



Setti D. Warren
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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: February 3, 2015
Land Use Action Date: March 3, 2015
Board of Aldermen Action Date: March 16, 2015
90-Day Expiration Date: May 4, 2015

DATE: January 30, 2015

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Stephen Pantalone, Senior Planner

SUBJECT: **Petition #473-14**, TIMOTHY BURKE for ROGER & AFARIN GREIGER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish a one-story portion of an existing two-family dwelling consisting of a two-car garage and to construct a three-car garage and living space with an accessory apartment exceeding 1,000 square feet above it, increasing the Floor Area Ratio from .28 to .38, where .33 is allowed by right at **100 Evelyn Road**, Ward 5, Waban, on land known as SBL 53, 3, 13, containing approx. 18,052 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15(u)(2), 30-15 Table 3, and 30-8(d)(c) 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.



100 Evelyn Avenue

EXECUTIVE SUMMARY

The property at 100 Evelyn Road consists of an 18,052 square foot lot in a Single Residence 2 zoning district, improved with a single-family residence originally constructed in 1950 and an attached garage. The petitioner is proposing to demolish the existing garage and to construct a two-story addition with a garage and “green room” on the ground floor and a 1,500 square foot accessory apartment on the second floor. The addition will increase the gross floor area of the structure by 1,847 square feet, or from 5,164 square feet to 7,011 square feet. The petitioner is seeking a special permit to increase the Floor Area Ratio (FAR) from .28 to .38, where .33 is the maximum allowed by right. The Newton Historical Commission found the existing structure to be historically significant, but waived the demolition delay based on the petitioner’s proposed plans (**ATTACHMENT A**).

The Planning Department is concerned that the bulk and mass of the proposed addition will change the character of the existing structure and will not fit within the context of the surrounding structures, which mostly consist of two-story colonial and one-story or split-level ranch style dwellings. The Planning Department recommends reducing the size of the addition to be within or modestly over the maximum allowed floor area (5,957 square feet), which will allow it compliment and not overwhelm the existing structure. The Planning Department does not have any concerns with allowing an accessory apartment use and notes that a reduction in the addition would provide for a more modestly sized unit.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The proposed addition is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. (§30-15(u)(2))
- The specific site is an appropriate location for an accessory apartment. (§30-24(d)(1))
- The proposed accessory apartment as developed and operated will not adversely affect the neighborhood. (§30-24(d)(2))
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§30-24(d)(3))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located on Evelyn Road between Mary Ellen Road and Paulson Road, proximate to the Newton Cemetery. The land uses in the surrounding

neighborhood mostly consist of single-family dwellings (**ATTACHMENT B**), and the zoning districts in the surrounding neighborhood, including the site, consist of Single Residence 2 districts (**ATTACHMENT C**). The structures in the immediate neighborhood are mostly one- and two-story dwellings, with ranch and split-level architecture to the north and colonial architecture to the south. With some exceptions, the structures in the neighborhood are modestly sized and are on lots of between 10,000 square feet to 17,000 square feet

B. Site

The site consists of a deep 18,052 square foot lot, improved with a 1½-story, single-family residential structure and an attached two-car garage. There is a long shed dormer on the rear of the house that provides living space on the second floor. The ranch style house extends most of the width of the lot and is setback approximately 50 feet from the front property line. There is a large rear yard with an in ground pool, which is surrounded by vegetation and stockade fencing.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The petitioner is proposing to create a 1,500 square foot accessory apartment in the proposed addition on the second floor. The size of the lot, the existing house, and the proposed accessory apartment meet the criteria of the Newton Zoning Ordinance (“NZO”). As such, the Planning Department has no concerns with allowing an accessory apartment at this site, and notes that accessory apartments help to diversify the City’s housing stock.

B. Building and Site Design

The petitioner is proposing to demolish the existing one-story garage, and replace it with a larger two-story addition. The addition will extend further towards the front property line by approximately two feet so that it will be flush with the existing front setback, and will extend approximately seven feet closer to the rear property line. The addition will consist of a new gable roof and shed dormer facing the street. It also appears that the petitioner is proposing to alter and raise the height of the roof on the main portion of the existing structure. The materials of the addition will match the materials of the existing structure.

