



#27-18

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

Ruthanne Fuller
Mayor

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: January 23, 2018
Land Use Action Date: April 10, 2018
City Council Action Date: April 16, 2018
90 Day Expiration Date: April 23, 2018

DATE: January 19, 2018

TO: City Council

FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Valerie Birmingham, Planning Associate

SUBJECT: **Petition #27-18**, for SPECIAL PERMIT/SITE PLAN APPROVAL to further increase the nonconforming lot coverage from 20.1% to 23.8% where 20% is the maximum allowed **at 1771 Washington Street**, Ward 4, Auburndale, on land known as Section 43, Block 39, Lot 10, containing approximately 15,021 sq. ft. of land in a district zoned Single Residence 1. Ref. §3.1.3, §7.3.3, §7.4 and §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 that the Land Use Committee of the City Council can consider at a subsequent working session.



1771 Washington Street

EXECUTIVE SUMMARY

The property located at 1771 Washington Street consists of a 15, 021 square foot corner lot in the Single Residence 1 (SR1) zone in Auburndale. The lot is improved with a 2,897 square foot single-family residence constructed in 1953.

The petitioners are seeking to raze an existing sunroom and deck at the rear of the dwelling to construct a two-story addition. At present, the lot is nonconforming with respect to the lot coverage calculation. As the addition will enlarge the existing house and thereby increase the lot coverage, the petitioners require a special permit pursuant to Sections §3.1.3, §7.3.3, §7.4 and §7.8.2.C.2.

Staff notes that as part of this petition, the petitioner is changing the address of the property and location of the front door to front on Mary Mount Road. These changes will modify the property's required rear and side setbacks. Per Section §1.5.3, in the case of a corner lot, the rear lot line shall be the lot line opposite the street on which the main entrance is located. Presently, the front door is on Washington Street and the proposed addition would be located in the rear. By changing the front of the property to Mary Mount Road, the proposed addition would now be located along the side of the property and would be subject to a 12.5-foot side setback in lieu of a 25-foot rear setback. As proposed, the addition would maintain a 13.6-foot setback from the property line (a slight increase over the 13.1-foot setback of the existing deck, which will be removed). If the petitioners choose to maintain their current address, the proposed project would require a variance for its existing noncompliant rear setback.

The Planning Department believes the proposed increase in the lot coverage is not substantially more detrimental than the existing nonconformity is to the neighborhood, while remaining compliant with all other dimensional controls of an old lot in the SR1 zone. Moreover, the addition will improve the quality of life for the residents while preserving the historic structure.

SIGNIFICANT ISSUES FOR CONSIDERATION:

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

- The proposed increase in the nonconforming lot coverage will be substantially more detrimental than the existing nonconforming lot coverage is to the neighborhood (§3.1.3 and §7.8.2.C.2).
- The nonconforming lot coverage from 20.1% to 23.8%, where 20% is the maximum allowed by right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood (§3.1.3 and §7.8.2.C.2).

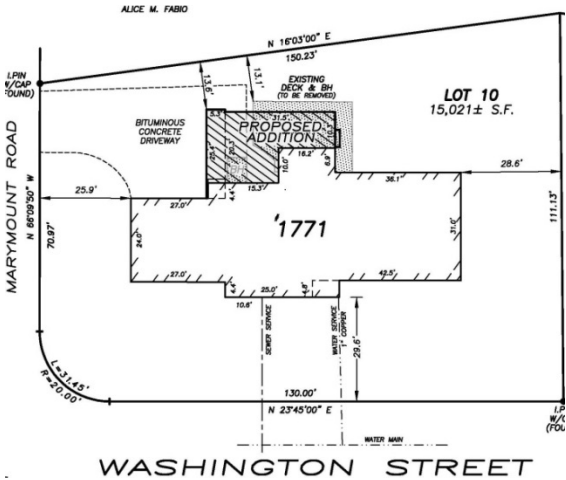
I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Washington Street in the SR1 zone in Auburndale. The immediate neighborhood and surrounding area is, with exceptions of Lasell College and a few nonprofit organizations, predominantly residential in nature due to the SR1 zone on the west side of Washington Street and the SR3 zone on the east (Attachments A & B).

B. Site

The site consists of 15,021 square feet of land, and is improved with a single-family residence built in 1953. Since the lot is a corner lot, there are front setbacks on Washington Street and Mary Mount Road. In the case of a corner lot, the rear yard is determined by the side opposite the front door, which is currently on Washington Street, therefore, the existing rear setback is noncompliant at 13.1 feet due to a deck that was constructed without the benefit of a building permit. The site is predominantly flat and features lawn area and some mature vegetation, including trees and shrubs. At the southwest corner of the site there is a paved driveway and an approximately 17 foot wide curb cut providing access to the attached two-car garage from Mary Mount Road.



II. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site is and will remain a single-family residence.

B. Building and Site Design

The petitioners are proposing to raze an existing deck and sunroom, and construct a two story, 1,390 square foot addition to include a family room with a master bedroom above.

The two story addition will increase the highest point of the structure by 6.2 feet, resulting in it being above the ridge line of the existing 1.5 story dwelling. Thus, the addition will be slightly visible from the Washington Street streetscape. As the proposed addition will create a new front entrance, the project will be visible from the Mary Mount Road streetscape. The existing and proposed Mary Mount Road elevations (below) show the proposed addition.



Existing Mary Mount Road Facade

Proposed Mary Mount Road Facade

As previously noted, the proposed construction includes a formal entrance off of Mary Mount Road, and the petitioners intend to officially change the property's address and front door to Mary Mount Road. In doing so, the current rear lot line opposite Washington Street becomes a side lot line, requiring only a 12.5 foot setback, thereby making the proposed addition in compliance.

The first floor of the addition will contain a slight extension of the existing kitchen and a new family room. The design also incorporates a front door and open farmer's porch with two steps to serve as the dwelling's main entrance. A sliding door and accompanying small landing and stairs opposite the front door in the family room provides access to the backyard. Staff notes the addition will create basement space, which will remain unfinished, but will not count towards the floor area calculation. Lastly, the second floor of the addition will create a master suite.

The proposed modifications would add approximately 1,390 square feet of floor area to the dwelling and would increase the floor area ratio (FAR) from .19 to .29, below the maximum .31 allowed by right.

The site plan shows the proposed addition will increase the lot coverage from 20.1% to 23.8%, above the maximum 20% allowed by right. Otherwise, the proposed addition would meet all other dimensional standards and requirements.

C. Parking and Circulation

The petitioners are not proposed any changes to parking or circulation.

D. Landscape Screening

A landscape plan is not required with this petition.

III. 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 Memorandum, the petitioner is seeking the following relief:

- §3.1.3 and §7.8.2.C.2 of Section 30, to further extend the nonconforming lot coverage

B. Engineering Review

No engineering review is required at this time. The Engineering Division of Public Works will review this project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit should this project be approved.

C. Newton Historical Commission

The petitioners are proposing to alter more than 50% of side of a historic structure which requires review from the Senior Planner. The demolition was approved by the Chief Preservation Planner per the submitted plans on March 17, 2017.

IV. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

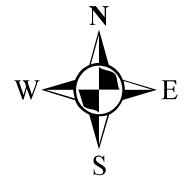
- Attachment A:** Zoning Map
Attachment B: Land Use Map
Attachment C: Zoning Review Memorandum
Attachment D: DRAFT Order

Attachment A Zoning Map Washington St., 1771

*City of Newton,
Massachusetts*

Legend

-  Single Residence 1
-  Single Residence 3
-  Building Outlines
-  Surface Water
-  Property Boundaries



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 50 100
Feet

Map Date: December 15, 2017



Attachment B Land Use Map Washington St., 1771

*City of Newton,
Massachusetts*

Legend

Land Use

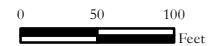
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  Private Educational
-  Nonprofit Organizations
-  Vacant Land
-  Building Outlines
-  Surface Water
-  Property Boundaries



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
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Map Date: December 15, 2017





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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: November 30, 2017

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Anne Snelling-Lee, Architect
Hensin and Sandy Tsao, Applicants
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request for a special permit to further increase nonconforming lot coverage**

Applicant: Alan Lobovits and Lisa Rosenfeld	
Site: 1771 Washington Street	SBL: 43039 0010
Zoning: SR-1	Lot Area: 15,021 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 1771 Washington Street consists of a 15,021 square foot corner lot improved with a single-family residence constructed in 1952. The applicant proposes to raze an existing deck and sunroom, and construct a two-story addition to include a family room with a master bedroom above. The proposed addition extends the existing nonconforming lot coverage, requiring a special permit.

