



#545-18

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

Ruthanne Fuller
Mayor

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	November 27, 2018
Land Use Action Date:	February 12, 2019
City Council Action Date:	February 18, 2019
90-Day Expiration Date:	February 25, 2019

DATE: November 23, 2018

TO: City Council

FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Katie Whewell, Planning Associate

SUBJECT: **Petition #545-18**, for SPECIAL PERMIT/SITE PLAN APPROVAL to further increase the nonconforming floor area ratio (FAR) from .50 to .54, where .42 is the maximum allowed as of right at **132 Pleasant Street**, Ward 6, Newton Centre, on land known as Section 64, Block 26, Lot 9, containing approximately 7,560 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. §3.1.9, §7.8.2.C.2, and §7.4 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 for consideration at a subsequent working session by the Land Use Committee of the City Council.



132 Pleasant Street

EXECUTIVE SUMMARY

The property located at 132 Pleasant Street contains a 7,560 square foot lot in the Single Residence 2 (SR-2) zone in Newton Centre. The lot is improved with a 2.5-story, single-family residence constructed circa 1890 that is an example of Victorian architecture. The petitioners are seeking to construct a rear addition adding 186 square feet to the first floor and 112 square feet to the basement level. The addition will further increase the nonconforming floor area ratio (FAR) for the lot, requiring a special permit. If approved, the dwelling will total 4,100 square feet.

As designed, the proposed addition would increase the floor area ratio from .50 to .54, where .42 is the maximum allowed. The proposed rear addition is increasing the footprint of the building; however, it will not be visible from the street, meets all setback requirements, and is not higher than the existing structure. The addition is consistent with the size and scale of the homes in this neighborhood and the new bulk will be focused towards the rear of the house and is well screened by landscaping. Due to this, the Planning Department is unconcerned with the proposed addition that further increases nonconforming FAR.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the

Council should consider whether:

- The proposed increase in the nonconforming FAR from .50 to .54, where .42 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, and §7.8.2.C.2)
- The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.9 and §7.8.2.C.2)

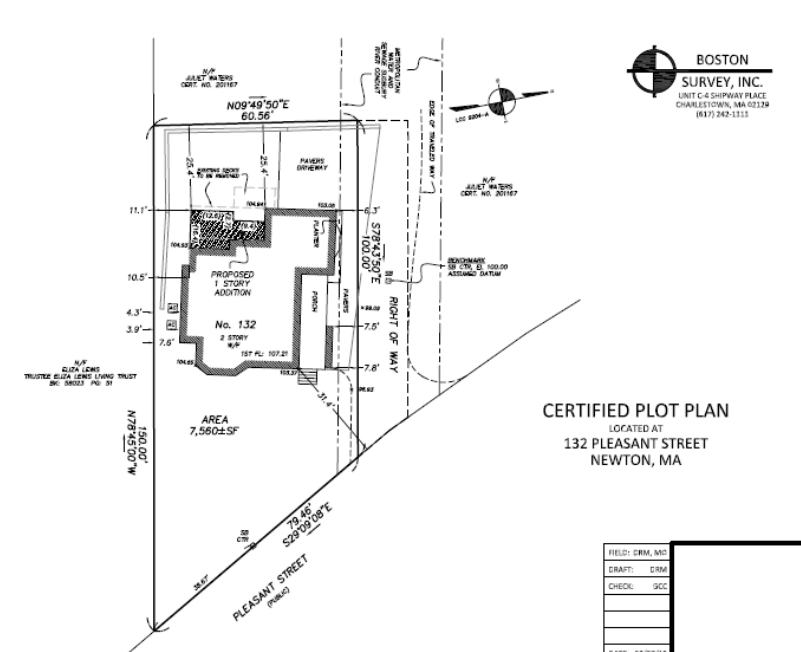
II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on the west side of Pleasant Street in the SR-2 zone in Newton Centre. The SR-2 zone encompasses the immediate area aside from the Mason-Rice Elementary School on the east side of Pleasant Street and to the northeast of the site. Aside from the school, the surrounding area is zoned single family residential (**Attachments A**). The land use of adjacent properties on the east side of Pleasant Street is single family, while properties to the southeast are multi-family residential (**Attachment B**). Neighboring single and multi-family homes on Pleasant Street have similar presentations as 132 Pleasant Street, long houses with relatively narrow street frontages.

B. Site

The site consists of 7,562 square feet of land and is improved with a 2.5-story Victorian single-family dwelling. The lot is served by one curb cut providing access to a shared right of way with 140 Pleasant Street. The property abuts the Sudbury Aqueduct on the northern boundary line. Per section 1.5.2.A, the line between the aqueduct and the private property is not considered a lot line and therefore has no setback requirement. The proposed construction is on the southern property line and meets the setback requirements. There is a two-car surface parking facility constructed of pavers adjacent to the rear yard. There is a retaining wall along the southwestern corner of the lot. There is a moderate slope from the rear of the lot to the front of the lot at the street. The southwest corner of the lot has mature landscaping as well as along the southern property boundary.



