



21-14  
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**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

Setti D. Warren  
Mayor

Candace Havens  
Director

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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date: February 11, 2014  
Land Use Action Date: February 25, 2014  
Board of Aldermen Action Date: March 3, 2014  
90-Day Expiration Date: May 5, 2014

DATE: February 7, 2014

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning  
Daniel Sexton, Senior Planner

SUBJECT: **Petition #21-14**, CHRISTOPHER HILL& SUSAN FLICOP, for a SPECIAL PERMIT/SITE PLAN APPROVAL/EXTENSION OF A NONCONFORMING STRUCTURE to construct a one-story attached two-car garage with a back foyer entry, increasing the square footage by 655 square feet, which will increase the Floor Area Ratio from .34 to .41 where .29 is allowed by right at 163 SUFFOLK ROAD, Ward 7, Chestnut Hill, on land known as SBL 63, 19, 3 and 4, containing an approximate total of 17,976 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table A, 30-15(u) of the City of Newton Rev Zoning Ord., 2012.

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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.



**163 Suffolk Road**

### EXECUTIVE SUMMARY

The property located at 163 Suffolk Road consists of two lots totaling 17,971 square feet of land that are improved with a legally nonconforming 2½-story single-family residence that was constructed in 1886. The residence is legally nonconforming due to the existing substandard rear setback of 23 feet, where 25 feet is required, and the structure's total gross floor area of 6,065 square feet that results in a Floor Area Ratio (FAR) of .34, where .29 is the maximum allowed by right under the Newton Zoning Ordinance. The petitioner is proposing to create a one-story two-car garage and foyer entry addition totaling approximately 655 square feet on the rear of the existing structure, and alter the existing driveway layout. In order to construct the proposed addition, the petitioner is seeking a special permit to extend a legally nonconforming structure by reducing the rear setback of 23 feet to 10 feet and to increase the FAR from .34 to .41.

Since the subject parcel is located within the Chestnut Hill Historic District and the proposal includes the alteration of more than 50 percent of the structure's north façade, the Chestnut Hill Historical Commission reviewed the proposal and approved, with conditions, a Certificate of Appropriateness for the project (**ATTACHMENT A**). The proposed garage will be minimally from the street, but is in keeping with the architectural style of the residences in the surrounding neighborhood.

The Department of Planning and Development has no particular concerns with this petition. The *Newton Comprehensive Plan*, adopted in 2007, encourages residential property owners to consider modest additions to older homes in order to preserve the existing structure, while allowing them to meet the needs of today's families. The Planning Department believes this proposal accomplishes this objective because the proposed addition will maintain the character of the historic structure and not be substantially more detrimental than the existing nonconforming structure. Furthermore, the petitioner's modest addition will not be in derogation of the size, scale and design of other structures in the neighborhood.

#### I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

1. The proposed Floor Area Ratio of .41, where .29 is the maximum allowed by right and .34 is existing, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. The existing structure is a 2½-story single-family dwelling on two lots consisting of 17,971 square feet with a gross floor area of 6,065 square feet (.34 FAR). The proposed addition of 655 square feet will increase the gross floor area by 9% to 6,720 square feet (.41 FAR). (§30-15 Table A, §30-15(u)(2))
2. The proposed addition, which will decrease the rear setback of the residence on the site from 23 feet to 10 feet, where 25 feet is the minimum allowed, is not

substantially more detrimental than the existing nonconforming structure to the neighborhood, as the addition is over existing impervious surfaces and will be partially screened by existing fencing and vegetation. (§30-15 Table A, §30-21(b))

3. The site is an appropriate location for the proposed addition of an attached one-story two-car garage and foyer entry, which is approximately 655 gross square feet, and driveway alteration as it will maintain open space (§30-24(d)(1)).

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

The property is located on Suffolk Road between the intersections of Lawrence Road and Woodman Road with Suffolk Road. The surrounding structures in all directions are being used as single-family residences (**ATTACHMENT B**). The subject property and surrounding neighborhood are zoned Single Residence 1 (**ATTACHMENT C**).

### B. Site

The property consists of two lots totaling 17,976 square feet of land, which are considered merged for the purposes of zoning, and improved with a legally nonconforming 2½-story single-family residence. The residence is considered legally nonconforming due to the existing substandard rear setback of 23 feet, where 25 feet is required, and the structure's total gross floor area of 6,065 square feet that results in a Floor Area Ratio (FAR) of .34, where a .29 maximum is allowed by right. There is also a bituminous driveway on the east side of the property and a patio improved with pavers (the location of the proposed addition) to the rear of the home.

