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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: April 12, 2016
Land Use Action Date: June 14, 2016
City Council Action Date: June 20, 2016
90-Day Expiration Date: July 11, 2016

DATE: April 8, 2016

TO: City Council

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Jane Santosuosso, Chief Zoning Code Official 

SUBJECT: **Petition #96-16**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to further increase the non-conforming FAR by expanding the front of a garage at **1573 Beacon Street**, Ward 5, Waban on land known as 53 32 04 containing approximately 13,604 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 3.1.9, 7.8.2.C.2, 7.3.3, 7.4 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 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.



1573 Beacon Street

EXECUTIVE SUMMARY

The property located at 1573 Beacon Street consists of a 13,555 square foot lot, and is improved with a colonial style, 2½-story single-family residence built in 2006 on an “old lot.” The property gains access from a shared drive with 1585 Beacon Street over City-owned land that appears to be part of the Lincoln Playground property. The applicant proposes an expansion of the existing garage to convert a portion of existing interior space into storage and a pantry. The front of the garage will be expanded forward to allow for automobile storage. To construct the addition, the applicants are seeking a special permit to increase the floor area ratio (FAR) from an already non-conforming 0.47 to 0.49, where 0.36 is the maximum allowed by right. If approved, the proposed additions will result in a net increase of the existing dwelling by 179 square feet for a total dwelling size of 6,613 square feet.

The Planning Department is not concerned about the construction of the addition on this single-family dwelling. The addition is located at the rear of the home on the side facing the shared driveway, and has been designed to be sensitive to the structure’s colonial style architecture. The Planning Department believes that the bulk, mass, and location of the proposed addition has been subordinated to the rest of the structure, visually blends well with the surrounding buildings and residential context of the area, and will be minimally visible from the street. Furthermore, the Planning Department believes the expanded residence is consistent with and not in derogation of the size, scale, and design of other residential structures in the neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

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

- The proposed increase of FAR from 0.47 to 0.49, where .36 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)
- The proposed expanded structure will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§7.8.2.C.2)
- The site is an appropriate location for the proposed addition to a single-family dwelling, which enlarges the structure by a total of 179 square feet. (§7.3.3.C.1)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property abuts the Lincoln Playground. It is located between Montclair Road to the east and the intersection of Windsor Road and Woodward Street to the west. The site is developed with a single-family residence, and is similar in massing and style to the mix of colonial style homes located on Beacon Street and the general neighborhood built between the late 1800s through the 1930s.

With the exception of the Lincoln Playground property, this site is surrounded by

residential uses (**Attachment A**). The site and surrounding area are zoned Single Residence 2 (**Attachment B**), with the exception of the Lincoln Playground property, which is zoned Public Use. The subject property is within walking distance to the commercial village of Waban to the west.

B. Site

The property consists of 13,555 square feet of land, and is improved with a 2½-story single-family residence built in 2006. The topography of the site is relatively flat. The single-family residence has vehicular access via a shared bituminous driveway on City-owned property which crosses over the west side of the property leading to an attached garage. The remaining portions of the site are lawn with some landscaped beds.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

B. Building and Site Design

The applicants are proposing to enlarge the existing residence by constructing a first-story addition on the side of the structure. The front of the garage on the side of the dwelling will be expanded to allow for parking and conversion of the space at the rear of the garage into storage and a pantry. If approved, the proposed addition will result in a net increase of the existing dwelling by 179 square feet for a total dwelling size of 6,613 square feet, which will increase the FAR from an existing non-conforming 0.47 to 0.49 where 0.36 is the maximum allowed by right. The proposed addition will otherwise meet all of the dimensional controls as stipulated in the NZO.

The Planning Department has no concerns with the proposed addition to the single-family dwelling, as it is designed to be consistent with the colonial style residential character of this house. This addition will be minimally visible from the public way, and only visible from the shared access drive.

The petitioner is also proposing to square off their existing rear deck (by-right) and to add a new stair leading from the deck to an at grade patio.

