



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

#216-16
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: September 23, 2016
MEETING DATE: July 26, 2016
TO: Land Use Committee of the City Council
FROM: Barney S. Heath, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Neil Cronin, Senior Planner
CC: Petitioner

In response to issues raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming continued public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

PETITION #216-16

17-19 Pulsifer Street

Request for Special Permit/Site Plan Approval to extend a nonconforming two-family use and to further increase the already nonconforming floor area ratio (FAR) from .51 to .58, where .40 is the maximum allowed by-right

The Land Use Committee opened a public hearing on this petition on Tuesday, July 26, 2016. At that hearing, the Committee voiced concern over the following issues regarding the petition:

- Why no relief is required for the proposed parking on-site;
- Exterior staircase from the ground level to the top floor;

The proposed site plan shows four parking stalls total: two parking stalls at the front of the house in the front setback, a parking stall in the driveway, and one parking stall sheltered in the one-car garage. Per §5.1.7.A, "in conjunction with a single or two-family dwelling, two parking stalls per dwelling unit may be located within required setback and sideline distances. However, in no case shall a parking stall be set back less than five feet from the street." In addition, per §5.1.4.D, for single and two-family dwellings, two tandem parking spaces are permitted within the side setback. The four stalls on the proposed plans therefore are in compliance with the Ordinance and do not require relief.

With respect to the staircase, the staircase itself did not require any relief from the ordinance. However, the aesthetics were a point of contention from the neighborhood. The petitioner and her

attorney held three meetings with abutters and members of the City Council. As a result of those meetings, the petitioner decided to remove the exterior staircase from the plans, instead opting for a shorter staircase from the first floor to the backyard. This modification does not change the petition because the additions of the sunrooms and garage still require relief from the ordinance.

Lastly, the petition centers on the petitioner's request to further increase the already nonconforming floor area ratio (FAR) from .51 to .58, where .40 is the maximum allowed by-right. As proposed, the sunrooms and garage would add 600 square feet to existing massing onsite for a total of 4,500 square feet built on the lot. The Planning Department has no concerns with the project as proposed. The additions are to the rear of the structure and will still comply with the setbacks. Lastly, the Planning Department believes the one-car garage is appropriate and will remove one car from view.

ATTACHMENTS:

Attachment A: Draft Board Order

CITY OF NEWTON
IN CITY COUNCIL

October 3, 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 expand a non-conforming two-family use and to further increase the already nonconforming floor area ratio (FAR) from .51 to .58, 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 expansion of the non-conforming two-family residential use is not substantially more detrimental than the existing nonconforming use is to the neighborhood (§3.4.1 and §7.8.2.C.2) because the proposed dwelling meets all dimensional regulations of the Newton Zoning Ordinance with the exception of the increase in FAR; lot size and number of stories are preexisting nonconformities.
2. The proposed increase in floor area ratio from .51 to .58, 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 (§3.1.9.A.2 and §7.8.2.C.2) because the proposed additions adding mass to the lot are to the rear of the structure thereby mitigating their effect on the streetscape.

PETITION NUMBER: #216-16

PETITIONER: Nancy Bolanis

LOCATION: 17-19 Pulsifer Street, on land known as Section 22, Block 18, Lot 03, containing approximately 7,694 square feet of land

OWNER: Nancy Bolanis

ADDRESS OF OWNER: 19 Pulsifer Street

Newton, MA 02460

TO BE USED FOR: Two-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.4.1, 3.1.9.A.2 and §7.8.2.C.2, to expand a non-conforming two-family use; §3.1.9.A.2 and §7.8.2.C.2 to further increase the already nonconforming floor to area ratio

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. Site Plan, signed and stamped by Bruce Bradford, Professional Land Surveyor, dated 12/23/2016 revised 4/26/2016, 9/13/2016, and 9/22/2016
 - b. Architectural Plans and Elevations, signed and stamped by Stephen P. Hamilton, architect, dated 12/4/2015 revised 12/20/2015, 1/7/2016, 2/5/2016 and 9/20/2016 sheets A-1.2, A-1.3, A-2.1, A-2.2, A-2.3, A-2.4,
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 plans.
 - 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. 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.
- c. 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.