



Setti D. Warren
Mayor

City of Newton, Massachusetts

Department of Planning and Development

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Candace Havens
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: June 11, 2013
Land Use Action Date: August 13, 2013
Board of Aldermen Action Date: September 2, 2013
90-Day Expiration Date: September 9, 2013

DATE: June 7, 2013

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Jane Santosuosso, Chief Zoning Code Official 

SUBJECT: **Petition #160-13**, Arthur X. Duffy, Trustee of Sylvan Avenue Realty Trust, for a SPECIAL PERMIT/SITE PLAN APPROVAL to build a 953 square foot garage, which exceeds the maximum of 700 square feet, at **44 Sylvan Avenue**, Ward 2, West Newton, on land known as SBL 32, 53, 51, containing approximately 43,000 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-8(b)(7) of Newton Revised Zoning Ordinance, 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.



44 Sylvan Avenue

EXECUTIVE SUMMARY

The subject property consists of a 43,000 square foot lot to be improved with a new single-family dwelling with an attached garage. The previously existing dwelling was demolished and a new single-family house is currently being built under a by-right building permit. The by-right building provides for an attached garage that meets all requirements. However, the petitioner prefers a garage that exceeds the 700 square feet allowed by right, and is therefore seeking a special permit. The proposed garage is 973 square feet. The new house will meet all dimensional requirements and the proposed garage is in keeping with the scale of the new residence.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Board should consider if the following findings apply:

- The 43,000 square foot site is an appropriate location for the proposed 973 square foot garage.
- The garage will not adversely affect the neighborhood.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located between Highland Street and Bigelow Road. Most of the homes in the neighborhood are large single-family dwellings built around the turn of the century, although there is some new construction in the neighborhood. The site is within an area zoned Single Residence 1.

B. Site

The site consists of 43,000 square feet of land that is relatively level though there is an upward slope along the south side of the lot. The proposed dwelling is a 2.5-story colonial revival-style house. The attached garage would be accessed from Sylvan Avenue and is located on the south side of the dwelling.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The use of the property as a single-family residence is not being changed.

B. Building and Site Design

The petitioner is proposing to amend the existing building permit to construct a three-car garage that exceeds 700 square feet. The footprint of the house and garage will

remain the same; the interior space will be reconfigured to accommodate the extra bay. This change will not detract from the look of the house as viewed from the street. The proposed garage is 973 square feet and is in keeping with the scale of the house, which exceeds 11,000 square feet.

C. Parking and Circulation

The petitioner is not proposing changes to the circulation of the site as a result of this petition.

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 allow a 973 square foot garage, where up to 700 square feet is allowed by right.

B. Engineering Review: The Engineering Division reviewed the house and garage when the by right building permit was issued. Proposed changes to the garage do not affect drainage in any way (**ATTACHMENT B**).

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum the petitioner is seeking the following approvals or relief:

- Section 30-8(b)(7) to allow a 973 square foot garage where 700 square feet is the maximum allowed by right.

VI. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS

Attachment A: Zoning Review Memorandum
Attachment B: Engineering Review Memorandum
Attachment B: Zoning Map
Attachment C: Land Use Map



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City of Newton, Massachusetts
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Attachment A

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ZONING REVIEW MEMORANDUM

Date: April 26, 2013

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Eve Tapper, Chief Planner for Current Planning ET

Cc: Jason Rosenberg, Attorney
Laurence Lee, Attorney
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to build an attached garage exceeding 700-square feet

Applicant: Arthur X. Duffy, Trustee of Sylvan Avenue Realty Trust	
Site: 44 Sylvan Ave	SBL: 32053 0051
Zoning: SR-1	Lot Area: 43,000 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 44 Sylvan Ave consists of a 43,000 square foot lot with an as-of-right building permit to build a new 11,250-square foot single family home. The applicant proposes to build an attached three-car garage consisting of 953-square feet. The by-right building permit provides for an attached two-car garage with the same footprint as the proposed three-car garage, but with a different interior configuration that maintains the 700 square foot limit.

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

- Zoning Review Application, prepared by Jason Rosenberg and Laurence Lee, Attorneys, dated 3/29/13
- Quitclaim Deed, recorded with the Middlesex County Registry
- Architectural plans, prepared by Marc Hershman, architect, dated 1/9/13, submitted 2/7/13
 - Existing basement floor plans
 - Existing first floor plans
 - Existing second floor plans
 - Existing attic plans
 - Existing elevations (front, rear, sides)

- Proposed basement plans
- Proposed first floor plans
- Proposed second floor plans
- Proposed attic plans
- Proposed elevations (front, rear, sides)
- Area plan of land, signed and stamped by Bruce Bradford, Land Surveyor, dated 2/26/13
- Quitclaim deed
- Building permit application (Garage) and plot plan, dated 1/3/1928
- Building permit application and plot plan, dated 9/1/1927

ADMINISTRATIVE DETERMINATIONS:

1. The proposed three-stall garage is 953 square feet, which exceeds the 700 square feet allowed by right in the ordinance. Per sections 30-8(b)(7) and 30-15(m)(5)(c), a garage is limited in size to 700 square feet by right. To build the garage as proposed the applicant must obtain a Special Permit from the Board of Aldermen.