The proposed addition will consist of a three-car garage, “green room”, and expansion of the kitchen area on the ground floor and a 1,500 square foot accessory apartment on the second floor. The accessory apartment will consist of two bedrooms, two bathrooms, a living room, kitchen, deck, and elevator. The proposed addition will increase the floor area of the structure from 5,164 square feet (.28) to

7,143 square feet (.38), where 5,957 square feet is allowed by right (.33) (**ATTACHMENT D**).

The Planning Department has significant concerns about the proposed addition, and especially the impact of its bulk and mass on the front façade. The two-story addition, which will have a street-facing gable roof, will add new height to the existing structure that is located closer to the street, as illustrated in the comparison of side elevations below.



Proposed Side Elevation



Existing Side Elevation

The Planning Department believes that the proposed addition is inconsistent with the architectural style of the existing structure and the surrounding ranch and split level dwellings, and will become the focal point of the structure.

The Planning Department is also concerned about the amount of requested relief in terms of square footage, which exceeds the allowable floor area by more than 1,000 square feet for a structure that is currently more than 4,500 square feet (including the basement but not including the garage), and is already one of the larger structures in the immediate neighborhood (**ATTACHMENT E**). The proposed accessory apartment is 1,500 square feet, which is allowable by special permit, but is larger than most accessory apartments seeking special permits.

For these reasons, the Planning Department recommends that the petitioner reduce the size of the addition so that it meets or modestly exceeds the allowable FAR, and

so that its bulk and mass do not overwhelm the existing structure. The Planning Department believes that this can be accomplished while still meeting the typical needs for an accessory apartment.

C. Parking

The proposed addition will create a three-car garage, which would accommodate vehicles for both the main dwelling and the accessory apartment. The Planning Department has no concerns with the amount of available parking on the site, even if reducing the size of the addition requires that one parking stall is located in the driveway.

D. Landscape Screening

There is existing vegetation and fencing around the rear yard of the property, which provides adequate screening from the side and rear property lines. The Planning Department does not believe additional screening is necessary for the proposed addition.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**ATTACHMENT F**) provides an analysis of the proposal with regard to zoning. Based on this review, the petitioner is seeking a Special Permit/Site Plan Approval for the following reliefs:

- §30-8(d)(c), to permit an accessory apartment in excess of 1,000 square feet
- §30-15(u)(2), §30-15 Table A, to exceed the allowable FAR.

B. Engineering Review

As the petitioner is not increasing the impervious surfaces on the lot by more than 400 square feet or 4% no engineering review is required.

C. Historic Review

The Newton Historical Commission (“NHC”) found the structure to be preferably preserved, but waived the demolition delay based on the design and materials of the proposed addition (**ATTACHMENT A**).

V. PETITIONER'S RESPONSIBILITIES

The petitioner should address the concerns raised by the Planning Department at the public hearing.

ATTACHMENTS:

- Attachment A:** Newton Historical Commission Review
- Attachment B:** Land Use Map
- Attachment C:** Zoning Map
- Attachment D:** FAR Worksheet
- Attachment E:** Accessor's Data on Surrounding Properties
- Attachment F:** Zoning Review Memorandum

ATTACHMENT A



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Candace Havens
Director

Newton Historical Commission Demolition Review Decision

Date: 9/3/14 Zoning & Dev. Review Project# 14050053

Address of structure: 100 Evelyn Road

Type of building : House

If partial demolition, feature to be demolished is rear façade and garage

The building or structure:

is is not in a National Register or local historic district not visible from a public way.

is is not on the National Register or eligible for listing.

is is not importantly associated with historic person(s), events, or architectural or social history

is is not historically or architecturally important for period, style, architect, builder, or context.

is is not located within 150 feet of a historic district and contextually similar.

is **NOT HISTORIC** as defined by the Newton Demolition Delay Ordinance.

Demolition is not delayed and no further review is required.

is **HISTORIC** as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

APPROVES the proposed project based upon materials submitted see below for conditions (if any).