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

B. Building Design

The petitioners are seeking to construct a rear addition to the basement level and first floor. The addition will increase the dwelling by 298 square feet, with 186 square feet to the first floor and 112 square feet to the basement level. The proposed addition will increase the buildings footprint by replacing the existing deck in the rear with the proposed addition. The addition will be similar in design to the existing façade of the home. The resulting structure would contain 4,100 square feet, further increasing the nonconforming FAR from .50 to .54 where .42 is allowed by right. The Planning Department is unconcerned with the addition because it is to the rear of the dwelling, and not visible from the street, is consistent with the size and scale of the neighboring homes, and is well screened.



1 EX-200 EXISTING WEST ELEVATION

2 EX-200 EXISTING SOUTH ELEVATION



1 A-200 PROPOSED WEST ELEVATION

2 A-200 PROPOSED SOUTH ELEVATION

C. Site Design

The petitioners are proposing to expand and convert the basement level crawl space to a storage room and expand the mud room on the first floor. The proposed addition would extend the rear of the dwelling by about 16 feet toward the rear lot line. The proposed addition would comply with the rear and side setbacks. The site's lot coverage would increase from 24.1% to 26.7%, below the 30% maximum. The Planning Department is unconcerned with the addition because it will conform with all dimensional components and will be well screened.

D. Parking and Circulation

The petitioners are not proposing any changes to either the parking or circulation.

E. Landscaping

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 regarding zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- §3.1.9 and §7.8.2.C.2 of Section 30, to further increase the nonconforming FAR.

B. Engineering Review

This petition does not meet the minimum threshold for Engineering Review.

C. Historic Preservation Review

This petition does not meet the minimum threshold for Newton Historical Commission review.

