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Barney S. Heath  
Director

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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date: October 25, 2016  
Land Use Action Date: January 9, 2017  
City Council Action Date: January 16, 2017  
90-Day Expiration Date: January 23, 2017

DATE: October 21, 2016

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning  
Michael Gleba, Senior Planner

SUBJECT: **Petition #311-16**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXCEED FAR by adding a basement level two-car attached garage with great room above, creating an FAR of .60 where .49 is allowed at 235 Woodcliff Road, Ward 8, Newton Highlands, on land known as SBL 81 21 04, containing approximately 7,500 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.9.A.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

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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 that the Land Use Committee of the City Council can consider at a subsequent working session.



**235 Woodcliff Road**

## **EXECUTIVE SUMMARY**

The property at 235 Woodcliff Road consists of a 7,500 square foot lot improved with a 3,552 square foot single-family dwelling constructed in 1941. The property, which includes a basement level garage, is located in a Single Residence 3 (SR3) zoning district. The petitioners propose to construct a 1,226 square foot, two-story addition to the rear of the dwelling that includes a basement-level two-car attached garage and first floor living space. In order to construct the project, the petitioners require a special permit to increase the floor area ratio (FAR) from 0.47 to 0.60, where 0.49 is the maximum allowed by-right (0.47 + 0.02 bonus).

The Planning Department is generally not concerned with the proposed addition as it would have limited visibility from the street, given that it would be lower than the existing structure and be located to the rear of a downward sloping site, and the resulting structure would be generally consistent with the scale of other residences in the surrounding neighborhood. Furthermore, the proposed addition will help preserve an existing structure while allowing it to meet the needs of today's families.

### I. SIGNIFICANT ISSUES FOR CONSIDERATION:

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

- The proposed increase in FAR from 0.47 to 0.60, where 0.49 (0.47 + 0.02 bonus) is the maximum allowed by right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood (§3.1.9 and §7.3.3).

### II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

#### A. Neighborhood and Zoning

The subject property and the surrounding neighborhood are located within a Single Residence 3 (SR3) District. A Single Residence 2 (SR2) district is located approximately 750 feet to the southeast. The surrounding neighborhood consists almost uniformly of single-family dwellings, with an exception being Countryside Elementary School one block to the west. The vacant parcel (owned by others) directly to the rear of the subject property is identified as an unbuildable lot. **(Attachments A & B)**

#### B. Site

The property consists of a 7,500 square foot lot improved with a 2 ½ story, 3,552 square foot single-family dwelling constructed in 1941. The dwelling includes a street-facing basement level single-car garage that is accessed via a curb cut and downward sloping driveway off Woodcliff Road. To the right of the driveway there is an existing retaining wall; to the left is a low stone retaining wall as well as a

rather large rock outcropping.

The parcel slopes downward significantly from east to west (front to rear) and north to south (right to left), with the lowest point in the southwest corner of the lot. The property contains vegetation (especially along the property boundaries) including mature trees, and lawn. A portion of the rear left corner is flood plain subject to Conservation Commission jurisdiction.

### 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

The petitioner is proposing to construct a 1,226 square foot, two-story addition of contemporary design to the rear of the existing structure. The addition would contain a two-car, 616 square foot basement level garage and 610 additional square feet of living space on the first floor.

If constructed, the addition would result in a total of 4,494 square feet built on the lot and increase the floor area ratio (FAR) from 0.47 to 0.60, where 0.49 is the maximum allowed by-right (0.47 + 0.02 bonus). The parcel's lot coverage would increase from 16.8% to 21.8%, but remain below the maximum 30% allowed. The open space on the parcel would correspondingly decrease from 78.5% to 53%, but remain above the required 50%.

At its closest points, the addition would be set back 13.2 feet from the right side lot line and 20.1 feet from the rear lot line. As it does not include a second floor, the addition would be lower than the height of the existing structure.

#### C. Parking and Circulation

The existing sloped driveway that serves the current basement level garage would be filled in and that area would be made level with the existing front yard to the right (a three-foot high retaining wall would be built at the back of the sidewalk to facilitate the regrading). A new, approximately 12 foot wide driveway from a new curb cut off Woodcliff Road serving the proposed garage would be constructed to the left, along the south side of the property. The driveway would widen considerably in the rear to provide maneuvering area and cover approximately 1,734 square feet of the lot. It would be bounded by a 1 foot high retaining walls along that property line and portions of the rear yard (the petitioner has indicated rock outcropping noted above will be lowered by approximately one foot in height to facilitate the installation of the proposed new driveway).