## III. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

The property will remain a single-family residence.

### B. Building and Site Design

The petitioner's proposed one-story two-car garage and foyer entry addition will be attached to the rear of the existing structure, and is stepped back from the existing eastern façade plane. The addition will be of wood framed construction and include a stone foundation to match the existing structure. As proposed, the addition will provide better access to the rear of the dwelling and create an enclosed parking area for two vehicles. The proposed addition will add approximately 655 square feet of floor area to the structure.

The combination of stepping the addition back and the existing seasonal vegetation

and sight obscuring fence, will partially screen views of the addition from Suffolk Road and abutting properties. The location of the addition is over an area that is already impervious, thus the open space will not be decreased. Although the lot coverage will be increased slightly from 17.9% to 17.5%, where a maximum of 20% is allowed, the lot coverage requirement does not apply to the development of a private garage in connection with a building which was in existence on December 27, 1922 per §30-15(i) of the Newton Zoning Ordinance. As such, the Planning Department believes the proposed development to be consistent and not in derogation of the size, scale, and design of structures in the surrounding neighborhood. Furthermore, the proposed addition will maintain the character of the historic structure and not be substantially more detrimental than the existing nonconforming structure.

C. Parking and Circulation

The proposed development will slightly alter the parking and circulation configuration for the property in that vehicles previously parked outside will be parked within an enclosed structure. Presently, the petitioners park their vehicles outside in the driveway and patio. In order to access the proposed garage, the existing driveway will be slightly altered. The driveway alteration will not affect the majority of the driveway alignment, but will a portion of the driveway adjacent to the rear property line of the subject property.

D. Landscape Screening

No landscape plan was required for this petition. The proposed addition and driveway alteration are located behind the residence and should not be visible from Suffolk Road. The existing seasonal vegetation and sight obscuring fence on the site appears adequate to sufficiently screen the proposed one-story two-car addition and foyer entry from abutters and the street.

IV. TECHNICAL REVIEW

1. Technical Considerations (Chapter 30, Newton Zoning Ordinance): The Zoning Review Memorandum (**ATTACHMENT D**) provides an analysis of the proposal with regard to zoning. The petitioner is requesting a Special Permit/Site Plan Approval for the proposed addition that will reduce the legally nonconforming rear setback and increase the maximum allowed FAR.
2. Chestnut Hill Historical Commission: On November 15<sup>th</sup>, 2013, the Chestnut Hill Historical Commission (CHHC) approved a Certificate of Appropriateness for the proposed one-story two-car garage and foyer entry addition and driveway alterations. According to the CHHC Record of Action (**ATTACHMENT A**), the CHHC found the proposed addition and drive alteration appropriate for the site, with

the condition that the foundation on the addition match the existing stone foundation on the residence in size, color, and texture.

3. Engineering Review: The Associate City Engineer, submitted an Engineering Review Memorandum (**ATTACHMENT E**), providing an analysis of the proposal with regard to engineering issues. The petitioner will be required to comply with all the recommendations put forth in the memorandum prior to issuance of a Building Permit.

#### V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum, the petitioner is seeking a Special Permit/Site Plan Approval for the following reliefs:

- §30-15 Table A, §30-15(u), and §30-21(b) to extend a legally nonconforming structure with regard to FAR. The petitioner is proposing to increase FAR from .34 to .41 where .29 is the maximum FAR allowed by right.
- §30-15 Table 1 and §30-21(b), to extend a legally nonconforming structure with regard to the rear setback. The petitioner is proposing to reduce the rear setback from 23 feet to 10 feet.

#### VI. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

#### **ATTACHMENTS:**

- Attachment A:** Chestnut Hill Historical Commission – Record of Action  
**Attachment B:** Land Use Map  
**Attachment C:** Zoning Map  
**Attachment D:** Zoning Review Memorandum  
**Attachment E:** Engineering Review Memorandum



Setti D. Warren  
Mayor

City of Newton, Massachusetts

RECEIVED  
Department of Planning and Development  
CITY OF NEWTON  
PLANNING AND DEVELOPMENT SERVICES  
1000 COMMONWEALTH AVENUE  
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**Newton Local Historic District Commission**  
APPLICATION FOR CERTIFICATE OF APPROPRIATENESS  
NON-APPLICABILITY OR HARDSHIP

Project#	13110039
Date Received	11/15/13

As specified in Newton City Ordinances 22-40(e)(1), for properties in a local historic district, a certificate is required before obtaining any building permit or before proceeding with construction projects affecting the exterior of the property. Please fill in the following information where applicable and submit to Preservation Planner, Planning and Development Department, Newton City Hall, 1000 Commonwealth Avenue, Newton MA 02459.

