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Mayor

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James Freas  
Acting Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date: September 16, 2014  
Land Use Action Date: October 14, 2014  
Board of Aldermen Action Date: December 1, 2014  
Action Expiration Date: December 15, 2014

DATE: September 12, 2014

TO: Board of Aldermen

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

SUBJECT: **Petition #272-14**, CHRISTINE BOISCLAIR, for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to construct a portico of approximately 4.5 feet over the front entrance at 42 BRAE BURN ROAD, Ward 4, Auburndale, on land known as SBL 43, 5, 2, containing approximately 9,095 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table 1, 30-21(b) of the City of Newton Rev Zoning Ord., 2012.

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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.



**42 Brae Burn Road**

## EXECUTIVE SUMMARY

The property located at 42 Brae Burn Road consists of a 9,095 square foot lot improved with a 2½-story single-family residence with an attached garage, which was constructed in 1931. The dwelling has no protection over the front entrance, and the petitioner is proposing to erect a modest portico to cover the front entrance. The proposed portico will extend the already nonconforming structure further into the front setback. In order to construct the portico as proposed, the petitioner is seeking a special permit to allow the existing nonconforming structure to be extended, which will reduce the front setback from 21.2 feet to 17.08 feet, where a 25 foot setback is required under the Newton Zoning Ordinance.

The Planning Department has no particular concerns with this petition. The *Newton Comprehensive Plan* adopted in 2007, encourages residential property owners 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. The petitioner's proposed front portico accomplishes this objective, while maintaining the character of the structure and surrounding residential neighborhood.

*The size of the proposed portico and front setback documented in the Zoning review Memorandum (ATTACHMENT A) differs slightly from the measures proposed in the special permit petition and discussed in this memorandum. The requested relief does not change.*

### I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The proposed front portico, which will extend an already nonconforming structure further into the front setback, will not be substantially more detrimental than the existing nonconforming structure is to the surrounding neighborhood. (§30-21(b))
- The proposed location of the front portico is appropriate for the existing structure and the surrounding residential neighborhood. (§30-24(d)(1))
- The proposed portico will not adversely affect the neighborhood. (§30-24(d)(2))

### II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

#### A. Neighborhood and Zoning

The property is located near the intersection of Brae Burn Road and Commonwealth Avenue. The house is surrounded by other single-family residences, and is just east of the Lasell College campus (ATTACHMENT B). The property and surrounding neighborhood are zoned Single Residence 2 (ATTACHMENT C).

#### B. Site

The property consists of 9,095 square feet of land and is improved with a 2½-story single-family residence with an attached garage. The residence was renovated in 2013, which resulted in the creation of a second floor above the attached garage. The

residence is accessed by a bituminous driveway on the west side of the property. The residence is surrounded by a landscaped lawn.

### 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 portico will have two support columns made of wood and an asphalt roof, which is consistent with the style of the existing house. The proposed portico, which is approximately 38.7 square feet, will provide protection for the front entrance. As designed, the petitioner's proposed portico will extend the existing nonconforming structure approximately 4.5 feet further into the front setback. The proposed addition will reduce the front setback for the house from 21.2 feet to 17.08 feet, where 25 feet is required under the Newton Zoning Ordinance.

The Planning department has no particular concern with this petition, and is supportive of this modest expansion to the existing house to provide a protective cover over the front entrance.

#### C. Parking and Circulation

There will be no change to the parking or circulation of the site due to the proposed development.

#### D. Landscape Screening

No landscape plan was required for this petition. The front lawn was landscaped in 2013 after the house was renovated. The design of the portico and existing landscape plants appear adequate to blend the addition in the existing structure and surrounding streetscape.

### 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. Based on this review, the petitioner is seeking a Special Permit/Site Plan Approval for the following reliefs:

- §30-15 Table 1 and §30-21(b), to allow the extension of an existing nonconforming structure, whereby the front setback will be reduced.

#### B. Engineering Review

This project does not require review by the Engineering Division of Public Works.

V. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

**ATTACHMENTS:**

**Attachment A: Zoning Review Memorandum**

**Attachment B: Land Use Map**

**Attachment C: Zoning Map**



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# Attachment A

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## City of Newton, Massachusetts

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

Candace Havens  
Director

### ZONING REVIEW MEMORANDUM

Date: June 9, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Christine Boisclair, Applicant  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: Request to extend a nonconforming structure with regard to front setback

Applicant: Christine Boisclair	
Site: 42 Brae Burn Rd	SBL: 43005 0002
Zoning: SR-2	Lot Area: 9,095 square feet
Current use: Single-family dwelling	Proposed use: No change

#### BACKGROUND:

The property at 42 Brae Burn Road consists of a 9,095 square foot lot improved with a single-family colonial-style residence constructed in 1931. The structure consists of two and a half stories with an attached two-stall garage. The garage was part of a two-story addition completed in 2013. There is no protection over the front entrance, and the applicant is proposing to add a front portico to cover it. The existing front setback is nonconforming, and a special permit is required to build the project as proposed.

