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James Freas
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PUBLIC HEARING MEMORANDUM

Public Hearing Date: April 14, 2015
Land Use Action Date: May 5, 2015
Board of Aldermen Action Date: June 15, 2015
90-Day Expiration Date: July 13, 2015

DATE: April 10, 2015

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning 

SUBJECT: **Petition #58-15**, MICHAEL VAHEY & MOK JIANG PANG, for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING USE by removing an existing single dormer on the front façade and adding a total of six dormers (two on the front and back and one on each side) which will allow an additional bedroom and bath for each unit in an existing side-by-side two-family dwelling, thereby increasing the Floor Area Ratio from .61 to .67, where .48 is allowed by right, at 13-15 ALDEN PLACE, Ward 3, West Newton, on land known as SBL 33, 34, 47, containing ±5,315 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 30-24, 30-23, 30-21(b), 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2012.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. 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 Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



13-15 Alden Place

EXECUTIVE SUMMARY

The property located at 13-15 Alden Place consists of a 5,315 square foot lot improved with a nonconforming two-story side-by-side two-family dwelling, which was constructed circa 1890. The petitioner is proposing to add six new dormers to the attic floor, adding approximately 335 square feet of habitable space, in order to create an additional bedroom and bathroom for each unit; each unit will then contain three bedrooms and two full baths.

In order to expand the house as proposed, the petitioner must receive special permits to extend the nonconforming two-family use in a Single Residence 3 district and to increase the already nonconforming FAR. Although the petitioner is proposing a total of six new dormers, where only one currently exists, the proposed expansion will improve the utility of the two-family dwelling without having to expand the footprint of the structure, preserving this structure and improving two modest units. Further, the proposed additions to the roof meet all the requirements for dormers under the Newton Zoning Ordinance and do not project above the roof peak. If this project is approved by the Board of Aldermen, the FAR will increase from .61 to .67, where .48 is the maximum allowed by right.

The Planning Department has no particular concerns with this petition. The *Newton Comprehensive Plan*, adopted in 2007, encourages residential property owners to consider modest additions to older homes in order to preserve the existing structure, while allowing them to meet the needs of today's families. The petitioner's proposed dormer addition accomplishes this objective, while maintaining the character of the structure and surrounding residential neighborhood. The Planning Department notes that other structures in the immediate neighborhood appear to have living space and/or dormers in the attic level.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The proposed expansion of the existing nonconforming two-family use in a Single Residence 3 district will not be substantially more detrimental than the existing nonconforming use to the neighborhood. (§30-21(b) and 30-24(d)(2))
- The proposed dormer additions to the attic, which will increase the already nonconforming FAR of .61 to .67, will not be substantially more detrimental than the existing nonconforming FAR to the neighborhood. (§30-15(u)(2) and §30-21(b))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located in West Newton off of River Street. The subject property and surrounding neighborhood are zoned Single Residence 3, and are proximate to parcels zoned Multi-Residence 1 and 2 located across the street and to the south (**ATTACHMENT B**). Properties to the east and west are used as two-family structures, but further up

the block the area is characterized by modest single-family homes on modest sized lots (**ATTACHMENT C**).

B. Site

The property consists of 5,315 square feet of land and is improved with a nonconforming two-story side-by-side two-family residence circa 1890. Currently the house is 2,400 square feet (1,200 square feet per unit) with an unfinished attic. Each unit contains two bedrooms and one bathroom. The residence has driveways on each side of the structure with tandem parking for each unit. The property is relatively level and there is a small shed/garage located behind the house.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The property will remain a two-family residential use.

B. Building and Site Design

The petitioner is proposing to add dormers to the existing attic space in order to add an additional bedroom and bathroom to each unit. A total of six dormers will be added, two in the front and back and one on each side. All of the proposed dormers meet the dormer requirements and none of the dormers will project over the existing roof peak. Furthermore, the height of the building will not change. The new dormers will add an additional 335 square feet of living space within the attic, requiring a special permit to increase the FAR and to extend an existing nonconforming two-family use in a Single Residence 3 district. There are no changes proposed to the footprint of the house and no significant changes are proposed for the site.