Demolition is not delayed, further staff review may be required.

DOES NOT APPROVE and the project requires
Newton Historical Commission review (See below).

The Newton Historical Commission finds the building or structure:

is **NOT PREFERABLY PRESERVED**

Demolition is not delayed and no further review is required.

is **PREFERABLY PRESERVED - (SEE BELOW).**

Delay of Demolition:

is in effect until _____

has been waived - see attached for conditions

Determination made by:

Preserving the Past Planning for the Future

Please Note: if demolition does not occur within two years of the date of expiration of the demolition delay, the demolition will require a resubmittal to the Historical Commission for review and may result in another demolition delay.



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Candace Havens
Director

RECORD OF ACTION:

DATE: September 3, 2014

SUBJECT: 100 Evelyn Road

At a scheduled meeting and public hearing on August 28, 2014 the Newton Historical Commission, by vote of 5-0:

RESOLVED to waive the demo delay at 100 Evelyn Road based on the revised addition plans.

Voting in the Affirmative: _____ Voting in the Negative _____ Abstained _____

Dave Morton, Chairman
Nancy Grissom, Member
Jean Fulkerson, Member
Mark Armstrong, Member
Ellen Klapper, Alternate

Katy Hax Holmes, Commission Staff



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Director

RECORD OF ACTION:

DATE: July 7, 2014

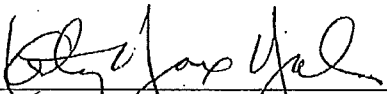
SUBJECT: 100 Evelyn Road

At a scheduled meeting and public hearing on June 26, 2014 the Newton Historical Commission, by vote of 3-1:

RESOLVED to find the building at 100 Evelyn Road preferably preserved for neighborhood context.

<u>Voting in the Affirmative:</u>	<u>Voting in the Negative</u>	<u>Abstained</u>
	Mark Armstrong, Member	

Dave Morton, Acting Chair
Bill Roesner, Member
Laura Fitzmaurice, Alternate


Katy Hax Holmes, Commission Staff

Newton Historical Commission
1000 Commonwealth Avenue, Newton, Massachusetts 02459
Email: Blevert@newtonma.gov
www.ci.newton.ma.us

Land Use Map 100 Evelyn Rd

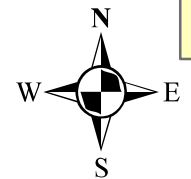
City of Newton,
Massachusetts

Legend

Land Use

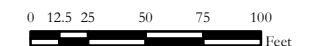
- Single Family Residential
- Multi-Family Residential
- Nonprofit Organizations

