



**City of Newton, Massachusetts**  
 Department of Planning and Development  
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Setti D. Warren  
 Mayor

Candace Havens  
 Director

**PUBLIC HEARING MEMORANDUM**

|                                |                   |
|--------------------------------|-------------------|
| Public Hearing Date:           | August 13, 2013   |
| Land Use Action Date:          | October 15, 2013  |
| Board of Aldermen Action Date: | October 21, 2013  |
| 90-Day Expiration Date:        | November 11, 2013 |

DATE: August 9, 2013

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development  
 Alexandra Ananth, Chief Planner for Current Planning  
 Daniel Sexton, Senior Planner

SUBJECT: **Petition #232-13**, TRACY & LARRY RICHMOND, for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 3-car attached garage and add second-floor space and expand the kitchen, increasing the Floor Area Ratio from .28 to .35, where .29 is allowed by right, at 38 BEECHCROFT ROAD, Ward 7, on land known as SBL 72, 35, 2, containing approximately 19,058 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-15(u), 30-15 Table A.

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.



**38 Beechcroft Road**

### EXECUTIVE SUMMARY

The property located at 38 Beechcroft Road consists of a 19,058 square foot lot improved with a 2½- story single-family residence, which was constructed in 1908. The home has been legally expanded and remodeled by different owners over the years. To date, the structure consists of a total gross floor area of approximately 6,724 square feet.

According to the application, the petitioner is proposing to make the following changes to the buildings located on the site:

- 1) the detached garage in the rear of the property will be razed in order to build an new attached three-car garage with a footprint of 825 square feet and a second floor office/gallery (The back four feet of the garage will be used for storage, thus the total space to be used for the parking area is proposed as 693 square feet, which is below the maximum 700 square foot garage area allowed by right);
- 2) construction of first and second floor additions to the residence that consist of an expanded kitchen, storage space, the enlarged of one existing bathroom , the creation of another bathroom, and a roof top deck, accessed through a second floor bedroom; and
- 3) remove the existing front porch and replace it with an expanded porch.

The existing house has a Floor Area Ratio (FAR) of .28 where .29 is allowed. The proposed additions of approximately 1,332 square feet will increase the FAR to .35.

Since the development proposal includes the razing of an existing detached garage and selective demolition of certain segments of the home's façade, the Newton Historical Commission (NHC) reviewed the development petition and approved, with conditions, the waiving of the demolition delay restriction.

The Newton Department of Planning and Development has no particular concerns with this petition.

#### I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The structure with regard to FAR is consistent with, and not in derogation of size, scale and design of other structures in the neighborhood.

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

The property is located on Beechcroft Road near the intersection of Beechcroft Road and Farlow Road. The house is surrounded by other single-family residences in all directions. The property is located in an area zoned Single Residence 1.

### B. Site

The property consists of 19,058 square feet of land and is improved with a 2½-story single-family residence and a detached garage. There is also a bituminous driveway on the north side of the site and an unimproved gravel patio (formerly an in-ground pool) adjacent to the southeastern rear corner of the home.

## III. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

The property will remain a single-family residence.

### B. Building and Site Design

The petitioner's proposed garage replacement, first and second floor additions, and porch replacement will be of wood frame construction with an exterior finish matching the existing structure. The front porch will be covered with a copper seamed roof system. The proposed additions will expand the structure by approximately 1,332 square feet. While the property is largely lined by vegetation, the proposed additions will be visible from Beechcroft Road and abutting properties.

The proposed additions will decrease the open space and increase the lot coverage. In either case, the proposed additions will not create or increase nonconformities with respect to the lot coverage and open space requirements of the City of Newton Zoning Ordinance.

### C. Parking and Circulation

The proposed development will alter the parking and circulation configuration for the property. The current detached two-car garage will be razed and replaced with an attached three-car garage. The existing bituminous driveway will also be removed and reconstructed in a new location. In accordance with NHC Record of Action, the petitioner has reduced the driveway entrance to a 16-foot driveway opening.

