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Mayor

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James Freas  
Acting Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date: January 12, 2016  
Land Use Action Date: March 29, 2016  
City Council Action Date: April 4, 2016  
90-Day Expiration Date: April 12, 2016

DATE: January 8, 2016

TO: City Council

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

SUBJECT: **Petition #249-15**, GREGORY KESHISHYAN, for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE by adding a pitched roof half-story addition to an existing two-family dwelling in order to create an attic with storage and living space, which will increase the structure within the existing nonconforming setbacks, at 28 BEECHER PLACE, Ward 6, Newton Centre, on land known as SBL 65, 8, 30, containing approximately 5,574 sf of land in a district zoned MULTI-RESIDENCE 1. Ref.: Sec. 7.3, 7.4, 3.2, 7.8.2.C.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 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.



**28 Beecher Place**

## EXECUTIVE SUMMARY

The property located at 28 Beecher Place consists of a 5,574 square foot lot, and is improved with a nonconforming two-family residence built in 1907 and a detached garage. The residence is considered nonconforming as it is located within the side and rear setbacks, and the parcel is also considered to be nonconforming as it does not comply with the dimensional requirements for a rear lot in a Multi-Residence 1 (MR1) zoning district. The applicant is proposing to add a pitched roof to the current structure, which will create a new attic level with living and storage space totaling approximately 584 square feet. In order to construct the attic addition, the petitioner is seeking a special permit to increase the nonconforming nature of the structure by adding an additional half-story within the nonconforming setbacks. The proposed addition otherwise meets all of the dimensional controls as stipulated in the Newton Zoning Ordinance (NZO).

The applicant also intends to construct a small by-right second floor addition above an existing porch on the eastern side of the structure totaling approximately 84 square feet, which is illustrated on the proposed project plans. If constructed, the additions combined will result in a net increase of the structure by approximately 668 square feet for a total gross floor area of 3,175 square feet. Furthermore, portions of the site around the dwelling will be re-graded to improve site drainage and reduce impervious surfaces.

The Planning Department is not concerned with the construction of the attic addition on this two-family dwelling, as the footprint of the structure is not changing. The Planning Department believes that the bulk and mass of the attic addition is visually consistent with the character of the surrounding buildings. The Planning Department notes that other nearby structures have similarly pitched roofs. According to the *Newton Comprehensive Plan*, adopted 2007, residential property owners are encouraged 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. For these reasons, the Planning Department believes the vertical expansion of the current two-family residence within the side and rear setbacks will not be substantially more detrimental than the existing nonconforming structure is to the surrounding residential neighborhood.

### I. SIGNIFICANT ISSUES FOR CONSIDERATION:

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

- The proposed attic addition to the two-family residence, which increases the bulk and mass of the structure within the already nonconforming side and rear setbacks, will not be substantially more detrimental than the existing nonconforming structure is to the surrounding residential neighborhood. (§7.8.2.C.2)
- The site is an appropriate location for the proposed attic addition. (§7.3.3.C.1)
- The proposed addition will not adversely affect the neighborhood. (§7.3.3.C.2)

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

The subject property is located off of Beecher Place. The site is developed with a two-family residence, and is proximate to other single- and two-family residential land uses (**ATTACHMENT A**). The site and surrounding area are zoned Multi-Residence 1 (**ATTACHMENT B**). A nearby parcel is developed with the Bowen Elementary School's Upper Field, and is zoned Public Use.

### B. Site

The property consists of 5,574 square feet of land, and is improved with a two-family residence built in 1907 and a detached garage. The residence is considered nonconforming as it is located within the side and rear setbacks, and the parcel is also considered nonconforming as it does not comply with the dimensional requirements for a rear lot in an MR1 zoning district. The two-family residence has vehicular access through a bituminous driveway on the east side of the property that connects to a shared driveway located in an easement over three adjacent parcels (26, 30, and 32 Beecher Place), which also have vehicular access over the driveway. The remaining portions of the site are lawn.

## III. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

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

### B. Building and Site Design

The applicant is proposing to vertically expand the existing nonconforming residence by constructing a new half-story at the attic level. The new attic level will create additional living and storage space, totaling approximately 584 square feet. While the addition will not increase the footprint of the structure, it will increase the vertical bulk and mass of the nonconforming structure within the existing nonconforming side (7.2 feet) and rear (6.7 feet) setbacks. The addition will be of wood-frame construction, and have exterior cladding to match the rest of the structure. The proposed addition otherwise meets all of the dimensional controls as stipulated in the NZO.

