



#144-20

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City of Newton, Massachusetts

Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

Ruthanne Fuller
Mayor

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	April 14, 2020
Land Use Action Date:	June 29, 2020
City Council Action Date:	July 6, 2020
90-Day Expiration Date:	July 13, 2020

DATE: April 10, 2020

TO: City Council

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

SUBJECT: **Petition #144-20**, for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the nonconforming rear setback from 12 feet to 8.7' where 15' is required at 16 Crehore Drive, Ward 4, Lower Falls, on land known as Section 42 Block 20 Lot 06, containing approximately 7,389 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



16 Crehore Drive

EXECUTIVE SUMMARY

The property located at 16 Crehore Drive contains a 7,475 square foot lot in the Single Residence 3 (SR-3) zone in Lower Falls. The lot is improved with a single-family residence constructed circa 1926 and a detached garage. The detached garage straddles the property line with the abutter at 10 Crehore Drive, with one stall on each property. The petitioner is seeking to raze their portion of the garage and construct an attached two-story two car garage addition. The garage addition extends the nonconforming rear setback, altering it from 12 feet to eight feet and eight inches.

As designed, the proposed garage addition meets all other dimensional standards for a principal structure in the SR-3 district. The proposed garage replaces a shared garage with the abutting neighbor. The proposed site alterations meet all other dimensional standards, eliminates a nonconforming front setback from the existing garage. Due to this, the Planning Department is unconcerned with the request to further extend the existing non-conforming rear setback.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The proposed attached garage that would further extend the nonconforming rear setback is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.3 and §7.8.2.C.2)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

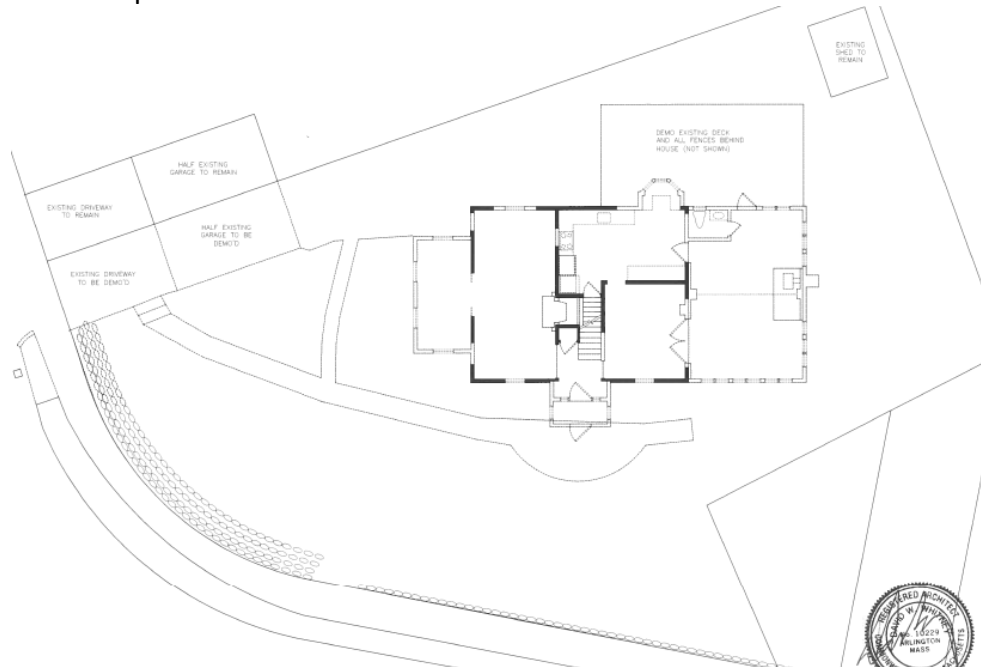
A. Neighborhood and Zoning

The subject property is located on the corner of Crehore Drive and Goff Street in Lower Falls in the SR-3 zone. The SR-3 zone encompasses the surrounding area and neighborhoods **(Attachment A)**. Hamilton Field is at the southern end of Crehore Drive and is zoned as Public Use. The land use of the properties in the neighborhood are all single family residential, except for two commercial uses. **(Attachment B)**.

