



#12-20

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City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: January 7, 2020
Land Use Action Date: March 10, 2020
City Council Action Date: April 6, 2020
90- Day Expiration Date: April 6, 2020

DATE: January 3, 2020

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Deputy Director of Planning and Development
Neil Cronin, Senior Planner

SUBJECT: **Petition #12-20**, for SPECIAL PERMIT/SITE PLAN APPROVAL to further extend the nonconforming side and rear setbacks of an accessory building at **18 Arapahoe Road**, Ward 4, Auburndale, on land known as SBL 43, 07, 23, containing approximately 5,086 sq. ft. of land in a district zoned Single Residence 2. Ref. §3.4.3.A.1, §7.4, and §7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

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.



18 Arapahoe Road

EXECUTIVE SUMMARY

The subject property at 18 Arapahoe Road consists of a 5,086 square foot lot located within the Single Residence 2 (the "SR-2") zone in Auburndale. The lot is improved with a single-family dwelling and a detached garage constructed circa 1927. The garage has an existing nonconforming side setback of .9 feet, and a nonconforming rear yard setback of 1.9 feet, where five feet is the minimum allowed. The petitioner is proposing to raze the garage to construct a larger garage in the same location, extending the nonconforming side and rear setbacks. Therefore, the petitioner requires a special permit to further extend the nonconforming side and rear setbacks of an accessory building. The Planning Department is unconcerned with the request to further extend the nonconforming side and rear setbacks because the increased size and height is di minimis from the existing condition and similar structures located close to the property line exist in the neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the City Council should consider whether:

- The proposed extension of the nonconforming side and rear setbacks will be substantially more detrimental than the existing nonconforming structure is to the neighborhood (§3.4.3.A.1 and §7.8.2.C.2).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

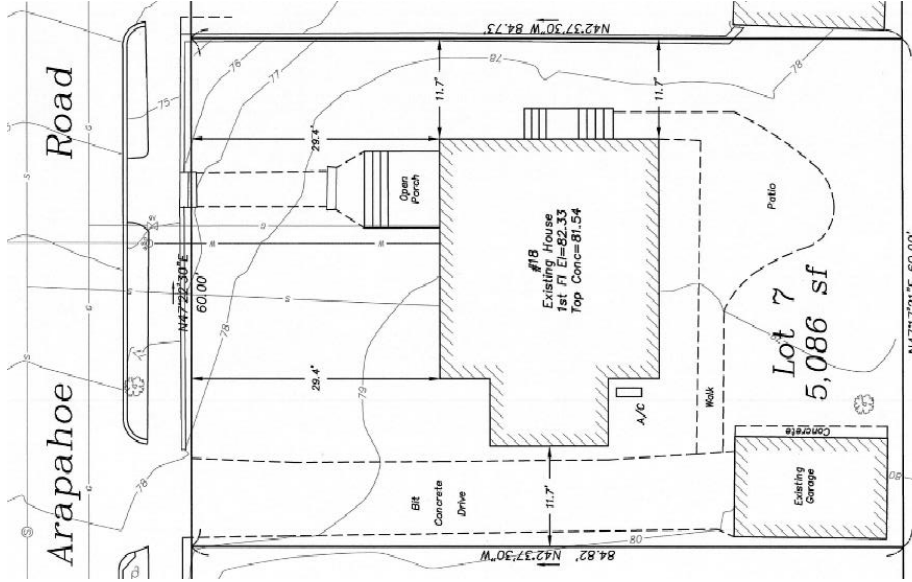
A. Neighborhood and Zoning

The subject property is located on Arapahoe Road in the SR-2 zone in Auburndale. The area south of Greenough Street is located within the SR-2 zone, while north of Greenough Street exists the Multi Residence 3 zone. To the east, is a Multi Residence 3 zone and a Public Use Zone (**Attachment A**). As a result of these zones, the area is comprised of single and multi-family uses along with an open space parcel, a mixed-use parcel, and a commercial parcel (**Attachment B**).

B. Site

The site consists of 5,086 square feet of land and it is improved with a single-family dwelling as well as a detached garage constructed circa 1927. The lot sits above the grade of the street but flattens out towards the rear. There is an approximately 12-foot wide curb cut at the northwest corner providing access to a 63-foot long driveway and the one-car detached garage. The boundaries contain a mix of mature landscaping and six-foot tall fencing.

