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James Freas  
Acting Director


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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date: October 13, 2015  
Land Use Action Date: November 3, 2015  
Board of Aldermen Action Date: November 16, 2015  
90-Day Expiration Date: January 4, 2015

DATE: October 9, 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 #232-15**, SCOTT MILLER, petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE in order to construct a second-floor onto an existing nonconforming single-family dwelling which will result in an increase to the two nonconforming front setbacks at 166 PARMENTER ROAD, Ward 3, West Newton, on land known as SBL 34, 37, 49, containing approximately 5,960 square feet of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 1 of the City of Newton Rev Zoning Ord, 2012.

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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.



**166 Parmenter Road**

## EXECUTIVE SUMMARY

The property at 166 Parmenter Road consists of 5,960 square feet of land, improved with a 1½-story single-family dwelling constructed in 1925 and a detached garage. The existing building is located within the front setbacks on both Parmenter Road and Falmouth Road. The petitioner is proposing to add an additional story to the structure, which will increase the nonconforming nature of the structure by creating additional floor area in the front setbacks. The project was reviewed by the Newton Historical Commission (NHC) and the demolition delay was waived based on the proposed plans.

The Planning Department does not have any major concerns with the proposed project, and notes the narrow shape of the lot and its modest size contribute to the nonconforming setbacks. The proposed addition will be within the footprint of the existing building except where it will project five inches closer to Falmouth Road and six feet closer to the side property line. The project will comply with all other dimensional requirements, including the maximum building height and Floor Area Ratio. Although the Planning Department is concerned with the loss of small homes on small lots, the addition will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood.

### I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The proposed addition is not substantially more detrimental than the existing nonconforming structure is to the surrounding neighborhood. (§30-21(b))
- The specific site is an appropriate location for the proposed addition. (§30-24(d)(1))

### II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

#### A. Neighborhood and Zoning

The site is located at the corner of Parmenter and Falmouth Roads. The land uses in the surrounding neighborhood include single-family and multi-family dwellings (**ATTACHMENT A**). The zoning district in the surrounding neighborhood is Single Residence 3 (**ATTACHMENT B**). The neighborhood has a mix of structures with building heights that range from 1½ to 2½ stories. In general the properties on Parmenter Road have taller building heights than the properties on the side streets off of Parmenter Road.

B. Site

The site consists of 5,960 square feet of land, improved with a 1½-story, single-family dwelling constructed in 1925. The site is unusually narrow in that the frontage on Parmenter Road is only 50 feet. There is a two-car garage that faces and is accessed off of Falmouth Road, and trees and shrubs along portions of the property lines.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The land use will remain a single-family dwelling.

B. Building and Site Design

The petitioner is proposing to add an additional story to the existing structure that will mostly be located within the footprint of the existing structure. The addition will extend closer to Falmouth Road by approximately five inches, and closer to the detached garage by approximately six feet. The addition will increase the square footage of the dwelling by approximately 900 square feet to 2,801 (including the garage), and will increase the building from 1½ to 2½-stories.

The addition will consist of cedar shingles, rafter tails, architectural asphalt shingles, and will include dormers on the half story. Although the Planning Department is concerned with the loss of small homes on small lots, the existing nonconforming setbacks will generally be maintained and the addition will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood. The project will comply with the building height, FAR, open space, and lot coverage requirements. The Planning Department believes that the architecture and materials are well designed and notes that NHC reviewed and approved the proposed plans.

C. Landscape Screening

The Planning Department does not believe that additional landscape screening is required for this project.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**ATTACHMENT C**) provides an analysis of the proposal with regard to zoning. The petitioner is seeking the following reliefs:

- §30-15 Table 1 and §30-21(b), to extend a single-family dwelling which is

nonconforming due to front setbacks.

B. Engineering Review

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

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.



