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Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: March 5, 2019
Land Use Action Date: May 14, 2019
City Council Action Date: May 20, 2019
90-Day Expiration Date: June 3, 2019

DATE: March 1, 2019

TO: City Council

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

SUBJECT: **Petition #71-19**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-car garage, creating more than 700 sq. ft. of garage space and more than one garage at 106 Sumner Street, Ward 6, Newton Centre, on land known as Section 61 Block 02 Lot 08, containing approximately 21,670 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.2.B.1, 3.4.3.A.4.a, 3.4.2.B.1, 3.4.3.A.4.c 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 for consideration at a subsequent working session by the Land Use Committee of the City Council.



106 Sumner Street

EXECUTIVE SUMMARY

The property at 106 Sumner Street consists of a 21,670 square foot corner lot in a Single Residence 2 (SR2) district in Newton Centre. The lot is improved with a single-family residence constructed in 1870. The petitioners are proposing to construct a detached two car garage while there is an existing two car garage on the site at the northeast corner.

As designed, the proposed garage would add 528 square feet of garage space to the site and an additional garage, both requiring a special permit. The proposed garage is closer to the petitioner's home and the intent is to allow the abutters to use the existing garage. While additional curb cuts and garages for a single parcel are typically discouraged, the existing garage appears to be on the abutters' property, rather than one house with two garages at 106 Sumner. The tennis court and surrounding fence on the property creates a visual separation between the existing garage and the principal structure at 106 Sumner St. Planning Staff are supportive of the petition but recommends that the petitioner try to minimize the proposed curb cut on Marshall Street and impervious paving for the proposed driveway.

I. ZONING REVIEW

Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment A**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- S.P. per §7.3.3 to allow:
 - more than one garage (§3.4.2.B.1, §3.4.3.A.4.a);
 - garage space exceeding 700 square feet (§3.4.2.B.1, §3.4.3.A.4.c);

II. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the project as designed, with an additional garage, and a garage space in excess of 700 square feet. (§7.3.3.C.1);
- The project as designed, with an additional garage, and garage space in excess of 700 square feet will adversely affect the neighborhood. (§7.3.3.C.2);
- The project as designed, with an additional garage, garage space in excess of 700 square feet, will create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3);
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4).

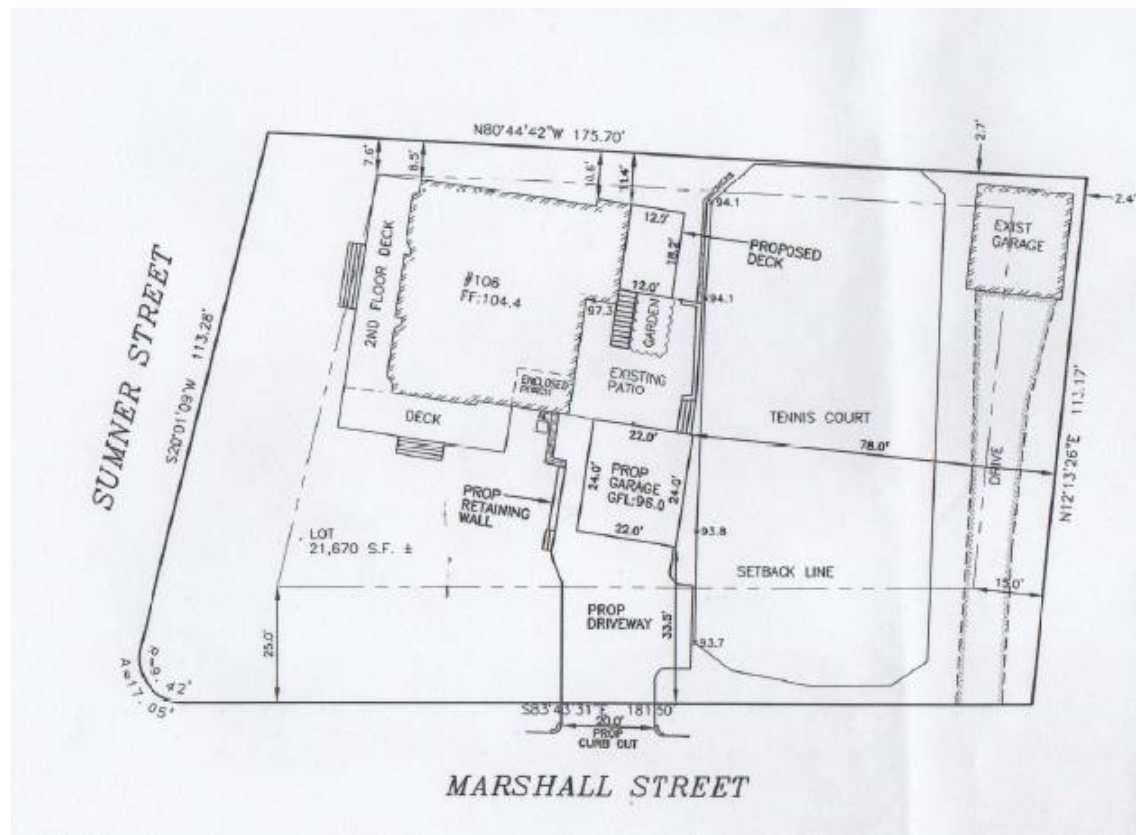
III. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located at the intersection of Sumner St. and Marshall St. in Newton Centre. The site and immediate area are zoned Single Residence 2 (SR2) (**Attachment A**). The land use of the surrounding neighborhood is mostly single family residential with some commercial and multi-family residential uses (**Attachment B**).

