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Barney S. Heath  
Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date:	October 13, 2016
Land Use Action Date:	December 18, 2016
City Council Action Date:	January 9, 2017
90-Day Expiration Date:	January 11, 2017

DATE: October 7, 2016

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning  
Neil Cronin, Senior Planner

SUBJECT: **Petition #288-16**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to exceed the floor to area ratio (FAR) from .39 to .52 where .42 is the maximum allowed by-right, at **25 Stiles Terrace**, Ward 7, Newton Centre, on land known as SBL 65, 04, 10 containing approximately 8,563 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. §3.1.9.A.2, §7.8.2.C.2, §7.3.3, of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

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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.



**25 Stiles Terrace**

### EXECUTIVE SUMMARY

The property located at 25 Stiles Terrace consists of an 8,563 square foot pie-shaped lot improved with a single-family residence constructed in 1931. The property is located in the Single Residence 2 zoning district in Newton Centre. The petitioner is proposing to construct a detached 1.5 story garage at the rear of the property totaling 995 square feet. To construct the garage, the applicant is seeking a special permit to exceed the floor area ratio (FAR) from .39 to .52, where .42 is the maximum allowed by-right. If approved, the proposed addition will represent a 29% increase of square footage built on the lot.

The rear of the property slopes upward towards the southern boundary with several retaining walls, directly abutting Hammond Pond Reservation. The addition of the garage requires removing considerable earth from this slope which concerns the Planning Department regarding any effects on Hammond Pond Reservation. In addition, the proposal exceeds the City's drainage policy as the proposed increase in impervious surface is greater than the 4% of the lot area; no drainage measures have been proposed.

#### SIGNIFICANT ISSUES FOR CONSIDERATION:

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

- The proposed increase in FAR from .39 to .52, where .42 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 and §7.3.3).

#### I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

##### A. Neighborhood and Zoning

The subject property is located on Stiles Terrace (a private way), in a Single Residence 2 District. The immediate neighborhood is comprised of single-family residences, many of which have attached or detached garages. Beyond the immediate area, is a multi-residence district, the Newton-Andover Theological School Campus, and the Newton Centre commercial District (**Attachments A & B**).

##### B. Site

The site consists of 8,563 square feet of land, and is improved with a 2 story single-family residence built in 1931. The rear of the property abuts Hammond Pond Reservation on an upward slope containing several retaining walls. There is no garage on-site; vehicles currently park in the driveway at the western side of the lot. If approved, the current driveway will be extended approximately 10' to provide access to the garage.

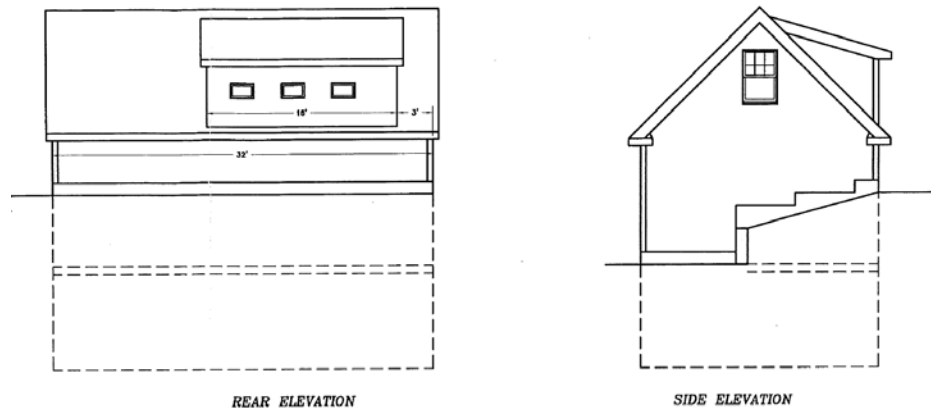
## II. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

The principal use of the site is and will remain a single-family residence.