Existing Site Plan



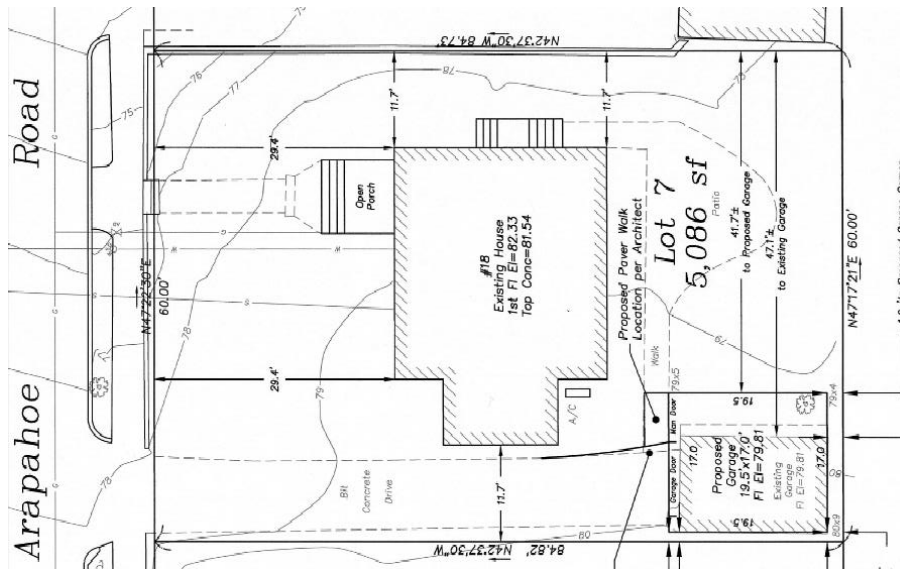
III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site is and will remain a single-family residence.

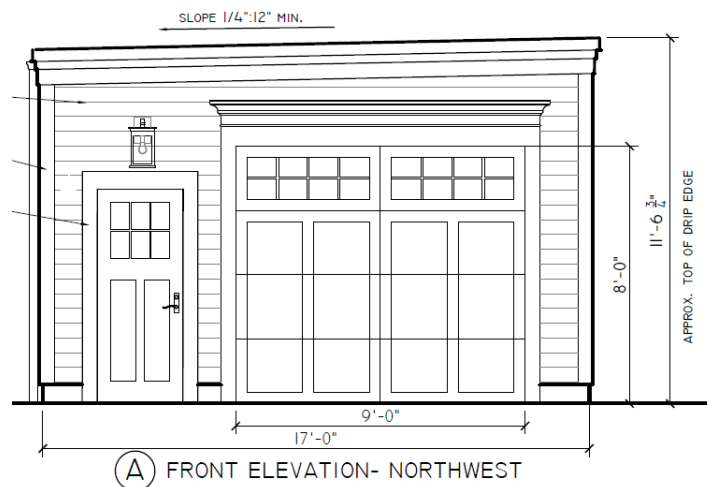
B. Building and Site Design

Proposed Site Plan



The petitioner is proposing to raze the existing garage to construct a larger one-car garage in the same location. The garage will be approximately six feet wider and one foot deeper, resulting in an additional 128 square feet of space for maneuvering and storage. The proposed garage will also be three feet taller, reaching a height of 12.8 feet and featuring a shed roof. The side setback will be largely unchanged, holding the line of the existing façade one foot from the property line, while the rear setback will increase slightly from 1.7 feet to 1.9 feet from the property line at the garage's southeastern corner. The Planning Department is unconcerned with the request to further extend the nonconforming side and rear setbacks because the increased size and height is di minimis from the existing condition and similar structures located close to the property line exist in the neighborhood.

Proposed Front Elevation



C. Parking and Circulation

The petitioner is not proposing any changes to either the parking or circulation on site.

D. Landscape Screening

A landscape plan is not required with this petition.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance)

The Zoning Review Memorandum (the "Memorandum") provides an analysis of the proposal regarding zoning (**Attachment C**). Based on the Memorandum, the petitioner is seeking the following relief:

- §3.4.3.A.1 and §7.8.2.C.2 of Section 30, to further extend the nonconforming side and rear setbacks of an accessory building.

B. Engineering Review

This petition does not meet the minimum threshold for review from the Engineering Division of Public Works.

