



#11-20

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

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: January 7, 2020
Land Use Action Date: March 24, 2020
City Council Action Date: April 6, 2020
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
Michael Gleba, Senior Planner

SUBJECT: **Petition #11-20**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 189 sq. ft. one-story addition behind an existing detached garage, increasing the FAR to .43 where .41 exists and .33 is required at **95 Suffolk Road**, Ward 7, Chestnut Hill, on land known as Section 72 Block 20 Lot 07, containing approximately 11,178 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.9, 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 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.



95 Suffolk Road

EXECUTIVE SUMMARY

The property at 95 Suffolk Road consists of an 11,178 square foot lot in a Single Residence 1 (SR1) district improved with a 2 ½ story, approximately 4,159 square foot single-family dwelling constructed in 1910 and a detached 440 square foot garage constructed pursuant to a 1998 variance from side lot setback requirements.

The petitioners propose to construct an approximately 189 square foot, one-story rear “mudroom” addition to the dwelling, largely positioned behind the detached garage. As the proposed addition would increase the parcel’s existing nonconforming floor area ratio (FAR) from 0.41 to 0.43 where 0.33 is the maximum allowed by right, a special permit pursuant to Sections 3.1.9 and 7.8.2.C.2 is required to further increase the already nonconforming FAR.

While the Planning Department is generally not concerned with the proposal as the square footage of the dwelling would be only slightly increased and the proposed addition would be to the rear of the property, subordinate in scale to the existing dwelling, and not particularly visible from adjacent public ways, there are several issues, including those related to historic preservation and landscaping/screening discussed below, that should be clarified and resolved prior to a public hearing.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

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

- The proposed resulting structure with a nonconforming floor area ratio (FAR) increased from 0.41 to 0.43 where 0.33 is the maximum allowed would be consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.9);
- The proposed increase of the nonconforming floor area ratio (FAR) from 0.41 to 0.43 where 0.33 is the maximum allowed would be substantially more detrimental than the existing nonconforming floor area ratio (FAR) setback is to the neighborhood (§7.8.2.C.2).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The neighborhood generally consists of single-family dwellings, with exceptions including a religious use approximately 200 feet to the east along Suffolk Road and City-owned parkland about 350 feet to the south. The area is uniformly zoned Single Residence 1 (SR1), with the exception of the City-owned, Public Use-zoned parkland

to the south (**Attachments A & B**).

B. Site

The subject property consists of an 11,178 square foot lot located on the north side of Suffolk Road between Lawrence and Kingsbury roads. It is improved with a single-family, 2 ½ story, 4,599 square foot dwelling constructed in 1910 and a detached 440 square foot garage. The property is accessed via a driveway of varying widths along the northeast (right) property line that is served by a curb cut off Suffolk Road.

The property, which slopes approximately fourteen feet upward from its frontage on Suffolk Road toward the rear of the property, includes some retaining walls and mature vegetation, including trees and shrubbery. The Planning Department notes however, that much of the landscape has been disturbed by recent construction activity on the site.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

B. Building Design

The petitioner proposes to construct a one-story “mudroom” addition to the rear of dwelling that would be located behind, but not connected to, the existing detached garage. The garage was constructed pursuant to a variance granted in 1998 allowing for it to be located only four, rather than the required five, feet, from the right side property line; no amendment to that variance is required for the present petition.

The addition would add 189 square feet to the dwelling, resulting in a floor area ratio of 0.43 where the existing FAR is 0.41 and 0.33 is the maximum allowed by right, thus requiring a special permit to increase the parcel’s nonconforming FAR.

The proposed construction would be done in conjunction with, and adjacent to, the rebuilding of a previously existing, similarly-scaled one-story rear addition directly off the rear of the dwelling that was recently demolished. Only one story in height, the proposed addition would be considerably lower than then the existing approximately 37-foot-high dwelling.

The open space on the parcel would decrease, from 72.0% to 70.0%, but remain above the required 65%. The parcel’s lot coverage would correspondingly increase slightly, from 16.1% to 18.5%, but remain below the maximum 20% allowed (please note that, per section 1.5.2.D.2, as the existing single-family dwelling was constructed before December 27, 1922 (according to City records), the lot coverage requirements found

in section 3.1 do not apply to the detached garage).

