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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: October 25, 2016
Land Use Action Date: January 9, 2017
City Council Action Date: January 16, 2017
90-Day Expiration Date: January 23, 2017

DATE: October 21, 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 #313-16**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to increase the number of stories of a dwelling to 3 where 2.5 is the maximum allowed by-right, at **84 Roundwood Road**, Ward 5, Upper Falls, on land known as SBL 51, 15, 43 containing approximately 12,150 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. §1.5.4.D, §1.5.4.E, §1.5.4.F, §3.1.3, and §7.3.3 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.



84 Roundwood Road

EXECUTIVE SUMMARY

The property located at 84 Roundwood Road consists of a 12,150 square foot lot improved with a single-family cape style dwelling in a Single Residence 3 district in Upper Falls. The structure was constructed in 1947 and has changed very little over time. Due to the average grade of the property, the basement is classified as a story, although the structure functions as a single story dwelling as the first story contains a one-car garage. The petitioner is proposing to add a story which will bring the dwelling to three stories, thereby requiring a special permit. The third floor will contain a master suite and two additional bedrooms totaling 1,095 square feet. The third story will be within the footprint of the existing structure, and its proposed square footage matches exactly to the first and second stories. The petitioner is also seeking to enlarge and enclose an existing screen porch, which is a by-right project. If the petition is approved, the proposed addition and enclosed porch will result in a net increase to the existing dwelling by 1,398 square feet, approximately a 68% increase, for a total of 3,588 square feet built on the lot.

The Planning Department notes that the dwelling is located in a neighborhood that was constructed on a hillside; therefore the topography of the individual lots lends the basements of these structures to be classified as a story. In addition, three story structures in this neighborhood, and others in a Single Residence 3 zone, were by-right until the early 2000s when the maximum number of stories allowed by-right was decreased to 2.5. As a result, many of the structures in the neighborhood are three stories. Staff also notes that the topography of the lot constricts the petitioners' ability to pursue a by-right addition. Lastly, the petition complies with all dimensional controls, except the relief requested.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

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

- The site is an appropriate location for the expanded residence. (§7.3.3.C.1)
- The use will not adversely affect the neighborhood. (§7.3.3.C.2)

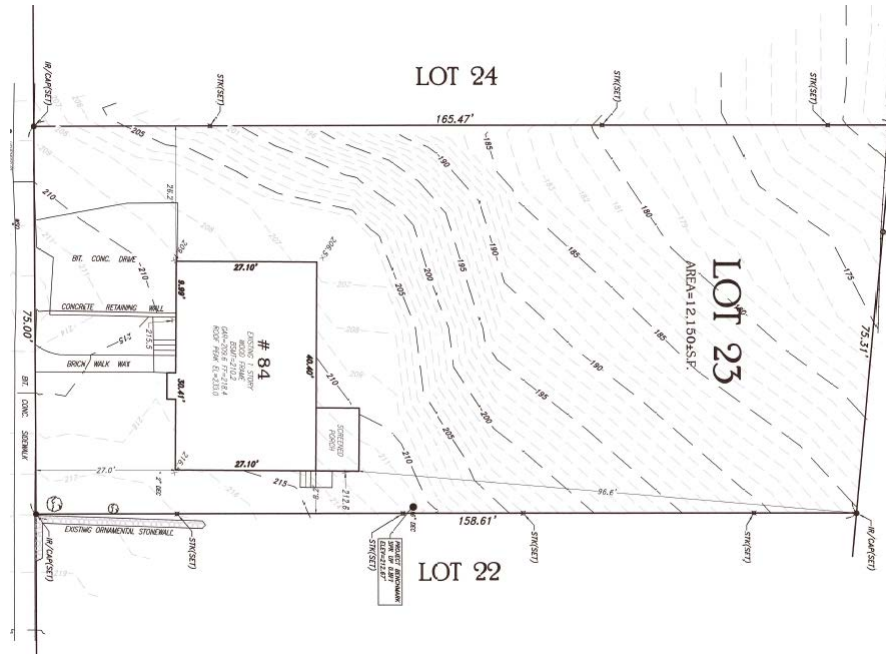
II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Roundwood Road, in a Single Residence 3 District. The neighborhood is comprised primarily of ranch style cape dwellings, although many of the structures would be considered 2.5 stories due to the topography of the neighborhood. The neighborhood is between Route 9 to the north and the Needham Street commercial corridor to the south (**Attachments A & B**).

B. Site

The site consists of 12,150 square feet of land, improved with a single-family “cape” style residence built in 1947. The lot can effectively be divided into two sections: an approximately 3,600 square foot flat section which contains the dwelling and driveway and a sloped section starting at approximately 10’ from the southeast corner of the structure which drops off towards the rear yard of 29 Thurston Road to the south.