**ATTACHMENTS:**

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

# Land Use Map 166 Parmenter Road

City of Newton,  
Massachusetts

### Legend

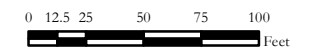
-  Single Family Residential
-  Multi-Family Residential

**ATTACHMENT A**

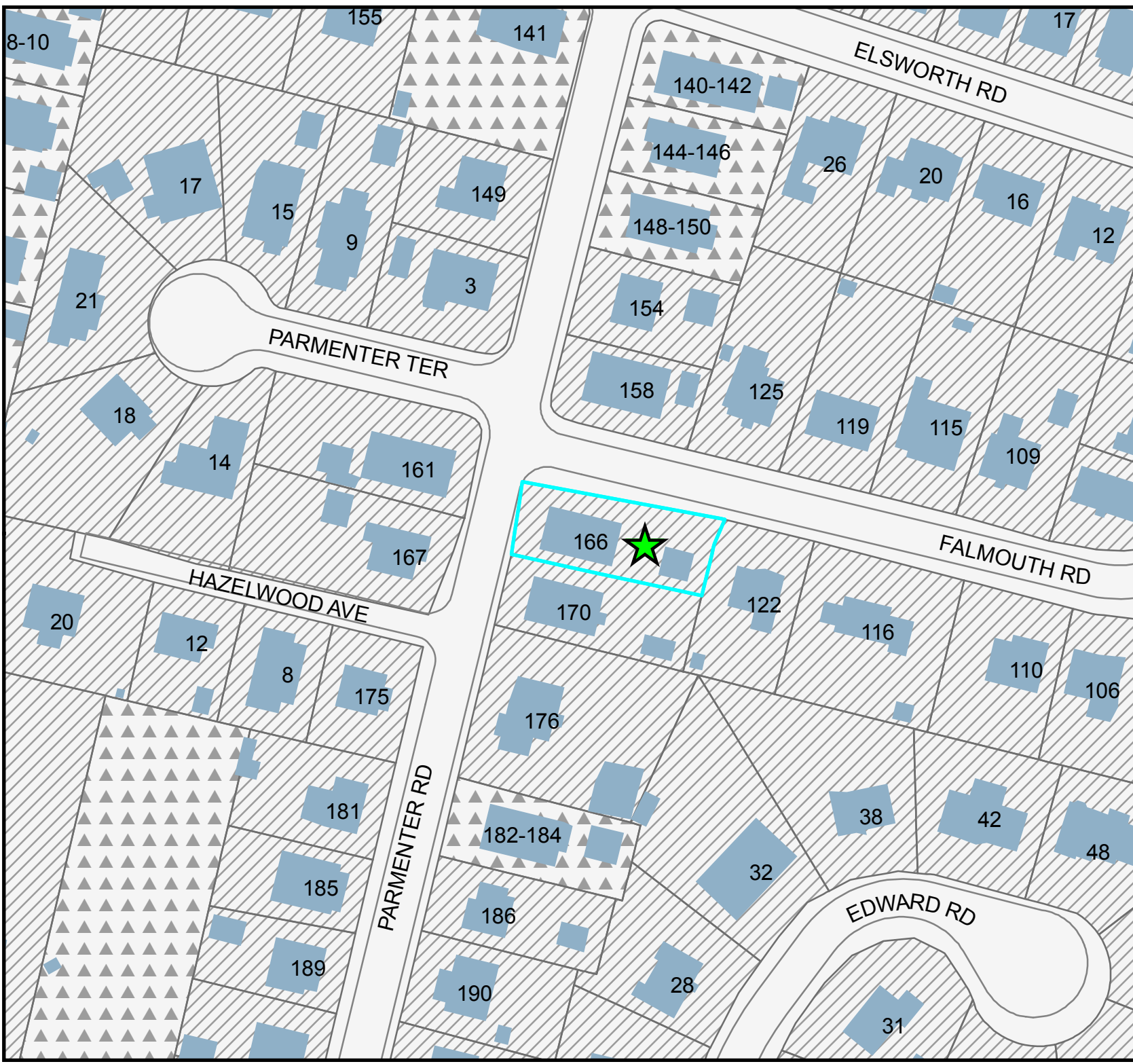


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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GIS Administrator - Douglas Greenfield