C. Landscape Screening

The site has vegetation along the property lines abutting adjacent properties, as well as a stockade fence. The Planning Department believes that existing vegetation is adequate, and does not believe additional screening is needed.

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 completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- §3.1.9 and §7.8.2.C.2 of Section 30, to increase the already nonconforming Floor Area Ratio (FAR).

B. Engineering Review

The Engineering Division of Public Works will review this proposal for compliance with their performance standards prior to the issuance of any building permits.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

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

Land Use Map 1573 Beacon St.

City of Newton,
Massachusetts

Legend

Land Use

Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Open Space

Attachment A

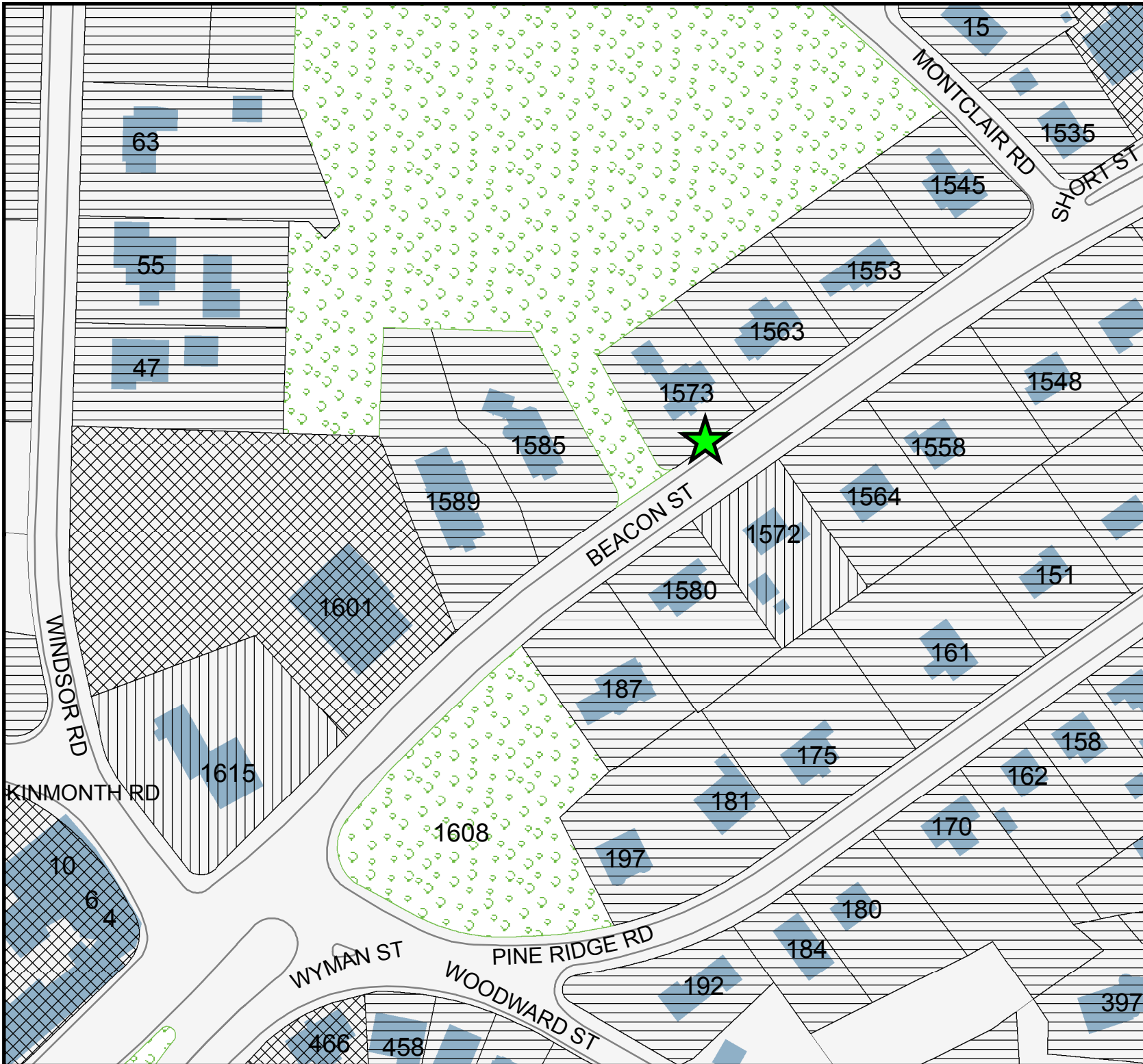


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

0 12.525 50 75 100 125 150 175
Feet




Map Date: April 06, 2016



Zoning Map 1573 Beacon St.