B. Site

The subject property is a 21,670 square foot corner lot improved with a single-family residence constructed in 1870. The site is accessed by a curb cut located on Marshall Street that leads to paved driveway and the existing two car garage. A tennis court on the petitioner's property separates the petitioner's home from the existing garage. The petitioners are proposing a 20' wide curb cut closer to the home and a new 33.5' x 20' driveway leading up to a proposed two car garage that provides easier access to the principal dwelling.



IV. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

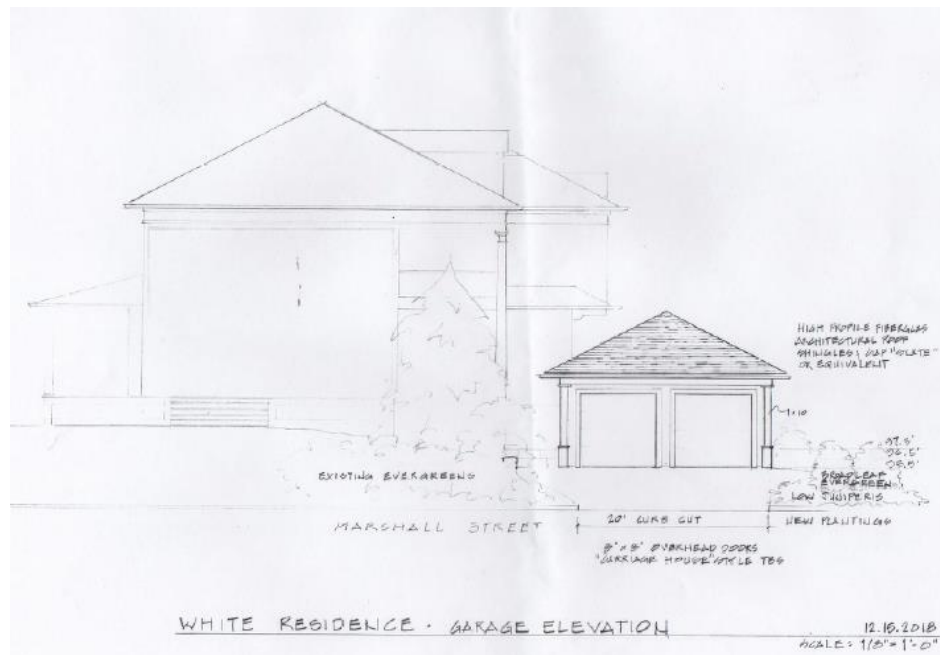
The principal use of the site will remain a single-family dwelling.