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

- Zoning Review Application, prepared by Christine Boisclair, applicant, submitted 5/30/2014
- Existing Site Plan, signed and stamped by Christopher C. Charlton, surveyor, dated 4/23/2013
- Photo of property, undated
- Mortgage Inspection Plan, signed and stamped by George C. Collins, dated 7/17/2012
- Proposed elevations, prepared by Wolchesky, DWB, dated 4/25

**ADMINISTRATIVE DETERMINATIONS:**

1. The dwelling has an existing front setback of 21.2 feet, where the requirement for an old lot in the SR2 zoning district is 25 feet. The applicant is proposes to construct a portico to cover the front entrance. The portico will extend 4.12 feet from the existing dwelling, creating a proposed front setback of 17 feet. To extend the nonconforming front setback further requires a special permit from the Board of Aldermen per section 30-21(b) of the Ordinance.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	<b>9,095 square feet</b>	No change
Frontage	80 feet	<b>73 feet</b>	No change
Setbacks			
• Front	25 feet	<b>21.2 feet</b>	<b>17.08 feet</b>
• Side	7.5 feet	7.9 feet	No change
• Rear	15 feet	59 feet	No change

1. See “Zoning Relief Summary” below:






<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table 1 30-21(b)	Request to extend the existing nonconforming front setback	S.P. per §30-24

# Land Use Map 42 Brae Burn Road

*City of Newton,  
Massachusetts*

**ATTACHMENT B**

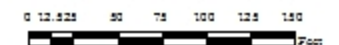
### Legend

- Land Use**
-  Single Family Residential
  -  Private Educational
  -  Vacant Land
  -  Property Boundaries
  -  Building Outlines

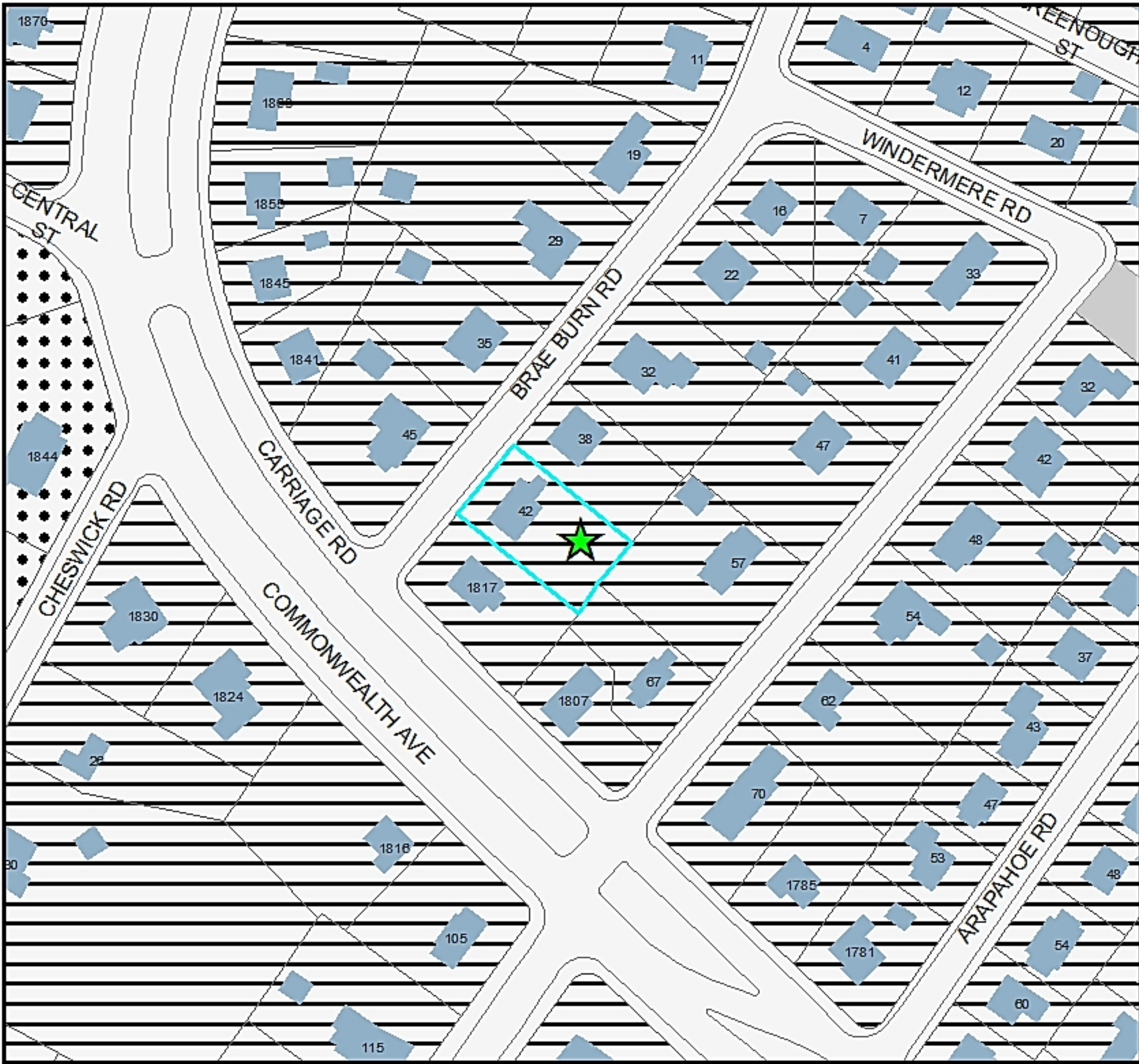


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: August 05, 2014





# Zoning Map 42 Brae Burn Road

City of Newton,  
Massachusetts

ATTACHMENT C

### Legend

- Single Residence 2
- Multi-Residence 1
- Property Boundaries
- Building Outlines



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CITY OF NEWTON, MASSACHUSETTS  
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0 12.5 25 50 75 100 125 150 Feet

Map Date: August 05, 2014