ATTACHMENT B

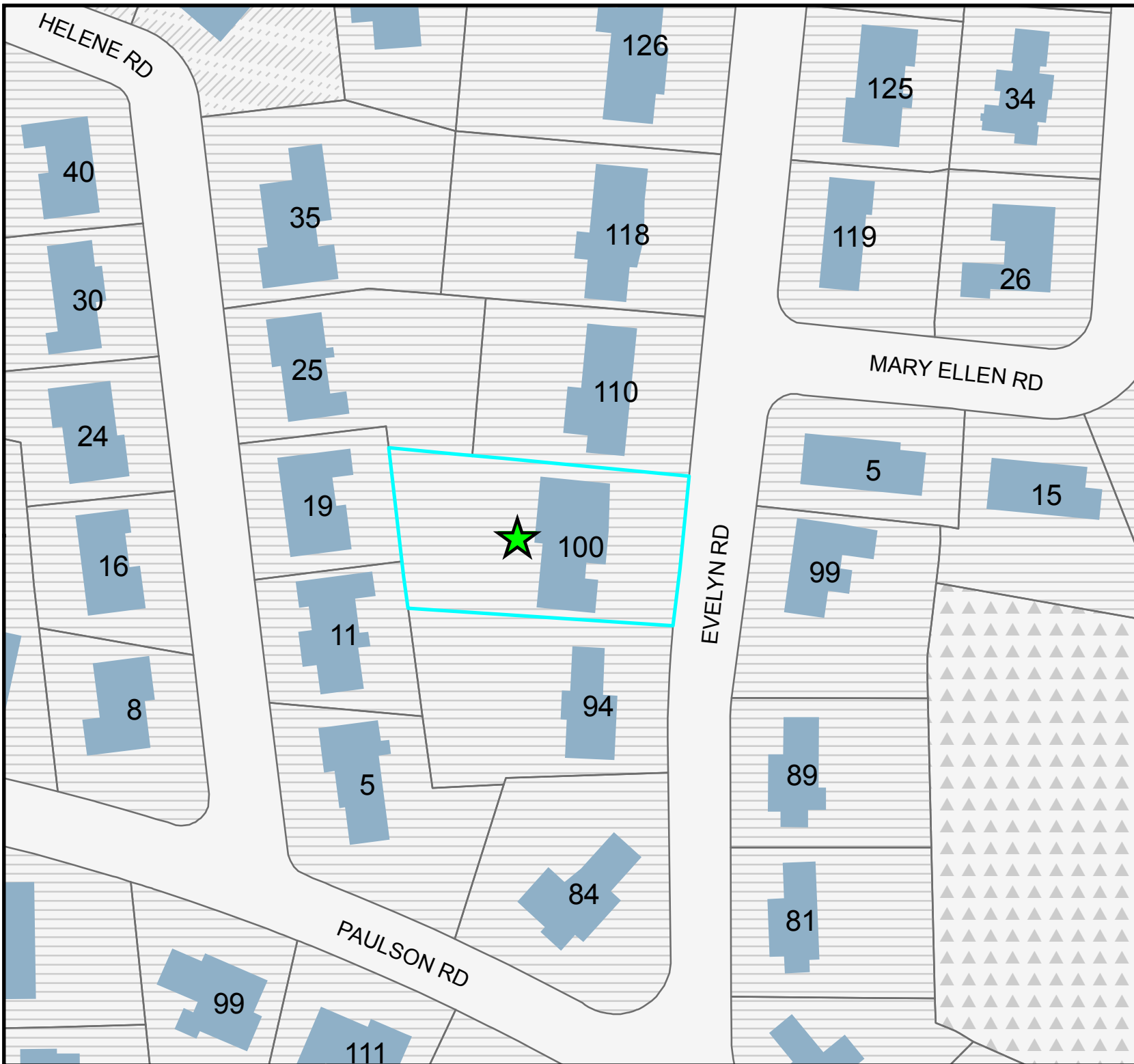


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: December 11, 2014



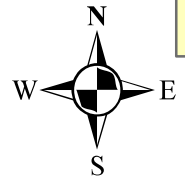
Zoning Map 100 Evelyn Rd

*City of Newton,
Massachusetts*

Legend

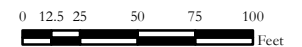
- Single Residence 2
- Multi-Residence 1
- Open Space/Recreation

