



Ruthanne Fuller
Mayor

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

#176-18
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	April 10, 2018
Land Use Action Date:	June 26, 2018
City Council Action Date:	July 2, 2018
90-Day Expiration Date:	July 9, 2018

DATE: April 6, 2018

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Valerie Birmingham, Planning Associate

SUBJECT: **Petition #176-18**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct additions exceeding the maximum allowable FAR of .37 where .48 is proposed and .34 exists at **133 Park Street** Ward 1, Newton, on land known as Section 72, Block 50, Lot 23, containing approximately 10,615 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9 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.



133 Park Street

EXECUTIVE SUMMARY

The property at 133 Park Street consists of a 10,615 square foot lot in a Single Residence 2 (SR-2) zoning district. It is improved with a historic mansard single-family dwelling constructed circa 1865, and a detached garage constructed in 1928. The petitioner is seeking to demolish the rear of the structure and build a larger two-story addition in its place. The building footprint will be increased just slightly as the proposed plan calls for the addition to be built almost entirely within the existing footprint, except for an addition of 94.8 sq. ft. to the left side. In addition, the petitioner is proposing to extend the open front porch to match the width of the facade, as well as construct a new deck in the rear. The proposed modifications add 1,510 square feet to the structure creating a total of 5,149 square feet, increasing the building's floor area ratio (FAR) from .34 to .48, where the maximum allowed is .37. A special permit pursuant to Section §3.1.9 is required to exceed the maximum allowable FAR.

The Planning Department believes the addition is appropriately designed to be consistent with the historic structure and its well-preserved details, including a mansard roof with gabled dormers and dentil cornices, while improving the interior configuration of the dwelling. Furthermore, the proposed modifications are keeping in size, scale, and design of other structures in the neighborhood. For these reasons, staff recommends approval of the petition.

SIGNIFICANT ISSUES FOR CONSIDERATION:

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

- The increase in FAR from .34 to .48, where .37 is the maximum allowed is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood (§3.1.9).

I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

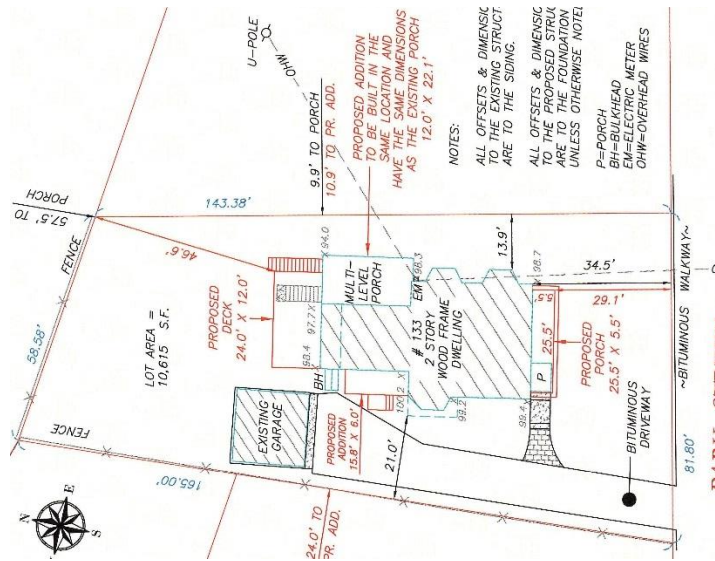
A. Neighborhood and Zoning

The subject property is located on the west side of Park Street, in the SR-2 zone, directly opposite the Bigelow Middle School and Burr Playground. The immediate neighborhood and surrounding area is largely residential due to the SR-2 zone to the south, and the Multi-Residence 1 (MR-1) directly to the north. However, there are a small handful of mixed-use and nonprofit organization uses in the area. **(Attachments A & B).**

B. Site

The site is a 10,615-square foot lot improved with an approximate 3,640 square foot, 2 ½ story single-family dwelling near the center of the property. The site also includes a detached garage located to the left of the dwelling, towards the rear of the lot. Access to

the garage is provided by an approximately 90-foot-long paved driveway along the left side of the property. The front half of the site is predominantly flat, while the back half of the site slopes downward at a relatively steep angle beginning at the building's rear facade. The site features lawn area and mature vegetation, including trees and shrubs. A six-foot wood fence is located along the left side and rear property line.



