



109-14

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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

PUBLIC HEARING MEMORANDUM

Public Hearing Date: May 13, 2014
Land Use Action Date: May 27, 2014
Board of Aldermen Action Date: July 14, 2014
90-Day Expiration Date: August 11, 2014

DATE: May 9, 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 #109-14**, GEORGE SALLES, for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to construct a one-story kitchen addition containing approximately 200 square feet at the rear of an existing single-family dwelling, which will reduce the rear setback from 10.6 ft. to 8.5 ft., where 15 feet is required, at 11 SOLON STREET, Ward 5, Newton Highlands, on land known as SBL 81, 23, 5, containing approx. 7,589 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15 Table 1, 30-21(b) of the City of Newton Rev Zoning Ord, 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.



11 Solon Street

EXECUTIVE SUMMARY

The property located at 11 Solon Street consists of 7,589 square feet of land that is improved with a 2½-story single-family residence that was constructed in 1930. The residence is a legal nonconforming structure due to the existing substandard side and rear setbacks. The petitioner is proposing to construct a one-story kitchen addition, totaling approximately 220 square feet, on the rear of the house. To construct the proposed addition, the petitioner is seeking a special permit to extend the legal nonconforming structure by reducing the rear setback of 10.6 feet to 8.5 feet.

The subject structure is older than 50 years and the proposal includes the alteration of less than 50 percent of the structure's south façade, so the City's Historic Preservation Planner, Katy Holmes, reviewed the proposal. While the structure was deemed historically significant, the architectural style and façade treatments on the kitchen addition were found to be consistent and not detrimental to the historic structure (**ATTACHMENT A**). Furthermore, visibility of the kitchen addition will be minimal from the street due to the existing and proposed plantings.

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 maintains the character of the historic structure and will not be substantially more detrimental than the existing nonconforming structure to the surrounding neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Board should consider whether:

- The proposed kitchen addition, which will decrease the rear setback of the residence on the site from 10.6 feet to 8.5 feet, where 15 feet is the minimum allowed, is not substantially more detrimental than the existing nonconforming structure to the neighborhood. (§30-15 Table A, §30-21(b))
- The site is an appropriate location for the proposed one-story kitchen addition, consisting of approximately 220 gross square feet, as it will maintain the required open space and the addition will be partially screened by existing and proposed vegetation. (§30-24(d)(1))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located at the northern bend of Solon Street, near the Solon Street and Walnut Street intersection. 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 3 (**ATTACHMENT C**).

B. Site

The property consists of a 7,589 square feet of land and is improved with a legal nonconforming 2½-story single-family residence. The residence is considered legally nonconforming due to the existing substandard 3.4 foot side setback, where 7.5 feet is required, and the 10.6 foot rear setback, where 15 feet is required under the City's Zoning Ordinance. The subject property has a patio and some landscape planting near the rear of the home, and a concrete paver driveway on the west side of the property, which provides vehicular access to the site.

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 kitchen addition will be attached to the rear of the home. The addition will be of wood framed construction and continues the facade treatment of the existing structure. As proposed, the kitchen addition will allow the petitioner to create a separate dining and kitchen areas in the home. The proposed addition will add approximately 220 square feet of floor area to the residence. The petitioner has proposed some modest plantings near the addition to screen it from abutting properties. A former owner of the property obtained a special permit via Board Order #220-97, which was not exercised prior to its expiration, to construct a similar rear addition on to the subject property.

The combination of continuing the facade treatments of the existing structure to the new addition and the proposed plantings should lessen the impacts of the proposed addition on the abutting properties. As proposed, the lot coverage will increase slightly and the available open space will be reduce, both development controls are still within the parameters established by the City's Zoning Ordinance. The Planning Department believes the proposed addition maintains the character of the structure and will not be substantially more detrimental than the existing nonconforming structure.

C. Parking and Circulation

The proposed development will not alter the parking configuration or circulation for the property.

D. Landscape Screening

A professionally designed landscape plan was not submitted with the petition.

However, the petitioner is proposing to plant conifers along the south property line and Solon Street to create a year-round screening barrier. The combination of the existing and proposed vegetation on the site appears adequate to sufficiently screen the proposed one-story addition from abutters and the nearby 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 further reduce the nonconforming rear setback.
2. Historic Preservation review: The City's Senior Preservation Planner reviewed and approved the proposed one-story kitchen addition. According to the Record of Action (**ATTACHMENT A**), the architectural style and façade treatments of the addition were found to be appropriate for the site and not detrimental to the historic structure.
3. Engineering Review: This project does not require review by the Engineering Division of Public Works.

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 1 and §30-21(b), to extend a legally nonconforming structure with regard to the rear setback.