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 applicant is proposing to construct a third floor addition containing a master suite as well as two bedrooms and an additional bathroom. The petition will bring the height of the structure to approximately 33’ and enlarge the current house by 1,095 square feet. The petitioners are also seeking to enlarge and enclose an existing screen porch, which will add an additional 303 square feet to the structure. As a result, the total amount of square footage built onsite will be 3,588 which translates to a 68% increase.

The Planning Department notes the proposed addition is within the current footprint of the structure, preserving the existing setbacks and remaining compliant with all dimensional controls, with the exception of number of stories. Lastly, the proposed

addition is in keeping of the architectural style of the existing dwelling.

Parking and Circulation

No changes are proposed to either the parking or circulation.

C. Landscape Screening

A landscape plan is not required for this petition.

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:

- §1.5.4.D, §1.5.4.E, §1.5.4.F and §3.1.3 of Section 30, to allow three stories.

B. Engineering Review

No engineering review is required at this time as the petition is not significantly increasing the amount of impervious surface. 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 should this project be approved.

C. Historic Review

Since the petitioners are seeking to demolish more than 50% of a side of the structure, which is more than 50 years old, the petition required review from the Senior Preservation Planner; the demolition was approved per the submitted plans.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.










ATTACHMENTS:

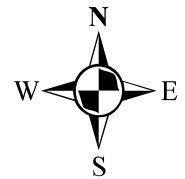
- Attachment A:** Zoning Map
Attachment B: Land Use Map
Attachment C: Zoning Review Memorandum
Attachment D: DRAFT Order

Attachment A Zoning Map 84 Roundwood Rd.

*City of Newton,
Massachusetts*

Legend

-  Single Residence 2
-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 2
-  Mixed Use 1
-  Public Use
-  Building Outlines
-  Surface Water
-  Property Boundaries