I. **PROPERTY ADDRESS** 163 SUFFOLK RD.  
Name of local historic district CHESTNUT HILL

II. **Primary Contact** Peter Sader

Address 20 Hunter St Newton Phone # 617-312-5045

Property Owner (if different) Chris Hill

Address 163 Suffolk Rd Phone # 617-304-2209

Architect / Contractor Peter Sader

Address 20 Hunter St. Newton Phone # 617-312-5045

III. **TYPE OF STRUCTURE** (Please Check):

- House    
 Garage <sup>new</sup>    
 Shed    
 Wall    
 Fence    
 Sign  
 Non-Residential Building    
 Other

**PROPOSED WORK** (Please Check):

- New Construction    
 Demolition    
 Addition    
 Alteration  
 Replacement    
 Repair    
 Other

IV. **DESCRIPTION OF WORK:** (Statement of scope of work with specific information about materials, style, extent of work, etc. referencing plans and photographs if appropriate.)

We are proposing the construction of a 2 car garage (one story) & a foyer entry one story. The windows will be wood with historic sills SOL mullions, wood garage doors, stone base, wood cornice siding to match cedar shingles 4" lap.

V. SUGGESTED DOCUMENTATION (See Design Guidelines for Complete List)

- |                                     |  |                                     |           |
|-------------------------------------|--|-------------------------------------|-----------|
| <input checked="" type="checkbox"/> | Photographs (both subject property and streetscapes)                                 | <input checked="" type="checkbox"/> | Site Plan |
| <input type="checkbox"/>            | Assessor's Map locating property   | <input checked="" type="checkbox"/> | Sketches  |
| <input checked="" type="checkbox"/> | Building plans (elevations, no larger than 11 x 17)                                  |                                     |           |
| <input checked="" type="checkbox"/> | Product/Material information – literature and specifications, brochures, photographs |                                     |           |
| <input type="checkbox"/>            | Historical Information (old plans, old photos, etc.)                                 |                                     |           |

VI. SIGNATURES

Property Owner [Signature]

I agree that if necessary the Commission may extend the hearing on this application from the scheduled hearing / meeting on: yes

Applicants Please Take Note:

- 1) An approved Certificate shall expire one year from the time of issuance unless otherwise extended by the Commission.
- 2) If a Certificate is approved without a public hearing, approval is subject to a 10 day appeal period as per the City Ordinance governing Historic Districts.
- 3) This application is only for Historic District review. 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. Should the plans approved under this certificate be changed as a result of the issuance of other permits, including but not limited to Building permits, Special Permits, Street Opening Permits, and Utility Connection permits, the Historic District Commission shall be notified and a new plan presented for review prior to the commencement of construction.
- 4) Please notify the Commission upon completion of the changes included in this Certificate.

FOR COMMISSION USE ONLY

Date Completed Application Received 11/15/13

Date Notice Sent \_\_\_\_\_

Date of Hearing/Meeting 12/18/13

Date of Decision 12/24/13

ACTION: Accepted  Denied \_\_\_\_\_

Reason for Action: Appropriate

TYPE OF CERTIFICATE ISSUED

- Appropriateness
- Non-Applicability
- Hardship

Brian Sun 12/24/13  
Chairman or Secretary Date

Conditions: \_\_\_\_\_



Setti D. Warren  
Mayor

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Candace Havens  
Director

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**RECORD OF ACTION:**

**DATE:** December 23, 2013

**SUBJECT:** 163 Suffolk Road

At a scheduled meeting and public hearing on December 19, 2013 the Chestnut Hill Historic District Commission, by vote of 4-0:

**RESOLVED** to issue a Certificate of Appropriateness for the application as submitted at 163 Suffolk Road to approve the installation of an attached garage and alterations to the driveway with the following condition: that the stone foundation on the addition match the existing stone on the foundation of the residence in size, color, and texture.

**Voting in the Affirmative:**

John Wyman, Chair  
Joyce Dostale, Member  
Peter Vieira, Alternate  
Samuel Perry, Alternate

A handwritten signature in cursive script, appearing to read "Brian Lever", written over a horizontal line.