C. Newton Historical Commission

The Newton Historical Commission found the garage “Not Historically Significant” on August 7, 2019. As such, the petitioner can raze the structure.

V. PETITIONER’S RESPONSIBILITIES

The petition is considered complete at this time.

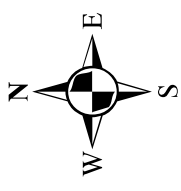
ATTACHMENTS:

- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** DRAFT Order

Attachment A Zoning Map Arapahoe Rd., 18

City of Newton,
Massachusetts

Legend	
	Single Residence 2
	Multi-Residence 1
	Multi-Residence 3
	Public Use
	Building Outlines
	Surface Water
	Property Boundaries

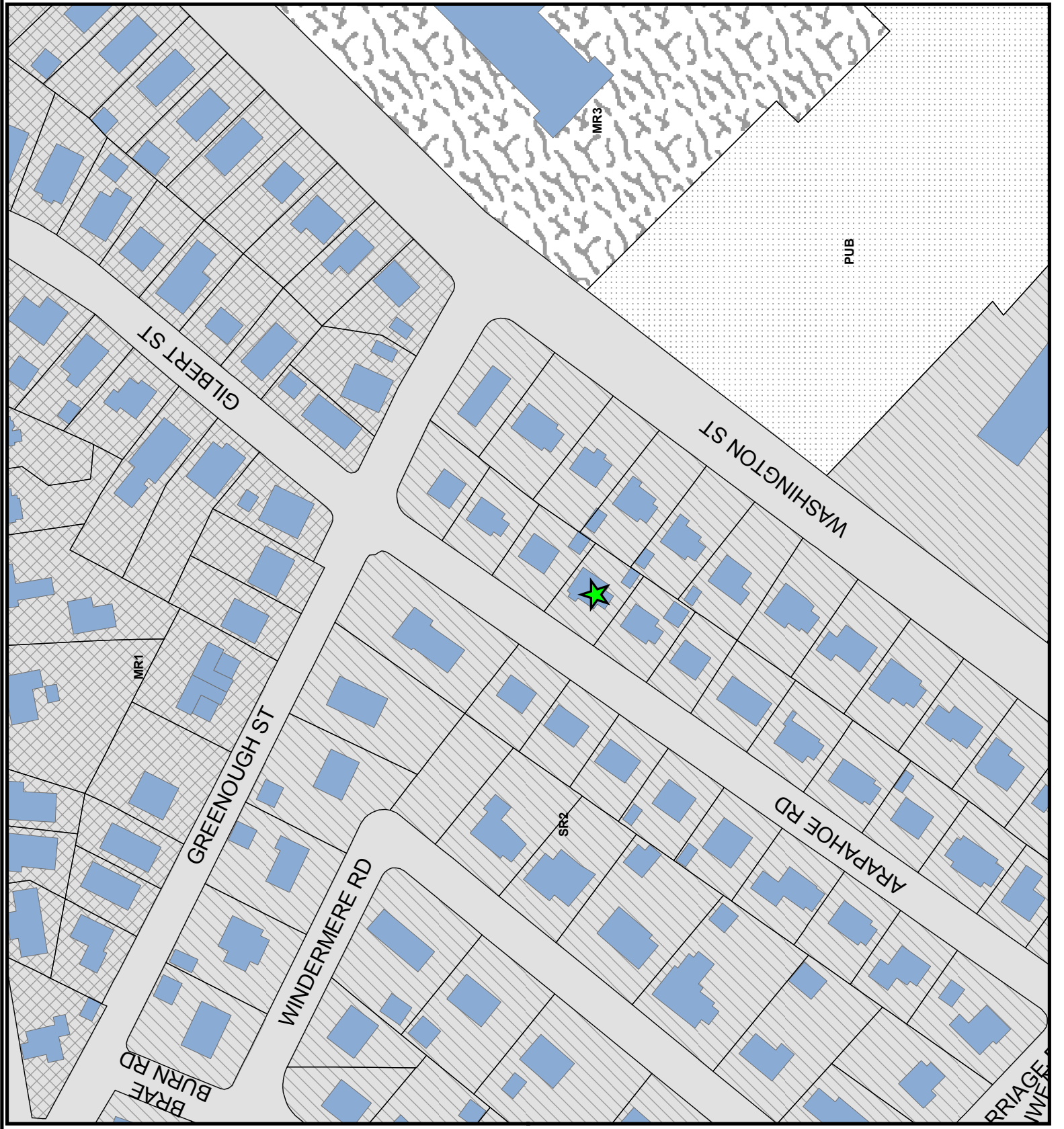


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller



Map Date: January 02, 2020



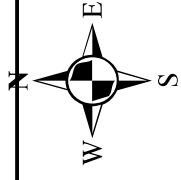
Attachment B Land Use Map Arapahoe Rd., 18 *City of Newton, Massachusetts*

