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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	June 12, 2018
Land Use Action Date:	August 14, 2018
City Council Action Date:	August 20, 2018
90- Day Expiration Date:	September 10, 2018

DATE: June 8, 2018

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Michael Gleba, Senior Planner

SUBJECT: **Petition #292-18**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 455 sq. ft. two-story addition, creating an FAR of .58 where .39 exists and .45 is allowed at **39 Summit Street**, Ward 1, Newton, on land known as Section 12 Block 22 Lot 24, containing approximately 5,439 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 7.3.3, 7.4, 3.1.3, 3.1.9 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.



39 Summit Street

EXECUTIVE SUMMARY

The property at 39 Summit Street consists of a steeply sloping 5,439 square foot lot located in a Single Residence 2 (SR2) district improved with a 2 ½ story, 2,106 square foot single-family residence built ca. 1825 and a 360 square foot detached garage structure. The property fronts Summit Street at the front of the structure and Newtonville Ave at the rear.

The petitioners propose an addition at the west side of the dwelling that would add 455 square feet of living space to the first and second floors and 605 square feet to the attic level and increase the overall height of the dwelling. As proposed, the additions and alterations increase the Floor Area Ratio (FAR) from 0.39 to 0.58, above the maximum 0.45 allowed by right, requiring a special permit.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

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

- The proposed increase in FAR from 0.39 to 0.58, where 0.45 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 (§3.1.9.A.2).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The surrounding sloping neighborhood is predominantly residential with a mix of single- and two- family dwellings as well as a few three- and multi- family dwellings dispersed throughout. An exception to the otherwise uniform residential nature of the area is the West Suburban Young Men's Christian Association (YMCA) facility about 100 feet to the north along the Massachusetts Turnpike (**Attachment A**). The area is similarly zoned residential, with the subject property and parcels to the west and south mostly zoned Single Residence 2 (SR2) with properties to the north, as well as several directly across Summit Street, zoned Multi-Residence 1 (MR1); there is also a Single Residence 3 (SR3) district about three hundred feet to the east along the south side of Newtonville Avenue (**Attachment B**).

B. Site

The property at 39 Summit Street consists of a 5,439 square foot lot with frontage on both Summit Street as well as Newtonville Avenue. It is improved with a 2 ½ story, 2,106 square foot single-family residence built ca. 1825 located near the center of the parcel and a 360 square foot detached garage structure located approximately four feet from the Summit Street. Vehicular access is provided by a curb cut and short

driveway off that street, and the house is served by several flights of stairs from both adjoining streets.

The lot slopes significantly downward, approximately 18 feet, from Summit Street to Newtonville Avenue (south to north). The property contains considerable mature vegetation, including trees, shrubbery and ground cover throughout as well as paved walking and patio areas in the general location of the proposed addition.

III. 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 propose a two-story addition on the west side that would add 455 square feet of living space to the first and second floors and 605 square feet to the attic, for office, bathroom, and unfinished storage space area. Also, the existing porch on the Newtonville Avenue side would be removed and a new, smaller entry porch would be constructed at the entry to the dwelling on that side.

The addition would not increase the number of floors from the existing 2 ½ stories, but it would increase the height of the dwelling from 29.6 to 34.6 feet, remaining below the maximum 36 feet allowed. As proposed, the addition and alterations would increase the Floor Area Ratio (FAR) from 0.39 to 0.58, above the maximum 0.45 allowed by right, requiring the requested special permit. The Planning Department notes that much of the new floor area and accompanying bulk is associated with the attic “unfinished storage space” shown in the plans. That said, the visual impact of the increased height, bulk and FAR is somewhat mitigated by the addition’s location on the west side of the dwelling, its considerable setback from the property’s two frontages, and that it would largely be obscured from view from Summit Avenue side by the existing nonconforming garage on that public way.

The parcel’s lot coverage would increase slightly, from 28.7% to 29.1%, remaining just below the maximum 30% allowed. The open space on the parcel would similarly decrease slightly, from 69.1% to 68.7%, but remain well above the required 50%.

C. Parking and Circulation

No changes related to parking or circulation are contemplated by this petition.

D. Landscape Screening

No landscape plan was submitted with this petition. Given the new height and bulk that is proposed to be introduced to the west side of the dwelling, the Planning

Department recommends that the petitioner, in consultation with abutting neighbors, consider installing and/or maintain fencing and/or vegetation where feasible along the property's west property line to provide appropriate screening in the event the present petition is granted.

IV. 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:

- Special permit per §7.3.3 of Section 30, to exceed the maximum floor area ratio (FAR) (§3.1.9.A)

B. Engineering Review:

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

C. Newton Historical Commission

On May 3, 2018, the Newton Historic Commission found the dwelling preferably preserved for historic context and architectural integrity and waived the demolition delay based on approved plans.

