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Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:

September 26, 2017

DATE: September 22, 2017

TO: City Council

FROM: Barney Heath, Director of Planning and Development
Michael Gleba, Senior Planner

SUBJECT: **Petition #43-17**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a single-story rear addition extending the existing non-conforming two-family use at 893 Watertown Street, Ward 3, West Newton, on land known as SBL 31014 0005, containing approximately 19,560 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2 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 for consideration at a subsequent working session by the Land Use Committee of the City Council.



893 Watertown Street

EXECUTIVE SUMMARY

The property at 893-895 Watertown Street consists of a 19,560 square foot lot in a Single Residence 3 (SR3) zoning district improved with a nonconforming 5,908 square foot, 2 ½ story two-family residence constructed circa 1840, and a detached 342 square foot garage.

The petitioners propose to construct a 1,008 square foot addition to the side and rear of the residence that would add living space to the first floor of one of the two units, with the address of 893 Watertown Street. The proposed work requires a special permit pursuant to Section 7.8.2.C.2 to extend the existing nonconforming two-family use.

The Planning Department is generally not concerned with this petition as it believes the proposed addition, which would add 929 square feet of living space to the two-family dwelling, will not be substantially more detrimental to the neighborhood than the existing nonconforming use as the resulting structure would comply with current floor area ratio (FAR) and other dimensional regulations, and, given its one-story height and location within a well screened rear yard, would have limited visibility from adjoining properties and public ways.

Furthermore, the Planning Department believes that the proposal is consistent with the 2007 Newton Comprehensive Plan's encouragement of residential property owners to consider modest additions to older homes to preserve existing structures while allowing them to meet the needs of today's families.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider:

- Whether the proposed extension an existing nonconforming two-family use in and Single Residence 3 (SR3) zoning district would not be substantially more detrimental than the existing nonconforming use to the neighborhood. (§7.8.2.C.2)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on the north side of Watertown Street, just west of Adella Avenue. The neighborhood along Washington Street and the areas to the north are predominantly residential, with a mix of single-, two- and multi- family dwellings.

The site and surrounding area to the north of Watertown Street is zoned Single Residence-3 (SR-3); the parcels across Watertown Street, on its south side, are zoned Multi-Residence 1 (MR1). Further to the south there is a Business 2 (BU2) zone, and a Business 1 district to the south west where Watertown Street meets

Washington Street. The land uses in these areas largely reflect this zoning, and are predominantly occupied by mixed and commercial uses parcels (**Attachments A & B**).

B. Site

The property consists of a 19,560 square foot lot improved with a nonconforming two-family residence constructed circa 1840 and a detached 342 square foot garage located in the rear right of the property.

A low stone wall is located at the back of the sidewalk along the front of the property. Access to the property is provided by small set of stairs leading to a concrete walk and an asphalt driveway along the length of the right (west) property line and an associated curb cut off Watertown Street that provides access to the garage. The lot is generally level and features lawn area and mature vegetation, including trees and shrubbery. The left side and rear yards are enclosed by a combination of vegetative screening and 6 foot high fencing.

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 proposes a one-story addition on the rear of the east sides of the dwelling, within a largely fenced and screened yard area. The proposed addition would add approximately 929 square feet of floor area to the first floor of the dwelling. It should be noted that the Floor Area Worksheet submitted for this petition included 1,271 of existing and 464 square feet of proposed basement area in the calculations. The Planning Department is unclear as to why, given the basement's below grade location, all or any of said space would be considered countable toward FAR and suggests that the petitioner be prepared to address this issue at the public hearing. With basement space so included on the FAR worksheet, the site's floor area ratio (FAR) would increase from 0.30 to 0.37, remaining below the maximum 0.38 allowed by right (the exclusion of any of the existing or proposed basement space would reduce these numbers). The Planning Department recommends that a revised FAR Worksheet be submitted and, in the event this petition is granted, it be referenced as a condition of any resulting order.

The front setback on Watertown Street would remain unchanged, as would the right side setback. While the proposed addition would decrease the left side setback to 8.2 feet, it would remain greater than the minimum 7.5 feet required. The rear set back would be reduced, from 40.6 feet to 26.1 feet, but it would remain greater than the minimum 15 feet required. The parcel's Lot Coverage would increase from 17.6% to 22.7%, but remain below the maximum 30.0% allowed; its Open Space percentage

would decrease from 56.2% to 52.4% but would remain above the required 50%.