D. Landscape Screening

No landscape plan was required for this petition. Existing vegetation on the site appears adequate to sufficiently screen the proposed additions.

IV. TECHNICAL REVIEW

1. Technical Considerations (Chapter 30, Newton Zoning Ordinance): The Zoning Review Memorandum (**ATTACHMENT A**) provides an analysis of the proposal with regard to zoning. The petitioner is requesting a Special Permit/Site Plan Approval for the proposed additions that will exceed the maximum allowed FAR.
2. Newton Historical Commission: On April 25th, 2013 the Newton Historical Commission (NHC) approved the waiving of the demolition delay restriction to allow the razing of the detached garage and the partial demolition of certain segments of the house façade. According to the NHC Record of Action (**ATTACHMENT B**), the NHC found the detached garage and segments of the home's façade to be "Not Preferably Preserved."
3. Engineering Review: The Associate City Engineer, submitted an Engineering Review Memorandum (**ATTACHMENT C**), providing an analysis of the proposal with regard to engineering issues. The petitioner will be required to comply with all the recommendations put forth in the memorandum prior to issuance of a Building Permit.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum, the petitioner is seeking a Special Permit/Site Plan Approval for the following reliefs:

- Section 30-15 Table A and 30-15(u), to extend an existing structure with regard to FAR. The petitioner is proposing to increase FAR from .28 to .35 where .29 is the maximum FAR allowed by right.

VI. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

**ATTACHMENTS:**

- Attachment A:** Zoning Review Memorandum
- Attachment B:** Newton Historical Commission – Record of Action
- Attachment C:** Engineering Review Memorandum
- Attachment D:** Zoning Map
- Attachment E:** Land Use Map



Setti D. Warren  
Mayor

**Attachment A**

**City of Newton, Massachusetts**  
Department of Planning and Development  
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Candace Havens  
Director

**ZONING REVIEW MEMORANDUM**

Date: June 24, 2013

To: John Lojek, Commissioner of Inspectional Services

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

Cc: G. Michael Peirce, attorney representing the applicants  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: **Request to exceed FAR**

| <b>Applicant: Lawrence B. and Tracy L. Richmond</b> |                                     |
|---|-------------------------------------|
| <b>Site:</b> 38 Beechcroft Road                     | <b>SBL:</b> 72 35 2                 |
| <b>Zoning:</b> SR-1                                 | <b>Lot Area:</b> 19,058 square feet |
| <b>Current use:</b> Single-family dwelling          | <b>Proposed use:</b> No change      |

**BACKGROUND:**

The property at 38 Beechcroft Road consists of a 19,058 square foot lot improved with a single-family residence constructed circa 1908. The structure consists of two and one-half stories with a total gross floor area of 6,724 square feet. The applicant proposes to raze an existing detached garage and to build an attached 693 square foot three-car garage, plus additions to the first and second floors at the point of attachment increasing the floor area ratio above that allowed by right.

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

- Zoning Review Application, prepared by G. Michael Peirce, architect, submitted 5/30/13
- Area Plan, prepared by VTP Associates, surveyor, dated 5/28/13
- Topographic Site Plan Plan, prepared by VTP Associates, surveyor, dated 3/20/13, revised 5/28/13
- Architectural plans, prepared by Space Craft Architecture, architect, dated 5/29/13
  - Existing Basement
  - Existing First Floor
  - Existing Second Floor
  - Existing Third Floor – Attic
  - Existing FAR – Family Room
  - Existing FAR – Main Stairs
  - Existing FAR – Attic Stairs

- FAR Basement
- FAR First Floor Area
- FAR Second Floor Area
- FAR Attic Floor Area
- FAR Family Room Worksheet
- FAR Main Stairs Worksheet
- FAR Office Stairs Worksheet
- FAR Attic Stairs Worksheet
- Existing and Proposed FAR Calculations, prepared by Space Craft Architecture, Inc, Architect, dated 5/29/13
- Newton Historical Commission Demolition Review Decision, dated 4/29/13