### B. Building and Site Design

The applicant is proposing to construct a 995 square foot 1.5-story detached two-car garage. The foot print of the garage will be approximately 640 square feet, and the half story above will contain the remaining 355 square feet. It is expected the primary use of the half-story will be storage as there is very little in the house. There is a proposed 16' long dormer to the rear of the garage, and the Planning Department suggests the petitioner consider alternatives to a dormer of this size.



The garage will be accessed by the existing driveway from Stiles Terrace. The proposed additions will increase the existing dwelling by 29% for a total of 4,420 square feet built on the lot.

### C. Parking and Circulation

It is expected that the proposed garage will house two vehicles; the current driveway will be expanded by approximately 10' to access the garage.

### D. Landscape Screening

The Planning Department recommended some landscaping to help screen the proposed garage from the western abutter. If approved, the petitioner will submit a landscape plan to the Director of Planning and Development for approval.

## III. 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:

- §3.1.9.A.2 and §7.8.2.C.2 of Section 30, to exceed the maximum FAR;

B. Engineering Review

Please see Associate City Engineer, John Daghlian's comments on the petition **(Attachment D)**.

IV. PETITIONER'S RESPONSIBILITIES

At the Land Use Committee's Public Hearing or prior to being scheduled for a continued public hearing, the petitioner should be expected to:

- Provide a landscape plan to screen the garage from the western abutter.
- Provide a Construction Management Plan detailing efforts to mitigate any effects from construction on Hammond Pond Reservation.






**ATTACHMENTS:**

- Attachment A:** Zoning Map  
**Attachment B:** Land Use Map  
**Attachment C:** Engineering Memo from Associate City Engineer, John Daghlian  
**Attachment D:** DRAFT Order

# Attachment A Zoning Map Stiles Terr., 25

*City of Newton,  
Massachusetts*

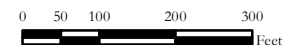
## Legend

-  Single Residence 1
-  Single Residence 2
-  Single Residence 3
-  Multi-Residence 1
-  Public Use