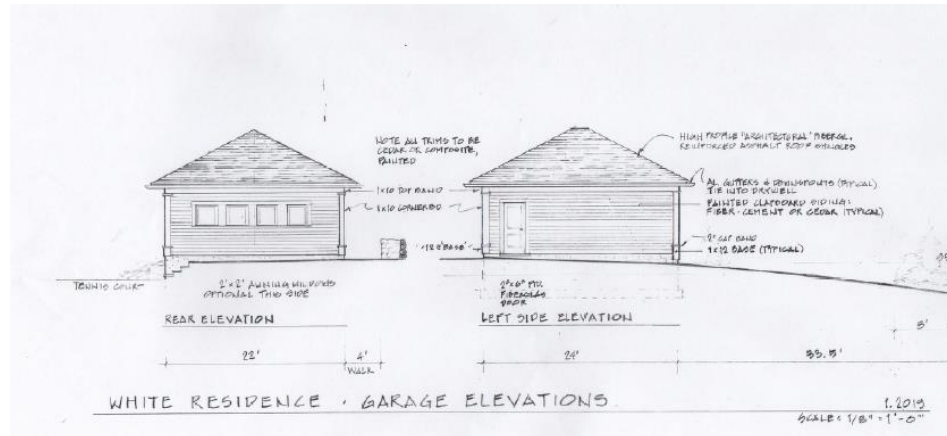
B. Building and Site Design

The petitioners seek to construct a detached two-car garage which would add 528 square feet of garage space and have a height of 16.6 feet. There is an existing 473 square foot two-car garage in the northeast corner of the site that the petitioners are intending to allow the abutter to use. The garage appears to be on the abutters' property as there is fencing that separates the tennis court at 106 Sumner St. from the existing garage on the 106 Sumner Street. The existing garage is closer to 53 Marshall Street. With the proposed garage at 528 square feet, total garage space would exceed 700 square feet, requiring a special permit for the square footage of both garages.

The proposed driveway and garage would increase impervious area by 1,218 square feet. The proposed garage would conform with the required setbacks for the site. The FAR would increase from .29 to .32, below the .33 allowed.

The Planning Department is supportive of the additional garage and garage space in excess of 700 square feet as the site will not appear to have one house and two garages, and there is a visual demarcation of the existing garage and principal structure on the property.





C. Parking and Circulation

The petitioners are proposing a curb cut on Marshall St. for a proposed driveway to lead up to the 528 square foot proposed garage. There is an existing driveway and garage on site, that are located 2.4 feet from the rear property line and 2.7 feet from the northern property line. Staff recommends that the petitioner explore ways to minimize the proposed curb cut and decrease the impervious surface.

D. Landscaping

A landscape plan is not required with this petition.

V. TECHNICAL REVIEW

A. Engineering Review

Review from the Engineering Division of Public Works is not required at this time. The addition will increase the amount of impervious surface on the lot by more than 400 square feet, requiring the petitioner to provide a drainage analysis to the Engineering Division for review and approval prior to the issuance of a building permit. Staff suggests incorporating the standard condition regarding the Operations and Maintenance (O & M) Plan of the stormwater management system prior to the issuance of a temporary certificate of occupancy, should a drainage system be required, and should this petition be approved.

B. Newton Historic Commission Review

This petition does not meet the minimum threshold for the Newton Historical Commission review.

VI. 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 Council Order

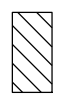
ATTACHMENT A

Zoning

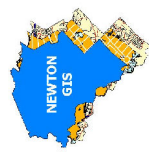
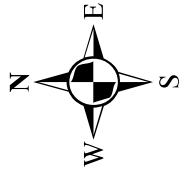
106 Summer St.