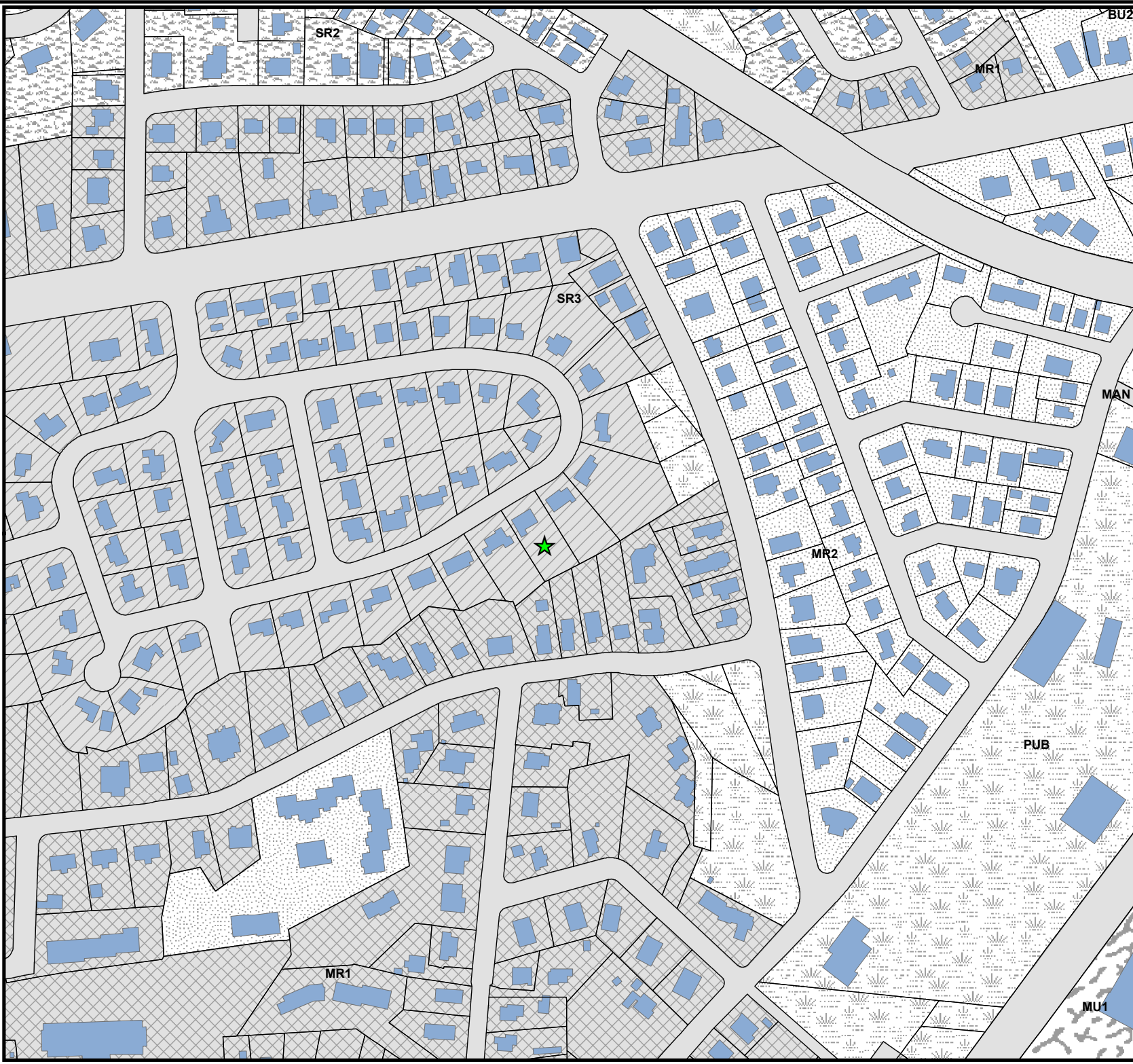


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

0 50 100 200 300
Feet

Map Date: October 07, 2016












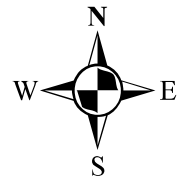
Attachment B Land-Use Map 84 Roundwood Rd. *City of Newton, Massachusetts*