VI. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Demolition Review - Record of Action
Attachment B: Land Use Map
Attachment C: Zoning Map
Attachment D: Zoning Review Memorandum

Project#: 14040032

Attachment A

Date Received: 4-10-14

4/29

City of Newton, Massachusetts
Department of Planning and Development
Demolition Review Ordinance - Application for Property Review

Property Owner <u>George Sallies</u>	Address of Property to be reviewed: <u>11 Solow St Newton</u>	Phone: <u>415-601-7069</u>
Primary Contact: <u>George Sallies</u>	Address: <u>11 Solow St Newton</u>	Phone: <u>same</u>
Email Address	<u>georgesallies@gmail.com</u>	

I. Type of Structure to be Demolished: (Circle)

- House
- Garage
- Shed
- Non-Residential Building
- Other

If Other please describe: _____

II. Year Property Built 1930 Section: _____ Block: _____ Lot: _____
 (Can be found in Assessors Database on City's website - www.ci.newton.ma.us)

III. Description of Demolition Requested: remove kitchen wall
which is located in back of house
(backyard) 20 feet in length

IV. Required Documentation to be Included With Application: (check items included)

- Photographs of Front, Back and Sides of affected Structure and one of front of addressed building on property for location purposes.
- Assessor's Map Showing Property Location

Incomplete applications may result in a delay in review time.

V. Suggested Additional Documentation: (check items included)

- Building Plans 11 X 17 or smaller (Elevations only), recommended
- Historical Information
- Site Plan
- Product/Material Information
- Photos of neighborhood (recommended for full demos)
- Sketches

Home Owner Signature: George Sallies

PLEASE NOTE: Once the completed application is received, the Historic Preservation Planner has 15 days to determine whether the structure is considered to be historically significant. If you should have questions, please contact the Planning & Development Department at (617) 796-1120.

This application is only for Demolition Review from the Newton Historical Commission. Following this review, an application for Plan Examination and Building Permit must be completed and submitted to Inspectional Services for a building permit.



Setti D. Warren
Mayor

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Candace Havens
Director

Newton Historical Commission Demolition Review Decision

Date: 4/17/2014 Zoning & Dev. Review Project# 14040032

Address of structure: 11 Solon Street

Type of building : House

If partial demolition, feature to be demolished is rear kitchen addition

The building or structure:

- is is not in a National Register or local historic district not visible from a public way.
- is is not on the National Register or eligible for listing.
- is is not importantly associated with historic person(s), events, or architectural or social history
- is is not historically or architecturally important for period, style, architect, builder, or context.
- is is not located within 150 feet of a historic district and contextually similar.

is **NOT HISTORIC** as defined by the Newton Demolition Delay Ordinance.

Demolition is not delayed and no further review is required.

is **HISTORIC** as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

APPROVES the proposed project based upon materials submitted see below for conditions (if any).

Demolition is not delayed, further staff review may be required.

DOES NOT APPROVE and the project requires
Newton Historical Commission review (See below).

The Newton Historical Commission finds the building or structure:

is **NOT PREFERABLY PRESERVED**

Demolition is not delayed and no further review is required.

is **PREFERABLY PRESERVED – (SEE BELOW).**

Delay of Demolition:

