

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, JULY 13, 2010

Present: Ald. Hess-Mahan (Chairman), Ald. Fischman, Schnipper, Merrill, Albright, Crossley, and Blazar; absent: Ald. Harney; also present: Ald. Fuller
City staff: Alexandra Ananth (Senior Planner), Linda Finucane (Assistant Clerk), Ouida Young (Associate City Solicitor)

Public Hearings were held on the following petitions items and both were taken up in working session:

#176-10 ANN & JOHN J. CAUFIELD petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to add a shed dormer wider than 50% of the length of the exterior wall of the story next below on the rear of an existing single-family residence at 37 HAGEN ROAD, Ward 8, Newton Centre, on land known as Sec 81, Blk 42, Lot 3, containing approx 8,050 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15(t)(1) and (3) of the City of Newton Rev Zoning Ord, 2007.

ACTION: HEARING CLOSED; ITEM APPROVED 7-0

NOTE: Ann Caulfield presented a PowerPoint overview of the petition and plans. The subject property is a 1937 two-story center entrance colonial single-family home. Since the petitioners are replacing the leaking roof and installing new ceilings, they would like to replace the existing small dormer on the rear façade with a shed dormer to allow the option of using the attic for additional living space. The proposed dormer is wider than 50% of the length of the exterior wall of the story next below and the side walls of the dormer are less than three feet in from the vertical edge of the building end wall of the floor below. The footprint of the house will not change. The rear setback is more than adequate and the backyard is heavily treed. The slightly revised plans presented this evening showing the skirt of the dormer two feet back from the edge of the roof to avoid the appearance of an uninterrupted wall plane from the floor below reflect conversations with Aldermen Crossley and Fischman and the Planning Department.

The existing dormer makes the house appear to be 3 stories; the skirt two feet back from the edge of the roof defines the 2.5-story house and provides additional headroom at the top of the attic staircase. The existing windows are very symmetrical and the proposed dormer and windows in size and scale are designed to continue that symmetry. Although the space will not be used at this time for a bedroom, the windows comply with egress requirements of the building code.

The petitioners submitted a petition containing the signatures of ten abutters/neighbors in support of the petition, with the exception of their next door abutter at 43 Hagen Road, who is in a nursing facility. However, the petitioners have spoken with her and her

daughter and both support the petition. There was no public comment and the public hearing was closed.

In working session, Alderman Crossly suggested that the petitioners discuss with their engineer and the Inspectional Services Department whether they intend for the space to be habitable or not. She pointed out that it would be more cost effective and less troublesome for the petitioners to make that decision now since the existing finished attic staircase is unlikely to comply with code because of the winders and the size of the landing. However, Ms. Young noted that if interior elevation plans are not referenced in the special permit, interior reconfiguration is a matter for Inspectional Services only, but if interior elevations are referenced in the special permit any changes would require either a consistency determination or an amendment to the special permit. The Committee agreed to not reference any interior plans.

Alderman Fischman moved approval of the petition finding that the proposed dormer will increase the attic to no more than 2/3rds of the story below and remain a half-story; the roofline overhang avoids the appearance of an uninterrupted wall plane; and, the proposed dormer allows for expanded living area without changing the existing footprint of the house. Alderman Fischman's motion carried unanimously, 7-0.

#177-10 SUSAN MIRON & BURTON D. FINE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for an EXTENSION OF A NON-CONFORMING STRUCTURE to extend a rear sunroom, which will increase the legally non-conforming Floor Area Ratio from .40 to .41, onto an existing single-family residence at 18 COCHITUATE ROAD, Ward 6, Newton Highlands, on land known as Sec 54, Blk 31, Lot 3, containing approx 6,545 sf in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(a)(2)(b) and 30-21(b), 30-15, Table 1 of the City of Newton Rev Zoning Ord, 2007.

ACTION: HEARING CLOSED; ITEM APPROVED 7-0

NOTE: The petition was presented by builder/designer Jonathan Feig of Silver Dog Ltd., 9 Summit Avenue, Brookline. The subject property is a Tudor-style, 1930 circa, single-family home. The petitioners are seeking to add a one-story addition onto the rear north portion of the house where there is currently a sunroom. The addition is slightly larger than the existing sunroom's footprint and will increase the already nonconforming FAR from .4 to .41, where .3 is allowed by right. The proposed addition will add approximately 70 sq ft to the 2,620 sq-ft residence. The proposed addition is located on the rear and outside of the side setback, so the house will appear consistent with others in the neighborhood as viewed from the street. The site is abutted to the rear by the Cochituate Aqueduct and although the existing rear setback is approximately 19 feet and the proposed setback is 12.3 feet, where normally 15 feet is required, there is no rear setback requirement for this lot per the definition of Lot Line in §30-1 because it abuts an aqueduct. The proposed addition will have a concrete foundation and be clad in wood shingle to match the existing home. Windows are two over five lites. The owner is a

harpist and the proposed addition will be used as practice space and to store her instrument.

Signatures in support from the three immediate abutters were submitted to the Committee. There was no public comment and the public hearing was closed.

In working session, the Committee reviewed a Neighborhood Comparison Chart of surrounding properties prepared by the Planning Department in which it noted that the subject property has an existing relatively large attached garage included in its FAR calculation. Alderman Crossley complimented Mr. Feig on his straightforward and clear submittal. Alderman Blazar moved approval of the petition finding that the proposed increase in FAR was not substantially more detrimental than the current FAR because the sunroom is existing and an addition of 70 sq ft is modest and complies with all setback requirements and maintains the street façade; and, the increase in FAR is appropriate as the house is consistent with and not out of character in size, scale and design of surrounding houses and complies with open space and lot coverage requirements. The Committee voted unanimously, 7-0, to approve the petition.

The meeting was adjourned at approximately 10:30 PM.

Respectively submitted,

Ald. Ted Hess-Mahan, Chairman