C. Parking and Circulation

The petitioners are not proposing any changes to parking, access or circulation on the parcel.

D. Landscaping and Screening

No landscaping plan was submitted as part of the petition. The addition would be located in the rear and side yards of the parcel, in an area that is presently screened with a combination of fencing and vegetation.

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:

- Special Permit per §7.3.3 to extend the existing nonconforming two-family use (§3.4.1; §7.8.2.C.2)

B. Engineering Review

The Associate City Engineer submitted an Engineering Review Memorandum (**Attachment D**) providing an analysis of the project proposal with regard to engineering issues.

C. Historical Commission

On June 28, 2017, Newton Historical Commission staff reviewed the proposed plans and determined the project does not meet the minimum criteria for review by the Commission.

V. PETITIONER'S RESPONSIBILITIES

The Planning Department suggests that the petitioner be prepared to address the basement FAR issue referenced above at the public hearing, including, if appropriate, providing a revised FAR Calculation Worksheet.

ATTACHMENTS:

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

ATTACHMENT A

Land Use








893-5 Watertown St.

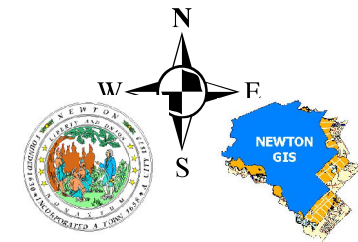
*City of Newton,
Massachusetts*

Legend

Land Use


Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Mixed Use
-  Open Space
-  Nonprofit Organizations
-  Vacant Land



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 12.5 50 75 100 125 150 175 200 225
 Feet

Map Date: August 21, 2017








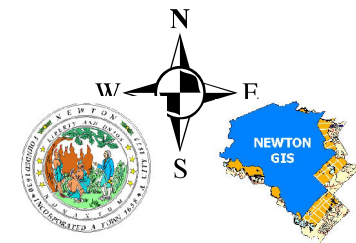
Zoning

16-26 Dalby St.

*City of Newton,
Massachusetts*

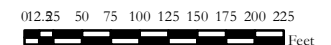
Legend

-  Single Residence 3
-  Multi-Residence 1
-  Business 1
-  Business 2
-  Public Use