Additionally, the applicant intends to construct a small by right second floor addition above an existing porch on the eastern side of the structure totaling approximately 84 square feet. If constructed, the additions combined will result in a net increase of the structure by approximately 668 square feet for a total gross floor area of 3,175 square feet. Furthermore, portions of the site around the dwelling will be re-graded to improve site drainage and reduce impervious surfaces.

The Planning Department is not concerned with the construction of the attic addition

on this two-family dwelling, as the footprint of the structure is not changing. The Planning Department believes that the bulk and mass of the attic addition is visually consistent with the character of the surrounding buildings. The Planning Department notes that other nearby structures have similarly pitched roofs. For these reasons, the Planning Department believes the vertical expansion of the current two-family residence within the side and rear setbacks will not be substantially more detrimental than the existing nonconforming structure is to the surrounding residential neighborhood.

C. Landscape Screening

The undeveloped portions of the site consist of lawn, and have a limited amount of existing vegetation that provides visual screening of the site. As part of the project, the applicant is proposing to re-grade portions of the site around the structure to improve drainage and create more lawn through the removal of existing impervious surfaces. As a result of the site work, the amount of useable open space increases slightly.

The Planning Department does not believe the installation of additional screening measures is necessary, as many of the abutting properties are surrounded by sight-obscuring perimeter fences. Should, however, concerns be raised regarding adequacy of screening, the Planning Department encourages the applicant to work with the City's Planning Department and Director of Urban Forestry to identify and site certain species that are appropriate for the site.

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 applicant is seeking the following relief:

- §7.8.2.C.2, to vertically extend a two-family dwelling which is nonconforming due to the dimensionally substandard side and rear setbacks.

B. Engineering Review

As the application is not increasing the level of impervious surfaces on the lot by 4%, or 400 square feet, or altering the landscape of the site in a way that results in the alteration of the surface water runoff to abutting properties or erosion of soil, no review by the Engineering Division of Public Works is required.

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, dated July 1, 2015

# Land Use Map 28 Beecher Place

City of Newton,  
Massachusetts

## ATTACHMENT A

### Legend

- Building Outlines
- Property Boundaries
- Land Use**
- Single Family Residential
- Multi-Family Residential
- Open Space