#### **ADMINISTRATIVE DETERMINATIONS:**

1. The proposed additions increase the structure's FAR from .28, to .35, which exceeds the .29 maximum permitted by the Ordinance per Section 30-15, Table A. To construct the additions as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-15(u)(2).
2. The proposed attached three-car garage has a footprint of 825 square feet. The submitted plans indicate the back four feet of the garage will be used as storage space, thus the total space used as a parking area is proposed as 693 square feet, which does not exceed the 700 square feet allowed by right.

| <b>SR-2 Zone</b>                | <b>Required</b>    | <b>Existing</b>                         | <b>Proposed</b>        |
|---------------------------------|--------------------|---|------------------------|
| Lot Size                        | 15,000 square feet | 19,058 square feet                      | No change              |
| Frontage                        | 100 feet           | 170 feet                                | No change              |
| Setbacks for existing structure |                    |   |                        |
| • Front                         | 25 feet            | 35.3 feet                               | No change              |
| • Side                          | 12.5 feet          | 20.8 feet on right<br>20.8 feet on left | No change<br>13.0 feet |
| • Rear                          | 25 feet            | 46.4 feet                               | 42.3 feet              |
| FAR                             | .29                | .28                                     | <b>.35</b>             |
| Max. Lot Coverage               | 20%                | 14.3%                                   | 19.6%                  |
| Min. Open Space                 | 65%                | 78.9%                                   | 73.6%                  |

1. See "Zoning Relief Summary" below:

| <b>Zoning Relief Required</b> |                               |                        |
|-------------------------------|-------------------------------|------------------------|
| <i>Ordinance</i>              |                               | <i>Action Required</i> |
| §30-15 Table A,<br>§30-15(u), | Exceed Floor Area Ratio (FAR) | S.P. per §30-24        |

NC

Project#: 13030064

Date Received: 3/22/13

City of Newton, Massachusetts  
Department of Planning and Development  
*Demolition Review Ordinance - Application for Property Review*

|                                 |   |                     |
|---------------------------------|---|---------------------|
| Property Owner                  | Address of Property to be reviewed:       | Phone:              |
| Primary Contact:                | Address:                                  | Phone:              |
| <u>LARRY RICHMOND</u>           | <u>38 BEECHCROFT ROAD</u><br><u>02421</u> |                     |
| <u>SALLY DEGAN</u>              | <u>5 RAYMOND ST LEXINGTON MA</u>          | <u>781-674-2100</u> |
| Email Address                   |   |                     |
| <u>SALLY@SPACECRAFTARCH.COM</u> |   |                     |

I. Type of Structure to be Demolished: (check)

House  Garage  Shed  Non Residential Building  Other

If Other please describe: \_\_\_\_\_

II. Year Property Built 1908 Section: 72 Block: 35 Lot: 2

(Can be found in Assessors Database on City's website - www.ci.newton.ma.us)

NR

III. Description of Demolition Requested: RAZE ENTIRE FREE-STANDING GARAGE BUT SAME GARAGE DOORS TO BE REUSED ON REAR OF PROPOSED ATTACHED GARAGE. ADD SECOND STORY TO ONE STORY LEFT HAND WING; ADD 3-CAR GARAGE; ENCLOSE SECOND FLOOR SLEEPING PORCH ON RIGHT SIDE OF HOME.

IV. Required Documentation to be Included With Application: (check items included)

Photographs of Front, Back and Sides of affected Structure and one of front of addressed building on property for location purposes.

Assessor's Map Showing Property Location

Incomplete applications may result in a delay in review time.

V. Suggested Additional Documentation: (check items included)

Building Plans 11 X 17 or smaller (Elevations only), recommended

Historical Information  Site Plan  Product/Material Information

Photos of neighborhood (recommended for full demos);  Sketches

Home Owner Signature: [Signature] 3/21/2013

PLEASE NOTE: Once the completed application is received, the Preservation Planner has 15 days to determine whether the structure is considered to be historically significant. If you should have questions, please contact the Planning & Development Department at (617) 796-1120.