V. 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

Land Use

39 Summit St.

City of Newton,
Massachusetts

Land Use

Land Use

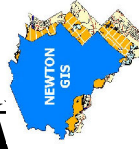


Single Family Residential

Multi-Family Residential

Nonprofit Organizations

Vacant Land

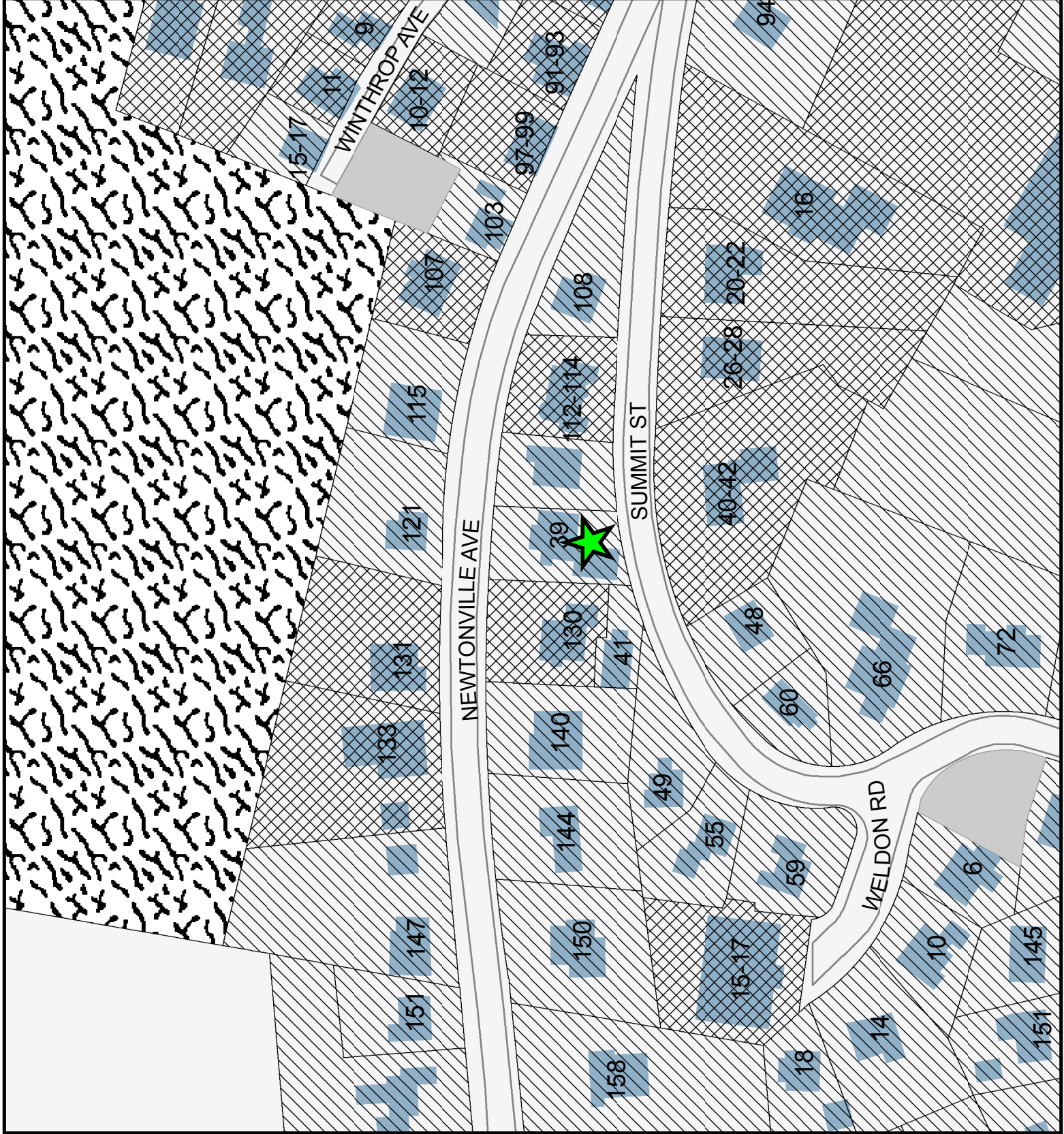


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

0 12.5 25 50 75 100 125
feet

Map Date: June 06, 2018



ATTACHMENT B

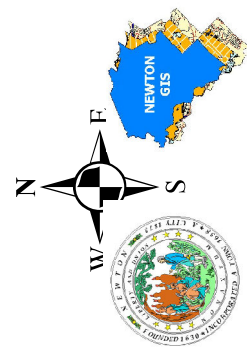
Zoning

39 Summit St.

City of Newton,
Massachusetts

Legend

- Single Residence 2
- Single Residence 3
- Multi-Residence 1

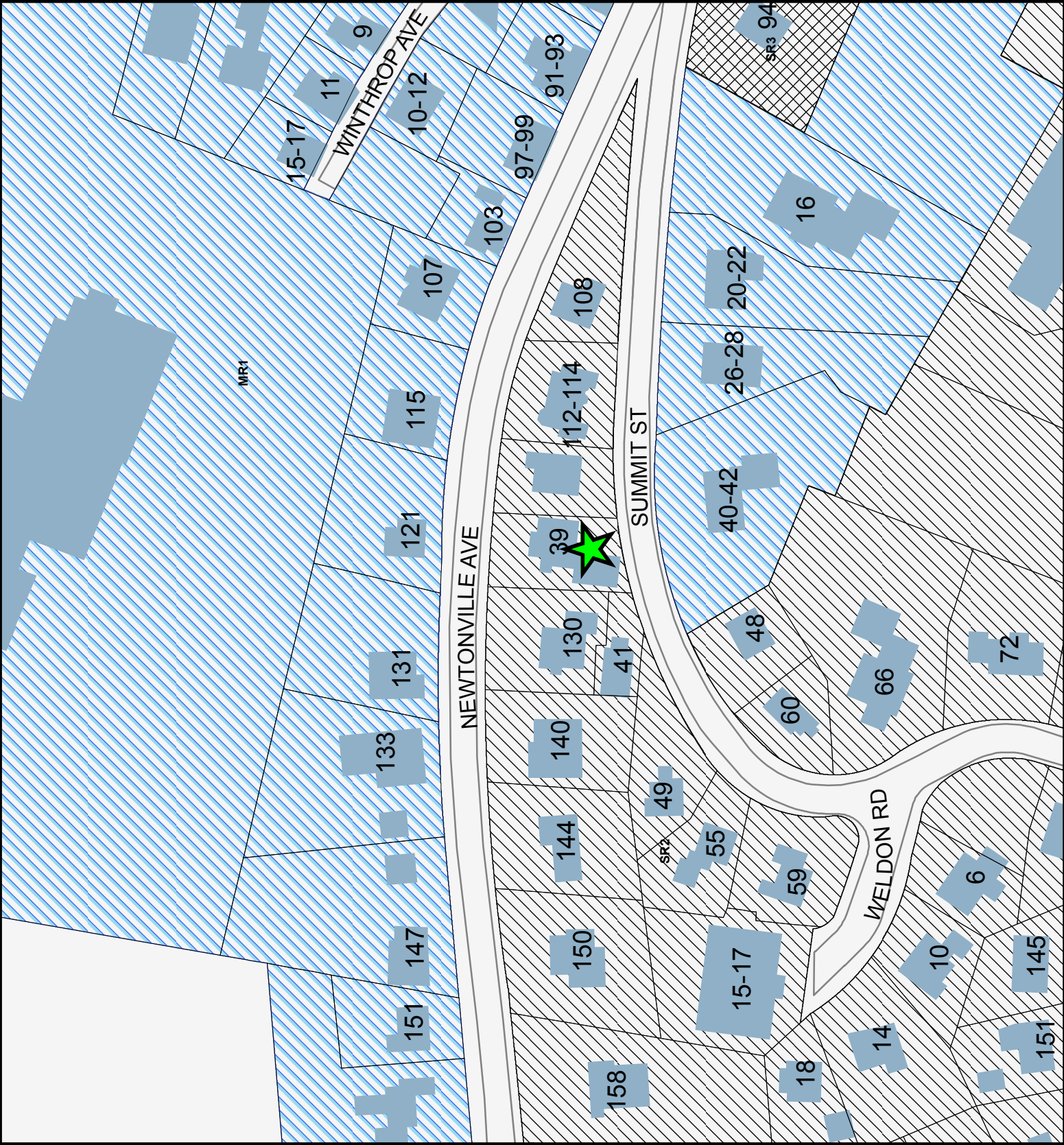


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: June 06, 2018





Ruthanne Fuller
Mayor

ATTACHMENT C

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 8, 2018

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Matthew Helming and Vanessa Lipschitz, Applicants
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: Request to exceed FAR

Applicant: Matthew Helming and Vanessa Lipschitz	
Site: 39 Summit Street	SBL: 12022 0024
Zoning: SR2	Lot Area: 5,439 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 39 Summit Street consists of a 5,439 square foot lot improved with a single-family residence built circa 1825 and a detached garage structure. The property fronts Summit Street at the front of the structure and Newtonville Ave at the rear. The petitioners propose a two-story addition at the western side adding 455 square feet of living space, and to increase the overall height of the dwelling to allow for more use of the attic space. The additions and alterations increase the FAR beyond that which is allowed by right, requiring a special permit.