Brian Lever, Commission Staff










# Land Use Map 163 Suffolk Rd.

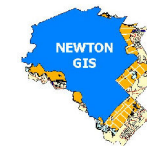
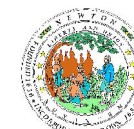
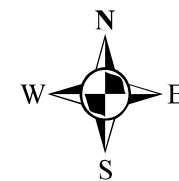
*City of Newton,  
Massachusetts*

**ATTACHMENT B**

### Legend

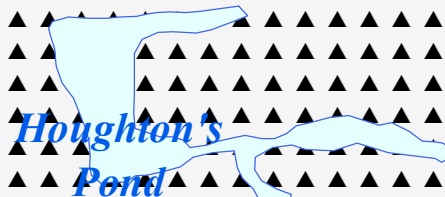
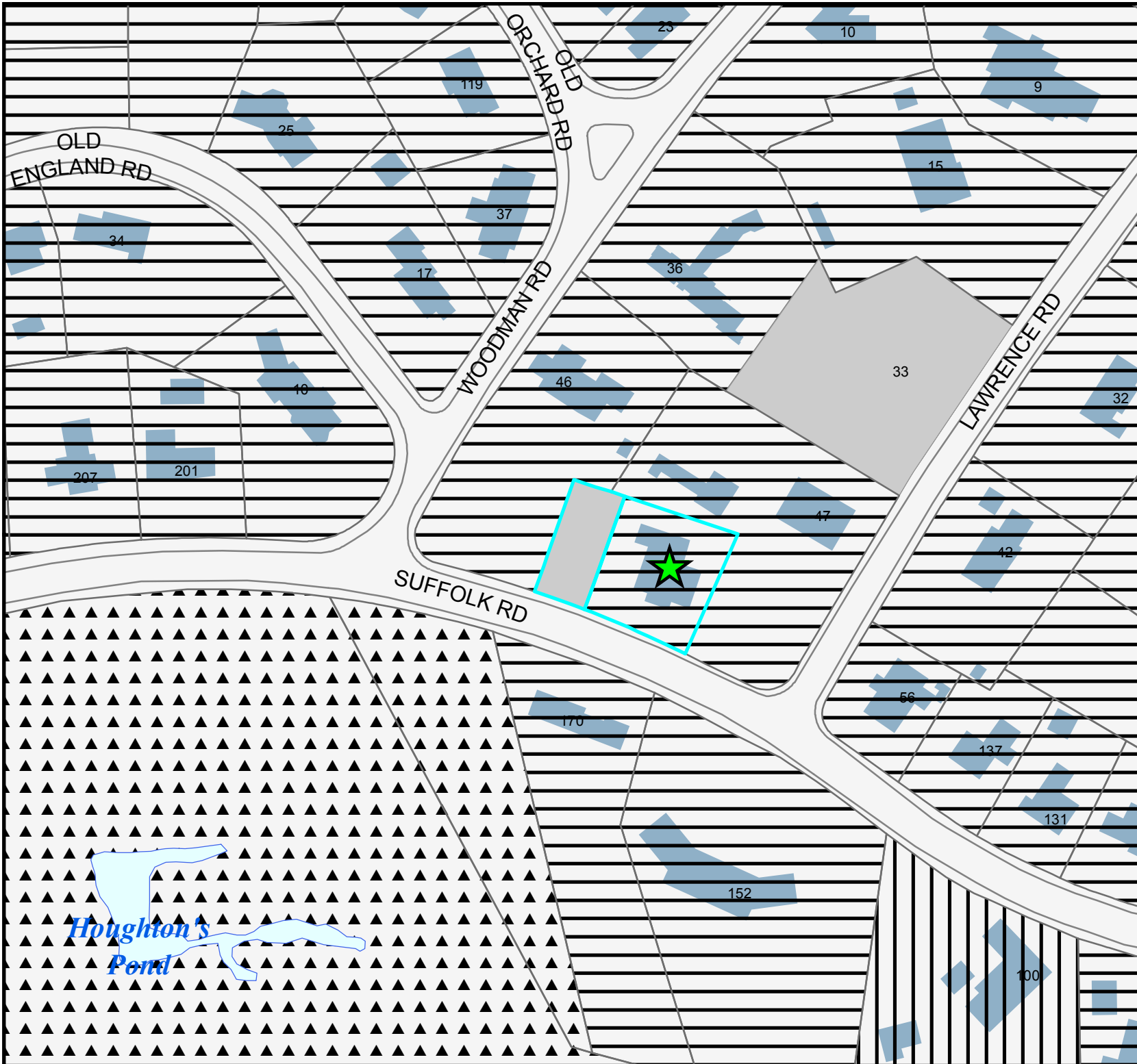
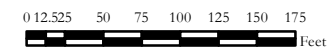
#### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  Vacant Land
-  Property Boundaries
-  Building Outlines
-  Surface Water



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



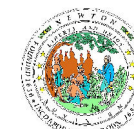
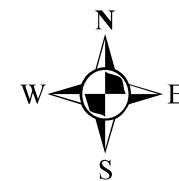
# Zoning Map 163 Suffolk Rd.

