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Candace Havens
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: May 13, 2014
Land Use Action Date: May 27, 2014
Board of Aldermen Action Date: July 14, 2014
90-Day Expiration Date: August 11, 2014

DATE: May 9, 2014

TO: Board of Aldermen

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

SUBJECT: **Petition #130-14**, RUSSEL & TRACY RICHMOND for a SPECIAL PERMIT/SITE PLAN APPROVAL to (1) enclose a portion of an existing front porch to create a larger entry and (2) to add a one-story cantilevered bay containing approximately 19 sq. ft. to the kitchen, which will increase the nonconforming Floor area Ratio from .43 to .44, where .37 is the maximum allowed by right, at **36 Billings Park**, Ward 7, Newton, on land known as SBL 72, 18, 16, containing approx. 11,080 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(u)(2), and 30-21(b), 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.



36 Billings Park

EXECUTIVE SUMMARY

The property at 36 Billings Park consists of an 11,080 square foot lot in a Single Residence 2 zoning district, improved with a single-family 2½-story residence constructed in approximately 1880. The petitioner is proposing to enclose a portion of the front porch, and to construct a bay window on the east side of the building. The addition of the bay window will add approximately 19 square feet of living space, and the enclosure of the front porch will create an approximately 100 square foot entry hall. The petitioner is seeking a special permit to increase the Floor Area Ratio (FAR) from .43 to .44, where .38 is the maximum allowed by right.

The proposed addition will match the materials of the existing house, and will not expand the footprint of the building. The site is on the National Register of Historic Places, and the proposed plans have been reviewed and approved administratively by the City's Senior Preservation Planner. Considering the scope of the proposed work, the Planning Department believes that the proposed additions are not in derogation of the size, scale and design of other structures in the neighborhood, and will not be substantially more detrimental to the neighborhood than the existing use.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The proposed structure with regard to FAR is consistent with and not in derogation of size, scale and design of other structures in the neighborhood. ((§30-15(u)(2))
- The site is an appropriate location for the proposed modest addition. (§30-24(d)(1))
- The extension of the structure is not substantially more detrimental than the existing nonconforming structure to the neighborhood. (§30-21(b))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located on Billings Park off of Church Street. The land uses to the northwest of the site are mostly multi-family residences, and the land uses to the southeast of the site are single-family residences (ATTACHMENT B). The zoning districts in the neighborhood are Single Residence 2 and Multi Residence 1 (ATTACHMENT C).

B. Site

The site consists of approximately 11,080 square feet of land and is improved with a single-family 2½-story residence constructed in approximately 1880. There is a driveway along the eastern property line as well as wood fencing along the side and rear property lines. There is a yard in the rear of the house, and additional vegetation throughout the site.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The use will remain a single-family residence.

B. Building and Site Design

The petitioner is proposing to enclose approximately 100 square feet of the front porch, which will require demolishing a portion of the porch to add new supports and flooring. The exterior of the additions walls will consist of decorative panels, and windows. The petitioner is also proposing to construct a cantilevered bay window on the eastern side of the building. The new bay window will add approximately 19 square feet of living space and will replace a portion of the existing rear deck, which wraps around the eastern side of the house.

The proposed construction will increase the livable space by approximately 120 square feet, but with exception of the bay window, will not expand the footprint of the existing building. For these reasons, the Planning Department believes that the proposed addition is consistent with and not in derogation of the size, scale, and design of other structures in the surrounding neighborhood, and will not be substantially more detrimental to the neighborhood than the existing nonconforming use.

C. Landscape Screening

The site is screened along the side and rear property lines by vegetation and fencing that appears adequate to sufficiently screen the proposed additions from abutters and the street.

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. The petitioner is requesting a special permit to exceed the maximum allowed floor area ratio.

B. Engineering Review

As the petitioner is not increasing the impervious surfaces on the lot by more than 4% no engineering review is required.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum, the petitioner is seeking the following reliefs:

- Section 30-15 Table A, 30-15(u), to exceed the allowed FAR.
- Section 30-21(b), to extend a nonconforming structure

VI. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

Attachment A: Zoning Review Memorandum

Attachment B: Zoning Map

Attachment C: Land Use Map



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ATTACHMENT A

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Director

ZONING REVIEW MEMORANDUM

Date: April 9, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Bruce Miller, Architect
Russell Richmond, Owner
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to increase already nonconforming FAR

Applicant: Russell Richmond	
Site: 36 Billings Park	SBL: 72008 0016
Zoning: SR-2	Lot Area: 11,080 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 36 Billings Park consists of a 10,080 square foot lot improved with a single-family residence constructed in 1880, and is on the National Register of Historic Places. The structure consists of two and a half stories and a basement. The applicant proposes to enclose 101 square feet of the existing front porch, and construct an additional 19 square feet of interior space created by a cantilevered bay in the kitchen.

The proposed additions will increase the floor area ratio from .43 to .44, which exceeds the .37 allowed by right.

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

- Zoning Review Application, prepared by Bruce Miller, architect, submitted 4/3/14
- FAR Worksheet, prepared by Bruce Miller, architect, submitted 4/3/14
- Plan of Land, signed and stamped by John R. Hamel, surveyor, dated 4/114

ADMINISTRATIVE DETERMINATIONS:

1. The proposed additions increase the structure’s nonconforming FAR, from .43, to .44, which exceeds the .37 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) and Section 30-21(b).

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	11,080 square feet	No change
Frontage	80 feet	65 feet	No change
Setbacks for existing structure			
• Front	25 feet	15 feet	No change
• Side	7.5 feet	22.6 feet	No change
• Rear	15 feet	32.1feet	20.7 feet
FAR	.37	.43	.44
Max Lot Coverage	30%	15.2%	15.4%
Min. Open Space	50%	76.3%	76.6%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table A, 30-15(u)(2) 30-21(b)	Exceed nonconforming Floor Area Ratio (FAR)	S.P. per §30-24

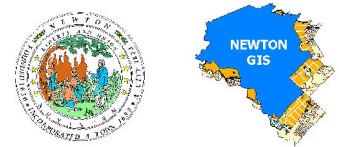
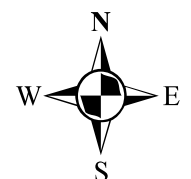
Land Use Map 36 Billings Park

*City of Newton,
Massachusetts*

Legend

- Streets - Pavement Edge
- Building Outlines
- Land Use**
 - Single Family Residential
 - Multi-Family Residential
 - Mixed Use
 - Nonprofit Organizations

ATTACHMENT B



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: April 18, 2014



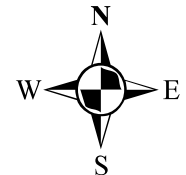
Zoning Map 36 Billings Park

*City of Newton,
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Legend

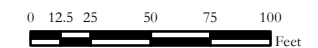
- Streets - Pavement Edge
- Building Outlines
- Zoning**
- Single Residence 2
- Multi-Residence 1

ATTACHMENT C



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