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Candace Havens
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: July 15, 2014
Land Use Action Date: July 29, 2014
Board of Aldermen Action Date: September 15, 2014
90-Day Expiration Date: October 6, 2014

DATE: July 11, 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 #223-14**, BERNARD BUNNER for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a dormer above a new interior staircase between the second and third floors and to raze an existing detached garage, which is 2½ feet from the side lot setback, and to construct a new smaller detached garage maintaining the 2½ foot side setback though closer to the rear of the property, which although not encroaching further into the setback will alter an already nonconforming setback, at **454 Walnut Street**, Ward 2, Newton, on land known as SBL 22, 24, 19, containing approx. 12,063 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(t)(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.



454 Walnut Street

EXECUTIVE SUMMARY

The property at 454 Walnut Street consists of a 12,064 square foot lot in a Single Residence 2 zoning district. The property is improved with a single-family 2½-story residence constructed in approximately 1865, and a detached garage built in approximately 1928, which is nonconforming due to its location in the side setback (east). The petitioner is proposing to construct a dormer on the rear of the house between the second and third floors, to construct a porte-cochere (carport) over the driveway, and to demolish the existing garage and build a new smaller shed in its place. The petitioner is seeking a special permit to construct a dormer with an uninterrupted wall plane between floors, and to move the nonconforming accessory structure (garage/shed) further towards the rear property line. The site is listed on the National Register of Historic Places, and the proposed plans have been reviewed and approved by the Newton Historical Commission (NHC).

The proposed dormer is located on the rear of the house facing away from any street, and is not substantially visible from the public way. In terms of design, the dormer does not appear to overwhelm or significantly detract from the existing structure. The proposed porte-cochere, which does not require a special permit, is consistent with the time period of the historic structure. Finally, the proposed shed is located towards the rear of the site and appears to replicate the character and materials of the single-family structure. While the proposed shed will be located closer than the existing garage to the abutting property by a few feet, it's a relatively modest size and height, and from a practical matter should not adversely impact abutters. The Planning Department does not have any particular concerns with proposed changes to the site or structure.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The site is an appropriate location for the proposed additions and changes to the site. (§30-24(d)(1))
- The proposed additions will not adversely affect the neighborhood. (§30-24(d)(2))
- The extension of the structure is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§30-21(b))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located on Walnut Street across from Newton North High School. The land uses in the surrounding neighborhood include public uses, single-family dwellings, and commercial uses in nearby Newtonville center (**ATTACHMENT B**). The zoning districts in the surrounding neighborhood consist of Single Residence 2 and Public Use districts (**ATTACHMENT C**).

B. Site

The site is a corner lot and consists of approximately 12,064 square feet of land. The site is improved with a single-family 2½-story residence constructed in approximately 1865, and a detached garage built in approximately 1928, which is accessed from Clyde Street. The existing detached garage is nonconforming, as it is only 2.5 feet from the side (east) property line. There is a yard in the rear of the house, and additional vegetation throughout the site. The existing structure is listed on the National Register of Historic Places.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The use will remain as a single-family residence.

B. Building and Site Design

The petitioner is proposing to construct a shed dormer on the rear of the building between the second and third floors, which will allow the petitioner to create a new staircase between the floors. The dormer will extend below the roof line of the second story, thus creating a continuous plane between floors, which requires a special permit. Based on the modest size of the proposed dormer, its location in the rear of the building, and its partial screening from the existing roof, the proposed dormer does not appear to detract from the character of the existing structure. In addition, NHC has reviewed and approved the dormer.

The petitioner is also proposing to replace the existing detached garage with a smaller one-story storage shed in the rear of the site, and to remove a portion of the existing driveway. The proposed shed requires zoning relief because it is an alteration to an existing non-conforming structure, even though the resulting structure will be smaller and will not extend any further into the setback. The proposed one-story structure is designed to match the architecture and materials of the existing structure. The shed will be located approximately one foot closer to the rear/side property line than the existing detached shed. Considering the size of the

proposed shed, it does not appear to be more detrimental to the neighborhood than the existing structure.