Legend

Land Use

Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Mixed Use
- Open Space
- Vacant Land
- Building Outlines
- Surface Water
- Property Boundaries

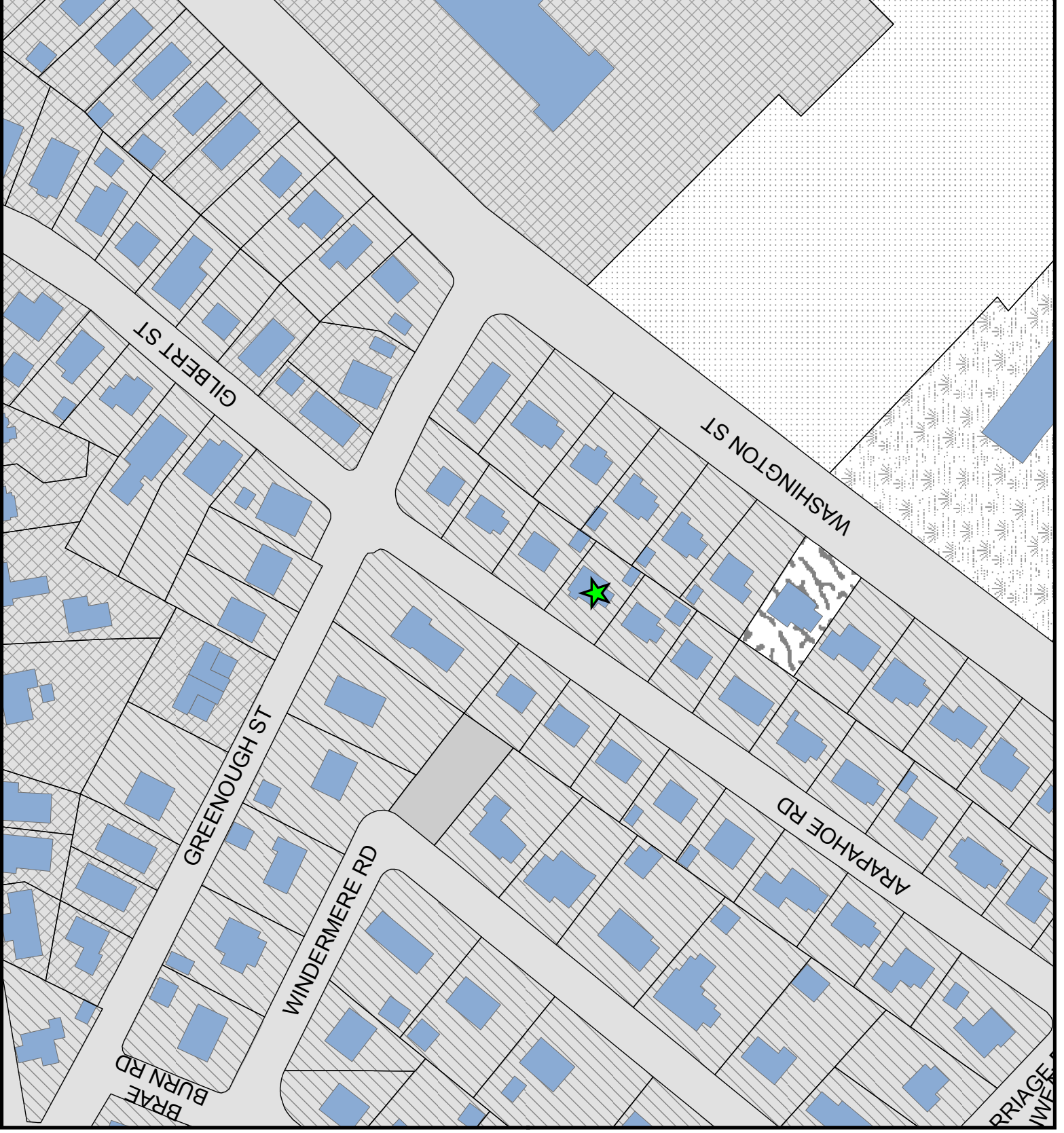


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CITY OF NEWTON, MASSACHUSETTS
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: September 24, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Tracy Bascetta, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to further extend nonconforming side and rear setbacks of an accessory structure