*This application is only for Demolition Review from the Newton Historical Commission. Applicants should also consult the Planning Department to consider other relevant planning and zoning ordinances. Following the review, an application for Plan Examination and/or Building Permit must be completed and submitted to Inspectional Services.*





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Mayor

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Candace Havens  
Director

Newton Historical Commission Demolition Review Decision

Date: 4/29/13 Zoning & Dev. Review Project# 13030064

Address of structure: 38 Beechcroft Road

Type of building : Residence

If partial demolition, feature to be demolished is \_\_\_\_\_

The building or structure:

- is  is not \_\_\_\_\_ in a National Register or local historic district not visible from a public way.
- is  is not \_\_\_\_\_ on the National Register or eligible for listing.
- is  is not \_\_\_\_\_ importantly associated with historic person(s), events, or architectural or social history
- is  is not \_\_\_\_\_ historically or architecturally important for period, style, architect, builder, or context.
- is \_\_\_\_\_ is not  located within 150 feet of a historic district and contextually similar.

is \_\_\_\_\_ NOT HISTORIC as defined by the Newton Demolition Delay Ordinance.  
*Demolition is not delayed and no further review is required.*

is  HISTORIC as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

\_\_\_\_\_ APPROVES the proposed project based upon materials submitted see below for conditions (if any).  
*Demolition is not delayed, further staff review may be required.*

DOES NOT APPROVE and the project requires  
Newton Historical Commission review (See below).

The Newton Historical Commission finds the building or structure:

is \_\_\_\_\_ NOT PREFERABLY PRESERVED  
*Demolition is not delayed and no further review is required.*

is  PREFERABLY PRESERVED - (SEE BELOW).

Delay of Demolition:

\_\_\_\_\_ is in effect until \_\_\_\_\_

has been waived - see attached for conditions

Determination made by: Brian Lever

Please Note: if demolition does not occur within two years of the date of expiration of the demolition delay, the demolition will require a resubmittal to the Historical Commission for review and may result in another demolition delay.



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Candace Havens  
Director

Newton Historical Commission Demolition Review Decision

Date: 4/29/13 Zoning & Dev. Review Project# 13030064

Address of structure: 38 Beechcroft Road

Type of building : Garage

If partial demolition, feature to be demolished is \_\_\_\_\_

The building or structure:

- is  is not \_\_\_\_\_ in a National Register or local historic district not visible from a public way.
- is  is not \_\_\_\_\_ on the National Register or eligible for listing.
- is  is not \_\_\_\_\_ importantly associated with historic person(s), events, or architectural or social history
- is  is not \_\_\_\_\_ historically or architecturally important for period, style, architect, builder, or context.
- is \_\_\_\_\_ is not  located within 150 feet of a historic district and contextually similar.

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DOES NOT APPROVE and the project requires  
Newton Historical Commission review (See below).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Newton Historical Commission finds the building or structure:

is  NOT PREFERABLY PRESERVED  
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Delay of Demolition:

\_\_\_\_\_ is in effect until \_\_\_\_\_

\_\_\_\_\_ has been waived - see attached for conditions

Determination made by: Brian Lever

Please Note: if demolition does not occur within two years of the date of expiration of the demolition delay, the demolition will require a resubmittal to the Historical Commission for review and may result in another demolition delay.



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Director

**RECORD OF ACTION:**

**DATE:** April 25, 2013

**SUBJECT:** 38 Beechcroft Road

At a scheduled meeting and public hearing on April 25, 2013 the Newton Historical Commission, by vote of 3-1,

**RESOLVED** to find the garage at 38 Beechcroft Road Not Preferably Preserved.

Voting in the Affirmative:

Donald Lang, Chair  
Nancy Grissom, Member  
Donald Tellalian, Alternate

Voting in the Negative:

William Roesner, Member

Not Present:

Rodney Barker, Member

At a scheduled meeting and public hearing on April 25, 2013 the Newton Historical Commission, by vote of 4-0,