The Planning Department notes that, as designed, the driveway would extend into flood plain area to the rear left of the property subject to Conservation Commission

jurisdiction. Conservation Commission staff has been in contact with the petitioner and, as of this writing, Conservation Commission and Planning Department staff is awaiting updated site plans that are expected to eliminate any portion of the proposed driveway (or other work) that might lie within the flood plain area.

D. Landscape Screening

The Planning Department recommends that the petitioner, in consultation with abutting neighbors, consider installing fencing and/or vegetative screening where feasible, especially to the left of the proposed driveway rearward from the dwelling's front façade.

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 and §7.3.3 of Section 30, to exceed the maximum floor area ratio (FAR) (§3.1.9.A.2)

B. Engineering Review:

As the proposed addition, if approved, would increase the impervious area of the lot area by more than 4%, a drainage analysis of onsite collection and infiltration of stormwater runoff will be required. Toward that end, the Associate City Engineer submitted a memorandum on the proposal (**Attachment D**). The memo notes that for the purposes of the office's review, the petitioner will need to provide, in addition to the plan entitled "Civil Site Plan- Existing and Proposed" submitted with the application, a drainage study and full scale site plans.

Furthermore, the Engineering Division of Public Works will review this project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit for the proposed garage should this petition be approved.

V. PETITIONER'S RESPONSIBILITIES

As referenced above, at the time of this writing the Planning Department is anticipating receiving updated site plans showing the elimination of any driveway area (or other work) on land within Conservation Commission jurisdiction.

**ATTACHMENTS:**

- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** City Engineer's Memorandum
- Attachment E:** DRAFT Order