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 Council Order



ATTACHMENT A

Zoning

132 Pleasant St.

*City of Newton,
Massachusetts*

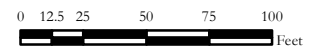
Legend

-  Single Residence 2
-  Public Use

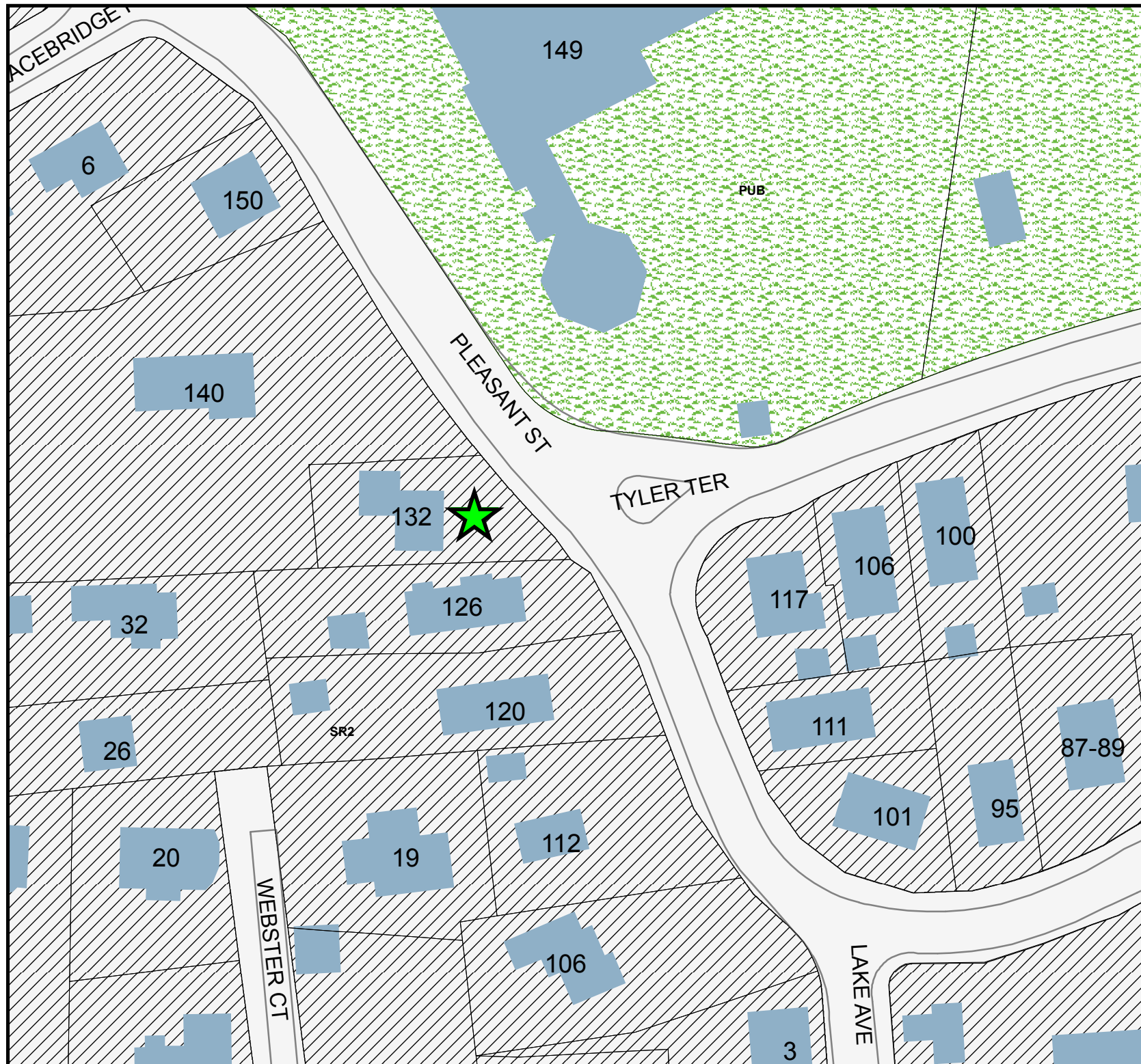


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: November 15, 2018



ATTACHMENT B

Land Use

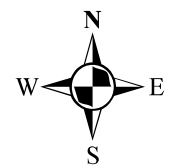
132 Pleasant St.

*City of Newton,
Massachusetts*

Legend

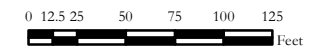
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Open Space
-  Nonprofit Organizations

