



Ruthanne Fuller
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#397-18

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: August 7, 2018
Land Use Action Date: October 9, 2018
City Council Action Date: October 15, 2018
90- Day Expiration Date: November 5, 2018

DATE: August 3, 2018

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Michael Gleba, Senior Planner

SUBJECT: **Petition #397-18**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a single-story two-car garage and front entry vestibule, creating an FAR of .41 where .39 is allowed and .39 exists at 47 Rokeby Road, Ward 5, Waban, on land known as Section 55 Block 39 Lot 29, containing approximately 9,280 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref. 7.3.3, 7.4, 3.1.3, 3.1.9 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.



47 Rokeby Road

EXECUTIVE SUMMARY

The property at 47 Rokeby Road consists of a 9,280 square foot lot in a Single Residence 2 (SR2) district improved with a 2 ½ story, 3,573 square foot single-family dwelling built in 1928. The property slopes downward from the street to the rear of the property, with the back corner of the lot in a flood zone.

The petitioners propose to construct an attached 550 square foot, single-story two-car garage and a new 104 square foot front entry vestibule at the front of the existing structure. As part of this project, the petitioner also intends to regrade portions of the site, which would reduce the floor area of the basement countable toward FAR by 394 square feet, from 928 to 534 square feet. Taken together, the proposed additions and site alterations would represent a net increase in floor area of 260 square feet, increasing the FAR from 0.39 to 0.41, where 0.39 is the maximum allowed by sections 3.1.3 and 3.1.9, requiring a special permit.

The Planning Department has some concerns related to the grading that would be performed pursuant to the proposal and at the time of the writing of this memo is anticipating receiving modified site plans in advance of the public hearing.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

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

- The proposed increase in FAR from 0.39 to 0.41, where 0.39 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).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The surrounding neighborhood is predominantly occupied by single-family dwellings, the exceptions including a few vacant lots interspersed around the area (including one abutting the rear of the subject property) and a multi-use property located about 150 feet to the west at the intersection of Rokeby Road and Carlton Road. The neighborhood is uniformly zoned Single-Residence 1 (SR1) with a Public Use (PUB) district bordering it to the south along Quinobequin Road (**Attachments A and B**).

B. Site

The property consists of a 9,280 square foot lot in a Single Residence 2 (SR2) district improved with a 2 ½ story, 3,573 square foot single-family dwelling. The site slopes downward approximately nine feet from the street to the rear of the lot (north to south), with the back left corner of the lot located in a flood zone.

Vehicular access is currently provided by an approximately 40 feet long paved driveway along the right (west) side of the lot that measures approximately 10 feet wide at the front property line and narrows to approximately 8 feet at its terminus. It slopes downward approximately from Rokeby Road into the property.

The property is attractively landscaped with lawn area and vegetation including mature shrubbery and trees. There is fencing along the rear property line that is presumed to be located on abutting properties, as well as a low line of stones generally in the area of the rear portion of the right (west) property line.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

B. Building and Site Design

The petitioners propose to construct an attached 550 square foot two-car garage and a connected 104 square foot entry vestibule on the right (west) side of the front of the existing single-family dwelling. The façade of the entry vestibule would be similar to that of the existing entrance to the dwelling and be flush to the façade of the two-car garage. The Planning Department notes that the lack of a delineation between the entry and garage elements of the proposed front façade, especially the two-car width of the latter, will likely have the effect of increasing the prominence of the garage in the dwelling's presentation to the street.

As part of this project the petitioner also intends to regrade the front, left and right portions of the site which would reduce the floor area of the basement countable toward FAR by 394 square feet, from 928 to 534 square feet. Taken together, the proposed additions and site alterations would represent a net increase in floor area of 260 square feet, increasing the FAR from 0.39 to 0.41, where 0.39 is the maximum allowed by sections 3.1.3 and 3.1.9.