B. Site

The site consists of 7,389 square feet of land and is improved with a 2.5 story, single-family, Colonial style dwelling. The site has frontage on both Goff Street and Crehore Drive. The front setback from Goff Street is 27.8 feet and based on that measurement, the front setback from Crehore Drive is nonconforming from the existing detached garage. The lot is served by one curb cut from the petitioner's half of the detached garage. There is a slight upward slope from the front to the rear of the lot. The existing principle structure has an existing nonconforming rear setback of 12 feet, where 15

feet is required.



Existing Conditions Architectural Site Plan

III. PROJECT DESCRIPTION AND ANALYSIS

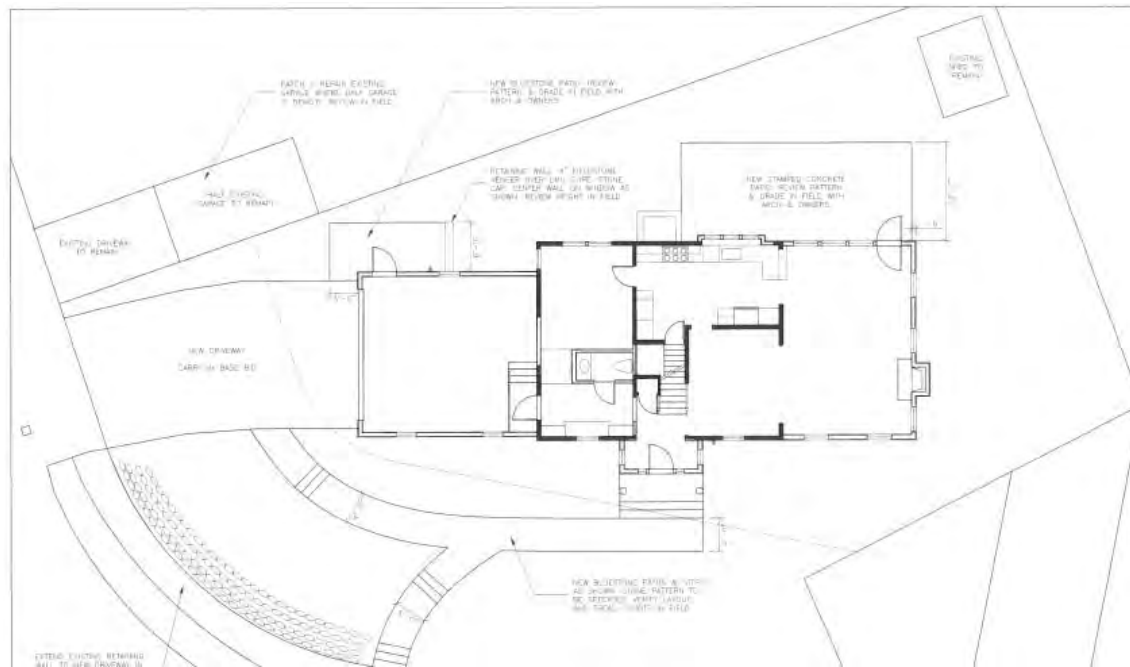
A. Land Use

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

B. Building and Site Design

The petitioner is proposing to demolish an existing playroom in order to accommodate construction of an attached two car garage. They will also raze their portion of the detached garage that is on their property.

The proposed addition will increase the nonconforming rear setback from 12 feet to 8.7 feet. Other site alterations include a demolition of an existing living room and addition at the opposite end of the structure, removal of an existing deck and proposed concrete patio to the rear of the single family dwelling, removal of an existing shed to the rear of the existing garage, proposed front canopy and a proposed driveway that will align with the proposed garage addition. In total, the proposed construction will add approximately 786 square feet of floor area to the existing structure, with the floor area ratio increasing from .30 to .41, where .47 is the maximum allowed by right. The impervious area of the site is increasing by approximately 290 square feet.



Proposed Architectural Site Plan



Proposed Front Elevation

The Planning Department is unconcerned with the proposed addition that further extends the nonconforming rear setback. The proposed garage addition is replacing a portion of a shared garage, is subordinate to the existing structure and eliminates an existing nonconforming front setback. The addition also meets all other dimensional standards.

C. Parking and Circulation

The petitioners are proposing to raze half of an existing garage that straddles the property line and shares a common wall between property owners. The petitioner is seeking to construct a two-story attached garage addition to the existing structure and reconfigure the driveway.