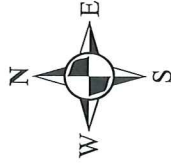
# ATTACHMENT A

## Existing Land Use 235 Woodcliff Rd.

City of Newton,  
Massachusetts

Legend

Land Use  
Land Use  
Single Family Residential

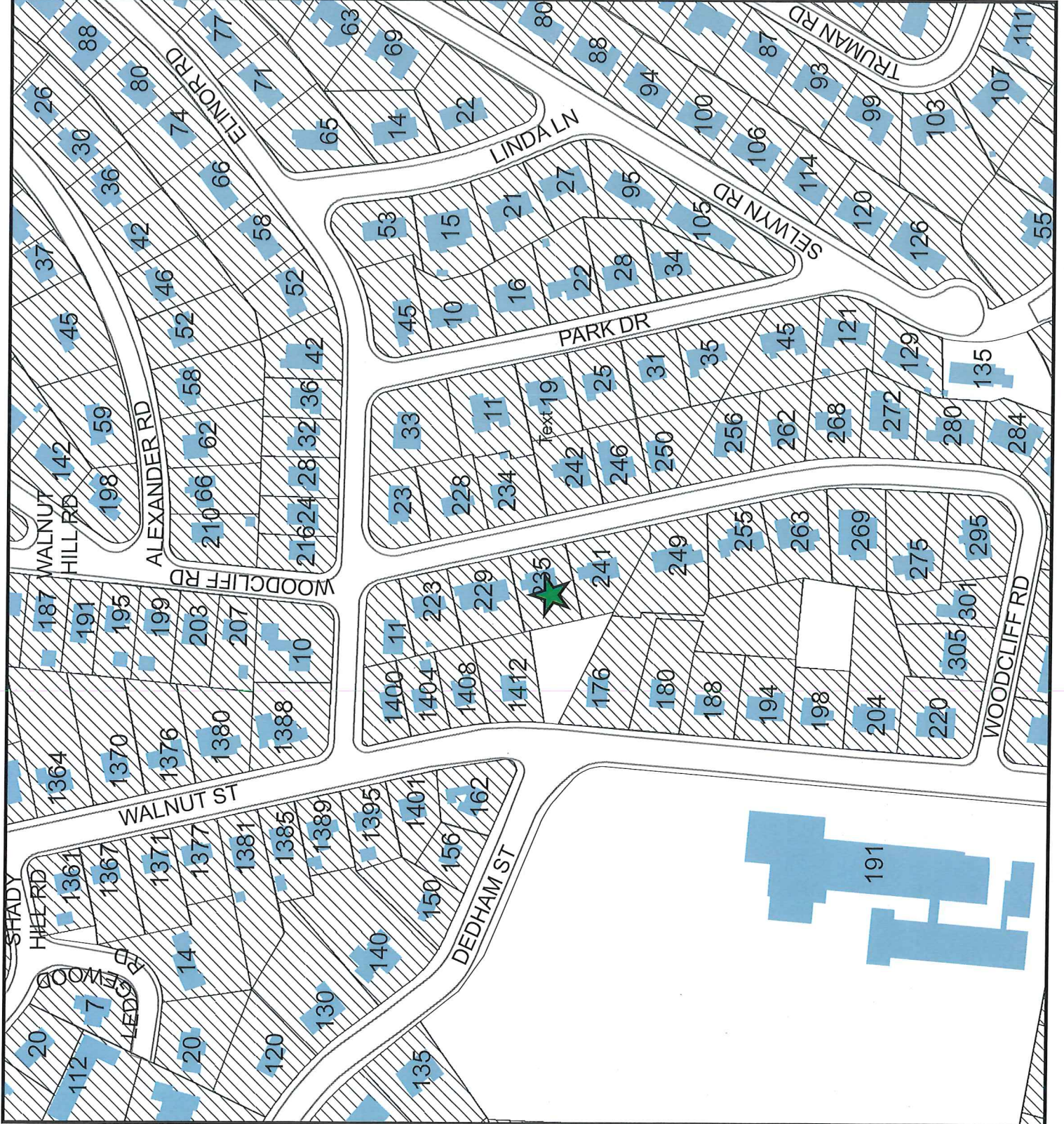


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Setti D. Warren  
GIS Administrator - Douglas Greenfield