The front setback on Rokeby Road would be reduced from 34.1 feet to 25.4, just above the required 25 foot minimum. While the proposed addition would decrease the right (west) side setback from 21.6 to 8.2 feet, it would remain greater than the minimum 7.5 feet required. The rear set back would remain unchanged, as would that on the left (east) side. The proposed work would result in the parcel's Lot Coverage being 20.7%, well below the maximum 30% allowed. Its Open Space percentage would be 68.9%, well above the required 50%.

The Planning Department has identified some concerns regarding the proposed construction and regrading's effect on water runoff on the subject property and

abutting parcels. These concerns have been discussed with Engineering Division and Conservation staff as well as the petitioner, who is intending to submit modified plans addressing these concerns before the public hearing.

C. Parking and Circulation

Parking would be provided within the proposed attached two car garage. According to the submitted site plan the existing paved driveway would be removed (about half its length is within the location of the proposed garage) and a new approximately 30-foot-long driveway, which measures 20 feet in width at its opening on Rokeby Road and widens to 24.5 feet at the face of the garage, would be constructed with either crushed stone or permeable pavers. The Planning Department, after discussion with the Engineering Division, recommends that the driveway be surfaced with crushed stone and this be a condition of any special permit granted pursuant to the present petition.

D. Landscape Screening

No separate landscape plan was submitted with this petition. Some landscaping was shown on the submitted site plan that is expected to be superseded by a modified plan. The Planning Department noted that some screening, vegetative or otherwise, might be appropriate along the right (west) property line in the area of the proposed attached garage and driveway and suggests the petitioner consider this possibility. That said, the nature of any possible screening might be affected by the specifics of the anticipated modified site plan, and the Planning Department will consider such when those plans are submitted.

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:

- Special permit per §7.3.3 of Section 30, to exceed the maximum floor area ratio (FAR) (§3.1.9.A)

B. Engineering Review:

The Engineering Division of Public Works reviewed and approved the submitted site plan. Planning staff will direct any modified site plan received in advance of the public hearing for review by Engineering staff.

The Engineering Division will also 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. Newton Historic Commission

On July 26, 2018, the Newton Historic Commission voted 7-0 to waive the demolition delay and “approve the idiosyncratic design as presented,” requiring only review of final plans.

V. PETITIONER’S RESPONSIBILITIES

As discussed above, the petitioner is expected to submit modified site plans. The Planning Department will make its best effort to review any plans received in advance of the public hearing.

ATTACHMENTS:

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

ATTACHMENT A





Land Use

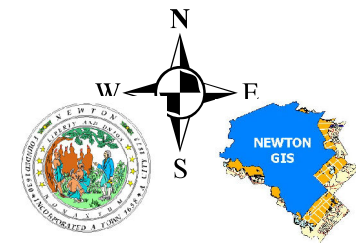
47 Rokeby Rd.

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Mixed Use
-  Open Space
-  Vacant Land