City of Newton,
Massachusetts

Legend



Single Residence 2

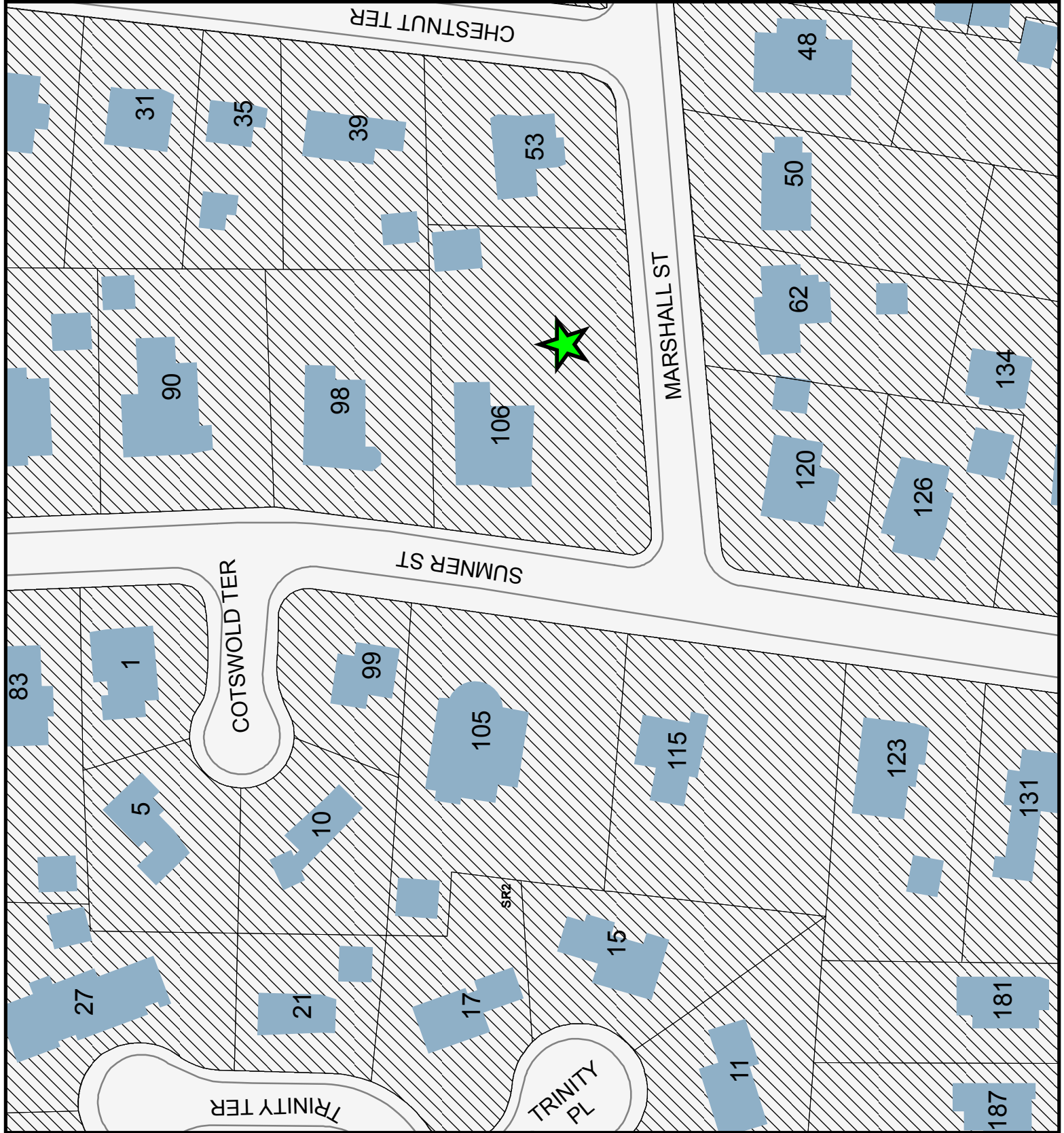


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: March 01, 2019



ATTACHMENT B

Land Use

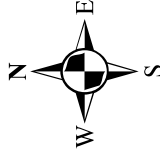
106 Summer St.

City of Newton,
Massachusetts

Legend

Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125 Feet

Map Date: February 21, 2019





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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: February 11, 2019

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Barry and Elenor White, Applicants
Jay Walter, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to allow more than one garage and a garage in excess of 700 square feet

Applicant: Barry and Elenor White	
Site: 106 Sumner Street	SBL: 61002 0008
Zoning: SR2	Lot Area: 21,670 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 106 Sumner Street consists of a 21,670 square foot lot improved with a single-family residence constructed in 1870, a detached garage and a tennis court. The lot is located at the corner of Sumner Street and Marshall Street. The existing detached garage is at the furthest corner of the lot, accessed from Marshall Street. The petitioners seek to construct a detached two-car garage adjacent to their dwelling in addition to the existing attached two-car garage.