Map Date: September 17, 2015



# Zoning Map 166 Parmenter Road

City of Newton,  
Massachusetts

### Legend

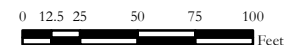
 Single Residence 3

**ATTACHMENT B**

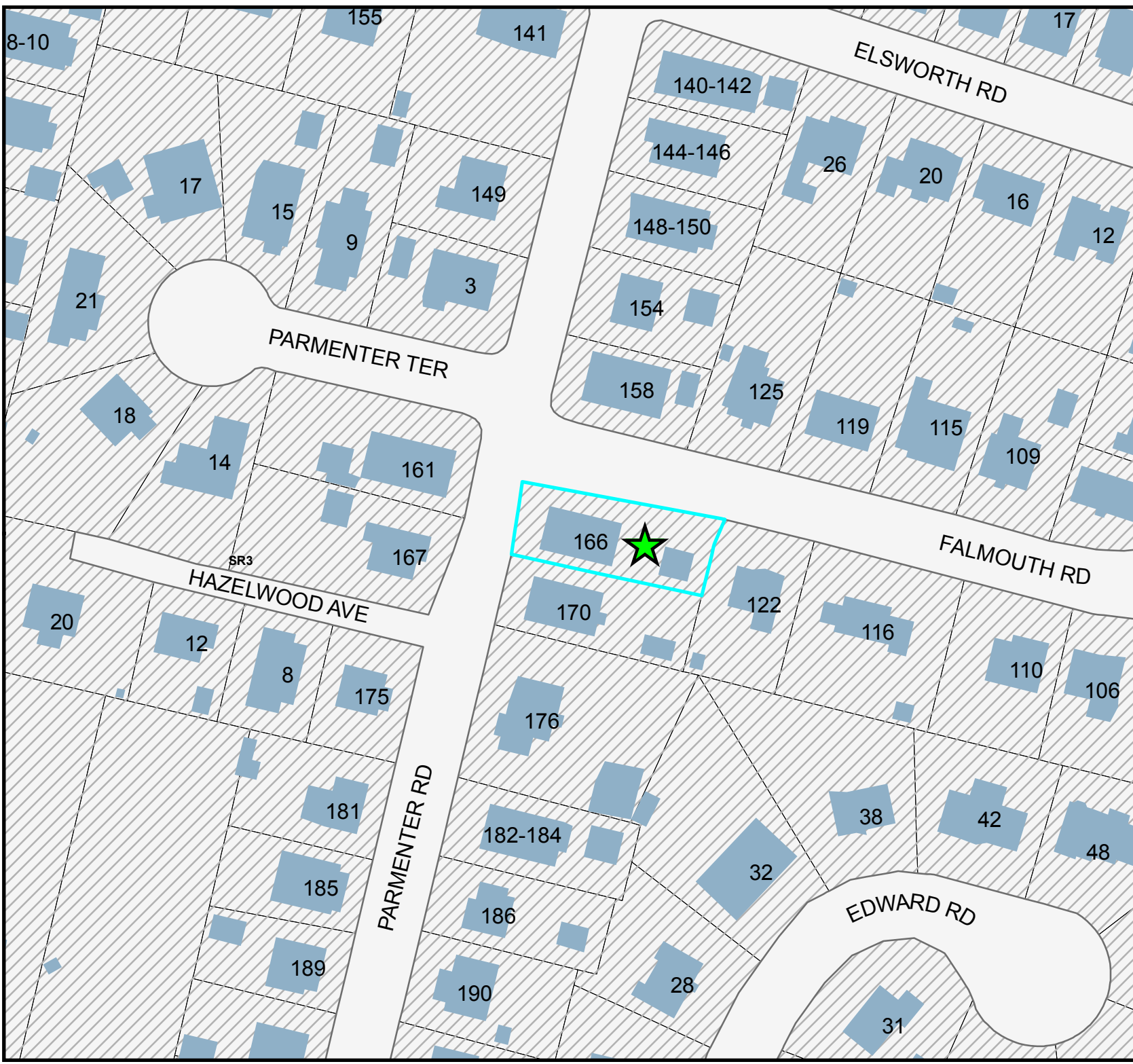


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# ATTACHMENT C

## City of Newton, Massachusetts Department of Planning and Development

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James Freas  
Acting Director

### ZONING REVIEW MEMORANDUM

Date: August 18, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Peter Sachs, architect  
James Freas, Acting Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: **Request to extend a nonconforming structure and further decrease a nonconforming front setback**

<b>Applicant: Peter Sachs</b>	
<b>Site:</b> 166 Parmenter Road	<b>SBL:</b> 34037 0049
<b>Zoning:</b> SR-3	<b>Lot Area:</b> 5,960 square feet
<b>Current use:</b> Single-family dwelling	<b>Proposed use:</b> No change

#### BACKGROUND:

The property at 166 Parmenter Road is located at the corner of Parmenter and Falmouth Roads in the Single Residence 3 zoning district. The lot consists of 5,960 square feet and is improved with a single-family residence and detached garage both constructed in 1925. The bungalow-style structure consists of one and a half stories.

The applicants propose to add a second floor to the house over the existing footprint. The structure has two nonconforming front setbacks. The addition will increase the nonconforming nature of the structure by adding an additional floor within the nonconforming setback from Parmenter Road, and by increasing the nonconforming setback by five inches from Falmouth Road, which requires a special permit.

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

- Zoning Review Application, prepared by Peter Sachs, architect, submitted 8/12/2015
