

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, MAY 12, 2015

Present: Ald. Laredo (Chairman), Ald. Cote, Harney, Crossley, Albright, Schwartz, and Lennon;
absent: Ald. Lipof

Staff: Daniel Sexton (Senior Planner), Robert Waddick (Associate City Solicitor), Linda
Finucane (Assistant Clerk of the Board)

Public Hearings were opened on the following items:

#65-15(2) THOMAS C. CHALMERS AUSTIN DESIGN, INC. for KATHLEEN & NEAL KENSLEA petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story rear addition to the basement and first floor levels of a single-family dwelling, which will increase the Floor Area Ratio from .35 to .41, where .36 is the maximum allowed by right, at 20 KINGSTON ROAD, Ward 6, Newton Highlands on land known as SBL 54, 21, 10, containing approximately 11,902 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table 1, 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 7-0

NOTE: The petitioner wishes to construct a two-story addition to the rear of an existing single-family dwelling constructed in 1928. The proposed addition will add a total of 710 square feet, which because of the existing topography will create a 3½-story structure and increase the Floor Area Ratio (FAR) from .35 to .41, where .36 is the maximum allowed by right. The project will be partially visible from Kingston Road and Cold Spring Park which abuts the property to the rear. The Planning Department noted that the proposed addition has been designed to be subordinate to the current structure and echo certain of its architectural elements. The building lot coverage remains below and open space exceeds the percentages required in the ordinance. The site plan shows a lot of retaining walls, both existing and proposed. The petitioner confirmed that all of the walls are below three feet.

The petitioners also required a variance from the Zoning Board of Appeals to allow a two-story addition resulting in a 3 ½-story dwelling. The Zoning Board of Appeals granted the variance on February 24, 2015 finding that the circumstances related to the steeply sloping topography are unique to the site and especially affect the land and structures, but do not generally affect the zoning district, and therefore a hardship exists.

John Conroy, 10 Kingston Road, spoke of behalf of the neighborhood in support of the petition, and noted that the proposed addition complements the existing house.

In working session, Alderman Schwartz moved approval of the petition finding that the increase in the FAR is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood; the two-story addition in the rear of the dwelling will increase the

gross floor area by 710 square feet; the site is an appropriate location for the proposed addition; the addition will be subordinate to the existing single-family dwelling; the expanded single-family dwelling will not adversely affect the neighborhood; and, the resulting building lot coverage will be below the maximum allowed and the proposed open space will exceed the minimum required. The motion to approve carried 7-0.

#90-15 JAMES P. ROBERTSON JR. & CLAIRE RYAN-ROBERTSON petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE in order to raze an existing garage and rebuild a larger 1½-story garage to accommodate two cars and to build a porch and interior finished space on the front of a single-family dwelling, which will increase the Floor Area Ratio from .30 to .34, where .33 is the maximum allowed by right, at 158 NEWTONVILLE AVENUE, Ward 1, Newton, on land known as SBL 12, 22, 19, containing approximately 15,052 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(g) and (m), 30-15 Table 1, 30-15(u)(2), 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012.

ACTION: HEARING CLOSED; APPROVED 7-0

NOTE: The petitioners are proposing to replace an existing single-story, two-car garage which is located along the front property line and replace it with a larger 1½-story garage and create a new uncovered parking stall next to the proposed garage. The petitioners are seeking a special permit to extend a nonconforming structure in the front setback, to locate parking within five feet of the street, and to locate a retaining wall greater than four feet in the front setback. The petitioners are also proposing to enclose the existing front porch and build a new front porch. The combination of the larger garage and enclosure of the existing front porch will increase the Floor Area Ratio (FAR) from .30 to .34, where .33 is the maximum allowed by right. The proposed increase in the FAR will result in an additional 70 square feet.

Most houses on Newtonville Avenue have significant upward slopes and most have garages along the front property line with retaining walls that run the length of the property. The space above the proposed garage will be used storage. The Planning Department believes the proposed garage will be an improvement and more visually appealing than the existing garage. The Historical Commission waived the demolition delay. The petitioner will do the work suggested by the Associate City Engineer in his memo dated May 6, 2015. There was no public comment.

In working session Alderman Lennon moved approval finding that increase in FAR is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood; replacement of the detached garage and the enclosure of the existing porch will increase the gross floor area by approximately 460 square feet; the garage and parking stall are not substantially more detrimental than the existing nonconforming garage is to the neighborhood; the new garage will have doors and a gable roof with dormers, which will be more aesthetically attractive than the existing structure; literal compliance with the parking design requirements is impracticable due to the grade of the lot; the location of parking within five feet of the street is appropriate for this site, and has been utilized by other property owners on Newtonville Avenue; the site is an appropriate location for the proposed project due to the steep grade of the lot; the

site as developed with the proposed project will exceed the minimum requirement for open space and will be below the maximum allowed for building lot coverage; the proposed garage and parking stall will not adversely affect the neighborhood. The motion to approve carried 7-0.

REFERRED TO LAND USE AND FINANCE COMMITTEES

#375-14(5) **HIS HONOR THE MAYOR** requesting that Sec. 17-3. **Fees for certain licenses and permits.** of the Revised Ordinances of the City of Newton, 2012, relative to Special Permit fees, be amended by striking in (15)a) "\$350.00" and in (15b) "\$750.00" and by substituting "\$500.00" and "\$1,000.00," respectively, and by deleting (15c) in its entirety and re-lettering d) to c) and e) to d), effective July 1, 2015. [04/15/15 @ 4:57 PM]

ACTION: HELD 8-0

NOTE: This item will be reported out separately.

All other items were held and the meeting was adjourned at approximately 9:15 Pm.

Respectfully submitted,

Marc C. Laredo, Chairman