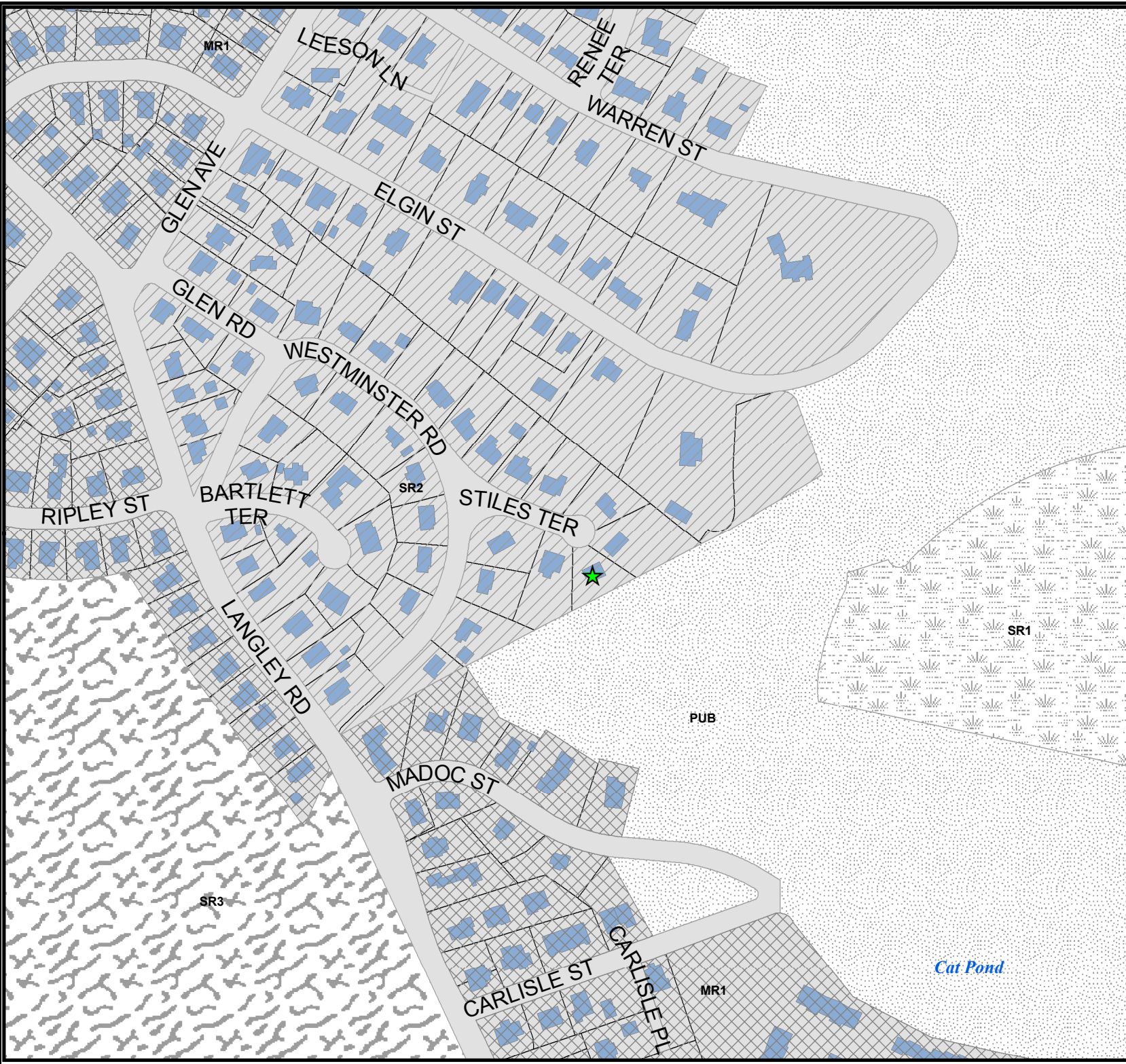


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: September 26, 2016








# Attachment B land-Use Map Stiles Terr., 25

City of Newton,  
Massachusetts

## Legend

### Land Use

### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  Private Educational
-  Nonprofit Organizations
-  Vacant Land