*City of Newton,
Massachusetts*

Legend

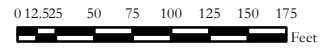
-  Single Residence 2
-  Business 1
-  Public Use

Attachment B

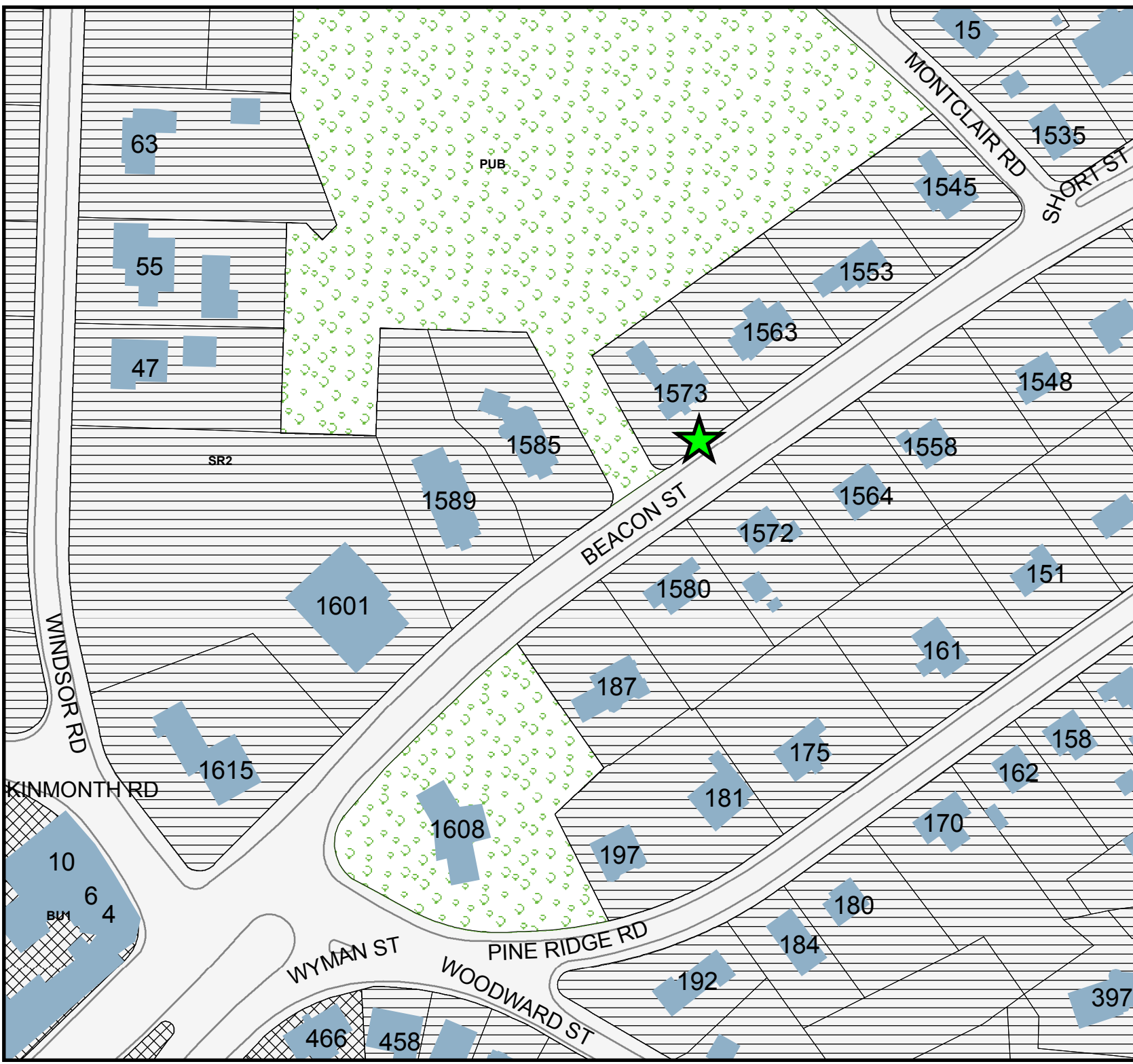


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
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Map Date: April 06, 2016





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Attachment C

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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: February 22, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Eric Smith, applicant
Richard Levey, RBL Architects
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request to further increase nonconforming FAR**

Applicant: Eric Smith	
Site: 1573 Beacon Street	SBL: 53032 0004
Zoning: SR-2	Lot Area: 13,555 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 1573 Beacon Street consists of a 13,555 square foot lot improved with a single-family residence constructed in 2006 on an "old lot." The property gains access from a shared drive with 1585 Beacon Street over City-owned land that appears to be part of the Lincoln Playground property. The applicant proposes an expansion of the existing garage to convert a portion of the space into storage and a pantry, which will further increase the nonconforming FAR.

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

- Zoning Review Application, prepared by Richard Levey, architect, submitted 2/4/2016
- FAR Worksheet, submitted 2/4/2016
- Site Plan, submitted 2/4/2016
- Architectural Plans, prepared by Richard Levey, architect, dated 1/21/2016

ADMINISTRATIVE DETERMINATIONS:

1. The applicants' existing FAR is .47, where .36 is the maximum allowed (.34 plus the .02 bonus, as the proposed work meets new lot setback requirements). The proposed addition adds 179 square feet to the 6,434 square foot dwelling, resulting in an FAR of .49. A special permit pursuant to Sections 3.1.9 and 7.8.2.C.2 is required to further increase the already nonconforming FAR.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	13,554 square feet	No change
