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Candace Havens
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: July 9, 2013
Land Use Action Date: September 17, 2013
Board of Aldermen Action Date: September 23, 2013
90-Day Expiration Date: October 7, 2013

DATE: July 5, 2013

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 #220-13**, Sonya Mead & Alex Whiting, for SPECIAL PERMIT/SITE PLAN APPROVAL to extend a nonconforming structure for a first-floor addition of approximately 170 sq. ft. to replace an existing deck, in order to expand the kitchen, increasing the Floor Area Ratio from .65 to .71 where .46 is allowed by right, at **42 Braeland Avenue**, Newton Centre, Ward 6, on land known as SBL 61, 37, 15, containing approx. 4,767 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u), 30-15 Table A 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.



42 Braeland Avenue

EXECUTIVE SUMMARY

The property at 42 Braeland Avenue consists of a 4,767 square foot lot improved with a single-family 2½-story residence constructed in 1895. The existing nonconforming structure totals approximately 2,454 square feet. The petitioner is proposing to replace the existing deck in the rear of the house with a one-story addition, which will expand the existing kitchen. The existing house has a floor area ratio (FAR) of .65 where .46 is allowed. The proposed addition will contain approximately 170 square feet on the first floor, increasing the FAR to .71.

The addition to the existing structure will not be visible from the public way. The Planning Department believes that the addition is within the size, scale and design of other structures in the neighborhood.

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.
- The extension of the structure is not substantially more detrimental than the existing nonconforming structure to the neighborhood.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located on Braeland Avenue between the Langley Road and Herrick Road. The house is surrounded by single-family and multi-family residences to the south, east and west. Directly to the North of the site are the Newton Centre Green Line Station and the Newton Centre commercial area. The site is located in an area zoned Multi-Residence 1.

B. Site

The site consists of 4,767 square feet of land and is improved with a 2½-story single-family house. There is a stone driveway on the east side of the site.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The property will remain a single-family residence.

B. Building and Site Design

The petitioner is proposing to replace the existing rear deck with a wood-framed one-story addition. The proposed addition will expand the existing kitchen by 170 square feet over the existing deck. The addition will not be visible from the street, and will be screened from the abutting properties by existing vegetation and a fence running along the property line.

The proposed project increases the open space and decreases the lot coverage by eliminating some of the square footage currently taken up by the existing deck. This change puts a previous nonconforming open space percentage into conformity.

The addition to the existing structure will not be visible from the public way. The Planning Department believes that the addition is within the size, scale and design of other structures in the neighborhood.

C. Parking and Circulation

There will be no parking or circulation changes to the site.

D. Landscape Screening

No landscape plan was required for this petition. Existing screening and fencing appears adequate to sufficiently screen the proposed addition.

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 extend a nonconforming structure with regard to FAR. The petitioner is proposing to increase FAR from .65 to .71 where .46 is the maximum FAR allowed by right.
- 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

Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: June 6, 2013

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Alex Whiting and Sonya Mead
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to exceed FAR

	SBL: 61 37 15

BACKGROUND:

The property at 42 Braeland Ave consists of a 4,767 square foot lot improved with a single-family residence constructed in approximately 1895. The structure consists of 2.5 stories, with a total of about 2,454 square feet of living space. The applicant proposes to add 170 square feet to the kitchen by replacing existing deck space.

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

- Zoning Review Application, prepared by Alex Whiting and Sonya Mead, owners, dated 5/24/13
- Proposed Plot Plan, signed and stamped by Wesley Guillaume, Surveyor, dated 4/15/13
- Existing and Proposed FAR Calculations, signed and stamped by Sheldon Pennoyer, Architect, undated

ADMINISTRATIVE DETERMINATIONS:

1. The proposed addition increases the structure’s pre-existing nonconforming FAR to .71, from .65, which exceeds the .48 maximum permitted by the Ordinance per Section 30-15, Table A. To

construct the addition as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-21(b).

- The Applicant's proposed project increases the open space, and decreases the lot coverage by eliminating some of the square footage currently taken up by the existing deck. This change puts a previous nonconforming open space percentage into conformity.

MR1 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	4,767 square feet	No change
Frontage	70 feet	49 feet	No change
Setbacks for existing structure			
• Front	25 feet	20 feet	No change
• Side	7.5 feet	5 feet on right 6.9 feet on left	No change
• Rear	15 feet	16 feet	No change
FAR	.46	.65	.71
Max. Lot Coverage	33%	30%	30%
Min. Open Space	50%	56%	58%







- See "Zoning Relief Summary" below:

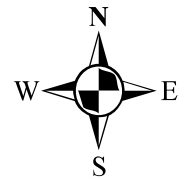
Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table A, §30-15(u), §30-21(b)	Exceed Floor Area Ratio (FAR) in a nonconforming structure	S.P. per §30-24

220-13 Zoning Map 42 Braeland Ave.