- FAR Worksheet, submitted 8/12/2015
- Plot Plan, prepared by Verne T. Porter, surveyor, dated 6/16/2015

- Proposed Site Plan, signed and stamped by Peter Sachs, architect, dated 8/11/2015
- Architectural Plans, signed and stamped by Peter Sachs, architect, dated 8/11/2015

**ADMINISTRATIVE DETERMINATIONS:**

1. As the property is a corner lot, it has two front setback requirements. The existing structure is 16.5 feet from Parmenter Road and 16.7 feet from Falmouth Road, where Section 30-15, Table 1 requires a 25 foot front setback. The applicant intend to add a second floor to the house. This addition extends the nonconforming front setback for Parmenter Road vertically, requiring a special permit pursuant to Section 30-21(b). The applicant intends to extend the front of the house fronting on Falmouth Road five inches closer to the lot line, thereby further extending the nonconforming front setback, which requires a special permit per Section 30-21(b).

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	<b>5,960 square feet</b>	<b>No change</b>
Frontage	70 feet	<b>45 feet</b>	<b>No change</b>
Setbacks			
<ul style="list-style-type: none"> <li>• Front (Parmenter Rd)</li> <li>• Front (Falmouth Rd)</li> <li>• Side</li> <li>• Rear</li> </ul>	17.7 feet* 23.7 feet* 7.5 feet 15 feet	<b>16.5 feet</b> <b>16.7 feet</b> 7.7 feet +50 feet	<b>No change</b> <b>16.2 feet</b> No change +44 feet
Building Height	36	NA	28.8 feet
Max Number of Stories	2.5	1.5	2.5
FAR	.48	.32	.47
Max Lot Coverage	30%	25.52%	No change
Min. Open Space	50%	67.31%	No change

\*Section 30-15(d) states that no building need be set back more than the average of the setbacks of the buildings on the lots on either side of the lot in question.

1. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table 1 30-21(b)	To extend single-family dwelling which is nonconforming due to front setbacks	S.P. per §30-24