersized lots and larger, nonconforming dwellings are common in the neighborhood. (§7.3.3.C.1)
2. The additions that will exceed maximum FAR as developed and operated will not adversely affect the neighborhood as the addition is entirely to the rear and will not result in a change to the front elevation. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians created by the additions that will exceed maximum FAR as the changes to site parking created by the removal of the garage are limited and will not significantly impact the neighborhood. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved with the additions that will exceed maximum FAR as no change to the site's vehicular access is proposed. (§7.3.3.C.4)
5. The proposed addition that will exceed maximum FAR is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood as dwellings that exceed maximum FAR appear to be common in the neighborhood given most lots are undersized and many dwellings were constructed prior to the Zoning Ordinance. (§3.1.3, §3.1.9)

PETITION NUMBER: #420-24

PETITIONER: Josh and Katie Rissmiller

LOCATION: 16 Chaske Avenue

OWNER: Catherine Sullivan and Josh Rissmiller

ADDRESS OF OWNER: 16 Chaske Avenue
Newton, MA 02466

TO BE USED FOR: Single-family dwelling

RELIEF GRANTED: Special Permit per §7.3.3 to allow a second parking stall in the front setback and to extend the nonconforming parking within five feet of the street (§7.3.3, §3.1.3, §3.1.9)

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 Norman Hill, dated July 17, 2024 and as revised August 21, 2024.
 - b. Architectural Plans prepared by Masters' Touch Design and Build, dated July 2, 2024, including the following:
 - i. Sheet A-8, showing front, sides, and rear elevations.
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 and with the minimum dimensions of nine feet by nineteen feet for both parking stalls.
 - b. Submitted final as-built survey plans in digital format, stamped, and signed by a professional land surveyor or professional engineer, as applicable.