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Mayor

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Department of Planning and Development
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#261-17

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Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: October 24, 2017
Land Use Action Date: January 2, 2018
City Council Action Date: January 8, 2018
90-Day Expiration Date: January 22, 2018

DATE: October 20, 2017

TO: City Council

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

SUBJECT: **Petition #261-17**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to exceed the floor to area ratio from .44 to .67 where .58 is the maximum allowed by-right, at **14 Pond Avenue**, Ward 1, Newton Corner, on land known as SBL 11, 20, 14 containing approximately 4,530 sf of land in a district zoned MULTI RESIDENCE 2. Ref: Sec. §3.2.11, 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.



14 Pond Avenue

EXECUTIVE SUMMARY

The property located at 14 Pond Avenue consists of a 4,530 square foot lot improved with a Colonial Revival single-family residence constructed circa 1905. The property is located in the Multi Residence 2 (MR-2) zone in Newton Corner. The petitioner is seeking to construct a rear addition to the basement as well as the first and second stories. The proposed additions surpass the allowable floor area ratio (FAR); therefore, the petitioner requires a special permit to exceed the FAR from .44 to .67, where .58 is the maximum allowed by-right. If approved, the as built FAR of the structure will be 408 square feet above the by-right FAR.

The Planning Department notes subject property is located in a densely settled neighborhood and if approved, would be among the largest structures in the area, relative to FAR. However, the addition is to the rear of the structure, and would have limited visibility from the street. Additionally, the architecture is in keeping with the historic dwelling. Lastly, the property would remain in compliance with the dimensional controls of an old lot in the MR-2 zone, except the nonconforming front setback and FAR.

SIGNIFICANT ISSUES FOR CONSIDERATION:

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

- The proposed increase in FAR from .44 to .67, where .58 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 (§3.2.11 and §7.3.3).

I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Pond Avenue in the MR-2 zone in Newton Corner near the Watertown line. The neighborhood is densely settled with single-family as well as multi-family uses. In addition, the property is immediately adjacent to Boyd Park which is a municipally owned parcel located in the Public Use district **(Attachments A & B)**.

B. Site

The site consists of 4,530 square feet of land, and is improved with a 2.5-story, single-family residence constructed circa 1905. The dwelling is an example of Colonial Revival architecture featuring a gambrel roof. The site lies on a slope above the right-of-way which increases towards the rear of the lot. The rear and side yards of the property are enclosed with fencing and in some sections, contain mature landscaping. There is an approximately 14 foot wide drive way entrance at the northeast corner of the site providing access to a two-stall, tandem surface parking facility. The dwelling has an existing nonconforming front setback of 14 feet, where 25 feet is required.

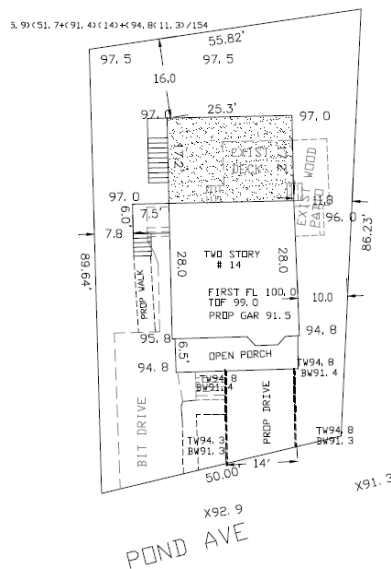
II. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

B. Building and Site Design

The petitioner is proposing to demolish the existing deck at the rear of the dwelling to construct a two-story addition. Staff notes that if the petitioner intends to rebuild this deck, an amendment to the site plan may be required as it is currently not shown on the site plan. The addition will create some habitable space in the basement, which counts toward the FAR calculation. On the floors above, additional living area will be created on the first floor, and a master suite with cathedral ceilings will be accommodated on the second floor. Staff notes that new attic space will not be created in the addition. The addition will reduce the rear yard setback from 33 feet, to 16 feet.



The proposed addition will feature a gambrel roof on the rear façade to match the front of the dwelling. In addition, the side facades will each feature one dormer with pedimented gable ends. The design also utilizes similar materials to be in keeping with the principal structure. Staff notes the property will remain compliant with all dimensional controls of an old lot in the MR-2 zone, except the existing nonconforming front setback and FAR.