C. Parking and Circulation

Vehicular access and egress to the property and garage would continue to be via the existing curb cut on Suffolk Road on the right side of the property. No changes to the parcel's parking or circulation are proposed per the submitted site plan (however, please see below reference to the driveway).

D. Landscaping & Screening

The petitioner submitted what it has characterized as a "schematic" landscape plan showing extensive impervious new surface areas, including an expanded driveway, patio areas, walkways and retaining walls. The drawing also depicts the installation of new, but unidentified vegetation, presumably some combination of trees, shrubs, etc. However, in conversation the petitioner/architect has indicated that there is no intent to act on this plan at this time and, as such, this plan should not be considered as a component of the present petition. The Planning Department notes that in the event the present petition is granted, future sitework of the type shown in the submitted "schematic" landscape plan would likely require an amendment to any site plan approved pursuant to this petition.

That said, the Planning Department notes that, given the location of the proposed addition and its proximity to abutting properties, the project would benefit from the installation of appropriate screening and recommends that the petitioner consider such addition to the project and be prepared to discuss such in advance of and/or at the public hearing for this petition.

IV. TECHNICAL REVIEW

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

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

- Special permit per §7.3.3 to further increase nonconforming FAR (§3.1.9; §7.8.2.C.2).

B. Engineering Review

Based upon the submitted site plan, no engineering review is necessarily required at this time. That said, in the event the petitioner seeks approval for site and landscape work of the scale depicted in the above-discussed (and submitted) "schematic" landscape plan, review by the Engineering Division would likely be warranted given the likely increase in impervious surface and related stormwater drainage concerns.

C. Chestnut Hill Historic District Commission

In recent months the petitioner has presented several sets of plans for proposed work on the property to the Chestnut Hill Historic District Commission (CHHDC). Planning staff, in consultation with Historic staff, has noted the plans submitted with the present special permit petition do not seem to correspond with the various plans reviewed by the CHHDC. As such, the Planning Department recommends that the petitioner identify with specificity the plans for which zoning relief is sought and submit them for review by the CHHDC in advance of the Land Use Committee acting on the present petition.

V. PETITIONER'S RESPONSIBILITIES

The petitioner should be prepared to address any issue discussed above, especially those related to historic preservation and landscaping/screening.

ATTACHMENTS:

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

ATTACHMENT A

Land Use

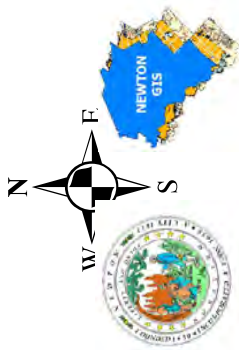
262 Otis St.

City of Newton,
Massachusetts

Land Use

Land Use

- Single Family Residential
- Multi-Family Residential
- Open Space
- Nonprofit Organizations
- Vacant Land