D. Landscaping

A landscape plan is not required with this petition.

IV. TECHNICAL REVIEW

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

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

- §3.1.3 and §7.8.2.C.2 of Section 30, to further extend a nonconforming rear setback

B. Engineering Review

This petition is subject to engineering review at the building permit stage.

C. Historic Preservation Review

This petition was approved by the Newton Historical Commission on February 12, 2020.

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 Council Order



ATTACHMENT A

Zoning

16 Crehore Drive

City of Newton,
Massachusetts

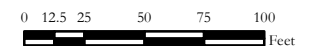
Legend

-  Single Residence 3
-  Public Use



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: March 30, 2020



ATTACHMENT B



Land Use

16 Crehore Drive

*City of Newton,
Massachusetts*

Legend

Land Use

-  Single Family Residential
-  Commercial



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CITY OF NEWTON, MASSACHUSETTS
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Map Date: March 30, 2020





Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: February 4, 2020

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Anders and Hilary Bialek, Applicants
David Whitney, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to extend a nonconforming rear setback

Applicant: Anders and Hilary Bialek	
Site: 16 Crehore Drive	SBL: 42020 0006
Zoning: SR3	Lot Area: 7,389 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 16 Crehore Drive consists of a 7,389 square foot corner lot currently improved with a single-family dwelling and detached garage constructed in 1926. The detached two-car garage structure straddles the property line with the abutter at 10 Crehore, with one stall on each property. The petitioners intend to raze their portion of the existing detached garage and construct a new attached two-story two-car garage addition. The dwelling has an existing nonconforming rear setback. The proposed addition will further extend the nonconforming rear setback, requiring a special permit.

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

- Zoning Review Application, prepared David Whitney, architect, submitted 1/14/2020
- Existing Condition Plan of Land, signed and stamped by Peter J. Nolan, surveyor, dated 1/10/2020
- Proposed Condition Plan of Land, prepared by Peter J. Nolan, surveyor, dated 1/13/2020
- Architectural plans and elevations, prepared by David Whitney, architect, dated 8/20/2019

ADMINISTRATIVE DETERMINATIONS:

1. The existing dwelling is located 12 feet from the rear setback, where 15 feet is required setback per section 3.1.3. The petitioners intend to raze a portion of an existing detached garage structure at the front of the property on Crehore Drive and construct a two-story attached garage addition, further extending the nonconforming rear setback to 8.7 feet. To further extend the nonconforming rear setback requires a special permit per section 7.8.2.C.2.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	7,389 square feet	No change
Frontage	70 feet	125 feet	No change
Setbacks - <ul style="list-style-type: none"> • Front – Crehore Dr • Front – Goff St • Side • Rear 	25 feet 25 feet 7.5 feet 15 feet	>25 feet 27.7 feet 9.2 feet 12 feet	26.3 feet No change No change 8.7 feet
Height	36 feet	24.72 feet	24.56 feet
Stories	2.5	2.5	No change
FAR	.47	.30	.41
Max Lot Coverage	30%	21.2%	22.6%
Min. Open Space	50%	76.7%	69.4%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §7.8.2.C.2	Request to further extend a nonconforming rear setback	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 non-conforming rear setback as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed extension in the nonconforming rear setback from 12 feet to eight feet, eight inches is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the proposed garage is replacing an existing garage shared with the abutter and eliminates the site's existing nonconforming front setback from Crehore Drive. (§3.1.3 and §7.8.2.C.2)

PETITION NUMBER: #144-20

PETITIONER: Hilary and Anders Bialek

LOCATION: 16 Crehore Dr., on land known as Section 42, Block 20, Lot 6, containing approximately 7,389 square feet of land

OWNER: Hilary and Anders Bialek

ADDRESS OF OWNER: 16 Crehore Drive
Newton, MA 02462

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3 and §7.8.2.C.2 to further extend the nonconforming rear setback by constructing an attached two story addition

ZONING: Single Residence 3 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. Proposed Plot Plan, signed and stamped by Peter Nolan, Professional Land Surveyor, dated January 13, 2020.
 - b. Architectural plans consisting of 21 sheets, titled "Bialek Residence," dated August 20, 2019, prepared by David Whitney Architects, signed and stamped by David Whitney.
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, and Fire Department.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - 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.
4. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an architect 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 licensed architect.