is in effect until _____

has been waived - see attached for conditions

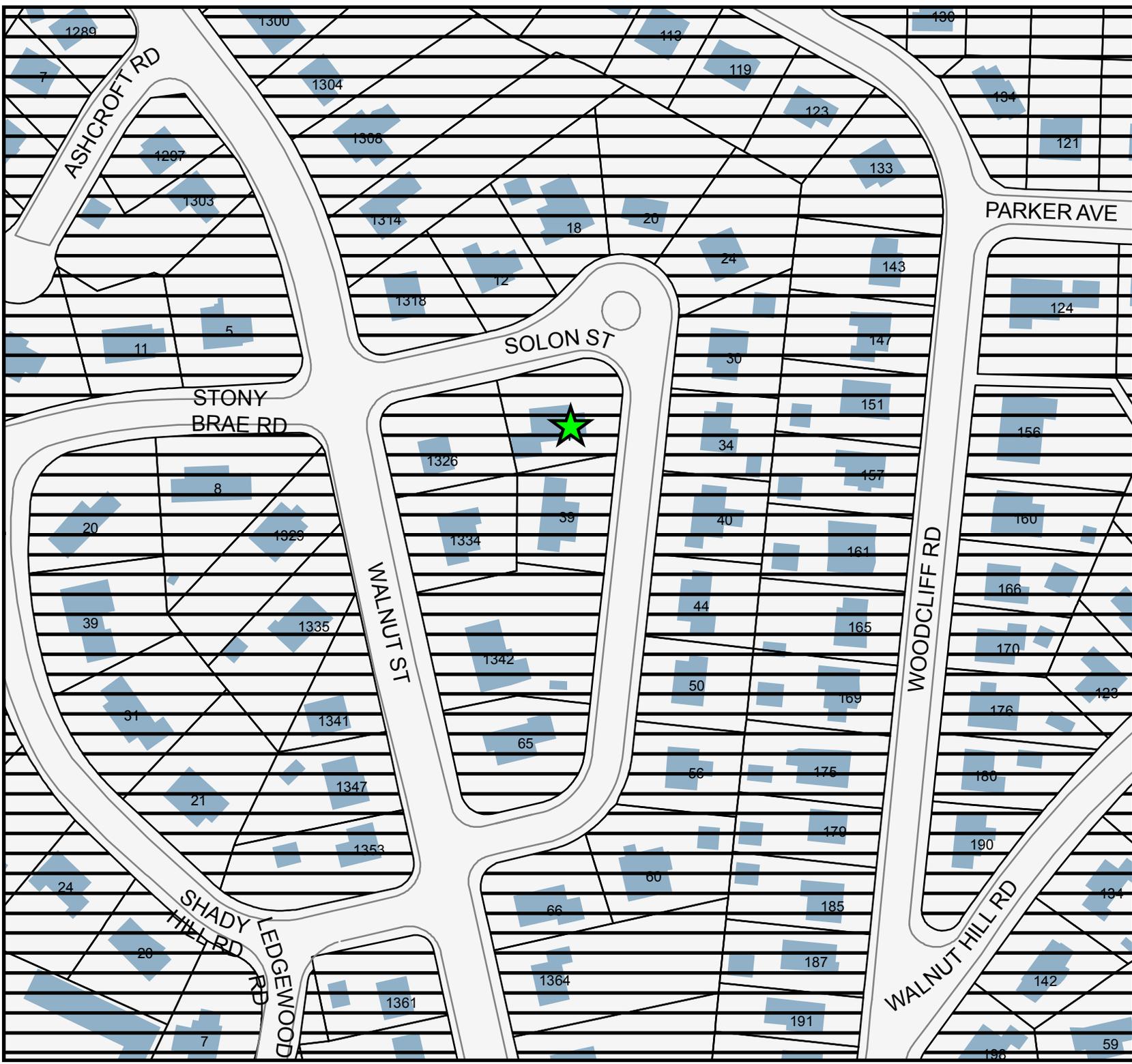
Determination made by:

Please Note: if demolition does not occur within two years of the date of expiration of the demolition delay, the demolition will require a resubmittal to the Historical Commission for review and may result in another demolition delay.

109-14 Zoning Map 11 Solon Street

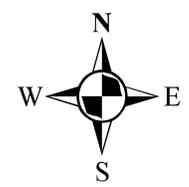
*City of Newton,
Massachusetts*

ATTACHMENT C



Legend

- Street Names
- Single Residence 3
- Property Boundaries
- Building Outlines



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





Setti D. Warren
Mayor

Attachment D

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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: February 4, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: George Salles
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to extend a nonconforming structure

Applicant: George Salles	
Site: 11 Solon Street	SBL: 81023 0005
Zoning: SR3	Lot Area: 7,589 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 11 Solon Street consists of a 7,589 square foot corner lot improved with a single-family residence constructed in 1930. The applicant is proposing a 200 square foot one story kitchen addition to the rear of the house, which has an existing nonconforming rear setback of 10.6 feet.

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

- Zoning Review Application, prepared by George Salles, submitted 12/30/13
- Site Plan showing proposed conditions, signed and stamped by Verne T. Porter, surveyor, dated 8/5/13
- FAR worksheet, prepared by Domenic Valente, architect, dated 1/14/14
- Architectural plans, signed and stamped by Domenic Valente, architect, dated 1/8/14

ADMINISTRATIVE DETERMINATIONS:

1. The proposed 200 square foot addition will be in line with the existing nonconforming attached garage (rear) setback of 10.6 feet, but due to an angled lot line, will be 8.5 feet from the rear lot line at its closest point. The existing rear setback of 10.6 feet does not meet the requirements

of Section 30-15 Table 1, and therefore requires a special permit from the Board of Aldermen to further reduce the nonconforming rear setback to the proposed 8.5 feet.

SR-3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	7,589 square feet	No change
Frontage	70 feet	95 feet	No change
Setbacks for existing structure			
• Front	25 feet	25.6 feet	No change
• Side	7.5 feet	3.4 feet	No change
• Rear	15 feet	10.6 feet	8.5 feet
FAR	.47	.37	.40
Max. Lot Coverage	30%	18.4%	21.3%
Min. Open Space	50%	70%	66.6%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table 1, §30-21(b)	Extend a nonconforming structure with regard to rear setback	S.P. per §30-24