*City of Newton,  
Massachusetts*

**ATTACHMENT C**

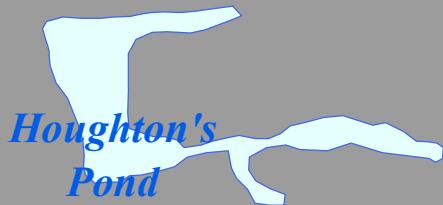
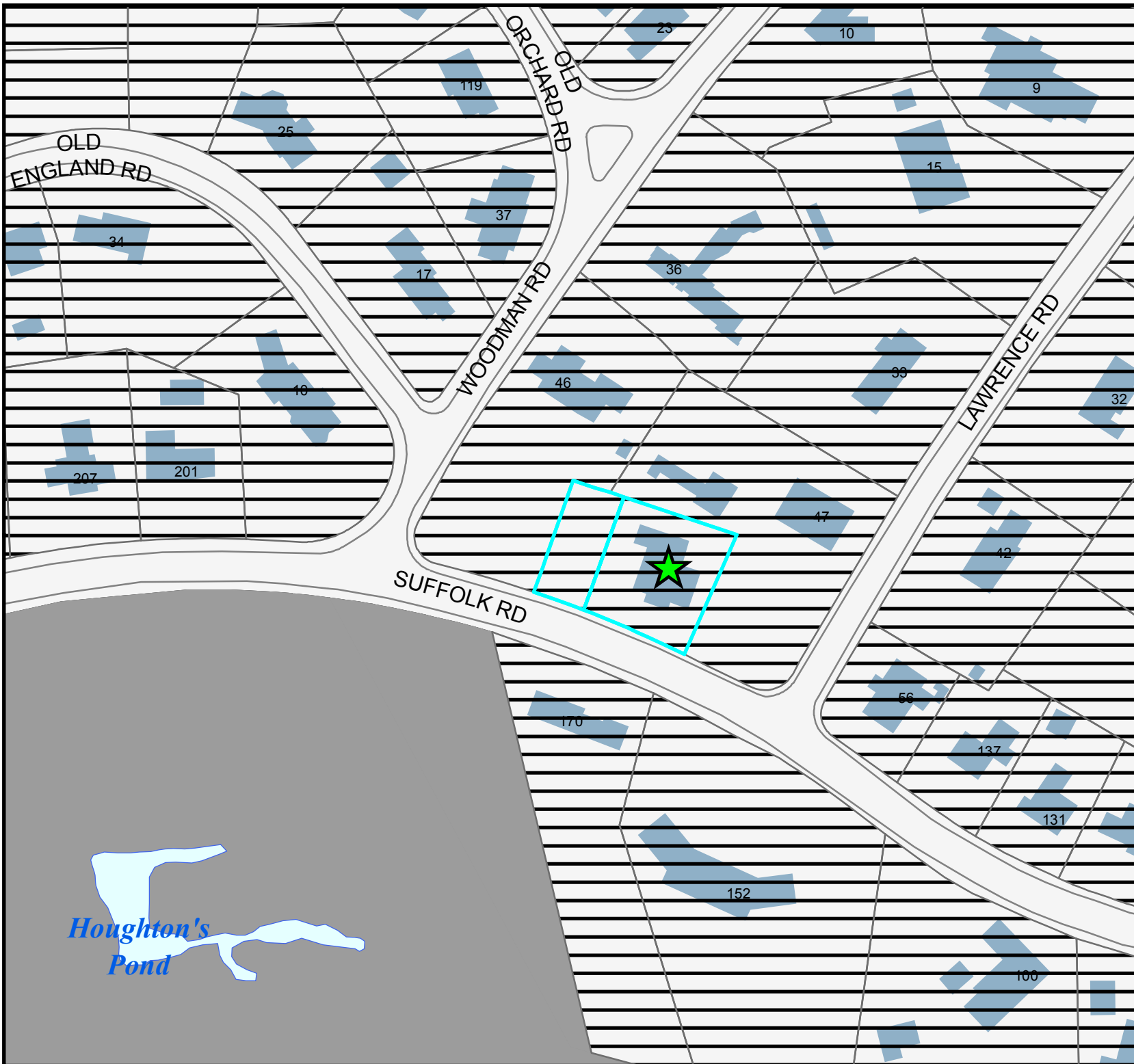
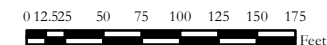
**Legend**