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 rear of the dwelling and construct an addition in its place to reconfigure the interior of the house to include enlarging the kitchen and dining room and expanding the second-floor master suite. To accomplish the desired changes, the petitioner originally contemplated enclosing the dwelling's existing two-story rear open porch and constructing an addition on the left side of the building with additional modifications; however, that plan has since been replaced with the current design and project scope. The building's overall footprint will be increased just slightly as the proposed modifications call for the addition to be built almost entirely within the existing footprint, except for an addition to the left side to allow for an entrance closer to the garage, and to locate a first-floor mudroom and bath and contribute to the redesigned second floor.

Unlike the existing rear portion of the structure, the proposed roofline matches the historic dwelling to allow for a continuous and uniform design, with mirroring gabled dormers and an appropriate mansard style roof. The proposed design will be completely enclosed and counting towards the building's FAR. Currently the two-story open porch does not count towards FAR.

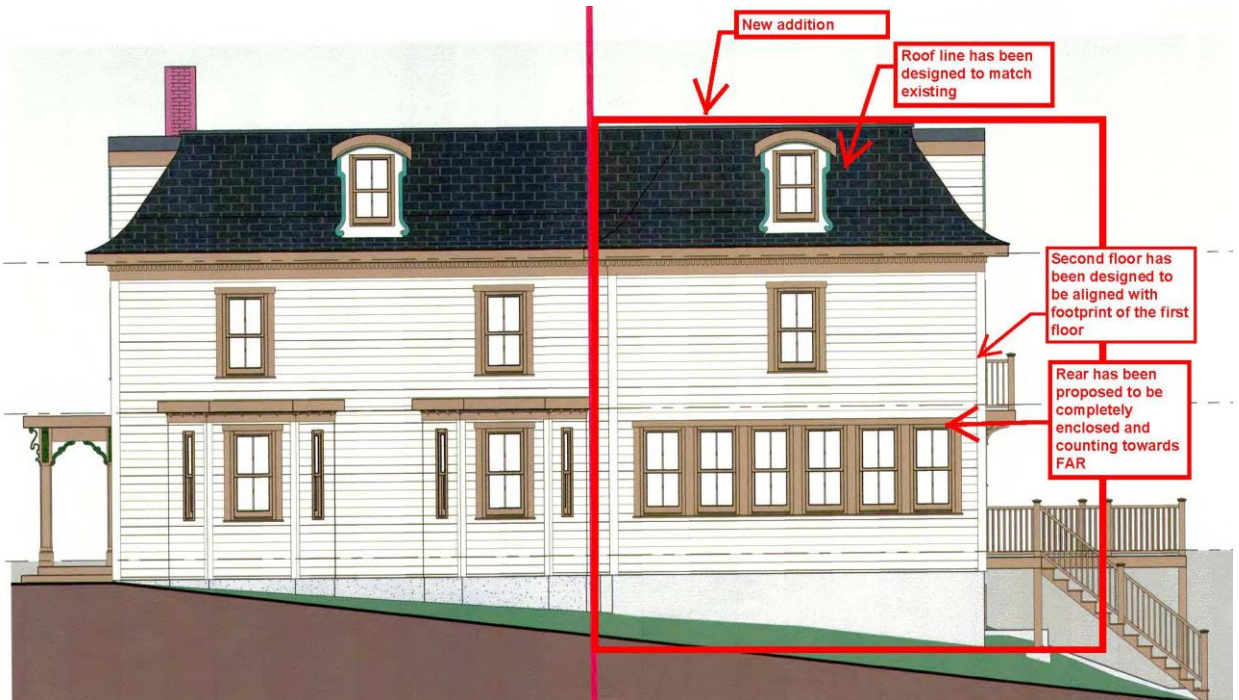
In addition, the open front porch will be extended to match the width of the front façade, and a new deck will be located on the rear of the proposed addition. A portion of the grade in the rear will be lowered to allow for a walkout basement.

The proposed modifications would add approximately 1,510 square feet of floor area to the dwelling and would increase the FAR from 0.34 to 0.48, above the maximum 0.37 allowed by right.