Legend

Land Use

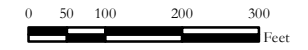
Land Use

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

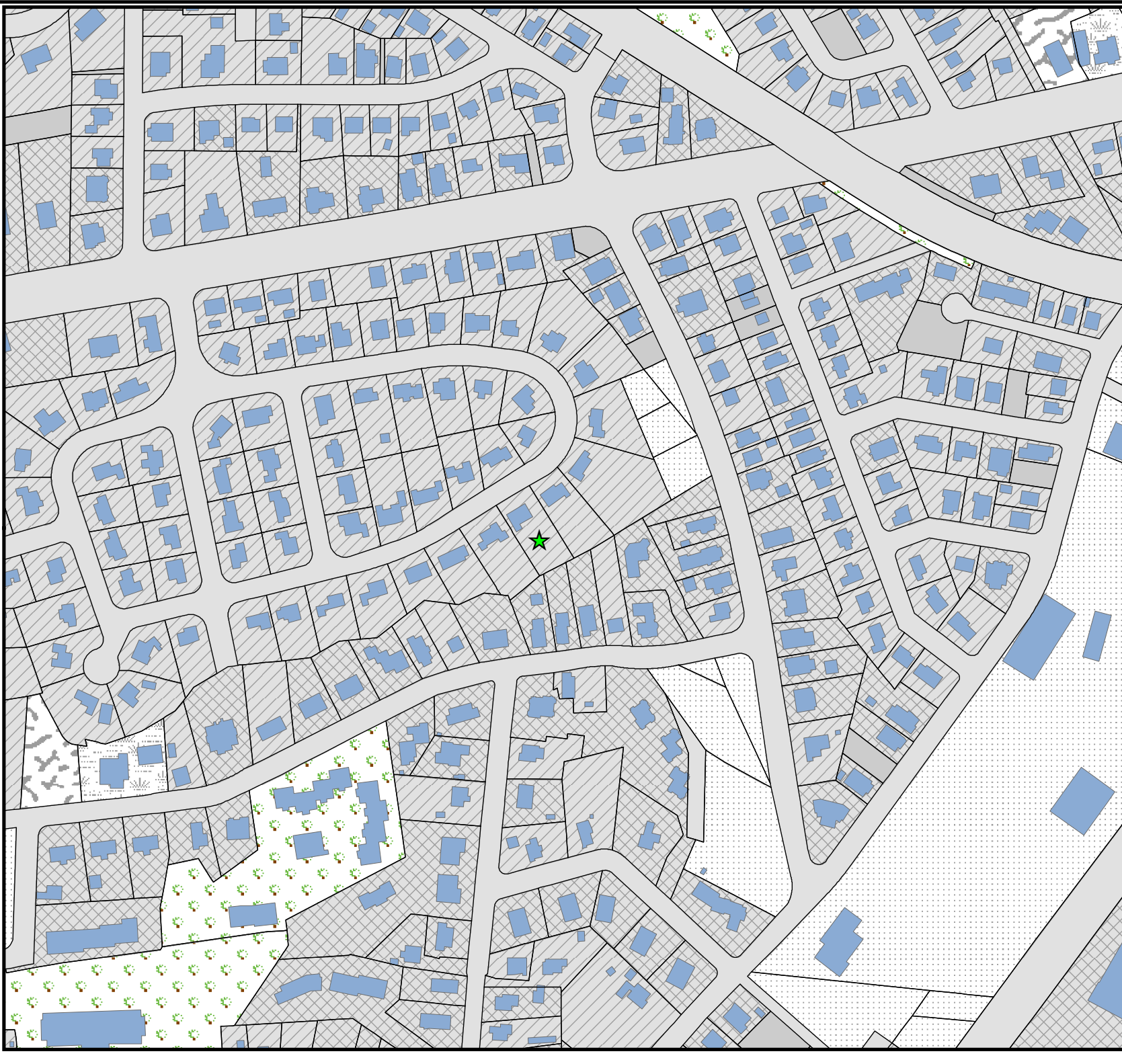


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
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Map Date: October 07, 2016





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ATTACHMENT C

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: August 22, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Richard Bliss and Christine Murphy, applicants
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to allow a three-story single-family structure

Applicant: Richard Bliss and Christine Murphy	
Site: 84 Roundwood Road	SBL: 51015 0043
Zoning: SR3	Lot Area: 12,150 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 84 Roundwood Road consists of a 12,150 square foot lot improved with a single-family cape style dwelling constructed in 1947. Due to the average grade of the property, the structure has two stories, though it functions as a single-story structure. The applicant proposes to add a second floor over the existing footprint, which will create a three-story structure for the purposes of zoning, requiring a special permit.

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

- Zoning Review Application, prepared by Richard Bliss, applicant, submitted 7/29/2016
- Topographic Site Plan, signed and stamped by Richard W. Reid, Jr., surveyor, dated 7/14/2016
- Architectural Plans and Elevations, signed and stamped by Alex Svirsky, architect, dated 7/27/2016
- FAR worksheet, submitted 7/29/2016

ADMINISTRATIVE DETERMINATIONS:

1. The average grade plane surrounding the structure creates 2 stories per Section 1.5.4.D through F. Section 3.1.3 allows a maximum of 2.5 stories in the SR3 zoning district. To add a second story of living space creates a three story structure. A special permit pursuant to Sections 3.1.3 is required to allow a three-story single-family dwelling.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	12,150 square feet	No change
Frontage	70 feet	75 feet	No change
Setbacks			
• Front	25 feet	27 feet	No change
• Side	7.5 feet	8.2 feet	No change
• Rear	15 feet	96.6 feet	No change
Building Height	36	23.13 feet	32.98 feet
Max Number of Stories	2.5	2	3
Open Space Minimum	50%	14.3%	No change
Lot Coverage Maximum	30%	14.3%	No change
FAR	.40	.21	.30

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§1.5.4.D- F §3.1.3	Request to allow three stories	S.P. per §7.3.3

CITY OF NEWTON
IN CITY COUNCIL

November 7, 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 allow an addition increasing the number of stories to 3, where 2.5 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 site is an appropriate location for the proposed third story (§7.3.3.C.1) as the site is located on a hillside thereby constraining additions to the side and rear of the structure.
2. The proposed addition which increases the number of stories to 3, where 2.5 is the maximum allowed by-right, will not adversely affect the neighborhood because (§1.5.4.D, §1.5.4.E, §1.5.4.F, §3.1.3 and §7.3.3.C.2)
 - a. The neighborhood already contains several three story dwellings due to the topography of the area.
 - b. The topography of the site is such that the basement, which is not used as habitable space, is classified as a story.
 - c. The proposed addition will preserve the existing setbacks and comply with all remaining dimensional controls, including height.

PETITION NUMBER: #313-16

PETITIONERS: Richard Bliss and Christine Murphy

LOCATION: 84 Roundwood Road, on land known as Section 51, Block 15, Lot 43, containing approximately 12,150 square feet of land

OWNERS: Richard Bliss and Christine Murphy

ADDRESS OF OWNER: 84 Roundwood Road

Newton, MA 02464

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §1.5.4.D, §1.5.4.E, §1.5.4.F, and §3.1.3, to allow a dwelling with three stories

ZONING: Single Residence 3 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. Site Plan, Proposed Conditions, signed and stamped by Richard W. Reid Junior, Professional Land Surveyor, dated 7/14/2016
 - b. Architectural Plans and Elevations, signed and stamped by Alex A. Svirsky, Architect, A1.1 and A1.2 dated 7/27/2016
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 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.
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 or land surveyor certifying compliance with Condition #1, including the as built 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 Board, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Board Order have been constructed to the standards of the City of Newton Engineering Department.