*City of Newton,
Massachusetts*

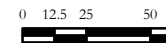
Legend

- Streets - Pavement Edge
-  MBTA Transit Stations
- Line**
-  MBTA Green Line
-  Multi-Residence 1
-  Business 1
-  Public Use
-  Building Outlines



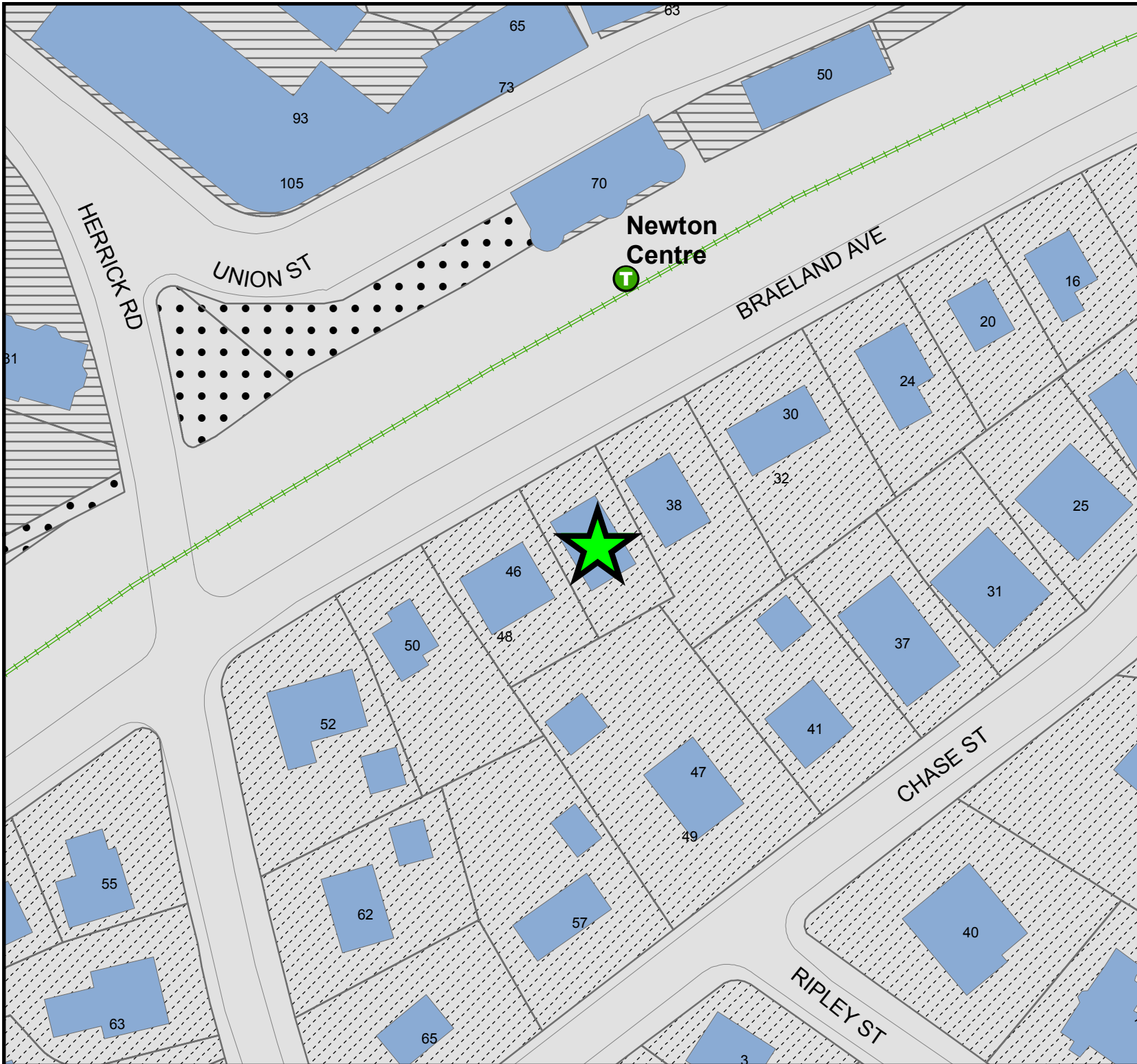
The information on this map is derived from the City of Newton's Geographic Information System. The City of Newton cannot guarantee the accuracy of the information. Each user of this information is responsible for determining its suitability for their intended purpose. City departments will not approve applications based on this information.