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

- Zoning Review Application, prepared Anne Snelling-Lee, Architect, submitted 10/16/2017
- FAR Worksheet, submitted 10/16/2017
- Site Plan, prepared by Snelling & Hamel Associates, Inc, dated 10/10/2017
- Architectural Plans, prepared by Anne Snelling-Lee, Architect, dated 2/8/2017

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners’ existing lot coverage is 20.1%, where 20% is the maximum allowed in the Single Residence 1 zoning district. The proposed addition adds increases the lot coverage to 23.8%. A special permit pursuant to Sections 3.1.3 and 7.8.2.C.2 is required to further increase the already nonconforming lot coverage.
2. The applicants’ lot is at the corner of Washington Street and Marymount Road, with the formal front door of the dwelling facing Washington Street. Per Section 1.5.3, in the case of a corner lot, the rear lot line is the lot line opposite the front door. The petitioners’ addition is proposed for what is considered the rear of the house per the Ordinance, and to be located 13.6 feet from the rear lot line, where 25 feet is required per Section 3.1.3. As the proposed construction includes a formal entrance off of Marymount Road, the petitioners intend to officially change their address and front door to Marymount Road. In doing so, the current rear lot line opposite Washington Street becomes a side lot line, requiring only a 12.5 foot setback, thereby making the proposed addition in compliance.

***This table assumes an address change to Marymount Road**

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	15,021 square feet	No change
Frontage	100 feet	130 feet	No change
Setbacks			
• Front (Washington St)	25 feet	29.6 feet	No change
• Front (Marymount Rd)	25 feet	25.9 feet	No change
• Side	12.5 feet	13.1 feet	13.6 feet
• Rear	25 feet	28.6 feet	No change
Max Number of Stories	2.5	1.5	No change
Height	36 feet	17.88 feet	25.5 feet
FAR	.31	.19	.29
Max Lot Coverage	20%	20.1%	23.8%
Min. Open Space	65%	70%	67.6%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.1.3 §7.8.2.C.2	Request to further decrease nonconforming lot coverage	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 (Thirteen 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

CITY OF NEWTON
IN CITY COUNCIL

ORDERED:

That the City 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 the following SPECIAL PERMIT/SITE PLAN APPROVAL to further extend a nonconforming lot coverage from 20.1% to 23.8%, where 20% is the maximum allowed by-right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The proposed extension in the nonconforming lot coverage will not be substantially more detrimental than the existing nonconforming lot coverage is to the neighborhood (§3.1.3, §7.3.3, §7.4 and §7.8.2.C.2).
2. The nonconforming lot coverage from 20.1% to 23.8%, where 20% is the maximum allowed by right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood (§3.1.3, §7.3.3, §7.4 and §7.8.2.C.2).

PETITION NUMBER: #27-18

PETITIONER: Hensin and Sandy Tsao

LOCATION: 1771 Washington Street, on land known as Section 43, Block 39, Lot 10, containing approximately 15,021 square feet of land

OWNER: Hensin and Sandy Tsao

ADDRESS OF OWNER: 1771 Washington Street
Newton, MA 02466

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3, §7.3.3, §7.4 and §7.8.2.C.2 to further extend a nonconforming lot coverage

ZONING: Single Residence 1 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. Site Plan, signed and stamped by John R. Hamel, Professional Land Surveyor, dated October 18, 2017
 - b. Architectural Plans, entitled "Tsao Residence Residential Renovation & Addition at 1771 Washington Street, Newton, MA", signed and stamped by Anne E. Snelling-Lee, Architect, dated February 8, 2017:
 - i. Sheet A0.1 Site Plan
 - ii. Sheet D1.0 Basement Demolition Plan
 - iii. Sheet D1.1 First Floor Demolition Plan
 - iv. Sheet D1.2 Attic/Roof Demolition Plan
 - v. Sheet D2.0 Demolition Exterior Elevations
 - vi. Sheet A1.0 Floor Plans: Small Scale Plans
 - vii. Sheet A1.1 Floor Plan: Basement Floor Plan
 - viii. Sheet A1.2 Floor Plan: First Floor Plan
 - ix. Sheet A1.3 Floor Plan: Attic Floor Plan
 - x. Sheet A1.4 Floor Plan: Roof Plan
 - xi. Sheet A1.5 Reflected Ceiling Plan: Basement Plan
 - xii. Sheet A1.6 Reflected Ceiling Plan: First Floor Plan
 - xiii. Sheet A1.7 Reflected Ceiling Plan: Attic Floor Plan
 - xiv. Sheet A2.0 Exterior Elevation: Small Scale Elevations
 - xv. Sheet A2.1 Exterior Elevation: West & East Partial Elevations
 - xvi. Sheet A2.2 Exterior Elevation: North & South Partial Elevations
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. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this board 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 board 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. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, written confirmation from the Engineering Division of a change of address.
 - e. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
4. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an architect or land surveyor certifying compliance with Condition #1.
 - b. 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.