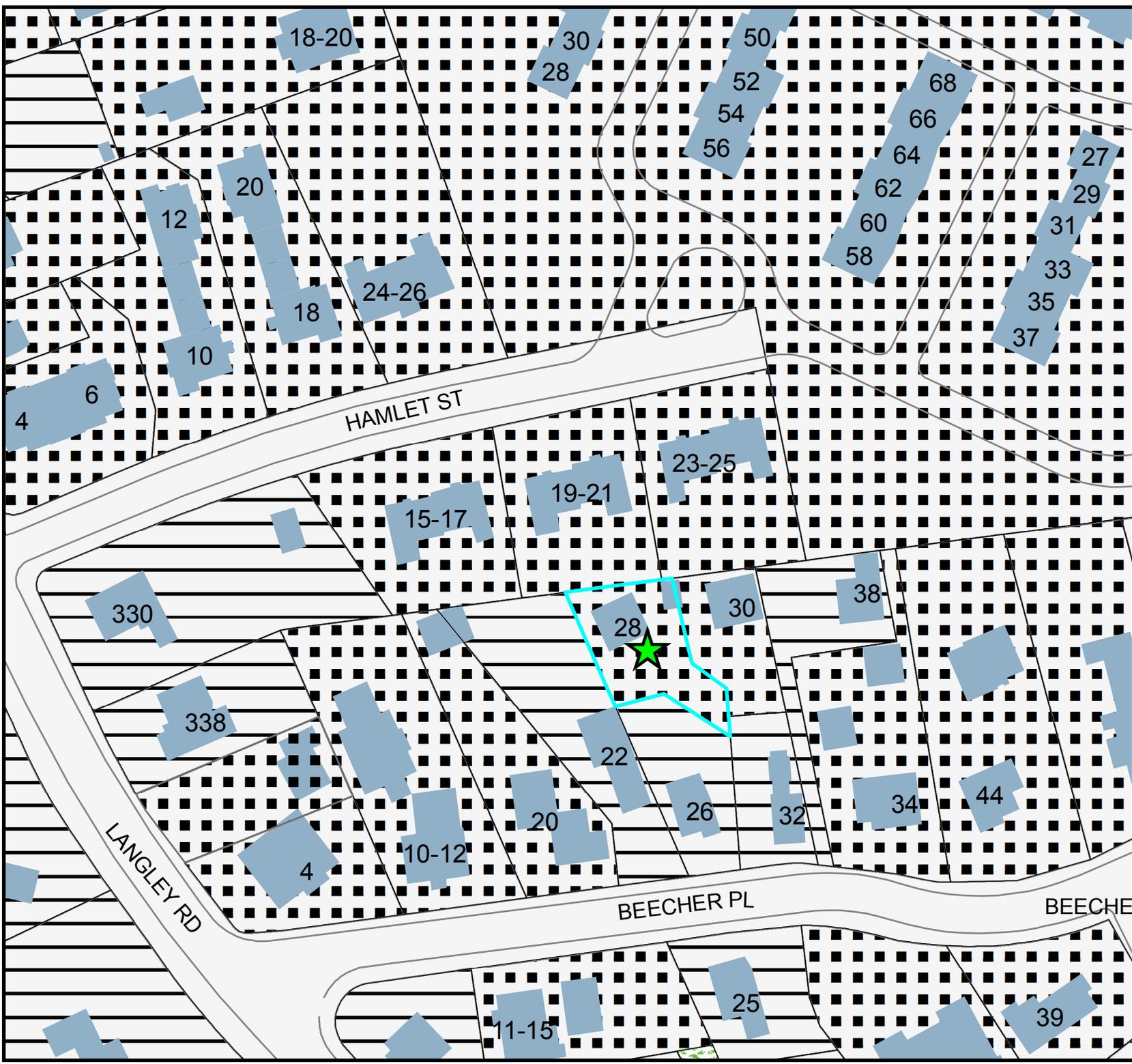


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: January 04, 2016



# Zoning Map 28 Beecher Place

City of Newton,  
Massachusetts

## ATTACHMENT B

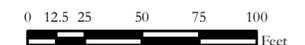
### Legend

-  Building Outlines
-  Property Boundaries
-  Multi-Residence 1
-  Public Use

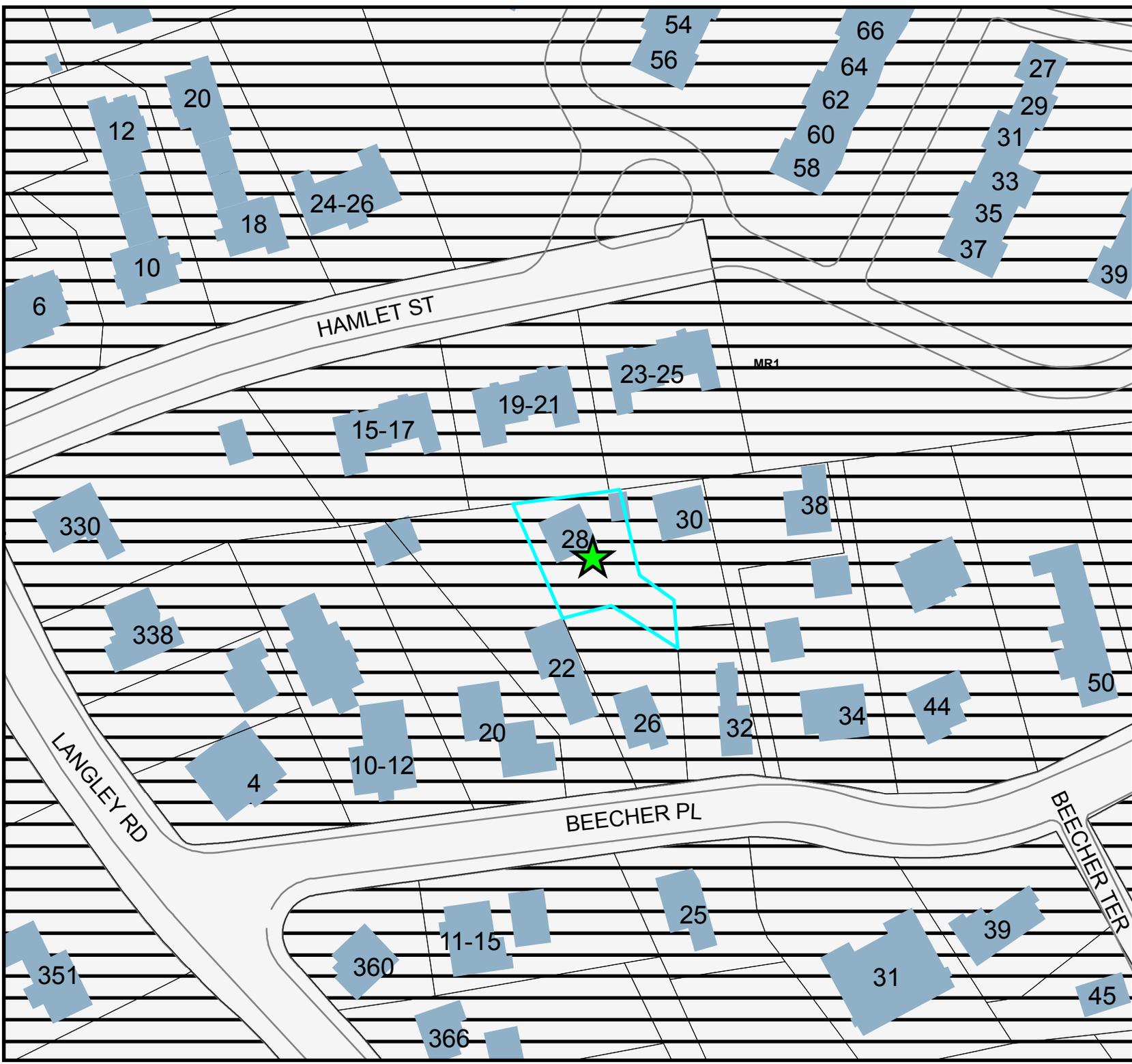


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Map Date: January 04, 2016





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# ATTACHMENT C

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

James Freas  
Acting Director

## ZONING REVIEW MEMORANDUM

Date: December 14, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Gregory Keshishyan, applicant  
James Freas, Acting Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to extend a nonconforming structure**

Applicant: Gregory Keshishyan	
Site: 28 Beecher Place	SBL: 65008 0030
Zoning: MR1	Lot Area: 5,574 square feet
Current use: Two-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 28 Beecher Place is a rear lot pre-dating zoning in the Multi Residence 1 zoning district. The property has no street frontage and achieves access through an easement over 26 and 32 Beecher Place, which it shares with 30 Beecher Place. The lot consists of 5,574 square feet and is improved with a two-family residence constructed prior to 1907 and detached garage. The colonial-style structure is two stories with a flat roof.