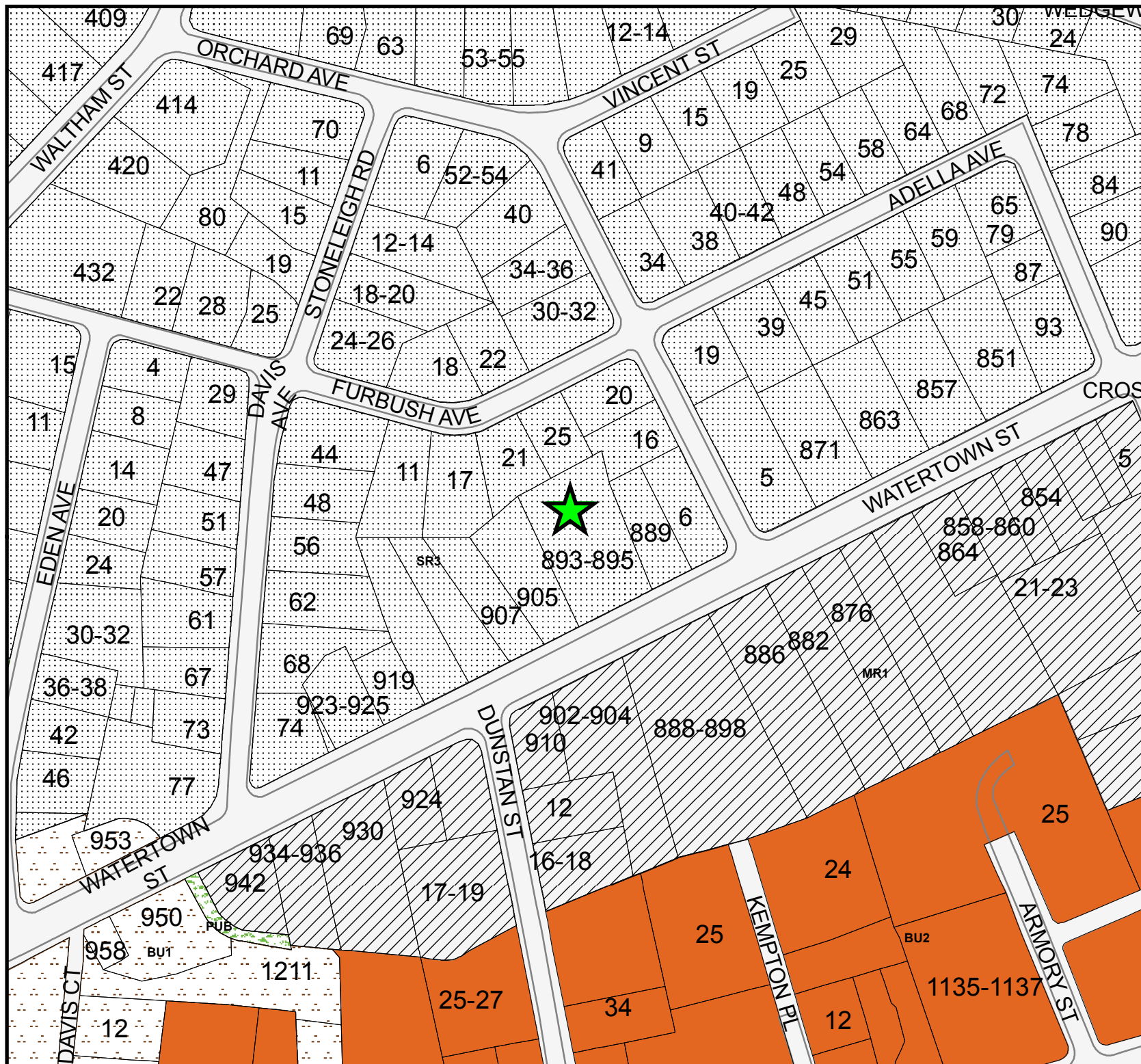


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
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Map Date: August 21, 2017



ATTACHMENT C



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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: January 19, 2017

To: John Lojek, Commissioner of Inspectional Services

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

Cc: James and Carol Hoopes, applicants
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to extend an existing nonconforming two-family use

Applicant: James and Carol Hoopes	
Site: 893 Watertown Street	SBL: 31014 0005
Zoning: SR-3	Lot Area: 19,560 square feet
Current use: Two-family dwelling	Proposed use: No change

BACKGROUND:

The property at 893 Watertown Street consists of a 19,560 square foot lot improved with a nonconforming two-family residence constructed circa 1840 and a detached garage structure. The applicants propose to construct a single-story addition to the rear of the structure extending the existing sunroom and adding a bedroom and bathroom to one of the units.

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

- Zoning Review Application, prepared by James and Carol Hoopes, submitted 12/8/2016
- Existing conditions plan, prepared by D. O'Brien Land Surveying, dated 10/17/2016, revised 12/19/2016
- Plan of Land, prepared by Studio Enee, dated 12/2/2016
- FAR worksheet, submitted 12/8/2016, revised 12/19/2016
- Architectural plans and elevations, prepared by Studio Enee, architect, dated 12/2/2016
 - First floor plan
 - Elevations

ADMINISTRATIVE DETERMINATIONS:

1. The 1840 structure is a legal nonconforming two-family dwelling in a Single Residence 3 zoning district per Section 3.4.1. The applicants propose a single-story rear addition adding to the living space of one of the units. To extend the structure requires a special permit pursuant to Section 7.8.2.C.2 to extend the nonconforming two-family use.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	19,560 square feet	No change
Frontage	70 feet	99.6 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	58.8 feet +/- 18 feet 40.6 feet	No change 11.8 feet 29.5 feet
Building Height	36	29 feet	No change
Max Number of Stories	2.5	2.5	2.5
FAR	.38	.30	.35
Max Lot Coverage	30%	17.6%	21.4%
Min. Open Space	50%	56.2%	53.4%

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.1 §7.8.2.C.2	Request to extend the existing nonconforming two-family use	S.P. per §7.3.3

Next Steps

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

The following must be included when filing a Special Permit Application:

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Twelve sets signed and stamped by a design professional). Each set shall contain:
 - Site Plans showing existing and proposed conditions (including topography as applicable)
 - Architectural plans showing existing and proposed conditions (including façade materials)
 - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

Incomplete applications will delay the intake and review of your project.