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

- Zoning Review Application, prepared Matthew Helming, applicant, dated 3/16/2018
- FAR Worksheets, submitted 3/16/2018
- Certified Plot Plan, signed and stamped by Scott C. Lynch, surveyor, dated 3/13/2018
- Architectural plans and elevations, prepared by Babbitt Designs, architect, dated 3/16/2018, revised 5/2/2018

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners intend to add 455 square feet of living space to the first and second floors, and to raise the overall height of the structure to allow for 605 square feet of attic space to be used as an office. The proposed additions and alterations change the FAR from .39 to .58, where .45 is the maximum allowed by sections 3.1.3 and 3.1.9. A special permit is required for the proposed additions and alterations.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	5,439 square feet	No change
Frontage	80 feet	56 feet	No change
Setbacks <ul style="list-style-type: none"> • Front (Summit St) • Front (Newtonville Ave) • Side (east) • Side (west) 	25 feet 25 feet 7.5 feet 7.5 feet	33 feet 23.6 feet 3.9 feet 11.8 feet	No change No change No change 11.6 feet
Max Number of Stories	2.5	2.5	No change
Height	36 feet	29.6 feet	34.8 feet
FAR	.45	.39	.58
Max Lot Coverage	30%	28.7%	29.1%
Min. Open Space	50%	69.1%	68.7%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9	Request to exceed FAR	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

ATTACHMENT D

DRAFT- #292-18
39 Summit Street

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 increase the Floor Area Ratio (FAR) from 0.39 to 0.58 where 0.45 is the maximum allowed by-right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The expanded structure that would result from the proposed increase in floor area ratio (FAR) from 0.39 to 0.58, where 0.45 is the maximum allowed by-right, will be consistent with and not in derogation of the size, scale and design of other structures in the neighborhood as it will be similar in regard to those characteristics of other structures in the surrounding area and conform to other relevant dimensional requirements; further, the addition will have limited visibility from the street given its location on the east side of the dwelling, its setbacks from the property's two frontages, and that it would be obscured from view from Summit Avenue side by the existing nonconforming garage on that public way.

PETITION NUMBER: #292-18

PETITIONERS: Vanessa Lipschitz and Matthew Helming

LOCATION: 39 Summit Street, on land known as Section 12, Block 22, Lot 24, containing approximately 5,439 square feet of land

OWNERS: Vanessa Lipschitz and Matthew Helming

ADDRESS OF OWNER: 39 Summit Street
Newton, MA

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.3, to exceed the maximum floor area ratio (FAR) allowed by-right

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:
 - a. A plan entitled "Proposed Plot Plan, #39 Summit Street in Newton, MA (Middlesex County)," prepared by Rober Survey, dated February 26, 2018, stamped and signed by Scott C. Lynch, Professional Land Surveyor, on March 18, 2018.
 - b. A set of architectural plans entitled "Helming Residence, 39 Summit St., Newton, MA," prepared by Babbitt Design, dated May 2, 2018, stamped and signed by Nazeih R. Hammouri, Registered Professional Engineer, on May 9, 2018:
 - i. Proposed First Floor Plan (A-1);
 - ii. Proposed Second Floor Plan (A-2);
 - iii. Proposed Attic Floor Plan (A-3);
 - iv. Proposed Front Elevation (A-4);
 - v. Proposed Left Side Elevation (A-5);
 - vi. Proposed Rear Elevation (A-6);
 - vii. Proposed Right Side Elevation (A-7);
 - viii. Existing First Floor Plan (A-8);
 - ix. Existing Second Floor Plan (A-9);
 - x. Existing Front Elevation (A-10);
 - xi. Existing Left Side Elevation (A-11);
 - xii. Existing Rear Elevation (A-12);
 - xiii. Existing Right Side Elevation (A-13).
 - c. A document entitled "Floor Area Ratio Worksheet, 39 Summit Street," (Existing), signed and stamped by Nazeih R. Hammouri, Registered Professional Engineer on May 9, 2018.
 - d. A document entitled "Floor Area Ratio Worksheet, 39 Summit Street," signed and stamped by Nazeih R. Hammouri, Registered Professional Engineer on May 9, 2018.
2. 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 order for the approved Special Permit/Site Plan Approval 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. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Newton Historical Commission approving the final plans.
 - e. 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/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 a registered architect certifying compliance with Condition #1, including the floor area ratio (FAR) of the structure.
 - 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.
 - c. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.