Finally, the petitioner is proposing to construct a porte-cochere on the side of the existing structure, and to expand the portion of the existing driveway from the sidewalk to the porte-cochere. While the Planning Department generally prefers detached garages that remove cars from public view, it recognizes that the porte-cochere does not require any zoning relief and is a structure that was historically used with this type of a house.

C. Landscape Screening

The site is not well screened along the rear and side property lines, however the proposed additions requiring relief are fairly minor and will not have a significant visual impact on abutting properties. The Planning Department does not believe that additional screening is required based on the requested relief.

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 maintain the existing nonconforming side setback for a new accessory structure, and to allow a new dormer to maintain the wall plane without a roof line overhang between two floors.

B. Engineering Review

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

C. Newton Historical Commission Review

The petitioner received approval from the NHC for the proposed work. (**ATTACHMENT D**)

V. ZONING RELIEFS SOUGHT

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

- Section 30-15 Table A, 30-21(b), to maintain the existing nonconforming side setback for a new accessory structure.
- Section 30-15(t)(2), to allow a new dormer to maintain the wall plane without a roof line overhang between two floors.

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
- Attachment D:** Newton Historical Commission Approval



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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: June 2, 2014

To: John Lojek, Commissioner of Inspectional Services

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

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

RE: Request to alter a nonconforming detached structure, and to allow for an uninterrupted wall plane created by a dormer

Applicant: Bernard Bunner	
Site: 454 Walnut Street	SBL: 22024 0019
Zoning: SR-2	Lot Area: 12,064 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 454 Walnut Street consists of a 12,064 square foot corner lot improved with a single-family residence constructed in 1865 and a detached garage built in 1928. The structure consists of two and one-half stories and a basement. The applicant seeks to erect a new dormer above a new interior staircase between the second and third floors which would have an uninterrupted wall plane where the ordinance requires a break in the plane. The applicant also seeks a special permit to raze the existing detached garage and rebuild it further to the back of the lot, but maintaining the same 2.5 foot nonconforming side setback.

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

- Zoning Review Application, prepared by Bernard Bunner, submitted 4/15/2014
- Existing Site Plan, signed and stamped by Michael Paul Antonino, surveyor, dated 3/2014
- Proposed Site Plan, signed and stamped by Michael Paul Antonino, surveyor, dated 3/2014
- City of Newton Building Permit #1220, dated 6/23/1928
- Architectural Plans, prepared by CMB Design Works and Leon Bombardier, PE, dated 9/2013
- Garage Plans, prepared by CMB Design Works and Leon Bombardier, PE, dated 3/25/2014
- Newton Historical Commission Demolition Review Decision, dated 4/8/2014

ADMINISTRATIVE DETERMINATIONS:

1. The existing nonconforming 324 square foot detached garage is 2.5 feet from the side lot setback line. The applicant requests to raze the existing structure and rebuild a new 228 square foot detached garage maintaining the 2.5 foot side setback, though closer to the rear of the property. A special permit is required to alter nonconforming setback by moving the structure further to the rear, though no further into the nonconforming setback per section 30-21(b).

2. The applicant seeks to build a new dormer above a new interior staircase between the second and third floors. This dormer will maintain the wall plane between the two floors in an effort to mimic the shape and proportion of the existing window in the stairwell from the first to second floor. The Newton Historical Commission has approved these plans. A special permit is required to construct a dormer creating an uninterrupted wall plan without a roof line overhang extending beyond the two stories per section 30-15(t)(2).

3. The applicant is also proposing an attached one-car carport over the existing driveway. This structure may be built by-right.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	12,064 square feet	No change
Frontage	80 feet	90 feet	No change
Setbacks for detached accessory structure			
• Front	25 feet	+/-90 feet	+/-100 feet
• Side	5 feet	2.5 feet	No change
• Rear	5 feet	5 feet	No change
FAR	.36	.37	.36
Max Lot Coverage	30%	22%	24%
Min. Open Space	50%	78%	70%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table A, 30-21(b)	To maintain the existing nonconforming side setback for a new accessory structure	S.P. per §30-24
§30-15(t)(2)	To allow a new dormer to maintain the wall plane without a roof line overhang between two floors	S.P. per §30-24

