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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: July 26, 2016
Land Use Action Date: October 10, 2016
City Council Action Date: October 17, 2016
90-Day Expiration Date: October 24, 2016

DATE: July 22, 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 #216-16**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a non-conforming two-family residential use and to further increase the already nonconforming floor area ratio (FAR) from .51 to .58, where .40 is the maximum allowed by-right at **17-19 Pulsifer Street**, Ward 2, Newtonville, on land known as SBL 22, 18, 03 containing approximately 7,694 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. §3.4.1, §7.8.2.C.2, §3.1.9.A.2, §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.



17-19 Pulsifer Street

EXECUTIVE SUMMARY

The property located at 17-19 Pulsifer Street consists of a 7,694 square foot lot improved with a colonial revival style two-family residence circa 1900. Since the property is located in the Single Residence 2 zoning district (Newtonville), the two-family use is non-conforming. The petitioner is proposing to construct rear sunrooms to the first and second floors, an exterior stairwell from the third floor to grade, and a detached one-car garage to the rear of the property. In addition, the applicant proposes to construct a front porch and reorient the two existing parking stalls at the front of the property to allow for access to the proposed garage. To construct the additions, the applicant is seeking a special permits to expand a nonconforming two-family residential use, and to increase the already nonconforming floor area ratio (FAR) from .51 to .58, where .40 is the maximum allowed by-right. If approved, the proposed additions will result in a net increase to the existing structure by 600 square feet (34%) for a total of 2,441 square feet built on the lot.

The Planning Department is not concerned with the construction of the proposed additions. The dwelling is located in a neighborhood comprised of single and two family dwellings of varying sizes. The proposed additions are to the rear of the existing structure, while the proposed front porch will enhance the traditional front façade of the structure, while removing one vehicle from view. Lastly, the proposed garage will be setback from the street. For these reasons, the Planning Department believes the expansion of a non-conforming two-family residential use will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood, and corresponding increase in the FAR 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.

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 proposed expansion of a 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)
- The proposed increase in FAR 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)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Pulsifer Street, in a Single Residence 2 District in Newtonville. The neighborhood is comprised of single and two-family residences of

varying sizes. The property is located just outside the Newtonville commercial district with a number of different uses ranging from restaurants to institutional uses such as the Newton South High School and places of worship. The property is located within a half mile to the Newtonville stop on the Framingham Worcester Line of the MBTA Commuter Rail. To the northeast of the site 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 7,694 square feet of land, and is improved with a 3-story colonial revival two-family residence circa 1900. There is an existing 20' curb cut to the northeast of the property leading to a driveway with parking for two vehicles. Lastly, there is a shed at the northwest corner of the property.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

B. Building and Site Design

The existing structure is a non-conforming two-family residence with flat-type units. The petitioner seeks to construct rear sunrooms to the first and second floors, an exterior stairwell from the third floor to grade, and a detached one-car garage to the rear of the property. The shed will be moved to the southwest corner of the property.

In addition, the applicant proposes to construct a front porch, reorient the two existing parking stalls at the front of the property, and extend the pavement to serve the proposed garage at the northwest corner of the property. If the project is approved, additions would enlarge the current amount of square footage on-site by 600 square feet (34%). The proposed addition and dwelling meet all of the dimensional controls as stipulated in the NZO, with the exception of the increase in FAR. Lot size and number of stories are nonconforming, but are pre-existing conditions.

C. Parking and Circulation

The project will allow for the creation of one additional parking stall on site. The site plan shows the existing curb cut to be widened to 22'; however this is not allowed per 5.1.7.C of the NZO. The existing stalls at the front of the property will be reoriented to allow access to both the proposed extended driveway and one-car detached garage.

D. Landscape Screening

A landscape plan is not required with 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:

- §3.4.1 and §7.8.2.C.2 of Section 30, to extend a nonconforming two-family use in an SR-3 zoning district.
- §3.1.9.A.2 and 7.8.2.C.2 of Section 30, to increase the already nonconforming FAR;

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 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 17-19 Pulsifer St.