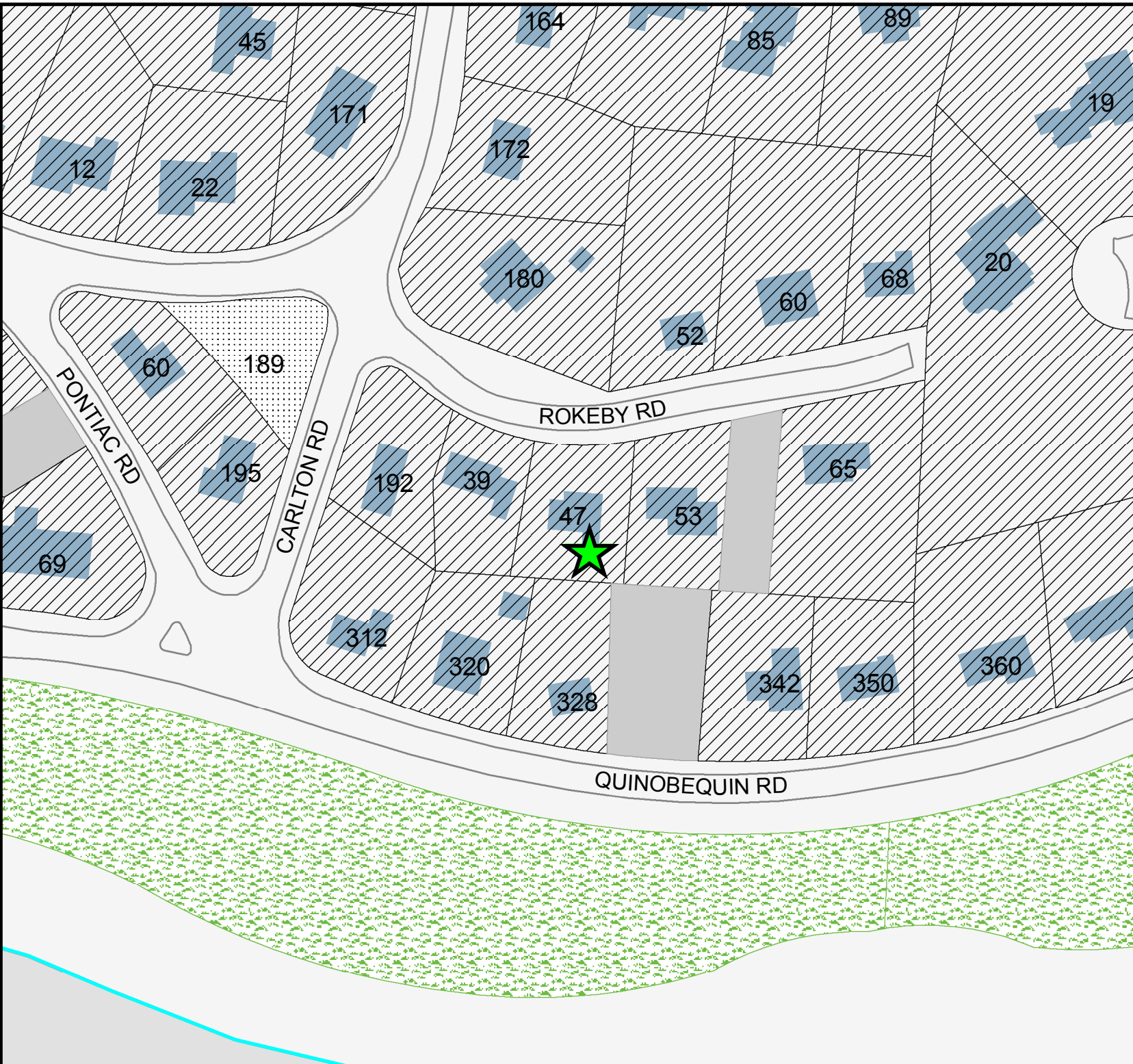


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

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Feet

Map Date: July 27, 2018





ATTACHMENT B

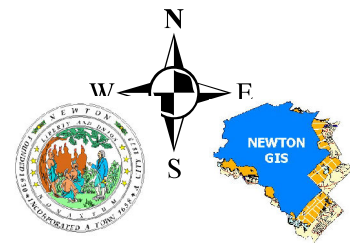
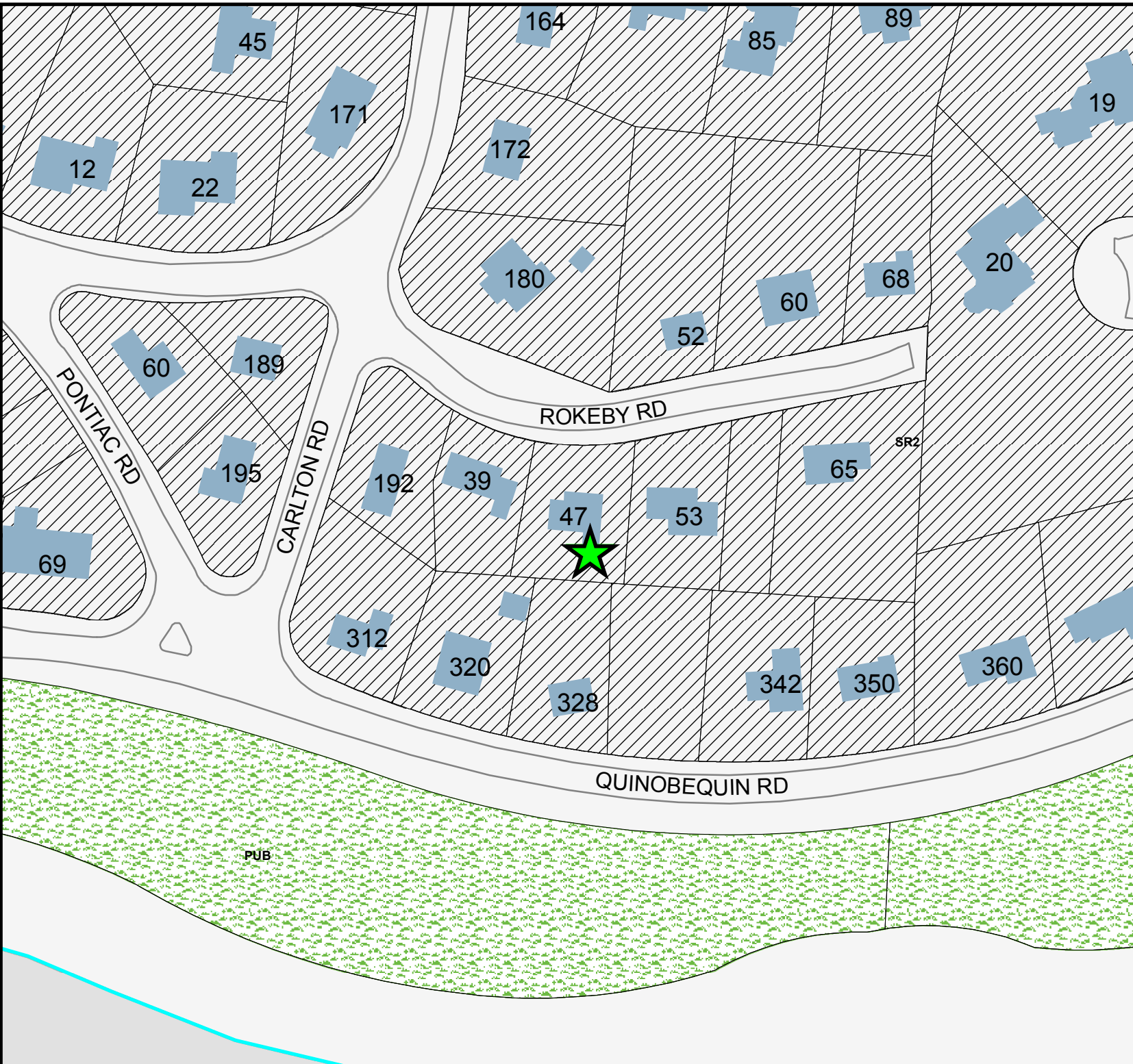
Zoning

47 Rokeby Rd.

*City of Newton,
Massachusetts*

Legend

-  Single Residence 2
-  Public Use



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
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0 12.5 25 50 75 100 125
Feet

Map Date: July 27, 2018



Ruthanne Fuller
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ATTACHMENT C

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: June 27, 2018

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Darby and Randi Leigh, Applicants
Shannon Finley, Architect
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: Request to exceed FAR

Applicant: Darby and Randi Leigh	
Site: 47 Rokeby Road	SBL: 55038 0029
Zoning: SR2	Lot Area: 9,280 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 47 Rokeby Road consists of a 9,280 square foot lot improved with a single-family residence built in 1928. The property slopes downward from the street to the rear of the property, with the back corner of the lot in the flood zone. The petitioners propose to construct a single-story two-car garage at the front of house, as well as a new front entry vestibule. The additions and will increase the FAR beyond that which is allowed by right, requiring a special permit.