The proposed project will improve upon and preserve the modest structure and two modest sized units without significant changes for the neighborhood. Other houses in the neighborhood contain living space in the third floor, some with dormers. The Planning Department has no particular concerns with this petition, and is supportive of this modest expansion to an existing house with no increase to the building footprint. The *Newton Comprehensive Plan*, adopted in 2007, supports modest expansions to existing residential structures that preserve a historic structure.

C. Parking and Circulation

There will be no change to the parking or circulation of the site.

D. Landscape Screening

No landscape plan was required for this petition.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**ATTACHMENT A**) provides an analysis of the proposal with regard to zoning. Based on this review, the petitioner is seeking a

Special Permit/Site Plan Approval for the following relief:

- §30-15(u)(2) and §30-21(b) to extend nonconforming FAR; and
- §30-21(b) to extend a nonconforming two-family use in a Single Residence 3 zoning district.

B. Engineering Review

This project does not require review by the Engineering Division of Public Works.

C. Newton Historical Commission

Staff for the Newton Historical Commission approved the project and the demolition of the roof is not delayed.

V. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- ATTACHMENT A:** Zoning Review Memorandum
ATTACHMENT B: Land Use Map
ATTACHMENT C: Zoning Map



Setti D. Warren
Mayor

ATTACHMENT A

City of Newton, Massachusetts

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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: February 25, 2015

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Michael Vahey and Mok Jiang Pang, applicants
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to extend nonconforming FAR

Applicant: Michael Vahey and Mok Jiang Pang	
Site: 13-15 Alden Place	SBL: 33034 0047
Zoning: SR-3	Lot Area: 5,315 square feet
Current use: Two-family dwelling	Proposed use: No change

BACKGROUND:

The property at 13-15 Alden Place consists of a 5,315 square foot lot improved with a two-family residence constructed in 1890 and a detached garage built in 1950 in the Single Residence 3 zoning district. The structure has two stories of living space, plus an attic. The applicants propose dormers in the attic which will increase the already nonconforming FAR.

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

- Zoning Review Application, prepared by Michael Vahey, applicant, dated 1/20/2015
- FAR Worksheet, prepared by Michael Vahey, applicant, submitted 1/20/2015
- Plot Plan, signed and stamped by Michael Paul Antonino, surveyor, dated 1/19/2015
- Architectural Plans, prepared by Kurtz Design Studio, LLC, dated 1/15/2015
- Photos, submitted 1/20/2015

ADMINISTRATIVE DETERMINATIONS:

1. The applicants' existing nonconforming FAR is .61, where .48 is the maximum allowed. The proposed dormers result in an FAR of .67 adding 335 square feet of living space within the attic. A special permit pursuant to Sections 30-15(u)(2) and 30-21(b) is required.
2. The property is located in the Single Residence 3 zoning district. Creating additional living space extends the nonconforming two-family use, and requires a special permit pursuant to Section 30-21(b).

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	5,315 square feet	No change
Frontage	70 feet	70 feet	No change
Setbacks			
• Front	25 feet	14.5 feet	No change
• Side	7.5 feet	9.0 feet	No change
• Rear	15 feet	24.2 feet	No change
Building Height	36	32.75 feet	No change
Max Number of Stories	2.5	2.5	No change
FAR	.48	.61	.67
Max Lot Coverage	30%	37%	36.5%*
Min. Open Space	50%	34%	34.5%*

*The applicant is razing an existing back egress and rebuilding it slightly smaller, resulting in a decrease in lot coverage and an increase in open space.