SR1 Zone	Required/Allowed	Existing	Proposed
Lot Size	15,000 square feet	43,000 square feet	No change
Frontage	100 feet	155.52 feet	No change
Setbacks for existing structure			
● Front	25 feet	61.6 feet	No change
● Side	7.5 feet	20.6 feet on right 22 feet on left	
● Rear	15 feet	68.1 feet	
FAR	.28	.26	No change
Building Height	36 feet	32.875	No change
Max. Lot Coverage	20%	17%	No change
Min. Open Space	65%	66.4%	No change

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§30-8(b)(7), §30-15(m)(5)(c)	Special Permit for a garage in a single-family dwelling exceeding 700-square feet	S.P. per §30-24

**CITY OF NEWTON
ENGINEERING DIVISION**

MEMORANDUM

To: Alderman Ted Hess-Mahan, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 44 Sylvan Avenue

Date: June 6, 2013

CC: Lou Taverna, PE City Engineer
Linda Finucane, Associate City Clerk
Alexandria Ananth, Sr. Planner

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

*Sylvan Avenue Reality Trust
Special Permit Application Package
Newton, MA
Prepared by: Stantec Consulting Service
Dated: February 1, 2013*

Executive Summary:

This single-family dwelling is proposing a garage in excess of 700 square feet. The home was approved via a By- Right Building Permit issued from Inspectional Services and reviewed by Engineering. All drainage and site construction issues were addressed via the Building Permit.

General:

1. As of January 1, 2009, 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 utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility 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 Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
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. *This note must be incorporated onto the site plan.*
6. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work. *This note must be incorporated onto the site plan.*

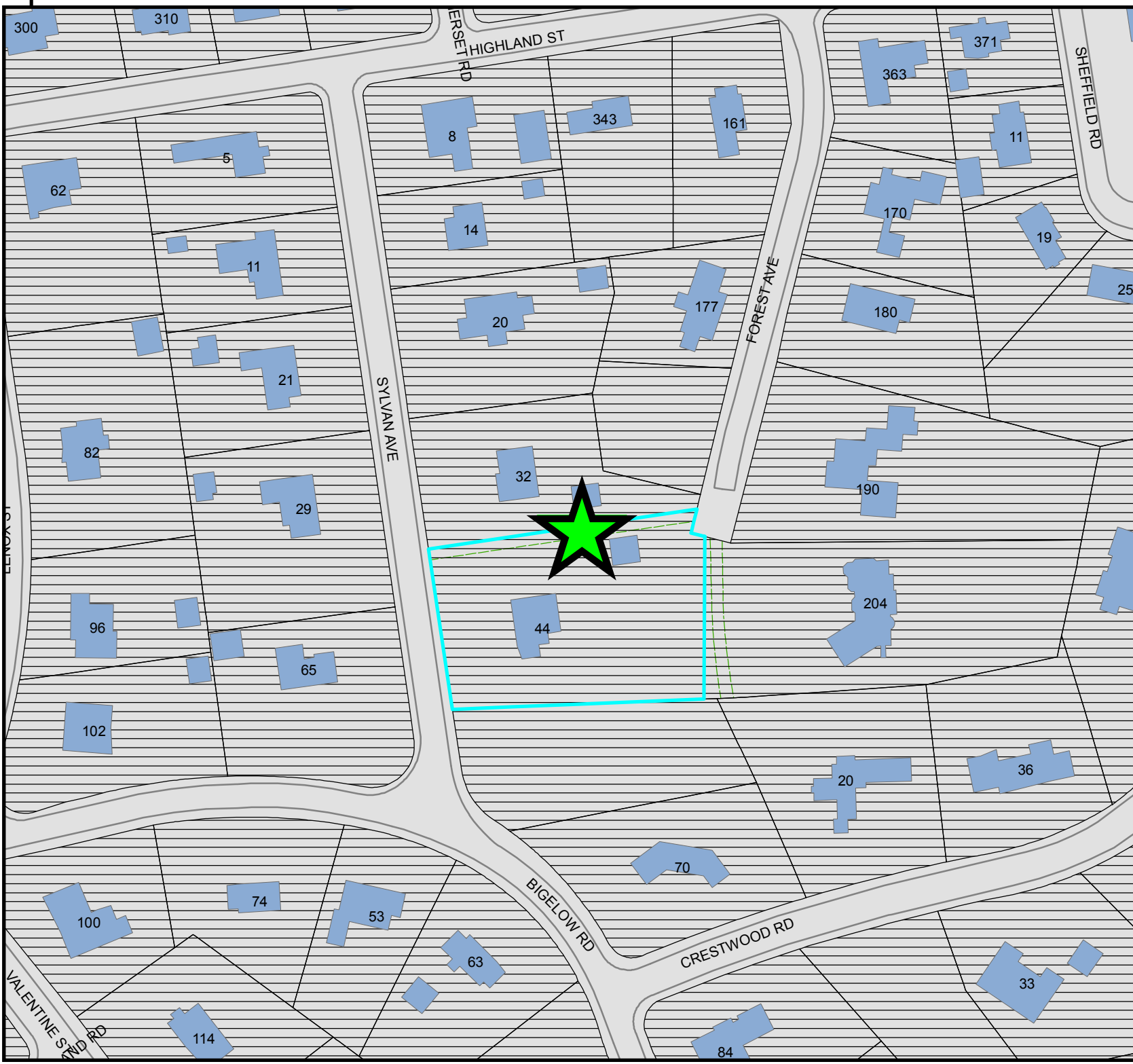
Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.

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Zoning Map 44 Sylvan Ave.

*City of Newton,
Massachusetts*



Legend

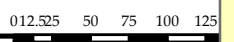
- Single Residence 1
- Streets-Pavement Edge
- Building Outlines
- Surface Water



ATTACHMENT "C"

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

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



Map Date: June

160-13

Land Use Map 44 Sylvan Ave.

*City of Newton,
Massachusetts*

Legend

Land Use

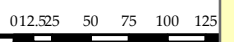
- Single Family Residential
- Mixed Use
- Vacant Land
- Streets-Pavement Edge
- Building Outlines
- Surface Water



ATTACHMENT "D"

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CITY OF NEWTON, MASSACHUSETTS
 Mayor - Setti D. Warren
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Map Date: June