- Street Names
- Single Residence 1
- Public Use
- Property Boundaries
- Building Outlines
- Surface Water



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





Setti D. Warren  
Mayor

## Attachment D

### City of Newton, Massachusetts

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

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Candace Havens  
Director

## ZONING REVIEW MEMORANDUM

Date: December 18, 2013

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Peter Sachs, architect, representing the applicants  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: **Request to exceed FAR**

Applicant: Chris Hill	
Site: 163 Suffolk Rd	SBL: 63019 0003
Zoning: SR-1	Lot Area: 17,976 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 163 Suffolk Road consists of a 12,351 square foot lot improved with a single-family residence constructed circa 1886, as well as a second adjacent vacant lot of 5,625 square feet, for a total of 17,976 square feet. The structure consists of two and one-half stories with a total gross floor area of 6,065 square feet. The applicant proposes to construct a one-story attached two-car garage with a back foyer entry, increasing the square footage by 655 square feet. This addition increases the floor area ratio from .34 to .41, which exceeds the .29 allowed by right.

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

- Zoning Review Application, prepared by Peter Sachs, architect, submitted 11/26/13
- FAR Worksheet, prepared by Peter Sachs, architect, submitted 11/26/13
- Site Plan, signed and stamped by Bruce Bradford, surveyor, dated 11/18/13
- Architectural plans, prepared by Peter Sachs, architect, dated 11/19/13
  - Proposed Site Plan
  - Driveway Side Elevation – existing and proposed
  - Rear Elevation – existing and proposed

**ADMINISTRATIVE DETERMINATIONS:**

1. The proposed additions increase the structure's nonconforming FAR, from .34, to .41, which exceeds the .29 maximum permitted by the Ordinance per Section 30-15, Table A. To construct the additions as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-15(u)(2) and 30-21(b).
2. The structure has a pre-existing nonconforming rear setback of 23 feet, where 25 feet is required by the Ordinance. Section 30-21(b) allows for the extension of a nonconforming structure by special permit from the Board of Aldermen. The applicant proposes to increase the nonconforming setback from 23 feet to 10 feet, thus requiring a special permit.
3. The applicant cites Section 30-15(i) of the Ordinance which states that the lot coverage requirements of Table 1, section 30-15 shall not apply to the erection or construction of a private garage in connection with or accessory to a building in existence on December 27, 1922 and used as a single- or two-family residence. By removing a portion of the building, then building a garage, the lot coverage percentage goes down, as the space allotted to the garage no longer counts toward lot coverage.
4. The applicant states that the existing conditions of the site include a paved patio which would be covered with the proposed garage. The applicant states that vehicles currently park here. As some of the paved area for the driveway is to be removed, and the proposed garage is being built over the parking area, the total open space percentage will remain the same after the addition.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	17,976 square feet	No change
Frontage	100 feet	153 feet	No change
Setbacks for existing structure			
• Front	25 feet	29.3 feet	No change
• Side	12.5 feet	15.7 feet on right 77.6 feet on left	17.4 feet
• Rear	25 feet	<b>23 feet</b>	No change <b>10 feet</b>
FAR	.29	<b>.34</b>	<b>.41</b>
Max. Lot Coverage	20%	17.9%	17.5%
Min. Open Space	65%	70%	70%

1. See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table A, §30-15(u), §30-21(b)	Exceed Floor Area Ratio (FAR)	S.P. per §30-24
§30-15 Table 1, §30-21(b)	Increase the nonconforming rear setback from 23 feet to 10 feet	S.P. per §30-24



**CITY of NEWTON**  
**ENGINEERING DIVISION**

**MEMORANDUM**

To: Alderman Mark Laredo, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 163 Suffolk Road

Date: January 31, 2014

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

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

*Hill Residence*  
*Newton, MA*  
*Prepared by: Peter Sachs*  
*Dated: 11-19-'14*

*Executive Summary:*

Based on a site visit today, the area in which the proposed garage is to be sited is composed of brick pavers. Since this is an impervious surface and there is no net increase in impervious material, therefore no drainage improvements are required.

*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.

2. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.

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.