*City of Newton,
Massachusetts*

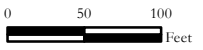
Legend

-  Single Residence 2
-  Multi-Residence 1
-  Multi-Residence 2
-  Multi-Residence 3
-  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.

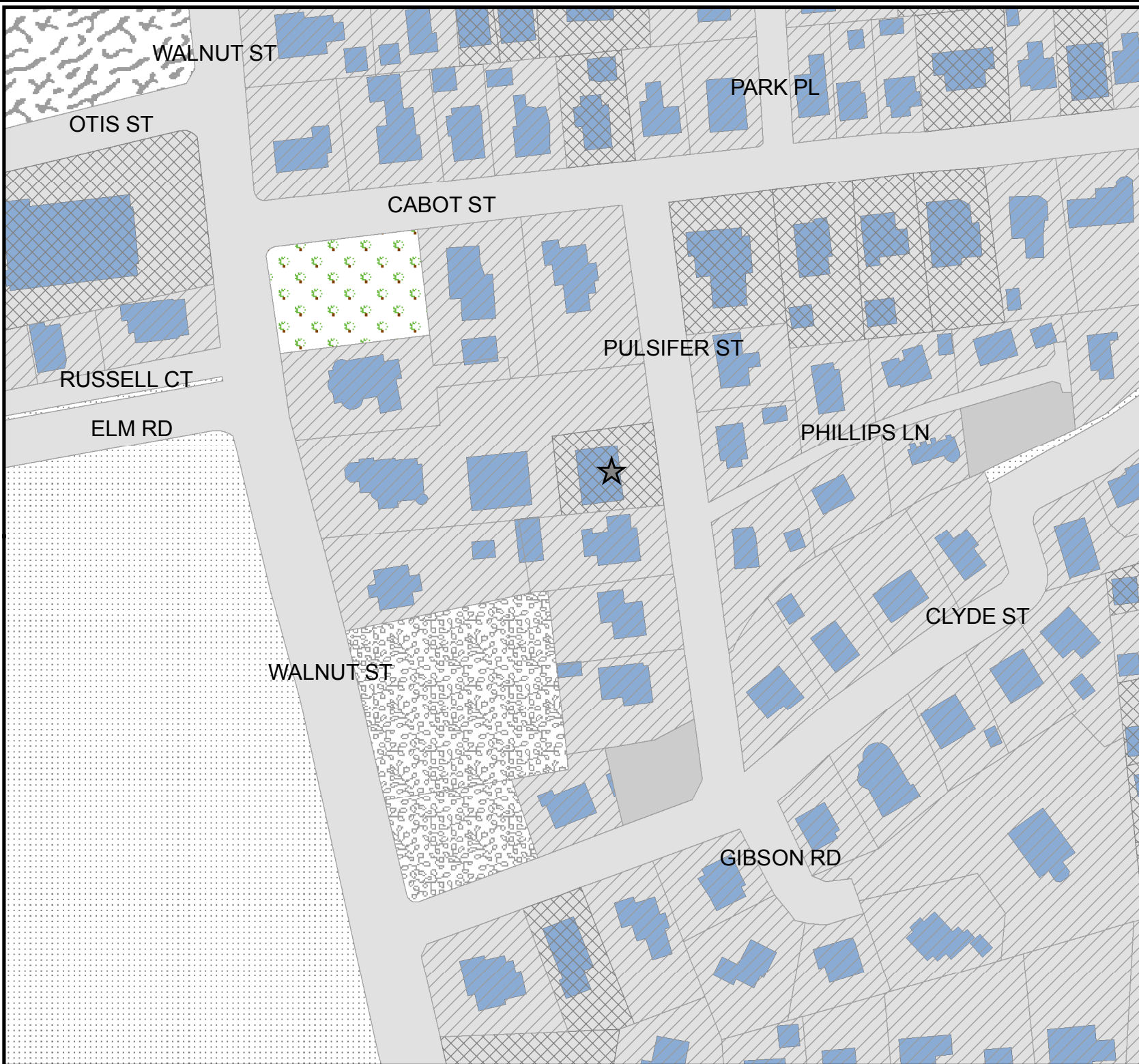
CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: July 01, 2016



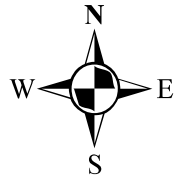
Attachment B Land-Use Map 17-19 Pulsifer St.



