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Candace Havens
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PUBLIC HEARING MEMORANDUM

Public Hearing Date: July 9, 2013
Land Use Action Date: September 17, 2013
Board of Aldermen Action Date: September 23, 2013
90-Day Expiration Date: October 7, 2013

DATE: July 5, 2013

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Stephen Pantalone, Senior Planner

SUBJECT: **Petition #219-13**, Elinor Mody & David Lerner, for SPECIAL PERMIT/SITE PLAN APPROVAL to extend a non-conforming structure to fill in an area of approximately 22 sq. ft. to allow an expansion of the kitchen, which will increase the Floor Area Ratio from .46 to .47 where .43 is allowed by right, at **15 Rice Street**, Newton Centre, Ward 6, on land known as SBL 61, 1, 3, containing approx. 6,944 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u), 30-15 Table A 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.



15 Rice Street

EXECUTIVE SUMMARY

The property at 15 Rice Street consists of a 6,944 square foot lot improved with a single-family two-story residence with an attic constructed in 1895. The existing nonconforming structure totals approximately 2,150 square feet. The petitioner is proposing to fill in the rear corner of the first floor in order to expand the existing kitchen. The existing house has a floor area ratio (FAR) of .46 where .43 is allowed. The proposed addition will contain approximately 22 square feet on the first floor, increasing the FAR to .47.

The addition to the existing structure will not be visible from the public way. The Planning Department believes that the addition is within the size, scale and design of other structures in the neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The structure with regard to FAR is consistent with and not in derogation of size, scale and design of other structures in the neighborhood.
- The extension of the structure is not substantially more detrimental than the existing nonconforming structure to the neighborhood.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located on Rice Street between the Centre Street and Sumner Street. The house is surrounded by single-family residences. The site is located in an area zoned Single-Residence 2.

B. Site

The site consists of 6,944 square feet of land and is improved with a two-story single-family house with an attic and a two car garage in the rear. The lot is a through lot with garage access from Commonwealth Avenue.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The property will remain a single-family residence.

B. Building and Site Design

The petitioner is proposing to fill in an area of approximately 22 square feet on the first floor in the rear of the house by squaring off the corner. The proposed addition will expand the existing kitchen. No other changes to the site are proposed.

The addition to the existing structure will not be visible from the public way. The Planning Department believes that the addition is within the size, scale and design of other structures in the neighborhood.

C. Parking and Circulation

There will be no parking or circulation changes to the site.

D. Landscape Screening

No landscape plan was required for this petition. Existing screening appears adequate to sufficiently screen the proposed addition.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum, (**ATTACHMENT A**), provides an analysis of the proposal with regard to zoning. The petitioners are requesting a special permit to extend a nonconforming structure with regard to FAR.

B. Engineering Review

As the petitioner is not increasing the impervious surfaces on the lot by more than 4% no engineering review is required.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum, the petitioner is seeking the following reliefs:

- Section 30-15 Table A, 30-15(u), to extend a nonconforming structure with regard to FAR. The petitioner is proposing to increase FAR from .46 to .47 where .43 is the maximum FAR allowed by right.
- Section 30-21(b), to extend a nonconforming structure.

VI. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

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



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Attachment A

Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: May 30, 2013

To: John Lojek, Commissioner of Inspectional Services

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

Cc: David P. Morton, Architect representing the applicants
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request to exceed FAR**

	SBL: 61 01 03

BACKGROUND:

The property at 15 Rice Street consists of a 6,944 square foot lot improved with a single-family residence constructed in approximately 1895. The structure consists of two stories and an attic level, with a total of about 2150 square feet of living space. The applicant proposes to add 22 square feet to the kitchen by squaring off a corner, thereby increasing the floor area ratio above that allowed by right.

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

- Zoning Review Application, prepared by David Morton, Architect, submitted 4/3/13
- Proposed plot plan, stamped by Thomas Bernardi, Surveyor, dated 5/20/13
- Architectural plans, prepared by Osborn Studio, Architects, submitted 8/13/09
 - Basement Plan and notes
 - First Floor Plan
 - Second Floor Plan
 - Third Floor Plan
- Kitchen Plan, created by Prestige Kitchen & Bath, dated 3/11/13
- Existing and proposed FAR calculations, prepared by David Morton, Architect, dated 5/30/13
- Photos of the site, undated

ADMINISTRATIVE DETERMINATIONS:

1. The proposed addition increases the structure's pre-existing nonconforming FAR to .47, from .46, which exceeds the .43 maximum permitted by the Ordinance per Section 30-15, Table A. To construct the addition as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-21(b).