ATTACHMENT C

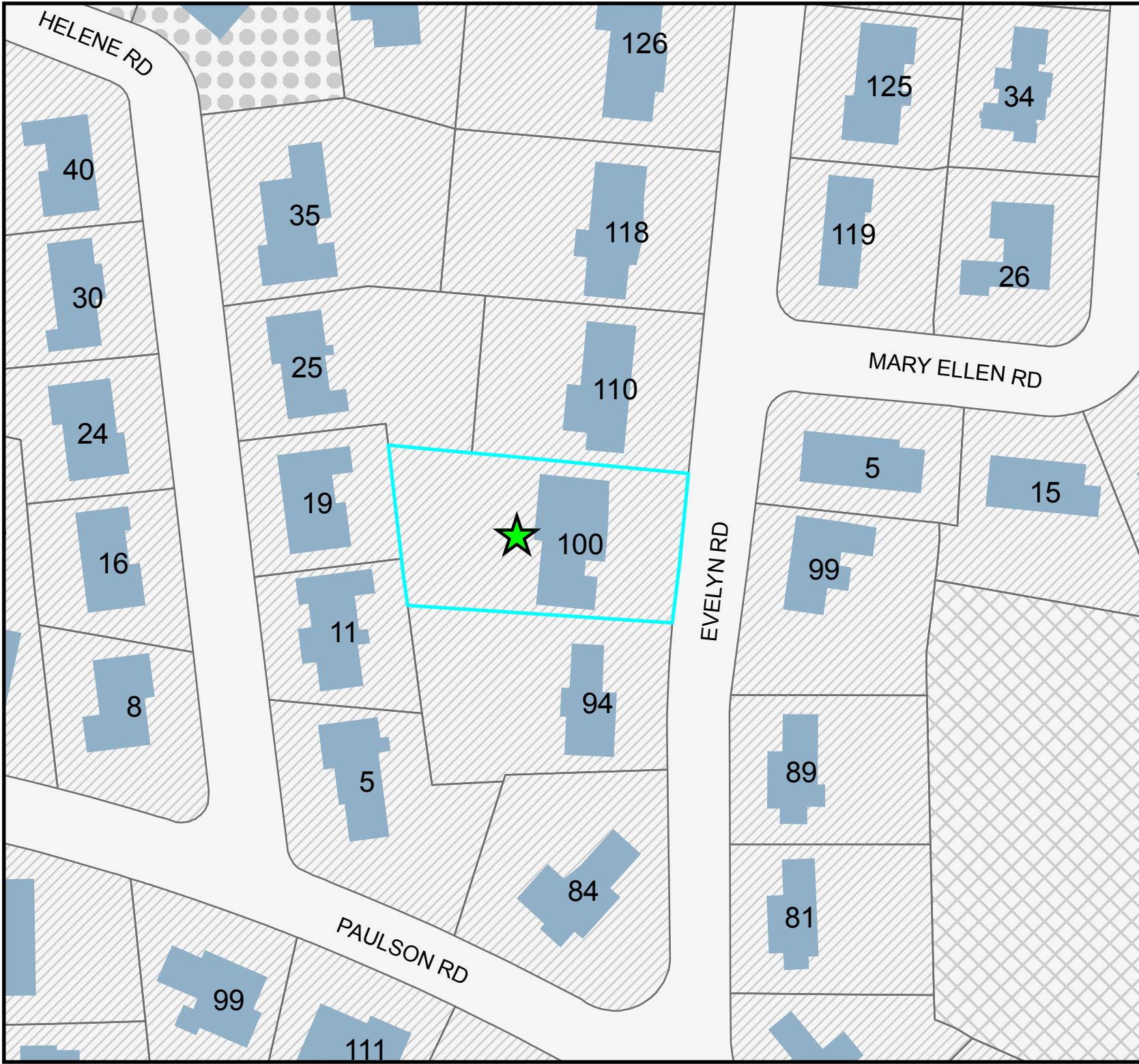


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: December 11, 2014



ATTACHMENT D

FAR WORKSHEET – PROPOSED

Prepared by: TIMOTHY BURKE (print)

Timothy Burke (signature) 1-21-15 (date)

FAR Calculations Effective Before October 15, 2011		FAR Calculations for Regulations Effective As Of October 15, 2011	
Inputs (square feet)		Inputs (square feet)	
1. First story		1. First story	2798
2. Attached garage		2. Attached garage	569
3. Second story		3. Second story	2499
4. Atria, open wells, and other vertical spaces (if not counted in first/second story)		4. Atria, open wells, and other vertical spaces (if not counted in first/second story)	0
5. Floor area above the second story if it is more than 2/3 the floor area of the story directly below (otherwise "0")		5. Certain floor area above the second story ^{1b}	0
6. Enclosed porches if heated (otherwise "0")		6. Enclosed porches ^{2b}	0
		7. Mass below first story ^{3b}	1145
		8. Detached garage	0
		9. Area above detached garages with a ceiling height of 7' or greater	0
		10. Other detached accessory buildings (one detached building up to 120 sq. ft. is exempt)	0
FAR of Proposed Structure(s)		FAR of Proposed Structure(s)	
A. Total gross floor area (sum of rows 1-6 above)		A. Total gross floor area (sum of rows 1-9 above)	7611
B. Lot size		B. Lot size	18052.5
C. FAR = A/B		C. FAR = A/B	.38
Allowed FAR		Allowed FAR	
Allowed FAR SR1=.2 or .25 depending on age of lot SR2=.3 SR3=.35 MR1, 2, 3=.4		See attached table of Allowable FAR	.33
Bonus of .02 to .07 if eligible ^{1a}		Bonus of .02 if eligible ^{4b}	.
TOTAL Allowed FAR (add two rows above)		TOTAL Allowed FAR (add two rows above)	.33