Land Use Map 454 Walnut Street

*City of Newton,
Massachusetts*

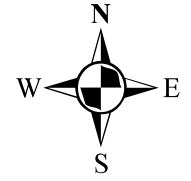
Legend

- Streets - Pavement Edge
- Building Outlines

Land Use

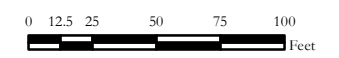
- ▨ Single Family Residential
- ▩ Multi-Family Residential
- ▧ Open Space
- ▤ Nonprofit Organizations
- ▦ Vacant Land

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: June 24, 2014



Zoning Map

454 Walnut Street

*City of Newton,
Massachusetts*

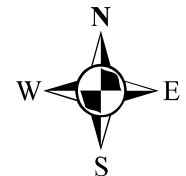
Legend

- Streets - Pavement Edge
- Building Outlines

Zoning

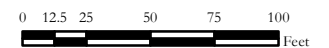
- Single Residence 2
- Public Use

ATTACHMENT C

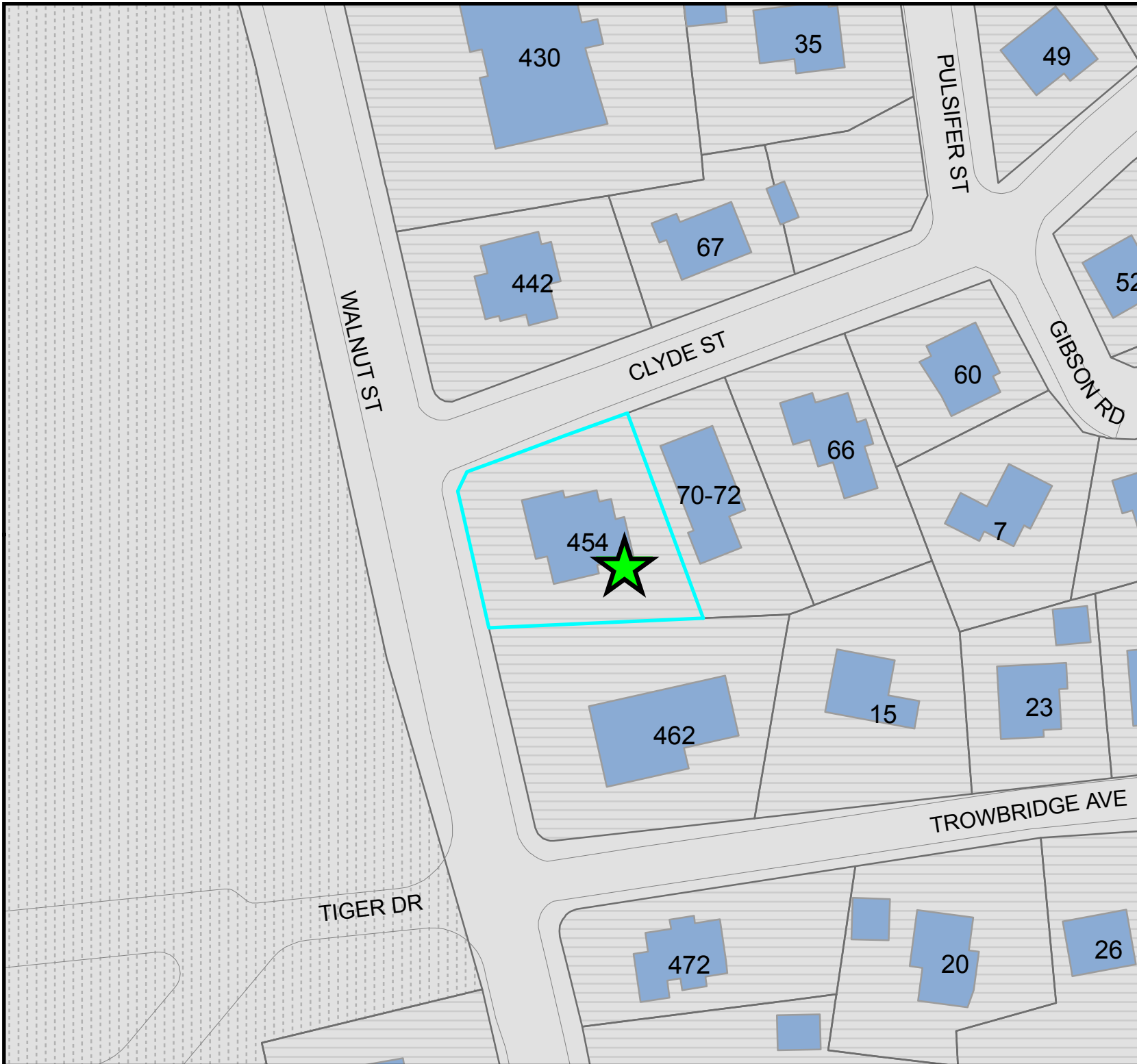


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CITY OF NEWTON, MASSACHUSETTS
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Map Date: June 24, 2014



Project#:

14030063

Date Received: 3.26.14

City of Newton, Massachusetts
Department of Planning and Development
Demolition Review Ordinance - Application for Property Review

Property Owner Bernard Bunner	Address of Property to be reviewed: 454 Walnut St	Phone: 617-216-2212
Primary Contact: Bernard Bunner	Address: 454 Walnut St	Phone: 617-216-2212
Email Address	bernard_bunner@hotmail.com	

- I. Type of Structure to be Demolished: (check)
- House Garage Shed Non-Residential Building Other

If Other please describe: _____

- II. Year Property Built 1865 Section: 22 Block: 4 Lot: 19
 (Can be found in Assessors Database on City's website - www.ci.newton.ma.us)

- III. Description of Demolition Requested: 1) demolition of 1928 metal garage; 2) remodeling of the two sides of the house away from Clyde St and Walnut St, including addition of a dormer above a new staircase to the 3rd floor

- IV. Required Documentation to be Included With Application: (check items included)
- Photographs of Front, Back and Sides of affected Structure and one of front of addressed building on property for location purposes.
- Assessor's Map Showing Property Location
- Incomplete applications may result in a delay in review time.

- V. Suggested Additional Documentation: (check items included)
- Building Plans 11 X 17 or smaller (Elevations only), recommended
- Historical Information Site Plan Product/Material Information
- Photos of neighborhood (recommended for full demos) Sketches

Home Owner Signature:

Bernard Bunner