0 25 50 75 100 125 150 175 200 225 Feet

Map Date: October 17, 2016






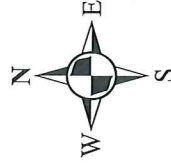
# ATTACHMENT B

## Existing Zoning 235 Woodcliff Rd.

City of Newton,  
Massachusetts

**Legend**

-  Single Residence 2
-  Single Residence 3
-  Public Use

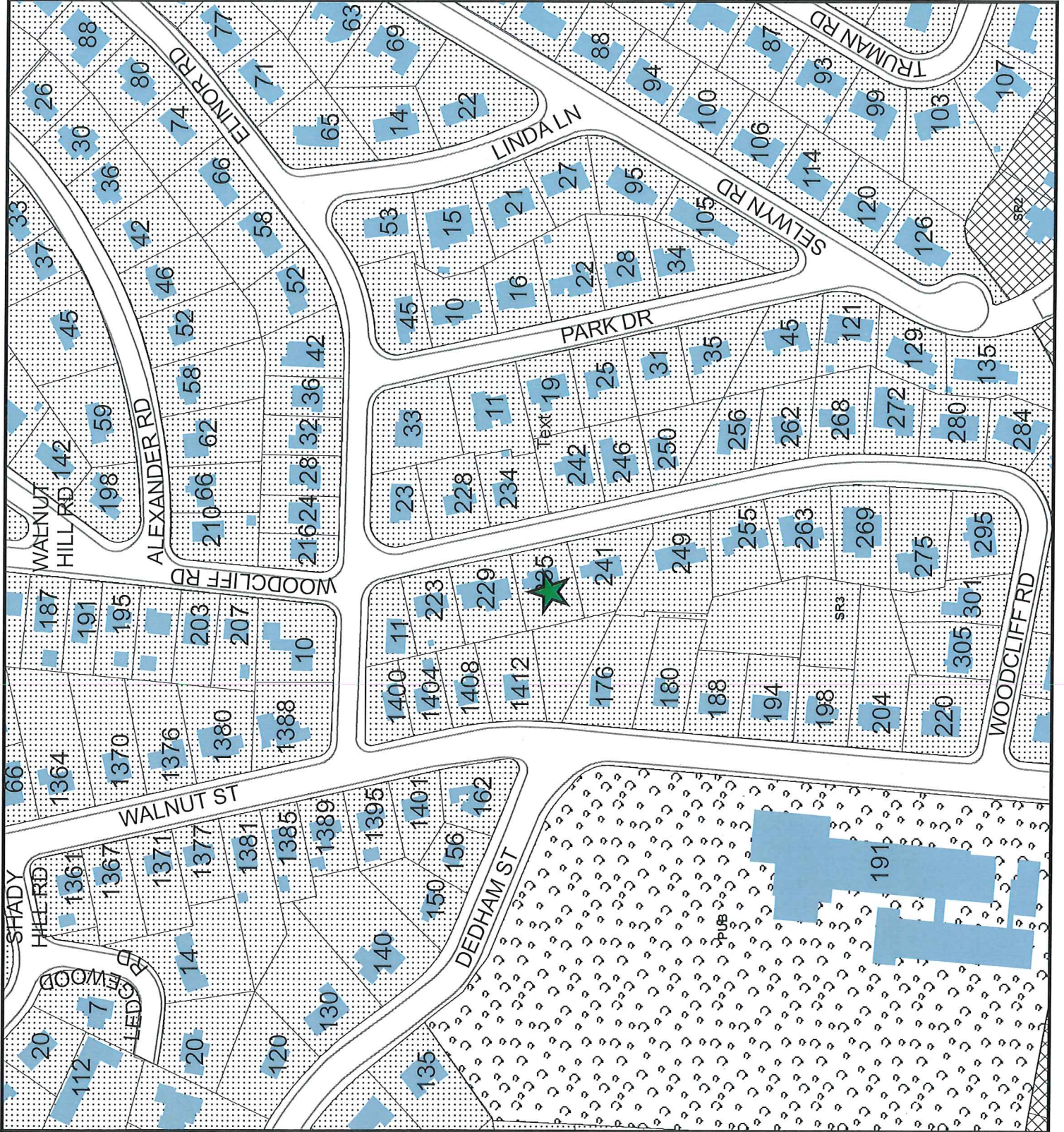


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Serti D. Warren  
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125 150 175 200 225  
Feet

Map Date: October 17, 2016





Setti D. Warren  
Mayor

**ATTACHMENT C**  
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Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: August 11, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Cary and Suzanne Robins, applicants  
Stephen Reilly, architect  
Barney S. Heath, Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to exceed FAR**

Applicant: Cary and Suzanne Robins	
<b>Site:</b> 235 Woodcliff Road	<b>SBL:</b> 81021 0004
<b>Zoning:</b> SR3	<b>Lot Area:</b> 7,500 square feet
<b>Current use:</b> Single-family dwelling	<b>Proposed use:</b> No change

**BACKGROUND:**

The property at 235 Woodcliff Road consists of a 7,500 square foot lot improved with a single-family dwelling constructed in 1941. The applicant proposes to add a basement level two-car attached garage with a great room above, which will exceed the allowable 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 Stephen Reilly, architect, submitted 6/16/2016
- Site Plan, prepared by Framingham Survey Consultants, dated 6/16/2016
- Architectural Plans, prepared by Stephen Reilly, architect, dated 4/28/2016, 6/6/2016



**ADMINISTRATIVE DETERMINATIONS:**

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1. The applicant proposes to construct a basement level 616 square foot two-car garage addition with a 610 square foot great room above. The existing FAR for the property is .47, which is less than the allowable FAR of .49 (.47 plus the 0.02 bonus for meeting new lot setback requirements) per Section 3.1.9. The proposed addition creates an FAR of .60, exceeding the maximum allowable FAR and requires a special permit pursuant to Section 3.1.9.A.2.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	7,500 square feet	No change
Frontage	70 feet	75 feet	No change
Setbacks			
• Front	25 feet	<b>23.9 feet</b>	<b>No change</b>
• Side	7.5 feet	17.3 feet	13.2 feet
• Rear	15 feet	47.7 feet	20.1 feet
Building Height	36	29.2 feet	27.24 feet
Max Number of Stories	2.5	2.5	No change
Open Space Minimum	50%	78.5%	53%
Lot Coverage Maximum	30%	16.6%	21.8%
FAR	.49 (.47 + .02 bonus)	.47	<b>.60</b>

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.9.A.2	Request to exceed maximum FAR	S.P. per §7.3.3

CITY OF NEWTON  
Department of Public Works  
ENGINEERING DIVISION

MEMORANDUM

To: Council Mark Laredo, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit – 235 Woodcliff Road

Date: October 19, 2016

CC: Lou Taverna, PE City Engineer  
Nadia Khan, Committee Clerk  
Alexandria Ananth, Chief Planner  
Michael Gleba, Sr. Planner

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In reference to the above site, I have the following comments for a plan entitled:

*Renovations & Improvements to the Robins Residence  
235 Woodcliff Road  
Newton, MA  
Prepared by: SLR Architecture  
Dated: 9-1-'16*

*Executive Summary:*

This application entails an addition of a two stall garage and family room above onto an existing single family dwelling. A new expanded driveway is proposed along with drainage improvements, however the plans are not at full scale and no drainage study was provided for review at this of this memo.