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

- Zoning Review Application, prepared Shannon Finley, architect, dated 6/22/2018
- FAR Worksheets, submitted 6/26/2018
- Proposed Plot Plan, prepared by Peter Nolan & Associates, surveyor, dated 6/4/2018
- Architectural plans and elevations, prepared by Shannon Finley, architect, dated 4/14/2018, revised 6/25/2018

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners propose to construct a 550 square foot two-car garage and a 104 square foot entry vestibule at the front of the existing single-family dwelling. As part of this project, the applicants intend to regrade portions of the site, reducing the amount of basement exposed and thus counting toward FAR. The proposed additions and site alterations increase the FAR from .39 to .41, where .39 is the maximum allowed by sections 3.1.3 and 3.1.9. A special permit is required for the proposed additions and alterations.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	9,280 square feet	No change
Frontage	80 feet	80 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	34 feet 21.6 feet 26.3 feet	25.4 feet 8.4 feet No change
Max Number of Stories	2.5	2.5	No change
Height	36 feet	31.7 feet	No change
FAR	.39	.39	.41
Max Lot Coverage	30%	Not provided	20.7%
Min. Open Space	50%	Not provided	68.9%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9	Request to exceed FAR	S.P. per §7.3.3

Next Steps

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

The following must be included when filing a Special Permit Application:

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
 - Site Plans showing existing and proposed conditions (including topography as applicable)
 - Architectural plans showing existing and proposed conditions (including façade materials)
 - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

Incomplete applications will delay the intake and review of your project.

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? Y/N

CITY OF NEWTON

IN CITY COUNCIL

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 0.39 to 0.41 where 0.39 is the maximum allowed by-right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The expanded structure that would result from the proposed increase in floor area ratio (FAR) from 0.39 to 0.41, where 0.39 is the maximum allowed by-right will be consistent with and not in derogation of the size, scale and design of other structures in the neighborhood and conform to other relevant dimensional requirements (§3.1.9),
2. The proposed attached garage will provide off-street, enclosed space for the required parking stalls.

PETITION NUMBER: #397-18

PETITIONERS: Randi and Darby Leigh

LOCATION: 47 Rokeby Road, on land known as Section 55, Block 88, Lot 29, containing approximately 9,280 square feet of land

OWNERS: Randi and Darby Leigh

ADDRESS OF OWNER: 47 Rokeby Road
Newton, MA 02468

TO BE USED FOR: Single-family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.3, to exceed the maximum floor area ratio (FAR) allowed by-right

ZONING: Single Residence 2 (SR2) 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. A plan entitled "47 Rokeby Road, Newton, Massachusetts- Proposed Plot Plan," prepared by Peter Nolan & Associates LLC, dated October 20, 2017, stamped and signed by John M. Grenier, Registered Professional Engineer
 - b. A plan entitled "Certified Plot Plan Showing Existing and Proposed, 22 Beecher Place, Newton, Mass.," prepared by Field Resources, Inc., dated May 4, 2018, as revised through _____, 2018, signed and stamped by Peter J. Nolan, Professional Land Surveyor
 - c. A set of architectural plans entitled "Leigh Residence-Garage, 47 Rokeby Road, Waban, Massachusetts 02468," prepared by Tiny Desk Designs, dated April 14, 2018, as revised through June 25, 2018, signed and stamped by Shannon M. Finley, Registered Architect:
 - i. Basement - Demolition Plan (A1.0),
 - ii. Basement - New Work Plan (A1.1),
 - iii. First Floor - Demolition Plan (A1.2),
 - iv. First Floor - New Work Plan (A1.3),
 - v. Second - Demolition Plan (A1.4),
 - vi. Second - New Work Plan (A1.5),
 - vii. Front Elevation (A2.0),
 - viii. Side Elevation (A2.1),
 - ix. Latitudinal Building Section (A3.0),
 - x. Longitudinal Building Section (A3.1),
 - xi. Interior Elevation (A5.0).
 - d. A document entitled "Floor Area Ratio Worksheet, Property Address: 47 Rokeby Rd.," signed and stamped by Shannon M. Finley, Registered Architect.
2. The driveway shall be constructed of crushed stone and shall not be otherwise paved or surfaces except as specifically provided by an amendment to this special permit.
3. 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 Approval 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. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Newton Historical Commission approving the final plans.
 - e. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
4. 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 floor area ratio (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.