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	6,944 square feet	No change
Frontage	80 feet	70 feet	No change
Setbacks for existing structure			
• Front	25 feet	24.8 feet	No change
• Side	7.5 feet	18.5 feet on right 11.9 feet on left	No change 11.6 feet on left
• Rear	15 feet	23 feet	No change
FAR	.43	.46	.47
Max. Lot Coverage	30%	21%	22%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table A, §30-15(u), §30-21(b)	Exceed Floor Area Ratio (FAR) in a nonconforming structure	S.P. per §30-24

21913 Zoning Map 15 Rice St.

*City of Newton,
Massachusetts*

Legend

- Streets - Pavement Edge
- Building Outlines

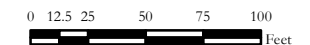
Zoning

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



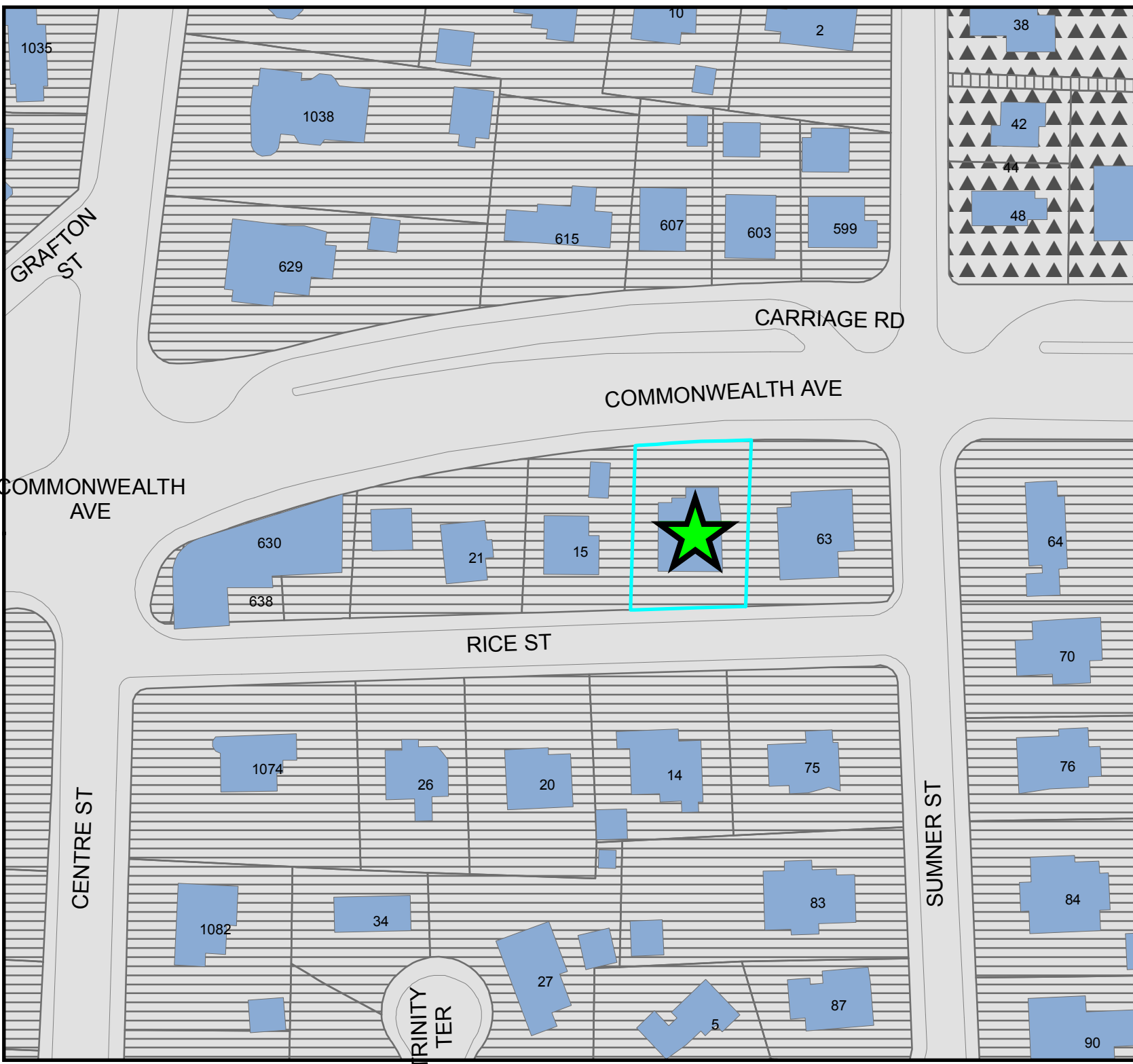
The information on this map is a Geographic Information System. The City of Newton cannot guarantee the accuracy of the information. Each user of this map is responsible for determining its suitability for their own purpose. City departments will not approve applications based solely on this map.

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



Map Date: July 01, 2013

ATTACHMENT B



Land Use Map 15 Rice St.

City of Newton,
Massachusetts

Legend

- Streets - Pavement Edge
- Building Outlines

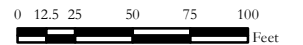
Land Use

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



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ATTACHMENT C

