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M E M O R A N D U M

TO: LAND USE COMMITTEE OF THE BOARD OF ALDERMEN

FROM: CANDACE HAVENS, DIRECTOR OF PLANNING AND DEVELOPMENT
EVE TAPPER, CHIEF PLANNER FOR CURRENT PLANNING ^{ET}
DEREK VALENTINE, SENIOR PLANNER

RE: INFORMATION FOR MAY 22, 2012 WORKING SESSION

DATE: MAY 18, 2012

CC: PETITIONERS
JOHN LOJEK, COMMISSIONER OF INSPECTIONAL SERVICES

In response to questions raised at the Land Use Committee public hearings, previous working session meetings and/or staff technical reviews, the Planning Department is providing the following information for the upcoming working session. This information is supplemental to staff analysis previously provided at the public hearing.

PETITION #82-12

112 EXETER STREET

EXPANSION OF A STRUCTURE REQUIRING RELIEF TO ADD A THREE-STORY ADDITION AND TO INCREASE THE FAR.

The petitioner is proposing an addition to a single-family residence. The structure is a split level with a portion of the first floor qualifying as a story and the other portion qualifying as a basement. The addition is proposed above the portion that is a story making it a third story. Relief is also requested to increase the FAR from .29 to .36, where .32 is allowed by right.

- **Building design.** A number of concerns were raised in letters from abutters as well as in testimony at the public hearing pertaining to the overall design of the house. These concerns included the muntin pattern in the large window on the front of the house, the overall fenestration of the building, and the color/style of the trim work. The Land Use Committee is limited in its scope and must remain design-neutral with respect to these concerns. If the Committee decides to approve this petition it may do so by finding that the project is not in derogation of the size, scale, and design of other structures in the neighborhood. It is possible that certain modifications to the design will mitigate the impact of the mass of the structure and

as such permit the Committee to make such a finding. However, the Committee should be careful not to condition a special permit approval based on design changes that are simply aesthetic in nature.

Neighborhood cooperation is encouraged and the Department is supportive of the petitioner's continued efforts to incorporate neighborhood comments in the building design, but the Committee should not include any of these concerns in the conditioning of the special permit. If this petition is approved by the Board and the homeowners later decide to change the fenestration or trim detailing of the house, these changes are likely approvable by a consistency ruling from the Commissioner of Inspectional Services, which is an administrative action and does not require further Board action.

RECOMMENDATION: Approval with the findings and conditions listed in the attached draft Board Order (**ATTACHMENT A**).

ATTACHMENT A: Draft Board Order, 112 Exeter Street

CITY OF NEWTON
IN BOARD OF ALDERMEN
May 22, 2012

ORDERED:

That the Board, 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 request for a SPECIAL PERMIT/SITE PLAN APPROVAL for an EXTENSION OF A NONCONFORMING STRUCTURE to add a third story above an existing single-family dwelling, of which a portion counts as a basement and a portion counts as a first floor, increasing the floor area ratio from .29 to .36 at 112 EXETER STREET, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman Ted Hess-Mahan:

1. The Board finds that:
 - a. The petitioner's site is an appropriate location for the proposed three-story dwelling because the property is unique in that it features a split level home with an above-grade lower level on a sloping lot.
 - b. A three-story structure is not in derogation of the size, scale or design of other structures in the neighborhood as there are a number of other structures in the neighborhood that have been expanded and present a larger mass when viewed from the street than the petitioner's proposal.
 - c. An FAR of .36 where .32 is allowed by right will not be in derogation of the size, scale, and design of other structures in the neighborhood since there is a wide variety of styles and building scales in the surrounding area.

PETITION NUMBER: #82-12

PETITIONER: Geoffrey and Robin Pedder

LOCATION: 112 Exeter Street, Section 32, Block 28, Lot 21 containing approximately 16,080 sq. ft. of land

OWNER: Geoffrey and Robin Pedder

ADDRESS OF OWNER: 112 Exeter Street

TO BE USED FOR: Single-family dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Section 30-15, Table 1, Footnote 4 to allow a three-story dwelling in an SR1 District, Section 30-15, Table 1, Footnote 5, to allow and FAR of .36 where .32 is allowed by right

ZONING: Single Residence 1

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. "Plan of Land in Newton, MA, 112 Exeter Street" dated December 7, 2011, signed and stamped by Bruce Bradford, Professional Land Surveyor.
 - b. Architectural drawings as follows "Pedder Residence, 112 Exeter Street" all drawn by Mayer and Associates, dated December 15, 2011, including the following sheets:
 - i. "A 3-0, Basement Plan"
 - ii. "A 3-1, First Floor Plan"
 - iii. "A 3-2, Basement Plan"
 - iv. "A 4-1, Exterior Elevation"
 - v. "A 4-2, Exterior Elevation"
 - vi. "A 4-1, Exterior Elevation"
2. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioner has:
 - 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.
3. No 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 engineer certifying compliance with Condition #1.
- b. Submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in paper and digital format.