Applicant: Tracy Bascetta	
Site: 18 Arapahoe Road	SBL: 43007 0023
Zoning: SR2	Lot Area: 5,086 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 18 Arapahoe Road consists of a 5,086 square foot lot improved with a single-family dwelling and detached garage constructed in 1927. The garage was constructed 0.9 feet from the side lot line and 1.9 feet from the rear lot line. The petitioner proposes to raze the existing garage and construct an enlarged garage, further extending the nonconforming side and rear setbacks, requiring a special permit.

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

- Zoning Review Application, prepared by Tracy Bascetta, applicant, dated 8/15/2019
- FAR Worksheet, submitted 8/15/2019
- Existing Conditions Plan, signed and stamped by Verne T. Porter Jr., surveyor, dated 8/7/2019
- Proposed Garage Location, signed and stamped by Verne T. Porter Jr.,
- Plans and Exterior Elevations, prepared by Slocum Hall Design Group, architects, dated 7/17/2019

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner intends to raze an existing detached garage located in the southern corner of the lot. The existing garage was constructed 0.9 feet from the side lot line and 1.9 feet from the rear lot line in 1927. The existing garage cannot accommodate a modern vehicle and the petitioner seeks to enlarge the garage, further extending both the nonconforming 0.9 foot side setback and the 1.9 foot rear setback. A special permit pursuant to Sections 3.4.3.A.1 and 7.8.2.C.2 is required to further extend the nonconforming side and rear setbacks to allow for construction of the enlarged detached garage.

SR2 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	5,086 square feet	No change
Frontage	70 feet	60 feet	No change
Setbacks: Principal			
• Front	25 feet	29.4 feet	No change
• Side	7.5 feet	11.7 feet	No change
• Rear	15 feet	>25 feet	No change
Setbacks: Accessory			
• Front	25 feet	64.75 feet	63.4 feet
• Side	5 feet	0.9 feet	No change
• Rear	5 feet	1.9 feet	No change
FAR	.46	.35	.373
Max Lot Coverage	30%	22.09%	24.47%
Min. Open Space	50%	66.35%	64.6%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.3.A.1, §7.8.2.C.2	Request to further extend nonconforming side and rear setbacks	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 further extend the nonconforming side and rear setbacks of an accessory building, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed extension of the nonconforming side and rear setbacks will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood because the increased size and height is di minimis from the existing condition and similar structures located close to the property line exist in the neighborhood. (§3.4.3.A.1 and §7.3.3)

PETITION NUMBER: #12-20

PETITIONER: Tracy Bascetta

LOCATION: 18 Arapahoe Road, on land known as Section 43, Block 07, Lot 23, containing approximately 5,086 square feet of land

OWNER: Tracy Bascetta

ADDRESS OF OWNER: 18 Arapahoe Road
Newton, MA 02465

TO BE USED FOR: Accessory Building

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.4.3.A.1 and §7.8.2.C.2 to further extend the nonconforming side and rear setbacks of an accessory building

ZONING: Single Residence 2 district

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. Area Plan, signed and stamped by Verne T. Porter, Professional Land Surveyor, dated June 25, 2019
 - b. Existing Conditions Site Plan, signed and stamped by Verne T. Porter, Professional Land Surveyor, dated August 7, 2019
 - c. Proposed Conditions Site Plan, signed and stamped by Verne T. Porter, Professional Land Surveyor, dated August 7, 2019
 - d. Architectural Plans, prepared by Slocum Hall Design Group, Inc., unsigned and unstamped, dated November 7, 2019, consisting of eight (8) sheets:
 - i. Existing Conditions
 - ii. Proposed Garage Floor Plan
 - iii. Proposed Roof and Foundation Plan
 - iv. Proposed Exterior Elevations
 - v. Proposed Section
 - vi. Proposed Section
 - vii. Details and Schedules
 - e. Structural Plan, prepared by Davidson Engineering Associates, Inc., unsigned and unstamped, dated September 4, 2019
2. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this board order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:

- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an architect or land surveyor certifying compliance with Condition #1.
- b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a professional land surveyor.