Proposed Front Elevation



Proposed Left Elevation

C. Parking and Circulation

Currently, parking is accommodated in a surface parking facility at the northeast corner of the site. This facility is approximately 15 feet wide and accommodates two tandem vehicles. The petitioner is proposing to preserve this facility and create an additional stall in the basement of the dwelling. In order to do so, the petitioner will create another driveway in front of the structure. This new driveway will be 14 feet wide and 14 feet long to access the garage. Staff notes that there is no sidewalk on Pond Avenue, so the petition will not be creating a new curb cut. However, if approved much of the front yard property will be impervious surface dedicated to parking. Staff notes that portions of the existing driveway are required because the proposed driveway cannot accommodate a surface stall per Ordinance. If the petition is approved, the Planning Department suggests the petitioner utilize alternative materials when constructing the driveway and/or remove portions of the existing parking facility to reduce the amount of paving on site.

D. Landscaping and Screening

A landscape plan was not submitted with this petition.

III. 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:

- §3.2.11 and §7.3.3 of Section 30, to exceed the maximum FAR;

B. Engineering Review

Engineering Review is not 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.

C. Historic Review

As the petition requires the partial demolition of a structure greater than fifty years old, approval was required from the Newton Historical Commission (NHC). At the September 28, 2017 meeting of the NHC, the dwelling was found "Preferably Preserved". At that same meeting, the NHC waived the demolition delay provided the petitioner install a carriage style, wood garage door with windows and construct the below-grade retaining wall out of field stone to frame the garage door.

IV. PETITIONER'S RESPONSIBILITIES







ATTACHMENTS:

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

Attachment A Zoning Map Pond Ave., 14

*City of Newton,
Massachusetts*

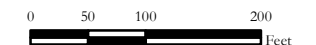
Legend

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

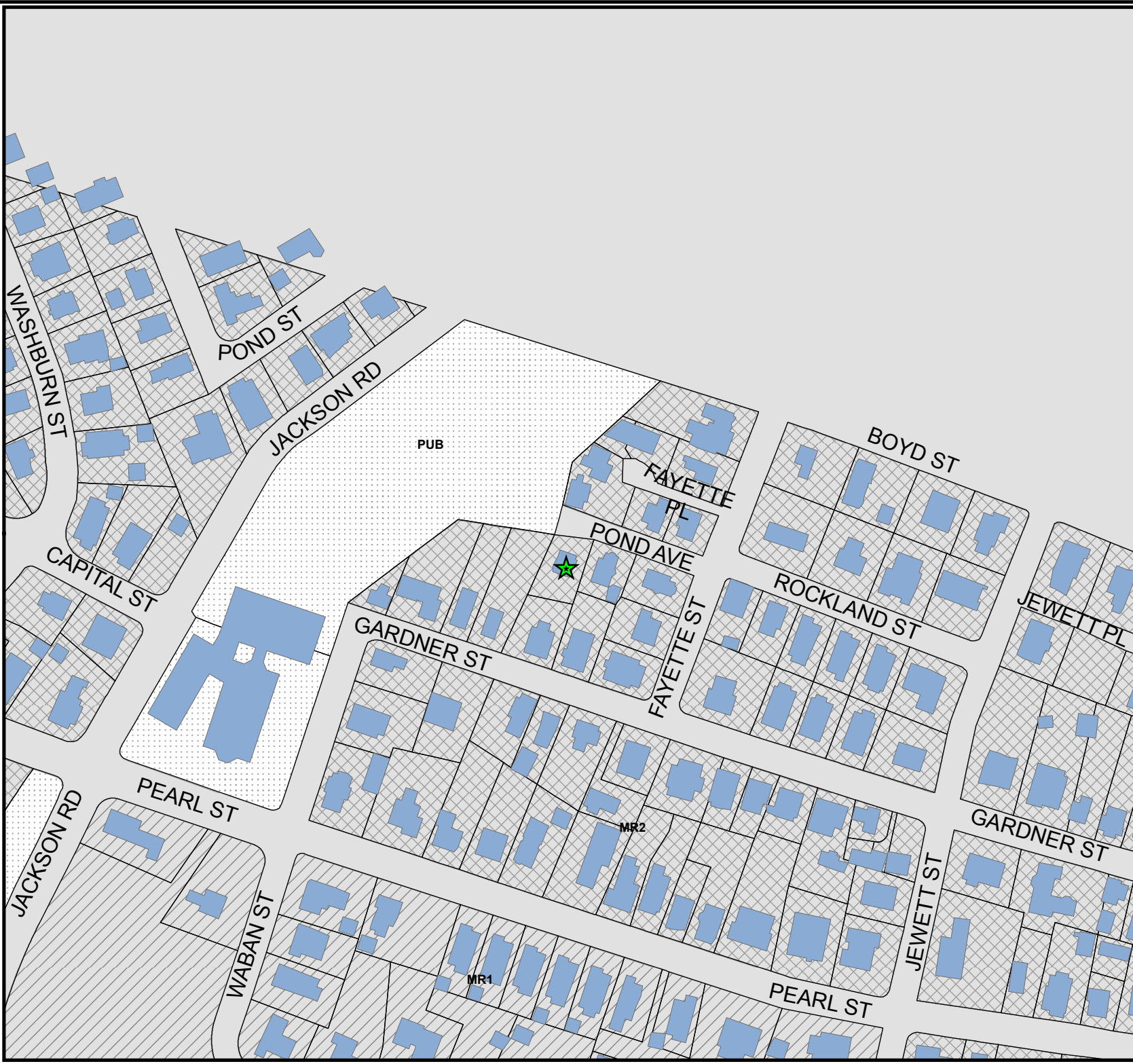


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: September 25, 2017











Attachment B Land Map Pond Ave., 14

*City of Newton,
Massachusetts*

Legend

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Industrial
-  Open Space
-  Vacant Land
-  Building Outlines
-  Surface Water
-  Property Boundaries

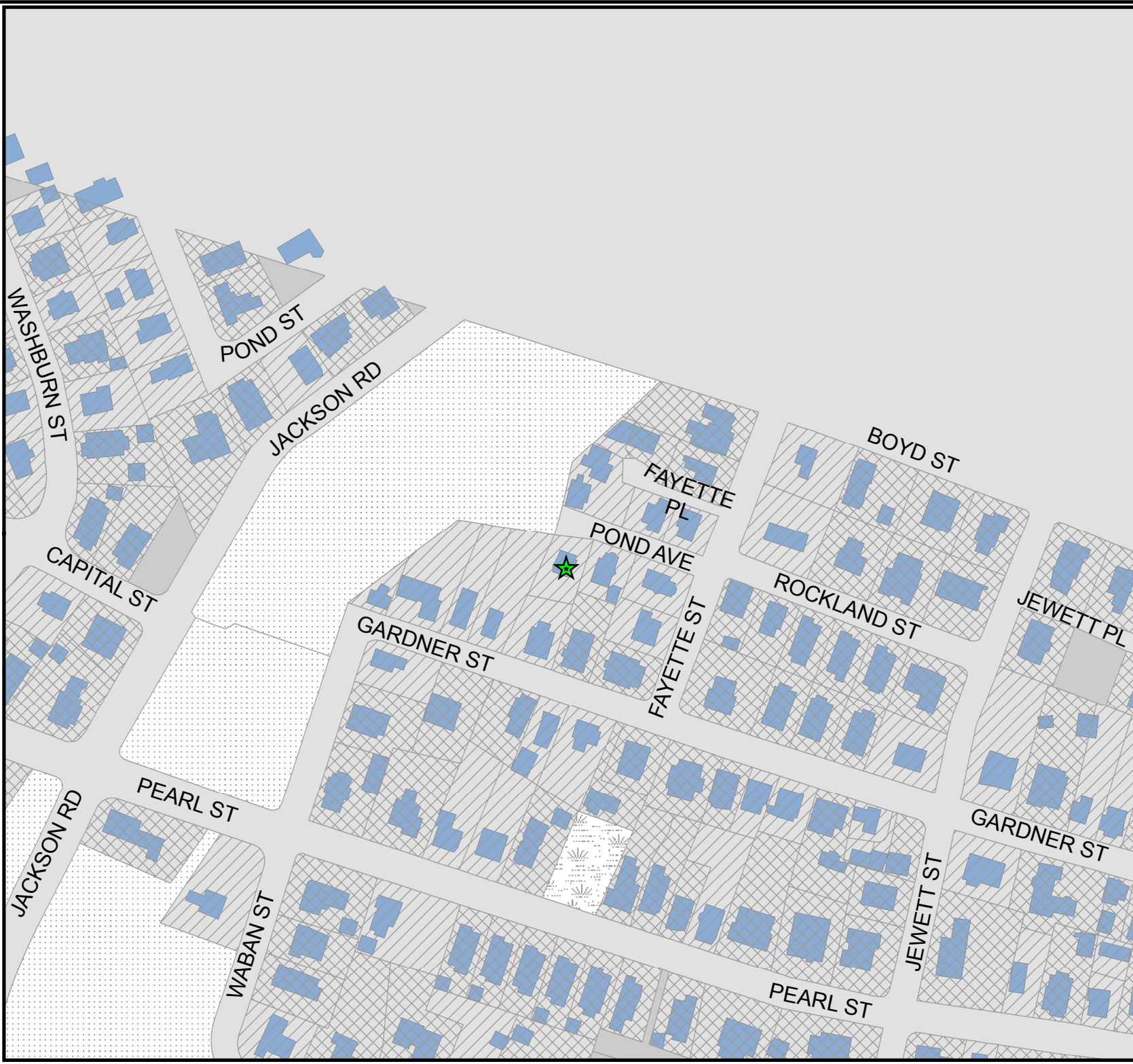


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
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Map Date: September 25, 2017