**RESOLVED** to find the residence at 38 Beechcroft Road Preferably Preserved.

Voting in the Affirmative:

Donald Lang, Chair  
William Roesner, Member  
Nancy Grissom, Member  
Donald Tellalian, Alternate

Not Present:

Rodney Barker, Member

At a scheduled meeting and public hearing on April 25, 2013 the Newton Historical Commission, by vote of 4-0,

**RESOLVED** to waive the demolition delay at 38 Beechcroft Road with the following conditions: (1) that the proposed garage addition be recessed four feet from the existing front (west) façade of the north addition, (2) that the driveway entrance at the street be narrowed to 16-feet wide, and (3) that revised plans with materials information be submitted and approved by staff prior to issuance of a building permit.

Voting in the Affirmative:

Donald Lang, Chair

William Roesner, Member

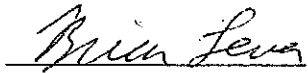
Nancy Grissom, Member

Donald Tellalian, Alternate

Not Present:

Rodney Barker, Member

232-13



Brian Lever, Commission Staff

**CITY OF NEWTON  
ENGINEERING DIVISION**

**MEMORANDUM**

To: Alderman Ted Hess-Mahan, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – #38 Beechcroft Road

Date: July 15, 2013

CC: Lou Taverna, PE City Engineer  
Linda Finucane, Associate City Clerk  
Alexandria Ananth, Chief Planner  
Daniel Sexton, Planner

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

*Topographic Site Plan  
Newton, MA  
Showing Proposed Conditions at  
#38 Beechcroft Road  
Prepared by: VTP Associates, Inc.  
Dated: July 1, 2013*

*Executive Summary:*

The existing detached garage is to be razed, a new three stall attached garage, front porch, and rear addition is proposed to the existing single-family dwelling. Based on the site plan it appears that an old lot line is being eliminated that existed from Beechcroft Road to the rear of the property, in order to legally do this an Approval Not Required (ANR) Plan is needed in accordance to Massachusetts General Laws Ch. 41 Section 81P. This plan must be filed with the City Engineer for approval.

As a result of the increase of impervious surfaces being added, the engineer of record has designed an on-site collection & infiltration system to adequately contain the City's 100-years storm event of 6.6 inches over a 24-hour period.

The proposed reconfigured driveway will require the modification of the existing sidewalks & granite curbing. Beechcroft Road was paved in 2008, if the modification of

the driveway apron and curbing occur this calendar year, which is within the DPW's 5-year moratorium of "no street is permitted unless the road is milled 25-feet on either side of the modification from curb line to curb line and paved 1-1/2" of Type I-1 asphalt."

Drainage:

1. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be 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.
2. 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 homeowners.

General:

1. As of January 1, 2009, 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 the drainage system installation. The system 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 and Sidewalk Crossing 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. *This note must be incorporated onto the site plan.*

7. If a Certificate of Occupancy is requested prior to all site work being completed.

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.

# 232-13 Zoning Map

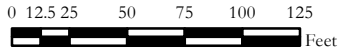
## 38 Beechcroft Road

*City of Newton,  
Massachusetts*

**Legend**

- Streets - Pavement Edge
- Single Residence 1
- Single Residence 2
- Building Outlines
- Streets-Pavement Edge
- Property Boundaries