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? Y/N

ATTACHMENT D

CITY OF NEWTON Department of Public Works ENGINEERING DIVISION

MEMORANDUM

To: Council Marc Laredo, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 893/895 Watertown Street

Date: September 21, 2017

CC: Lou Taverna, PE City Engineer
Nadia Khan, Committee Clerk
Michael Gelba, Sr. Planner

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

*Site Plan
For Proposed Addition at
893/895 Watertown Street
Prepared By; Site Engineering Consultants Inc.
Dated: 9-10-'17*

Executive Summary:

The existing two-family dwelling has proposed an addition, which adds just over 1,000 square feet of impervious surface; the engineer of record has designed a collection and infiltration system to mitigate the increase of runoff from the addition. Due to the proximity of the property line an impervious barrier will be required along three sides of the recharge system. The barrier shall extend from the top of the system to the bottom of the recharge's stone bed.

If the interior of the dwelling is to be gutted or renovated by more than 50% then both water and sanitary sewer services shall be updated to current standards.

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 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 drainage system will be made available for an inspection. The system in 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 a Building Permit with the Department of Inspectional Service prior to any construction.
5. 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.*

6. All site work including trench restoration must be 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- #43-17
893-895 Watertown Street

CITY OF NEWTON

IN CITY COUNCIL

September , 2017

ORDERED:

That the 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 a SPECIAL PERMIT/SITE PLAN APPROVAL to extend the existing nonconforming two-family use, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo:

1. The proposed extension of the existing nonconforming two-family use will not be substantially more detrimental than the existing nonconforming two-family use is to the neighborhood as the expanded structure will be in conformance with relevant dimensional requirements, including floor area ratio (FAR), height, setbacks, open space and lot coverage regulations; further, the proposed addition would have limited visibility from adjoining properties and public ways (§3.4.1 and 7.8.2.C.2).

PETITION NUMBER: #43-17

PETITIONER: James and Carol Hoopes

LOCATION: 893-895 Watertown Street, on land known as Section 31, Block 14, Lot 5, containing approximately 8,020 square feet of land

OWNERS: James and Carol Hoopes

ADDRESS OF OWNER: 893-895 Watertown Street
Newton, MA

TO BE USED FOR: Two-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: §3.4.1 and §7.8.2.C.2, to extend the existing nonconforming two-family use.

ZONING: Single Residence 3 (SR-3) 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 "Plan Showing Existing Conditions, 893 Watertown Street, Newton, MA, Middlesex County," prepared by D. O'Brien Land Surveying, dated October 17, 2016.
 - b. A plan entitled "Plan Showing Proposed Addition, 893-895 Watertown Street, Newton, MA, Middlesex County," prepared by D. O'Brien Land Surveying, dated October 17, 2016, as revised through June 29, 2017, signed and stamped by Dennis B. O'Brien, Professional Land Surveyor.
 - c. A set of architectural plans entitled "Hoopes Residence, 893 Watertown Street, Newton, MA," prepared by Carlos B. Salib/SALIBDESIGN, Architect:
 - i) Existing Street Level Floor Plan, dated June 6, 2017 (A-1);
 - ii) Proposed Street Level Floor Plan, dated June 9, 2017 (A-2);
 - iii) Existing + Proposed North Facade, dated June 6, 2017 (A-3);
 - iv) Existing + Proposed North / West Facade , dated June 8, 2017 (A-4);
 - v) Existing + Proposed East + West Facades, dated June 8, 2017 (A-5);
 - vi) Existing + Proposed East + West Facades, dated June 8, 2017 (A-6).
 - d. A Floor Area Ratio Worksheet dated _____, 2017, signed and stamped by _____.
2. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
3. *Prior to the issuance of any Building Permit, the petitioner shall provide duly approved documentation authorizing and facilitating the proposed use of any land not currently included in the condominium unit identified as 893 Watertown Street for the purposes permitted by this order for review and approval by the Department of Planning and Development and the Law Department.*
4. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - 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.
5. No Final Inspection and/or Occupancy Permit for the buildings covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. Filed with the Clerk of the Board, 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.
 - c. 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.