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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	August 9, 2016
Land Use Action Date:	September 12, 2016
City Council Action Date:	September 19, 2016
90-Day Expiration Date:	November 7, 2016

DATE: August 5, 2016

TO: City Council

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

SUBJECT: **Petition** for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story rear addition and a single-story rear addition with a deck which will increase the floor area ratio (FAR) from .36 to .43, where .40 is the maximum allowed by-right, at **11 Scarsdale Road**, Ward 2, Newtonville, on land known as SBL 24, 29, 15 containing approximately 8,480 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. §3.1.9.A.2 and Sec. §7.3 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 that the Land Use Committee of the City Council can consider at a subsequent working session.



11 Scarsdale Road

EXECUTIVE SUMMARY

The property located at 11 Scarsdale Road consists of an 8,480 square foot lot improved with a modern-traditional style single-family dwelling built in 1936. The property is located in the Single Residence 2 zoning district, in Newtonville. The petitioner is proposing to construct a two-story rear addition, as well as a one-story rear addition with a deck. To construct the additions, the applicant is seeking a special permit to increase the floor area ratio (FAR) from .36 to .43, where .40 is the maximum allowed by-right. If approved, the additions will result in an increase of 593 square feet (20%) built on the lot.

The Planning Department is not concerned with the construction of the proposed additions. The structure is located on an undersized lot for the neighborhood and will comply with all dimensional regulations of the Single Residence 2 zoning district, except FAR. Furthermore, the additions are to the rear of the structure preserving the traditional streetscape and will allow for a rear setback in excess of the required distance. For these reasons, the Planning Department believes the increase in FAR from .36 to .43, where .40 is the maximum allowed by-right, will not be in derogation of the size, scale, and design of other residential structures in the neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

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

- The proposed increase in FAR from .36 to .43, where .40 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)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Scarsdale Road, in a Single Residence 2 District in Newtonville. The immediate neighborhood is comprised of single-family residences; however to the west along Lowell Avenue is a stretch of two-family residences facing Claflin Park. The property is located south of the Newtonville commercial district containing a number of different uses ranging from restaurants to institutional uses such as the Newton North High School and places of worship. The property is located within a mile of the Newtonville stop on the Framingham/Worcester Line of the MBTA Commuter Rail. To the east, is a stop for the 59 MBTA bus line with connections to Watertown Square and Needham Junction. **(Attachments A & B).**

B. Site

The site consists of 8,480 square feet of land, improved with a 2.5-story single-family dwelling constructed in 1936. The property contains mature landscaping which partially screens the front of the structure from the street while also screening the sides and rear from the abutters. According to the Assessor's

Database, the median lot size for the area, defined as the thirty (30) properties within 300' of the site, is 13,390 square feet. This data suggests the lot is undersized for the area.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

B. Building and Site Design

The petitioner is proposing to construct a two-story rear addition as well as a one-story rear addition with a deck. The addition on the first floor reconfigures the existing space to provide access to the garage, while the second floor addition allows for an enlarged master bathroom and guest room suite. To construct the additions, the applicant is seeking a special permit to increase the floor area ratio (FAR) from .36 to 0.43, where 0.40 is the maximum allowed by-right. The proposed dwelling otherwise meets all of the dimensional controls.

C. Parking and Circulation

There are no proposed changes to either parking or circulation.

D. Landscape Screening

A landscaping plan is not required with this petition as the existing landscaping is mature and sufficient to screen the enlarged structure.

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:

- §3.1.9.A.2 of Section 30, to increase the Floor Area Ratio (FAR) by more than is allowed by-right

B. Engineering Review

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

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 Zoning Map 11 Scarsdale Rd.

*City of Newton,
Massachusetts*

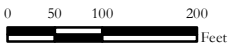
Legend

-  Single Residence 1
-  Single Residence 2
-  Multi-Residence 1
-  Multi-Residence 2
-  Public Use
-  Building Outlines
-  Surface Water
-  Property Boundaries