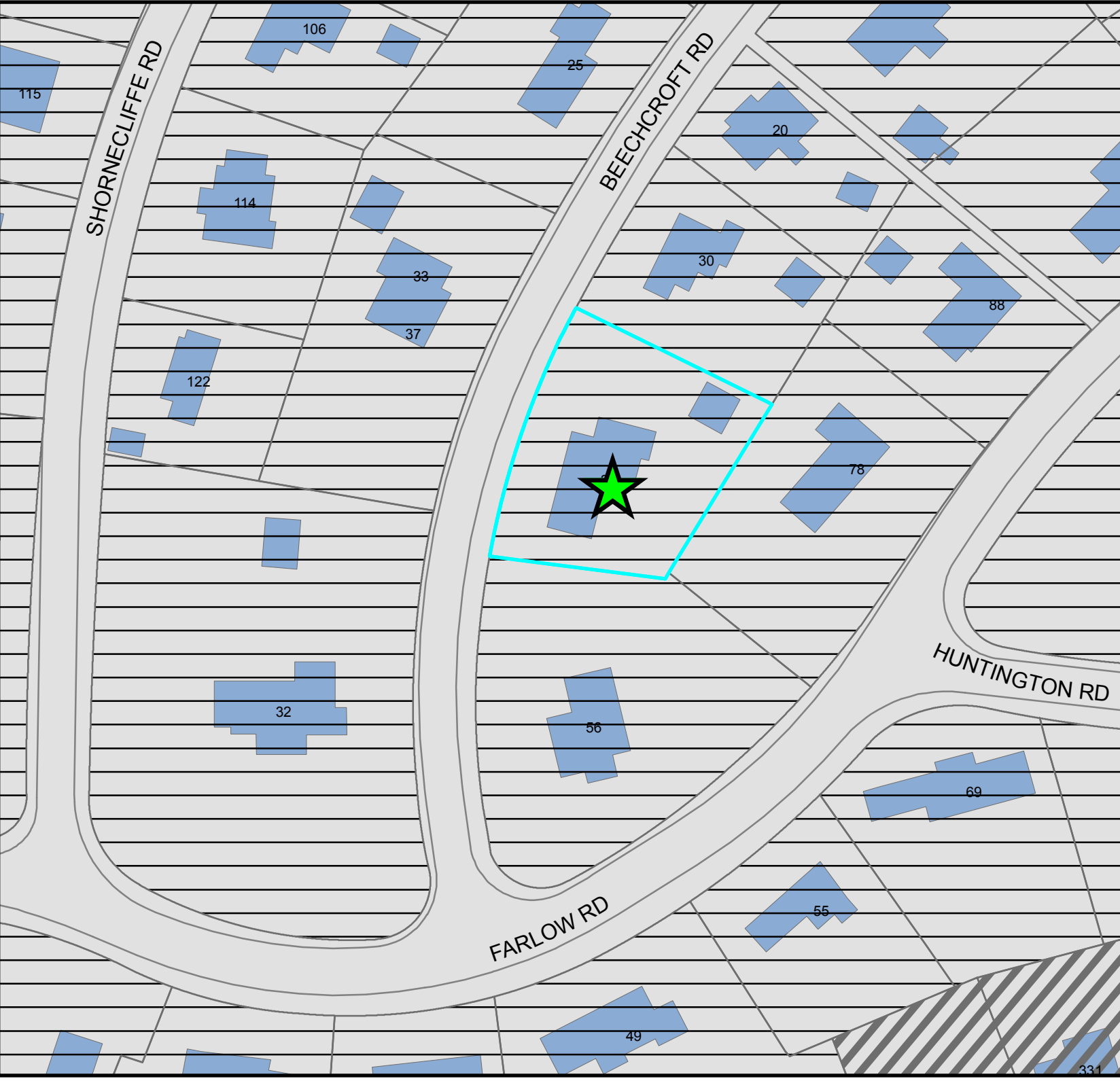
**ATTACHMENT D**



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

Map Date: July 22, 2013





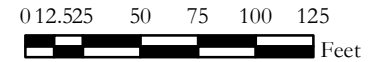
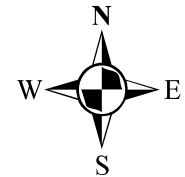
# 232-13 Land Use Map 38 Beechcroft Road

*City of Newton,  
Massachusetts*

**Legend**

- Streets - Pavement Edge
- Land Use**
- Single Family Residential
- Mixed Use
- Vacant Land
- Tax Exempt
- Building Outlines

**ATTACHMENT E**



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

Map Date: July 22, 2013