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

- Zoning Review Application, prepared Jay Walter, Architect, dated 1/3/2019
- FAR Worksheet, signed and stamped by Jay Walter, Architect, dated 1/3/2019
- Plan of Land – Existing Conditions, prepared by EMB Co, surveyor, dated 8/16/2018
- Plan of Land – Proposed, signed and stamped by Bruce Bradford, surveyor, dated 11/26/2018
- Architectural plans and elevations, signed and stamped by Jay Walter, Architect, dated 11/11/2018

ADMINISTRATIVE DETERMINATIONS:

1. Sections 3.4.2.B.1 and 3.4.3.A.4.a requires that there be no more than one garage per single-family dwelling or dwelling unit. The petitioners have an existing detached two-car garage in the northeast corner of the property, and propose to construct a second detached two-car garage adjacent to their own dwelling. The intent is to allow the abutter to use the existing garage after construction of the new garage, as the existing garage is closer to the abutter’s dwelling. To have the four garage bays within two separate garage structures requires a special permit.
2. The proposed detached garage adds 528 square feet, in addition to the existing two-car detached garage which has 473 square feet. Per sections 3.4.2.B.1 and 3.4.3.A.4.c, a private garage may not exceed 700 square feet of ground floor area. A special permit is required for the additional detached garage which creates a total of 1,001 square feet, exceeding the maximum 700 square feet allowed.

SR2 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	21,670 square feet	No change
Frontage	80 feet	113 feet	No change
Setbacks - Principal			
• Front (Sumner St)	25 feet	25 feet	No change
• Front (Marshall St)	25 feet	61.3 feet	No change
• Side	7.5 feet	7.6 feet	No change
• Rear	15 feet	105.4 feet	No change
Setbacks – Existing Accessory			
• Front	25 feet	±85 feet	No change
• Side	5 feet	2.7 feet	No change
• Rear	5 feet	2.4 feet	No change
Setbacks – Proposed Accessory			
• Front	25 feet		33.5 feet
• Side	5 feet		±40 feet
• Rear	5 feet		78 feet
Max Number of Stories	2.5	2.5	No change
Max Height Principal	36 feet	29.7 feet	No change
Max Height Accessory (Proposed)	22 feet	N/A	16.6 feet
FAR	.33	.29	.32
Max Lot Coverage	30%	12.9%	15.3%
Min. Open Space	50%	79%	73%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.2.B.1 §3.4.3.A.4.a	Request to allow more than one garage	S.P. per §7.3.3
§3.4.2.B.1 §3.4.3.A.4.c	Request to allow for garage space exceeding 700 square feet	S.P. per §7.3.3

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the 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 a SPECIAL PERMIT/SITE PLAN APPROVAL to allow more than one garage on the property, and garage space exceeding 700 square feet as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The site is an appropriate location for the project as designed, with an additional garage, and garage space in excess of 700 square feet because the existing garage appears to be on the abutters property, rather than one house with two garages at 106 Sumner. (§7.3.3.C.1);
2. The project as designed, with an additional garage, and garage space in excess of 700 square feet, will not adversely affect the neighborhood as there are existing structures on the site that create a visual separation between the existing garage and proposed garage. (§7.3.3.C.2);
3. There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3);
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4).

PETITION NUMBER: #71-19

PETITIONER: Barry and Elenor White

LOCATION: 106 Sumner St., Section 61, Block 2, Lot 8, containing approximately 21,670 square feet of land

OWNER: Barry and Elenor White

ADDRESS OF OWNER: 106 Sumner Street

Newton, MA 02459

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to allow:

- more than one garage (§3.4.2.B.1, §3.4.3.A.4.a);
- garage space exceeding 700 square feet (§3.4.2.B.1 §3.4.3.A.4.c);

ZONING: Single Residence 2 (SR2) 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 the following plans:
 - i. A plan entitled “Plan of Land in Newton, Massachusetts, 106 Sumner Street Proposed Garage” prepared by Everett M. Brooks Co. Surveyors and Engineers, dated November 26, 2018, signed and stamped by Bruce Bradford, Professional Land Surveyor.
 - ii. A set of architectural plans entitled “White Garage and Landscape Plan,” prepared by Jay Walter, dated November 11, 2018, signed and stamped by Jay Walter, Registered Architect, consisting of the following sheets:
 - a. Site Plan;
 - b. Garage Elevation, December 15, 2018 (1)
 - c. Garage Elevation, December 15, 2018 (2)
 - d. Garage Elevations, rear and left side elevations, January 2019
2. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this 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 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. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.

3. No Final Inspection and/or Occupancy Permit for the buildings covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. Filed with the Clerk of the Board, the Department of Inspectional Services and the Department of Planning and Development a statement from the Engineering Division of the Department of Public Works certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.
 - c. 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.