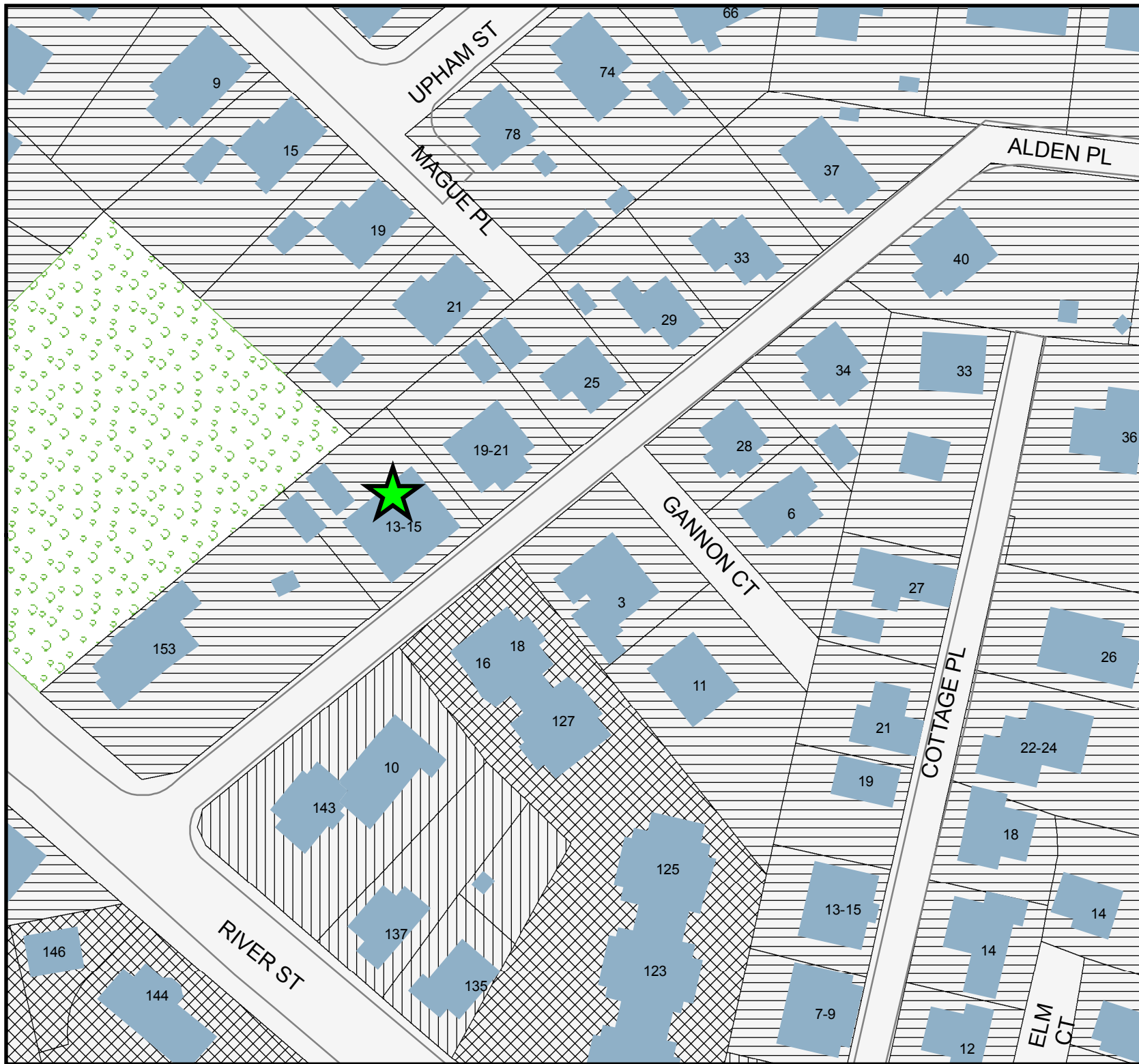
1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15(u)(2) §30-21(b)	To extend nonconforming FAR	S.P. per §30-24
§30-21(b)	To extend a nonconforming two-family use in a Single Residence 3 zoning district	S.P. per §30-24

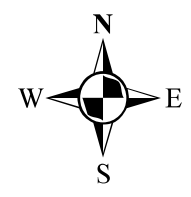
Zoning Map 13-15 Alden Place

*City of Newton,
Massachusetts*

ATTACHMENT B



- Legend**
- Building Outlines
 - Single Residence 3
 - Multi-Residence 1
 - Multi-Residence 2
 - Public Use
 - Property Boundaries
 - Street Names



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 - Setti D. Warren
GIS Administrator - Douglas Greenfield