FAR WORKSHEET – EXISTING

Prepared by: TIMOTHY BURKE, ARCHITECT (print)

(signature) 10.20.14 (date)

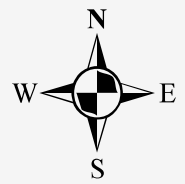
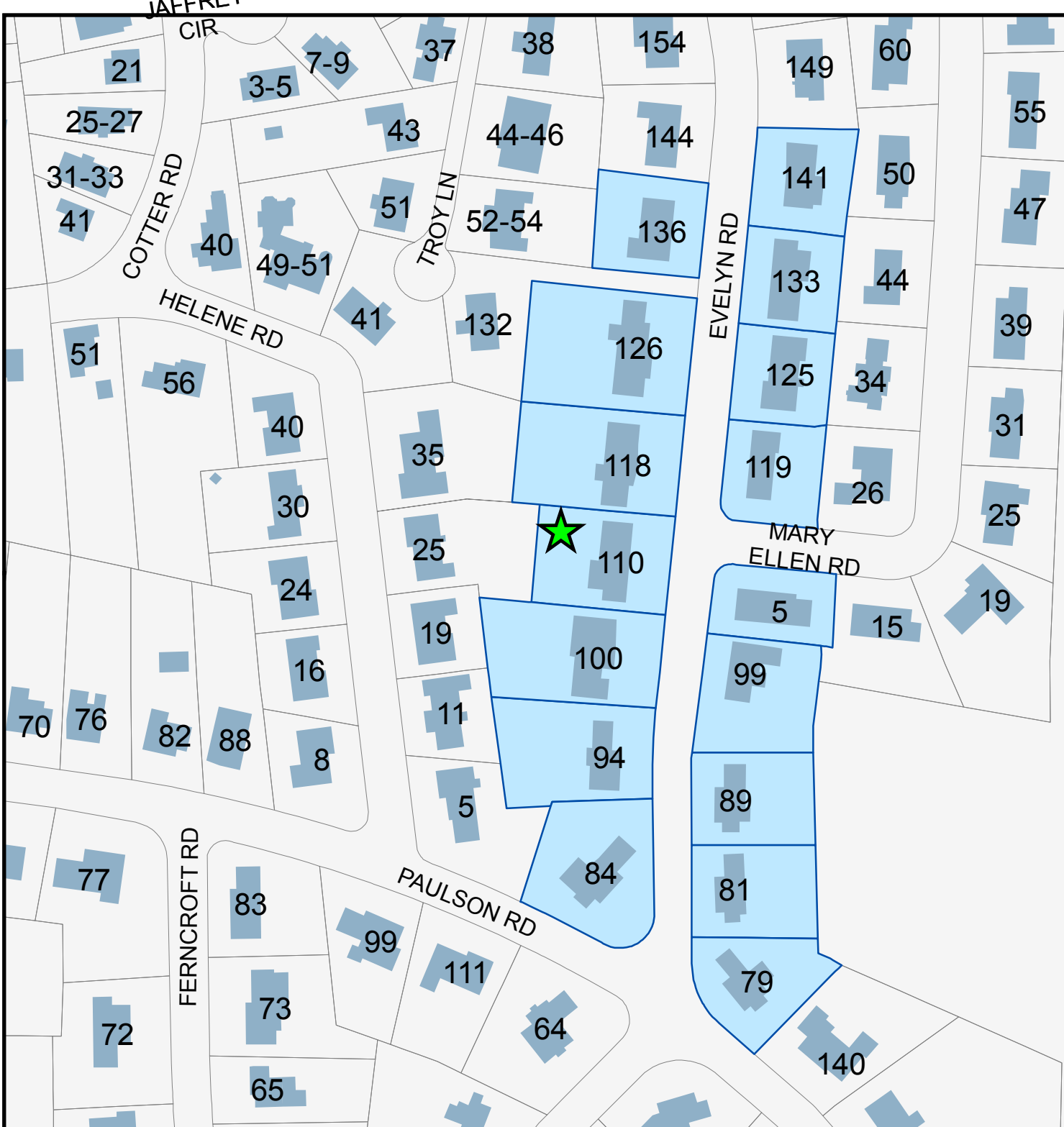
FAR Calculations for Regulations Effective As Of October 15, 2011	
Inputs (square feet)	
1. First story	2548
2. Attached garage	455
3. Second story	1016
4. Atria, open wells, and other vertical spaces (if not counted in first/second story)	0
5. Certain floor area above the second story ^{2b}	0
6. Enclosed porches ^{2b}	0
7. Mass below first story ^{3b}	1145
8. Detached garage	0
9. Area above detached garages with a ceiling height of 7' or greater	0
10. Other detached accessory buildings (one detached building up to 120 sq. ft. is exempt)	0
FAR of Existing Structure(s)	
A. Total gross floor area (sum of rows 1-9 above)	5164
B. Lot size	18052.5
C. FAR = A/B	.28
Allowed FAR	
See attached table of Allowable FAR	.33
Bonus of .02 if eligible ^{4b}	
TOTAL Allowed FAR (add two rows above)	.33