A full scale plan set and drainage report is needed for proposer evaluation. The engineer of record shows some sort of stormwater collection and infiltration system however no calculations were provided.

Drainage:

1. A drainage analysis needs to be performed based on the City of Newton's 100-year storm event of 6-inches over a 24-hour period. All runoff from impervious areas need to be infiltrated on site, for the project. The design of the proposed on site drainage system needs to comply with the MassDEP Stormwater Regulations and City Ordinances.
2. An on-site soil evaluation needs to be performed to obtain the seasonal high groundwater elevation, percolation rate in accordance to Title V. This information must be submitted with the drainage study. The locations of these tests need to be shown on the site plan and must be performed within 25-feet of a proposed system.
3. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
4. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the property owner(s).

General:

1. All trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*

4. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
6. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading, improvements and limits of restoration work. The plan shall also include profiles of the various new utilities, indicating rim & invert elevations, slopes of pipes, pipe material, and swing ties from permanent building corners. ***This note must be incorporated onto the final contract plans.***
7. All site work including trench restoration must being completed before a Certificate of Occupancy is issued. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.

**ATTACHMENT E**

DRAFT- #312-16  
235 Woodcliff Road

CITY OF NEWTON

IN CITY COUNCIL

November 7, 2016

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 increase the Floor Area Ratio (FAR) from 0.47 to 0.60, where 0.49 is the maximum allowed by-right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The proposed increase in the dwelling's FAR from 0.47 to 0.60, where 0.49 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood as the proposed addition, which meets all other relevant dimensional regulations, would have limited visibility from the street since it would be lower than the existing structure and be located to the rear of the existing dwelling, approximately 50 feet from the street, on a downward sloping site. (§3.1.9 and §7.3)
2. The proposed two-car, basement-level garage will eliminate the need for the existing garage doors on the front façade of the dwelling and remove parked vehicles from view on the adjoining public way.

PETITION NUMBER: #312-16

PETITIONER: Cary and Suzanne Robins

LOCATION: 235 Woodcliff Road, on land known as Section 81, Block 21, Lot 4, containing approximately 7,500 square feet of land

OWNER: Cary and Suzanne Robins

ADDRESS OF OWNER: 235 Woodcliff Road  
Newton, MA

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.3, to exceed the maximum floor area ratio (FAR) allowed by-right

ZONING: Single Residence 3 (SR3) 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 plan entitled "Plot Plan, 235 Woodcliff Road, Newton, Massachusetts," prepared by Framingham Survey Consultants Inc., dated April 20, 2016 and revised through June 16, 2016, stamped and signed by Stephen P. DesRoche, Professional Land Surveyor on August 5, 2016.
  - b. A plan entitled "Robins Residence, 235 Woodcliff Road, Newton, MA- Civil Site Plan Existing & Proposed," dated September 10, 2016, prepared by SLR Architecture, stamped and signed by Fergel D. Brennock, Registered Professional Engineer on September 8, 2016.
  - c. A set of architectural plans entitled "Robins Residence, 235 Woodcliff Road, Newton, MA, Permit Documents," dated September 1, 2016," prepared by SLR Architecture, stamped and signed by Steven L. Reilly, Registered Architect:
    - i. Dwg list, Symbols, Gen Notes & Code Information (A0.1);
    - ii. Schedules (A0.2);
    - iii. Demolition Plans (D1.0);
    - iv. Construction Plans (A1.0);
    - v. Reflected Ceiling Plans (A2.0);
    - vi. Building Sections (A3.0);
    - vii. Exterior Elevations (A4.0);
    - viii. Perspective Views (A6.0).
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 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 order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.

- c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
  - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. If blasting of on-site ledge is required, the petitioner shall obtain a Blasting Permit from the Newton Fire Department.
4. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have removed the existing curb cut and such removal is shown on the final as-built plans.
5. 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 a registered architect certifying compliance with Condition #1, including the as FAR 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 licensed land surveyor.
  - c. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.