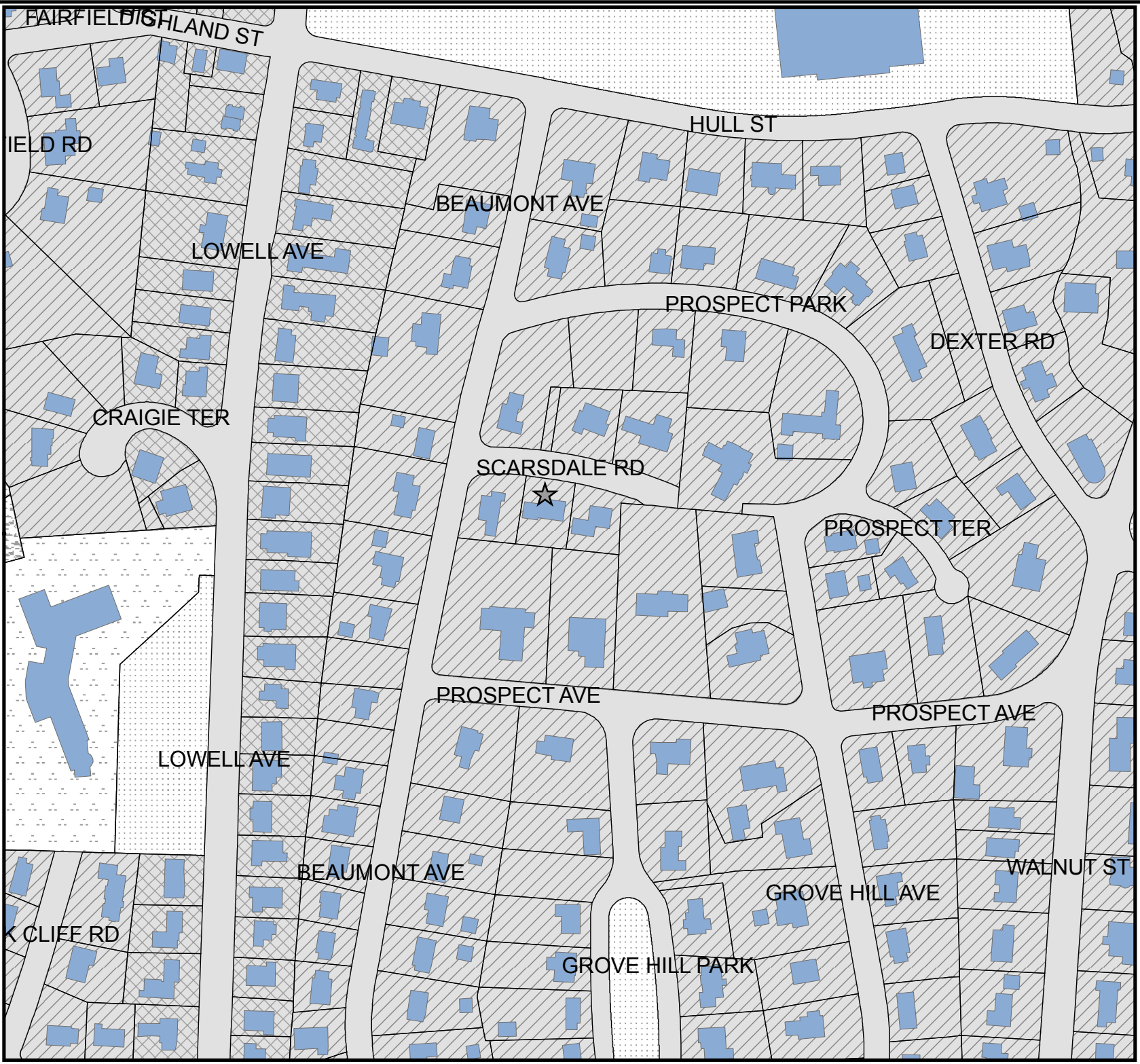


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: July 28, 2016



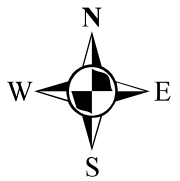
Attachment B Land-Use Map 11 Scarsdale Rd.

*City of Newton,
Massachusetts*

Legend

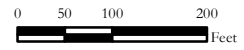
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Mixed Use
-  Open Space
-  Nonprofit Organizations
-  Vacant Land
-  Building Outlines
-  Surface Water
-  Property Boundaries