INFORMATION FROM ACCESSORS DATABASE ON SURROUNDING LOTS

Address	Lot Size	House Size	Basement Area	Unfinished Attic	Detached Garage	Shed	Total***	Syle	Story
141 Evelyn Rd	10,500	2,262	1,934				4,196	Split-Level	1
136 Evelyn Rd	11,160	1,740	1,740				3,480	Ranch	1
133 Evelyn Rd	10,000	1,764	1,596				3,360	Ranch	1
125 Evelyn Rd	10,000	1,744	1,563				3,307	Ranch	1
126 Evelyn Rd	21,477	4,592	3,960				8,552	Ranch	1
119 Evelyn Rd	10,114	2,431	1,036	607			4,074	Colonial	2
118 Evelyn Rd	17,340	2,377	2,377				4,754	Ranch	1
110 Evelyn	14,000	2,566	1,568				4,134	Ranch	1
5 Mary Ellen Rd	8,840	2,040	1,680				3,720	Ranch	1
100 Evelyn Rd	18,050	3,201	2,364	396			5,961	Split-Level	1.5
99 Evelyn Rd	14,268	1,985	1,548				3,533	Ranch	1
94 Evelyn	17,000	3,624	1,040				4,664	Colonial	2.5
89 Evelyn Rd	12,052	1,985	1,049				3,034	Colonial	2
81 Evelyn Rd	12,115	1,853	884				2,737	Colonial	2
79 Evelyn Rd	11,816	2,909	1,168				4,077	Colonial	2
84 Evelyn Rd	15,370	4,101	1,626				5,727	Colonial	2

*** The Total column does not represent the floor area counted in FAR as calculated by the Newton Zoning Ordinance. This information is being provided for general comparison purposes on the size of the structure, not the FAR calculation.

Map of Selected Properties from Accessor's Database





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ATTACHMENT F

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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: January 29, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Timothy Burke, architect
Roger and Afarin Greiger, applicants
James Freas, Acting of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to establish an accessory apartment exceeding 1,000 square feet in an existing single-family dwelling, and to exceed FAR

Applicant: Roger and Afarin Greiger	
Site: 100 Evelyn Road	SBL: 53003 0013
Zoning: SR2	Lot Area: 18,052 square feet
Current use: Single-family dwelling	Proposed use: Single-family with accessory apartment

BACKGROUND:

The property at 100 Evelyn Road is improved with a single-family dwelling built in 1950 in the Single Residence 2 district on an 18,052 square foot lot. The applicant proposes to raze the one-story portion of the dwelling consisting of a two-car garage, and construct a three-car garage and living space with an accessory apartment above. The proposed addition exceeds the allowable floor area ratio, and the proposed accessory apartment exceeds the 1,000 square feet allowed by right. A special permit is required to construct the project as proposed.