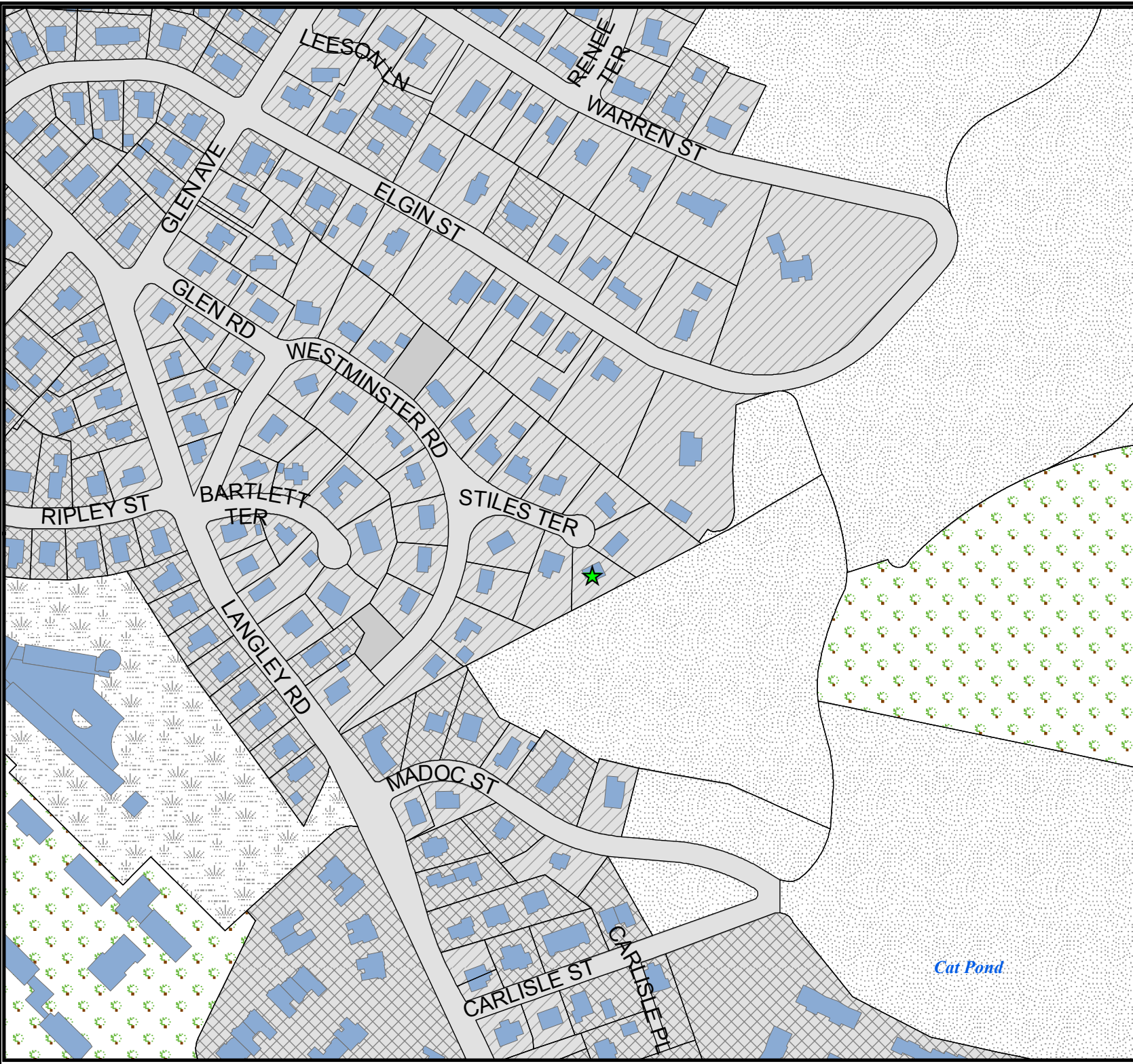


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Setti D. Warren  
GIS Administrator - Douglas Greenfield

0 50 100 200 300  
Feet

Map Date: September 26, 2016





Setti D. Warren  
Mayor

Attachment C

# City of Newton, Massachusetts

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Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: August 23, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Alexander P. Sheyner, applicant  
Terrence P. Morris, attorney  
Barney S. Heath, Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: Request to exceed FAR

Applicant: Alexander P. Sheyner	
Site: 25 Stiles Terrace	SBL: 65004 0010
Zoning: SR2	Lot Area: 8,563 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 25 Stiles Terrace consists of a 8,563 square foot pie-shaped lot improved with a single family dwelling constructed in 1931. The applicant proposes to construct a 640 square foot 20' X 32' detached garage, which will further extend the nonconforming FAR of the property, requiring a special permit.

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

- Zoning Review Application, prepared by Terrence P. Morris, attorney, submitted 6/22/2016
- Site Plan, signed and stamped by Peter Nolan, surveyor, dated 5/10/2016, revised 6/6/2016
- Garage Plan and Elevations, signed and stamped by Richard A Volkin, engineer, dated 4/14/2016, revised 8/10/2016

**ADMINISTRATIVE DETERMINATIONS:**

1. The applicant proposes to construct a one and one-half story 20 foot by 35 foot detached garage structure at the rear of the property. The existing FAR for the property is .39, which is less than the allowable FAR of .42 (.40 plus the .02 bonus for meeting new lot setbacks) per Section 3.1.9. The proposed addition creates an FAR of .52, exceeding the maximum allowable FAR and requires a special permit pursuant to Section 3.1.9.A.2.