PLEASE NOTE: Once the completed application is received, the Preservation Planner has 15 days to determine whether the structure is considered to be historically significant. If you should have questions, please contact the Planning & Development Department at (617) 796-1120.

This application is only for Demolition Review from the Newton Historical Commission. Applicants should also consult the Planning Department to consider other relevant planning and zoning ordinances. Following this review, an application for Plan Examination and/or Building Permit must be completed and submitted to Inspectional Services.



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Newton Historical Commission Demolition Review Decision

Date: 4/8/2014 Zoning & Dev. Review Project# 14030063

Address of structure: 454 Walnut Street

Type of building : _____

If partial demolition, feature to be demolished is portions of east, north and south facades

The building or structure:

- is _____ is not in a National Register or local historic district not visible from a public way.
- is is not _____ on the National Register or eligible for listing.
- is is not _____ importantly associated with historic person(s), events, or architectural or social history
- is is not _____ historically or architecturally important for period, style, architect, builder, or context.
- is _____ is not located within 150 feet of a historic district and contextually similar.

is _____ **NOT HISTORIC** as defined by the Newton Demolition Delay Ordinance.

Demolition is not delayed and no further review is required.

is **HISTORIC** as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

APPROVES the proposed project based upon materials submitted see below for conditions (if any).

Demolition is not delayed, further staff review may be required.

_____ **DOES NOT APPROVE** and the project requires
Newton Historical Commission review (See below).

The Newton Historical Commission finds the building or structure:

is _____ **NOT PREFERABLY PRESERVED**

Demolition is not delayed and no further review is required.

is _____ **PREFERABLY PRESERVED – (SEE BELOW).**

Delay of Demolition:

_____ is in effect until _____

_____ has been waived - see attached for conditions

Determination made by:

Please Note: if demolition does not occur within two years of the date of expiration of the demolition delay, the demolition will require a resubmittal to the Historical Commission for review and may result in another demolition delay.

SCANNED