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

- Zoning Review Application, prepared by Timothy Burke, architect, dated 10/27/2014
- FAR calculations, prepared by Timothy Burke, architect, dated 10/20/2014
- Certified Plot Plan, prepared by Ron Natoli, PLS, dated 10/13/2014
- Architectural Plans, signed and stamped by Timothy Burke, dated 10/15/2014
 - Existing first floor plan
 - Existing second floor plan

- Existing elevations
- Proposed first floor plan
- Proposed second floor plan
- Proposed elevations
- Existing landscape plan
- Proposed landscape plan

ADMINISTRATIVE DETERMINATIONS:

1. The proposed 1,847 square foot addition creates an FAR of .38, from the existing .28, where .33 is the maximum allowed by right. A special permit is required to exceed the maximum FAR per Sections 30-15(u)(2) and 30-15, Table 3.
2. The existing single-family structure is located in an SR2 district. The applicant proposes to construct an addition to the existing dwelling consisting of a three-car garage and mudroom with an accessory apartment above. The apartment is proposed to be approximately 1,500 square feet. Per Section 30-8(d)(c), a special permit is required to create an accessory apartment exceeding 1,000 square feet in a single-family dwelling.
3. Table 30-8 requires a lot have at least 15,000 square feet for an accessory apartment by right. The applicant's lot has 18,052 square feet.
4. Table 30-8 requires that a building housing an accessory apartment have at least 3,100 square feet. The applicant's existing single-family dwelling has 5,164 square feet, including the basement. After the proposed addition, the structure will have 7,011 square feet.
5. Section 30-8(d)(1)a) requires that an accessory apartment within a single-family dwelling have one of the units be occupied by the owner of the property. The owner of the property intends to maintain residency in the main dwelling.
6. Section 30-8(d)(1)(b) requires a single-family dwelling to have been constructed at least ten years prior to the date of application for the permit for the accessory apartment. The dwelling was built circa 1950 and thus meets the requirement.
7. Any exterior alterations required to meet applicable building, fire or health codes are permitted, per section 30-8(d)(1)(d).
8. Per Section 30-8(d)(1)(e), the addition made to the existing dwelling is not necessary to meet the requirements of Table 30-8, Dimensional Requirements For Accessory Apartments.
9. Section 30-8(d)(1)(f) requires that there is no more than one accessory apartment per lot. The plans show only one accessory apartment on the site.
10. No lodgers are allowed in any unit, per section 30-8(d)(1)(g).

11. Sections 30-8(d)(1)(h), 30-19(d)(19) and 30-19(g) require two parking stalls for the dwelling unit, and one stall for the accessory unit. The applicant proposes to construct an attached three-car garage, which will satisfy the parking requirement of the Ordinance.

12. The accessory apartment must comply with all applicable building, fire and health codes, per section 30-9(h)(1)(i).

SR2 Zone	Required/Allowed	Existing	Proposed
Lot Size	7,000 square feet	18,052 square feet	No change
Frontage	80 feet	100 feet	No change
Lot size required for an accessory apartment	15,000 square feet	18,052 square feet	No change
Building size required for an accessory apartment	3,100 square feet	5,164 square feet	7,011 square feet
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	20 feet 7.5 feet 15 feet	49.6 feet 8.1 feet 67.5 feet	41.0 feet 8.0 feet No change
Max Lot Coverage	30%	18.6%	18.2%*
Min Open Space	50%	68.8%	65.2%*
Max Height	36 feet	23.4 feet	No change
FAR	.33	.28	.38

*Lot coverage and open space figures are based on a previous plan indicating a slightly larger addition. The proposed addition is approximately 132 square feet smaller.

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§30-15(u)(2), §30-15 Table 3	Exceed allowable FAR	S.P. per §30-24
§30-8(d)(c)	Permit an accessory apartment in excess of 1,000 square feet	S.P. per §30-24