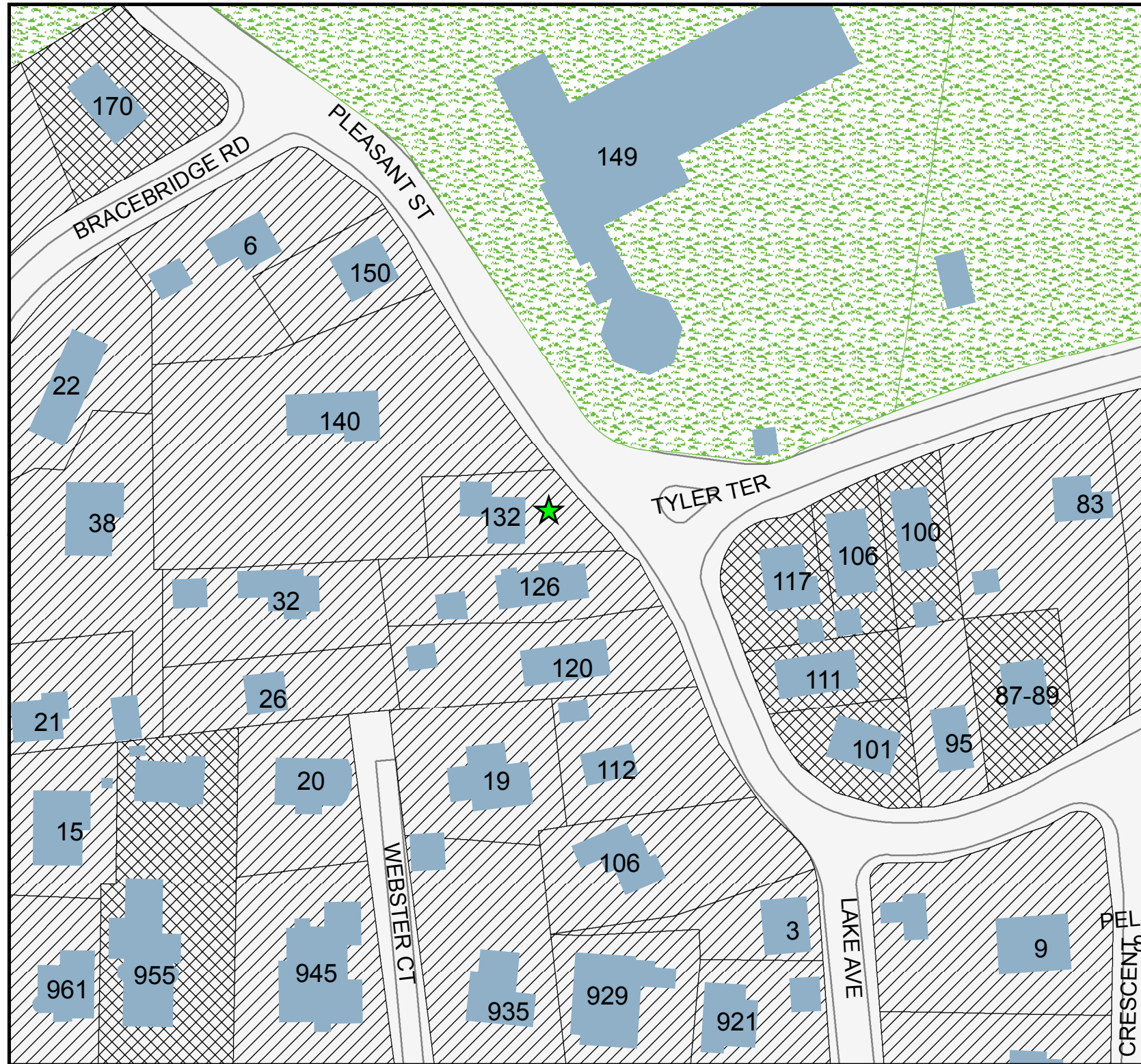


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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: September 5, 2018

To: John Lojek, Commissioner of Inspectional Services

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

Cc: David Jellinek, Applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: **Request to further increase nonconforming FAR**

Applicant: David Jellinek	
Site: 132 Pleasant Street	SBL: 64026 0009
Zoning: SR2	Lot Area: 7,560 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 132 Pleasant Street consists of a 7,560 square foot lot improved with a single-family residence constructed circa 1890. The petitioners propose to construct a rear addition adding 186 square feet to the first floor and 112 square feet to the basement level. The proposed changes will further increase the nonconforming FAR, requiring a special permit.

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

- FAR Worksheet, submitted 9/4/2018
- Plot Plan, prepared by Maxwell Architects, dated 4/27/2018
- Architectural Plans, prepared by Maxwell Architects, dated 4/27/2018

ADMINISTRATIVE DETERMINATIONS:

- The applicants' existing FAR is .50, where .42 is the maximum allowed. The proposed additions add a total of 298 square feet to the dwelling, resulting in an FAR of .54. A special permit pursuant to Sections 3.1.9 and 7.8.2.C.2 is required to further increase the already nonconforming FAR.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	7,560 square feet	No change
Frontage	80 feet	80 feet	No change
Setbacks			
• Front	25 feet	31.6 feet	No change
• Side	7.5 feet	6.3* feet	No change
• Rear	15 feet	25.4 feet	No change
Max Number of Stories	2.5	2.5	No change
FAR	.42	.50	.54
Max Lot Coverage	30%	25%	28%
Min. Open Space	50%	59%	56%

*The property abuts the Sudbury Aqueduct on the northern side boundary line. Per section 1.5.2.A, the line between the aqueduct and the private property is not considered a lot line and therefore has no setback requirement. The proposed construction is on the southern property line and meets the setback requirements.

- See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.9, §7.8.2.C.2	Request to further increase nonconforming 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 further increase the nonconforming floor area ratio (FAR) from .50 to .54, where .42 is the maximum allowed as of right as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The proposed increase in the nonconforming floor area ratio from .50 to .54, where .42 is the maximum allowed by right is consistent with and not in derogation of the size, scale, or design of other structures in the neighborhood and will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood because the addition is to the rear of the structure, not visible from the street, and within the footprint of the existing structure (§3.1.9 and §7.8.2.C.2).

PETITION NUMBER: #545-18

PETITIONER: David Jellinek and Sarah Spitz

LOCATION: 132 Pleasant St., on land known as Section 64, Block 26, Lot 9, containing approximately 7,560 square feet of land

OWNER: David Jellinek and Sarah Spitz

ADDRESS OF OWNER: 132 Pleasant Street
Newton, MA 02459

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.8.2.C.2 to further increase the nonconforming FAR to construct a rear addition.

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. Certified Plot Plan, signed and stamped by George C. Collins, Land Surveyor, dated September 7, 2018.
 - b. Architectural Plans, prepared by Maxwell Architects, signed and stamped by Marc A. Maxwell, dated April 27, 2018, consisting of the following five (11) sheets:
 - i. T-100 Proposed Site Plan
 - ii. EX-100 Existing/Demo Basement Plan
 - iii. A-100 Proposed Basement Plan
 - iv. A-101 Proposed Roof Plan/Proposed First Floor Plan
 - v. A-110 Proposed Basement Ceiling Plan
 - vi. A-111 Proposed First Floor Ceiling Plan
 - vii. Ex-200 Existing West Elevation, Existing South Elevation
 - viii. A-200 Proposed West Elevation, Proposed South Elevation
 - ix. A-210 1-4 Mud Room Elevation
 - x. A-211 1-4 Sun Room Elevation
 - xi. A-212 Bath Room Elevation
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:
 - 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. 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 an architect certifying compliance with Condition #1.
- 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 architect.