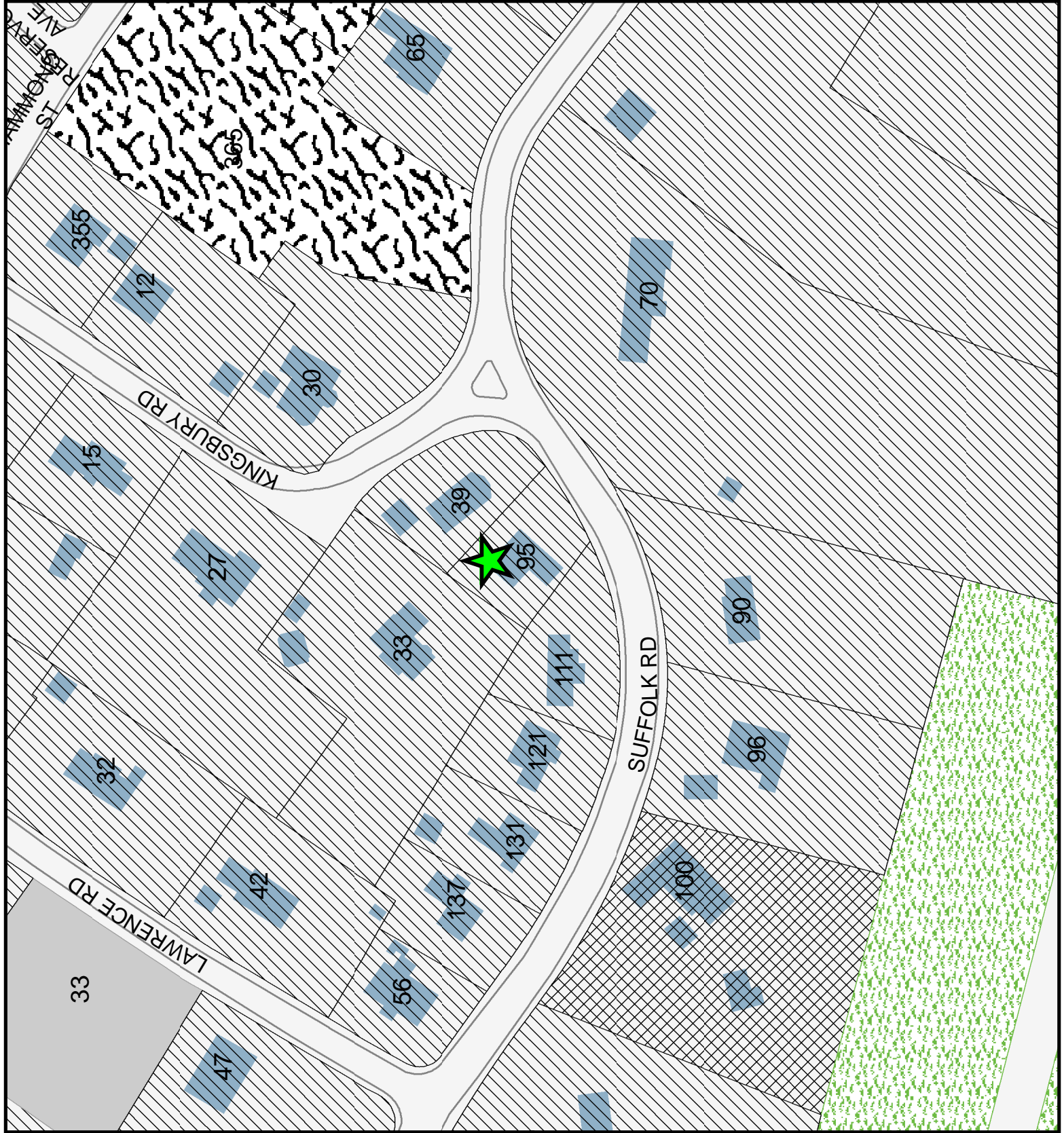


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

0 12.5 25 50 75 100 125 150 175 Feet

Map Date: December 19, 2019



ATTACHMENT B

Zoning

262 Otis St.

City of Newton,
Massachusetts

- Single Residence 1
- Public Use

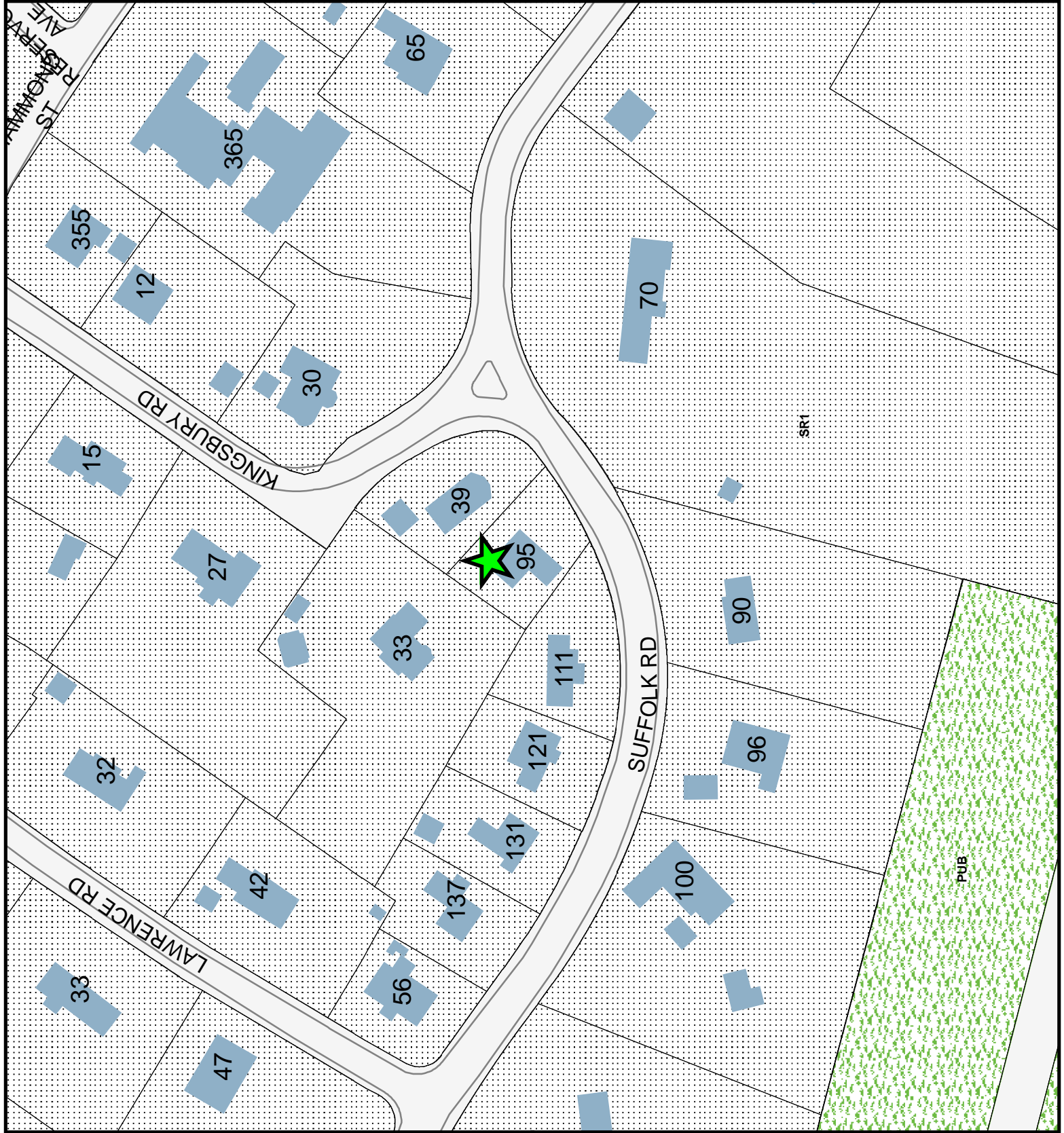


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: December 19, 2019





Ruthanne Fuller
Mayor

ATTACHMENT C

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

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: November 18, 2019

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Sarah Sherman, Applicant
Matthew Simitis, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to further increase nonconforming FAR

Applicant: Sarah Sherman	
Site: 95 Suffolk Road	SBL: 72020 0007
Zoning: SR1	Lot Area: 11,178 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 95 Suffolk Road consists of an 11,178 square foot corner lot improved with a single-family residence constructed in 1910 and a detached garage which received a variance from the side lot setback requirements in 1998. The petitioners propose to construct a one-story rear mudroom addition behind the existing detached garage. The proposed addition will further increase the nonconforming 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 Matthew Simitis, architect, submitted 10/10/2019
- FAR Worksheet, submitted 10/10/2019
- Existing Plan of Land, prepared by Everett M. Brooks Co., surveyor, dated 3/27/1998
- Proposed Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 10/2/2019
- Architectural Plans and Elevations, signed and stamped by Matthew Simitis, architect, dated 10/9/2019