The applicant proposes to add a pitched roof to the house over the existing footprint to create an attic with storage and living space. The structure has existing nonconforming side and rear setbacks. The addition will increase the nonconforming nature of the structure by adding an additional half story within the nonconforming setbacks, which requires a special permit.

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

- Zoning Review Application, prepared Gregory Keshishyan, applicant, submitted 12/7/2015
- Plot Plan, signed and stamped by George C. Collins, surveyor, dated 10/16/2015
- Architectural Plans, signed and stamped by Richard Volkin, engineer, dated 6/12/2015

**ADMINISTRATIVE DETERMINATIONS:**

1. The structure has an existing nonconforming side setback of 7.2 feet, where 7.5 feet is required, and a 6.7 foot rear setback, where 15 feet is required per Section 3.2. The applicant proposed to add a half story above the second floor for additional storage and living space. While the addition is within the footprint, it is vertically extending the existing nonconforming side and rear setbacks, which requires a special permit pursuant to Section 7.8.2.C.2 of the Zoning Ordinance.

MR1 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	<b>5,574 square feet</b>	<b>No change</b>
Frontage	70 feet	<b>0 feet</b>	<b>No change</b>
Setbacks			
• Front	25 feet	+/-28 feet	No change
• Side	7.5 feet	<b>7.2 feet</b>	<b>No change</b>
• Rear	15 feet	<b>6.7 feet</b>	<b>No change</b>
Building Height	36	23.4 feet	28.8 feet
Max Number of Stories	2.5	2	2.5
FAR	.57	.55	.57
Max Lot Coverage	30%	NA	No change
Min. Open Space	50%	NA	No change

1. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.2, §7.8.2.C.2	To vertically extend a two-family dwelling which is nonconforming due to side and rear setbacks	S.P. per §7.3