SR2 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	8,563 square feet	No change
Frontage	80 feet	<b>40 feet</b>	<b>No change</b>
Setbacks			
• Front	25 feet	25.2 feet	No change
• Side	7.5 feet	10.2 feet	No change
• Rear	15 feet	36 feet	No change
Garage Setbacks			
• Front	25 feet		77.1 feet
• Side	5 feet		10.2 feet
• Rear	5 feet		7 feet
Building Height - Garage	22		21 feet
Max Number of Stories - Garage	1.5		1.5
Open Space Minimum	50%	65.4%	57.9%
Lot Coverage Maximum	30%	15.8%	23.3%
FAR	.42	.39	<b>.52</b>

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.9.A.2	Request to exceed maximum FAR	S.P. per §7.3.3



CITY OF NEWTON  
Department of Public Works  
ENGINEERING DIVISION

MEMORANDUM

To: Council Mark Laredo, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 25 Stiles Terrace

Date: September 4, 2016

CC: Lou Taverna, PE City Engineer  
Nadia Khan, Committee Clerk  
Alexandria Ananth, Chief Planner  
Neil Cronin, Sr. Planner

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

*25 Stiles Terrace*

*Newton, MA*

*Prepared by: Peter Nolan & Associates, Inc.*

*Dated: 8-9-'16*

*Executive Summary:*

This application entails the construction of a 1.5 story- two stall garage on an 8,563 square foot lot. The garage is to be placed along the southern property line that has a series of existing retaining walls which creates various grade changes. The remainder of the lot is relatively flat sloping towards Stile Terrace.



Looking Southeasterly



Looking Southerly



In accordance to the City’s Drainage Policy, that requires on site collection and infiltration of stormwater runoff, if the new impervious surface exceeds 4% of the lot.

Lot Size (Square Feet)	4% of Lot (Square Feet)	Proposed Impervious Surface (Sq. Ft.)	Drainage Provided	Drainage Required
8,563	342.5	32’ x 20’ = 640	No	Yes

No drainage collection system is proposed by the engineer of record, and the stormwater runoff from the site just sheets off uncontrolled to the street. As a public benefit, water conservation method, and to be in compliance with the City’s Drainage Policy, I recommend that the roof runoff from the proposed garage be collected via gutters and rain barrels and to be utilized to water plantings and the lawn areas rather than be discharged towards the street.

General:

1. 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. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
3. 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, improvements and limits of restoration work. The plan shall also include profiles of the various new utilities, indicating rim & invert elevations, slopes of pipes, pipe material, and swing ties from permanent building corners. ***This note must be incorporated onto the final contract plans.***

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.

CITY OF NEWTON  
IN CITY COUNCIL

October 17, 2016

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 .39 to .52, where .42 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 proposed increase in FAR from .39 to .52, where .42 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 and §7.3.3 ) because
  - a. The proposed garage will be setback from the street mitigating its effect on the streetscape; and
  - b. The proposed garage will be in keeping with the architectural style of the existing dwelling.

PETITION NUMBER: #288-16

PETITIONER: Alexander Sheyner

LOCATION: 25 Stiles Terrace, on land known as Section 65, Block 04, Lot 10, containing approximately 8,563 square feet of land

OWNER: Alexandre Sheyner

ADDRESS OF OWNER: 25 Stiles Terrace  
Newton, MA 02460

TO BE USED FOR: Detached Garage

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9.A.2 and §7.3.3 to increase exceed the FAR

ZONING: Single Residence 2 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. Proposed Plot Plan, 25 Stiles Terrace, signed and stamped by Peter J. Nolan, Professional Land Surveyor, dated 5/10/2016 Revised 8/9/2016
  - b. Garage Plan and Elevations, 25 Stiles Terrace, signed and stamped by Richard A. Volkin, Professional Engineer, dated 8/10/2016
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 board 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 board 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.
  - e. Submitted a final Construction Management Plan (CMP) to the Commissioner of Inspectional Services, the Director of Urban Forestry, the Engineering Division of Public Works, the Director of the Department of Planning and Development, the Newton Fire Department and Newton Police Department, which plan should shall include at a minimum:
    - i. Efforts to mitigate any effects from construction on Hammond Pond Reservation.
    - ii. Hours of construction.
    - iii. Site control, including dust, dirt, debris, noise and traffic.
3. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:
  - a. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement by a registered architect or

- land surveyor certifying compliance with Condition #1, including the as-built FAR of the structure.
- b. 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.
  - 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.
  - d. Installed the landscaping in accordance with the approved landscape plan.