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner intends to construct a one-story rear addition, adding a mudroom that extends behind the existing detached garage, though is not attached to it. The existing FAR is .41, where .33 is the maximum allowed. The proposed addition adds 189 square feet to the dwelling, resulting in an FAR of .43. A special permit pursuant to Sections 3.1.9 and 7.8.2.C.2 is required to further increase the already nonconforming FAR.
2. A variance was granted in 1998 to allow for a reduction of the side setback for the detached garage from the required 5 feet to 4 feet. The garage has been constructed in accordance with the variance. No amendment to the variance is required.
3. Per section 1.5.2.D.2, the lot coverage requirements found in section 3.1 do not apply to a private garage accessory to a single- or two-family structure in existence on December 27, 1922. According to City records, the existing single-family dwelling was constructed in 1910. Therefore, the detached garage structure does not count against lot coverage. The figures in the table below are reflective of relief this provision applies.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	11,178 square feet	No change
Frontage	100 feet	91 feet	No change
Setbacks			
• Front	25 feet	53.5 feet	No change
• Side (right)	12.5 feet	7.4 feet	No change
• Side (left)	12.5 feet	34 feet	12.5 feet
• Rear	25 feet	24.4 feet	No change
Max Number of Stories	2.5	2.5	No change
FAR	.33	.41	.43
Max Lot Coverage	20%	16.1%	18.5%
Min. Open Space	65%	72%	70%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.9, §7.8.2.C.2	Request to further increase nonconforming FAR	S.P. per §7.3.3

Next Steps

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

The following must be included when filing a Special Permit Application:

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
 - Site Plans showing existing and proposed conditions (including topography as applicable)
 - Architectural plans showing existing and proposed conditions (including façade materials)
 - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

Incomplete applications will delay the intake and review of your project.

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? Y/N

ATTACHMENT D

DRAFT- #11-20
95 Suffolk Road

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 increase the nonconforming floor area ratio (FAR) from 0.41 to 0.43 where 0.33 is the maximum allowed by right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the structure as designed as the proposed addition would be to the rear of the property, subordinate in scale to the existing dwelling, and largely not visible from adjacent public ways (§7.3.3.C.1);
2. The use as developed and operated will not adversely affect the neighborhood as the proposed addition would be to the rear of the property, subordinate in scale to the existing dwelling, and largely not visible from adjacent public ways (§7.3.3.C.2);
3. There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4);
5. The proposed increase in the nonconforming floor area ratio (FAR) from 0.41 to 0.43 where 0.33 is the maximum allowed by right will be consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood because the proposed addition would be to the rear of the property, subordinate in scale to the existing dwelling, largely not visible from adjacent public ways and compatible with the architecture of the dwelling (§3.1.9); and
6. The proposed resulting structure with a floor area ratio (FAR) of 0.43 will not be substantially more detrimental than the existing structure with a floor area ratio of 0.41 is to the neighborhood because the proposed addition would be to the rear of the property, subordinate in scale to the existing dwelling, largely not visible from adjacent public ways and compatible with the architecture of the dwelling (§7.8.2.C.2).

PETITION NUMBER: #11-20

PETITIONER: Sarah Moreland Sherman

LOCATION: 95 Suffolk Road, on land known as Section 72, Block 20, Lot 7, containing approximately 11,178 square feet of land

OWNER: Sarah Moreland Sherman

ADDRESS OF OWNER: 95 Suffolk Road
Newton, MA 02467

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special permit per §7.3.3 to increase the nonconforming floor area ratio (§3.1.9, and §7.8.2.C.2)

ZONING: Single Residence 1 (SR1) 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. a site plan entitled "Plan of Land in Newton, MA, 95 Suffolk Road, Proposed Addition," prepared by Everett M. Brooks Co., dated November 14, 2019, signed and stamped by Bruce Bradford, Professional Land Surveyor on November 14, 2019.
 - b. Architectural Plans, entitled "Sherman Residence, 95 Suffolk Road, Newton, MA", prepared by Curl Simitis Architecture + Design, Inc. and V Wood Interiors, dated December 9, 2019, signed and stamped by Matthew J. Simitis, Registered Architect, consisting of the following sheets:
 - i. First Level- Demo (AD101)
 - ii. Basement Level (A100)
 - iii. First Level (A101)
 - iv. Exterior Elevations – Exist / Demo (IAD.1)
 - v. Exterior Elevation (IA.8)
 - vi. Exterior Elevations (IA.9)
 - vii. Exterior Elevations (IA.10)

2. 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.
3. 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 or land surveyor certifying compliance with Condition #1 as well as the as-built floor area ratio of the structure.
 - 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.