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Attachment C

City of Newton, Massachusetts
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: August 7, 2017

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Kevin Fahey, applicant
Terrence P. Morris, attorney
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to exceed FAR

Applicant: Kevin Fahey	
Site: 14 Pond Avenue	SBL: 11020 0014
Zoning: MR2	Lot Area: 4,530 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 14 Pond Avenue consists of a 4,530 square foot corner lot improved with a single-family dwelling constructed in 1905 in the MR2 zoning district. The applicant proposes to construct a 1,026 square foot addition to the rear of the dwelling at the basement, first and second stories. With the increased lot area, the dwelling with the addition will have an FAR of .67, which exceeds the .58 allowed, requiring a special permit.

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

- Zoning Review Application, prepared by Terrence P. Morris, attorney, submitted 3/17/2017
- Proposed Site Plan, signed and stamped by Frank Iebba, surveyor, dated 1/4/2017, revised 8/2/2017
- FAR worksheet, signed and stamped by David Cann, architect, dated 2/20/2017, revised 5/27/2017
- Floor plans, prepared by David Cann, architect, dated 2/20/2017, revised 5/27/2017

ADMINISTRATIVE DETERMINATIONS:

1. The current single-family dwelling has 2,015 square feet on a 4,530 square foot lot, which translates to an FAR of .44. The maximum allowed for the MR2 zoning district is .58 per Section 3.2.11. The applicant proposes to construct a 1,026 square foot addition to the existing single-family dwelling, resulting in an FAR of .67, exceeding the maximum allowable FAR of .58, requiring a special permit pursuant to Section 3.2.11.

SR2 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	4,530 square feet	No change
Frontage	70 feet	50 feet	No change
Setbacks			
• Front	25 feet	14.4 feet	No change
• Side	7.5 feet	10 feet	7.8 feet
• Rear	15 feet	+/- 32 feet	15.1 feet
Max Number of Stories	2.5	2.5	No change
Open Space Minimum	50%	61%	64%
Lot Coverage Maximum	30%	19%	25.2%
FAR	.58	.44	.67

1. See “Zoning Relief Summary” below:

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

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 .44 to .67, where .58 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 increase of FAR from .44 to .67, where .58 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 as the addition is to the rear of the structure and is in keeping with the architecture of the historic dwelling (§3.2.11 and §7.3.3).

PETITION NUMBER: #261

PETITIONER: Kevin Fahey

LOCATION: 14 Pond Avenue, on land known as Section 11, Block 20, Lot 14, containing approximately 4,530 square feet of land

OWNER: Kevin Fahey

ADDRESS OF OWNER: 14 Pond Avenue
Newton, MA 02458

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.2.11 and §7.3.3, to construct a single family dwelling with an FAR exceeding the maximum allowed by-right

ZONING: Multi 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. Proposed Site Plan, signed and stamped by Frank Iebba, Professional Engineer, dated 9/20/17 revised 8/11/15, 7/12/17, 8/2/17, 10/16/17, and 10/19/17.
 - b. Architectural Plans and Elevations, signed and stamped by David J. Cann, Registered Architect, consisting of nine (9) sheets:
 - i. A1 Preliminary First Floor Plan, dated 2/20/17 revised 5/27/17
 - ii. A2 Preliminary Second Floor Plan, dated 2/20/17 revised 5/27/17
 - iii. A3 Preliminary Basement Plan, dated 2/20/17 revised 5/21/17 and 10/15/17
 - iv. A4 Preliminary East Elevation, dated 8/15/17
 - v. A5 Preliminary West Elevation, dated 8/15/17
 - vi. A6 Preliminary North and South Elevations, dated 8/15/17 revised 10/15/17
 - c. The plans referenced above in Condition #1.b.vi shall be consistent with the plans approved by the Newton Historic Commission requiring the petitioner to install a carriage style, wood garage door with windows and construct the below-grade retaining walls out of fieldstone. The exposed foundation shall also be treated with a fieldstone veneer to frame the garage door.
2. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - d. Recorded a certified copy of this order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - e. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - f. 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.
 - g. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
2. 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 statements by a registered architect

and professional engineer 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 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.