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



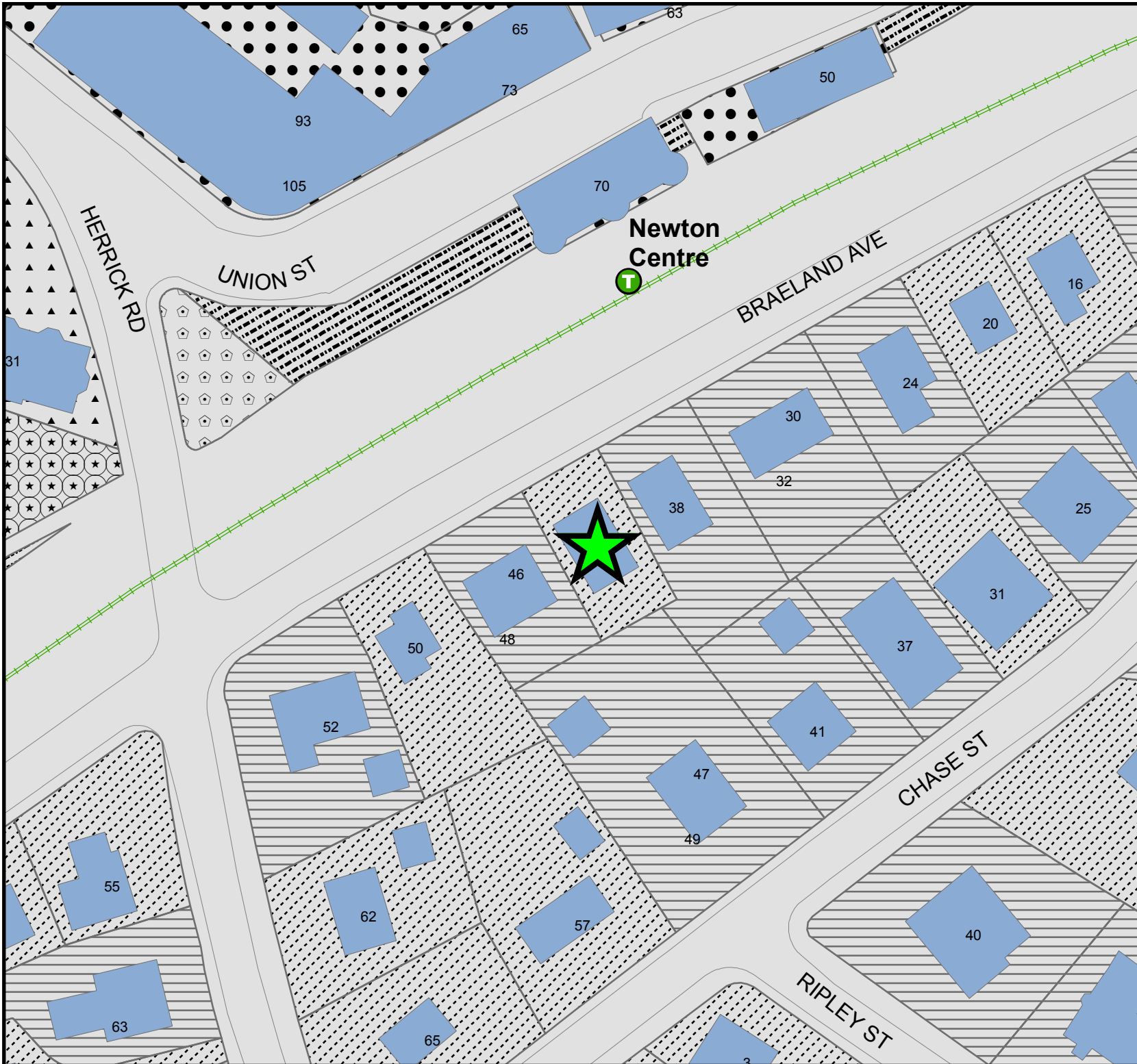
ATTACHMENT B

Map Date: July 01, 2013



220-13
Land Use Map
42 Braeland Ave.

*City of Newton,
 Massachusetts*



Legend

- MBTA Transit Stations
- MBTA Green Line
- Streets - Pavement Edge

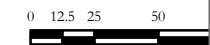
Land Use

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



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ATTACHMENT C