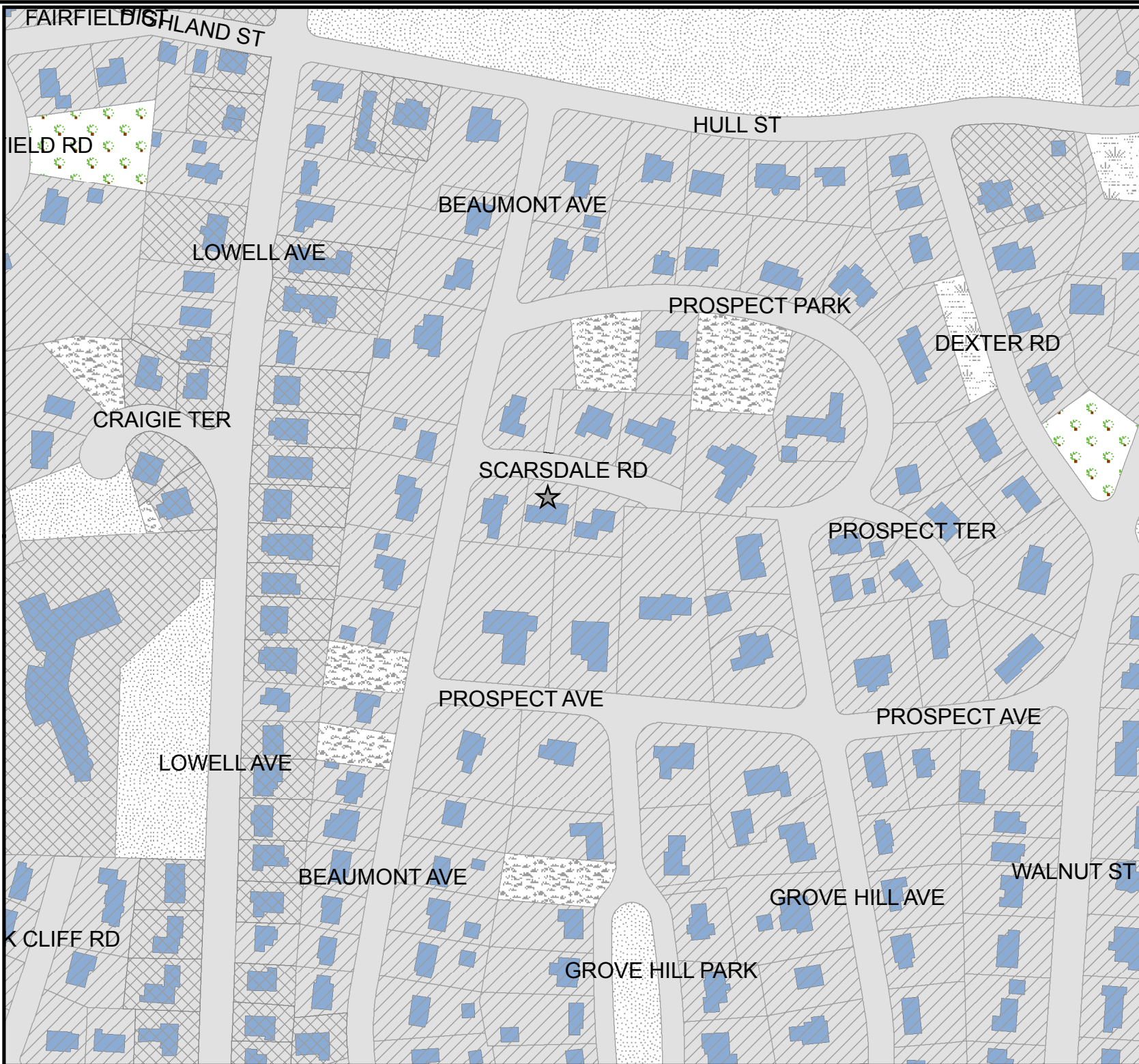


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: July 22, 2016





Setti D. Warren
Mayor

Attachment C

City of Newton, Massachusetts
Department of Planning and Development

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 30, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Pheobe and Ed Olhava, applicants
Alan Mayer, architect
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to exceed FAR

Applicant: Pheobe and Ed Olhava	
Site: 11 Scarsdale Road	SBL: 24029 0015
Zoning: SR2	Lot Area: 8,480 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 11 Scarsdale Road consists of a 8,480 square foot lot improved with a single-family dwelling built in 1936. The applicants propose a two-story rear addition, as well as a single-story rear addition and a deck. The proposed additions exceed the maximum allowed FAR, requiring a special permit.

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

- Zoning Review Application, prepared by Alan Mayer, architect, submitted 5/2/2016
- Plan of Land – Existing Conditions, prepared by Everett M. Brooks, surveyor, dated 7/26/2013
- Plan of Land – Proposed Conditions, prepared by Alan Mayer, architect, dated 4/28/2016
- Architectural Plans, prepared by Mayer & Associates, architect, dated 4/26/2016

ADMINISTRATIVE DETERMINATIONS:

1. The applicant proposes additions totaling 593 square feet. The existing FAR for the property is .36, which is less than the allowable FAR of .40 per Section 3.1.9. The proposed addition creates an FAR of .43, 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	10,000 square feet	8,480 square feet	No change
Frontage	80 feet	80 feet	No change
Setbacks			
• Front	25 feet	30.4 feet	No change
• Side	7.5 feet	8 feet	No change
• Rear	15 feet	35.9 feet	28 feet
Building Height	36	30.4 feet	No change
Max Number of Stories	2.5	2.5	2.5
Open Space Minimum	50%	70%	60%
Lot Coverage Maximum	30%	20%	24%
FAR	.40	.36	.43

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
IN CITY COUNCIL

September 6, 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 .36 to .43, where .40 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 .36 to .43, where .40 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) because:
 - a. The site is an undersized lot for the neighborhood and the proposed structure allows a rear setback in excess of the required rear-yard setback; the proposed new structure meets all other dimensional regulations; and
 - b. The additions are to the rear of the structure thereby maintaining the traditional streetscape of the lot.

PETITION NUMBER: #129-16

PETITIONER: Edward Olhava

LOCATION: 11 Scarsdale Road, on land known as Section 24, Block 29, Lot 15, containing approximately 8,480 square feet of land

OWNER: Edward Olhava

ADDRESS OF OWNER: 11 Scarsdale Road
Newton, MA 02460

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9.A.2 and §7.3.3, to construct additions exceeding the maximum allowed by-right 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. Plan of Land in Newton, 11 Scarsdale Road, signed and stamped by Bruce Bradford, Professional Land Surveyor, dated June 30, 2016; and
 - b. Architectural Plans and Elevations, signed and stamped by Alan Mayer, Architect, dated July 1, 2016
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 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/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 as 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.