Legend

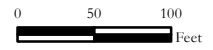
Land Use

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



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





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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: June 6, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Stephen Hamilton, architect
Nancy Bolanis, owner
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to extend a nonconforming two-family use in a SR2 zoning district and to further increase already nonconforming FAR

Applicant: Stephen Hamilton	
Site: 17-19 Pulsifer Street	SBL: 22018 0003
Zoning: SR2	Lot Area: 7,964 square feet
Current use: Two-family dwelling	Proposed use: No change

BACKGROUND:

The property at 17-19 Pulsifer Street consists of a 7,964 square foot lot improved with a two-family dwelling constructed in 1877 in the Single Residence 2 zoning district. The applicant proposes to add rear sunrooms to the first and second floors, as well as an exterior stair from the third floor to grade. A one-car detached garage structure is proposed at the rear of the property. Also, the applicant proposes to construct a new front porch to replace what exists and restore to the original condition. Two new surface parking stalls are proposed at the front of the property. Two-family dwellings are not allowed by right in the district. A special permit is required to further extend the nonconforming two-family use in the Single Residence 2 zoning district.

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

- Zoning Review Application, prepared by Stephen Hamilton, architect, dated 1/7/2016, revised 5/2/2016
- FAR Worksheet, submitted 5/2/2016
- Plan of Land, prepared by Everett M. Brooks Co., dated 6/11/2015
- Proposed Conditions, prepared by Everett M. Brooks Co., dated 12/23/2015

- Architectural Plans, signed and stamped by Stephen Hamilton, architect, dated 7/2/2016, revised 7/27/2015, 12/4/2015, 1/7/2016

ADMINISTRATIVE DETERMINATIONS:

1. The applicant proposes to construct two rear sunroom additions, as well as a front porch and detached garage structure to the existing nonconforming two-family dwelling. A two-family dwelling is not allowed in the SR2 zoning district, therefore alterations and additions to the structure require a special permit pursuant to Sections 3.4.1 and 7.8.2.C.2.
2. The maximum allowable FAR for the property is .40. The applicant proposes additions to the dwelling totaling 336 square feet, as well as a new detached garage with 264 square feet for a total of an additional 600 square feet. The additions increase the already nonconforming FAR from .51 to .58, requiring a special permit pursuant to Sections 3.1.9.A.2 and 7.8.2.C.2.
3. The addition of the detached garage structure produces a lot coverage of 31.3%, which exceeds the maximum of 30% allowed by Section 3.1.3. However, Section 1.5.2.D.2 state that the lot coverage requirements of 3.1.3 shall not apply to the construction of a garage accessory to a single or two family structure that was in existence on December 27, 1922. Without the additional lot coverage of the proposed garage, the lot coverage is 27.9%, which complies.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	7,694 square feet	No change
Setbacks			
• Front	25 feet	34.6 feet	27.8 feet
• Side	7.5 feet	8.7 feet	No change
• Rear	15 feet	29.5 feet	17.5 feet
Building Height	36 feet	37.9 feet	No change
Max Number of Stories	2.5	3	No change
Max Lot Coverage	30%	23.6%	27.9% (31.3% with proposed garage)
Min Open Space	50%	66%	51%
FAR	.40	.51	.58

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.1 §7.8.2.C.2	To increase a nonconforming two-family residential use in a Single Residence 2 zoning district	S.P. per §7.3.3
§3.1.9.A.2 §7.8.2.C.2	To further increase already nonconforming FAR	S.P. per §7.3.3

CITY OF NEWTON
IN CITY COUNCIL

August 11, 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 site is an appropriate location for the proposed addition (§7.3.3.C.1).
2. 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.
3. 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. Drainage Plan of Land, signed and stamped by Michael S. Kosmo, Professional Engineer, dated 4/27/2016
 - b. Architectural Plans and Elevations, signed and stamped by Stephen P. Hamilton, architect, dated 3/3/2016, revised 3/4/2016, and 3/11/2016 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.