Frontage	80 feet	97 feet	No change
Setbacks			
• Front	25 feet	31.2 feet	No change
• Side	7.5 feet	15.6 feet	No change
• Rear	15 feet	17.1 feet	16.8 feet
Building Height	36	26 feet	No change
Max Number of Stories	2.5	2.5	No change
FAR	.36 (.34 + .02 bonus)	.47	.49
Max Lot Coverage	30%		24.4%
Min. Open Space	50%		68.97%

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

CITY OF NEWTON
IN CITY COUNCIL

April 19, 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 further increase the nonconforming Floor Area Ratio (FAR) from .47 to .49, where .36 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 expanded garage, which will increase the nonconforming FAR by approximately 179 square feet to 0.49 where 0.36 is the maximum allowed by right and 0.47 is existing, is not in derogation of the size, scale and design of other structures in the neighborhood, and will not be substantially more detrimental than the existing nonconforming structure is to the surrounding neighborhood as the expansion will be minimally visible from the street and has been designed to be subordinate to the rest of the structure (§3.1.9 and §7.8.2.C.2)
2. The site is an appropriate location for the proposed addition. (§7.3.3.C.1)

PETITION NUMBER: #96-16

PETITIONER: Richard Levey, Architect

LOCATION: 1573 Beacon Street, on land known as Section 53, Block 32, Lot 4, containing approximately 13,604 square feet of land

OWNER: Eric Smith

ADDRESS OF OWNER: 1573 Beacon Street
Newton, MA

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.4.1 and §7.8.1.C.2, to extend a nonconforming structure with respect to FAR

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. Site Plan, dated 1/29/2016 and revised 2/2/16, prepared, stamped and signed by D. O'Brien, Professional Land Surveyor
 - b. Architectural Plans, prepared by Richard Levey, architect, dated 1/21/2016 and consisting of two sheets:
 - i. A3, Proposed first and second floor plans
 - ii. A4, Proposed elevations
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 a registered 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 land surveyor.