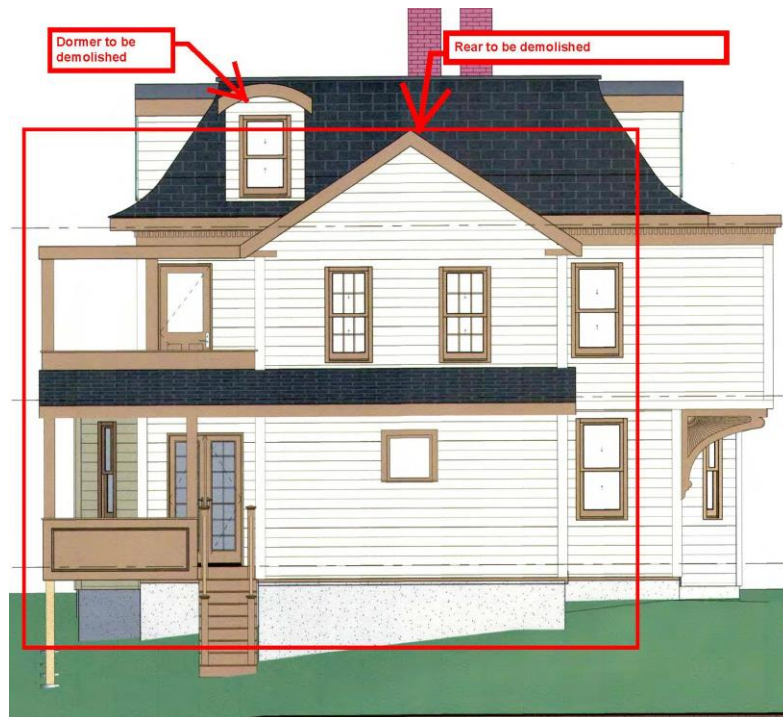
The proposed modifications would not increase the dwelling's height and would meet all other dimensional standards and requirements.



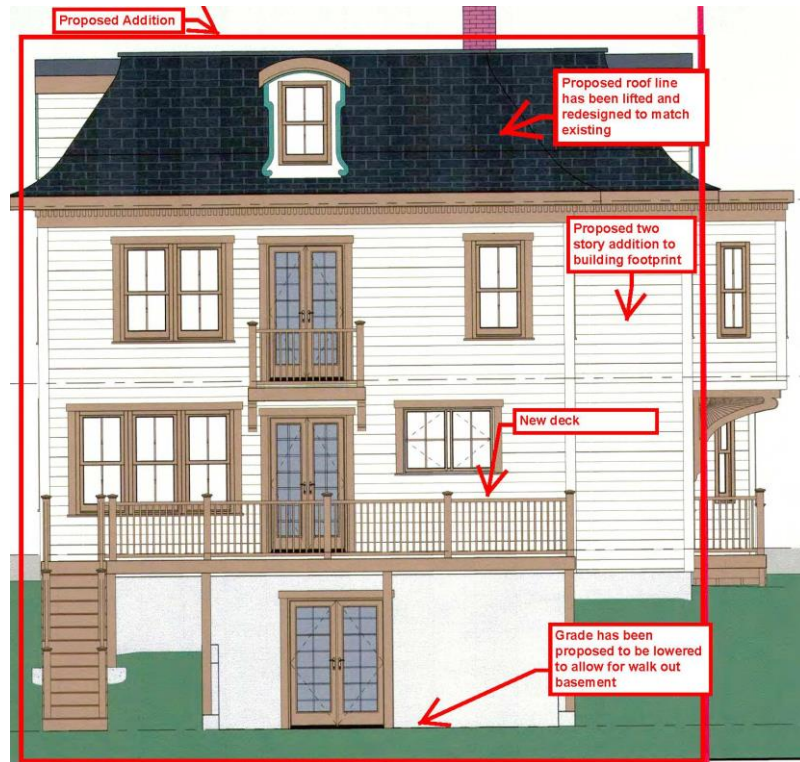
Existing Right Side Elevation



Proposed Right Side Elevation



Existing Rear Elevation



Proposed Rear Elevation

The Planning Department believes the addition is appropriately designed to be consistent with the historic structure and is keeping in size, scale, and design of other structures in the neighborhood.

C. Parking and Circulation

The petitioner is not proposing any changes to parking or circulation

D. Landscaping and Screening

A landscape plan is not required 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:

- §3.1.9 of Section 30, to exceed FAR

B. Engineering Review

Review of this proposal by the Engineering Division is not required at this time. In the event this petition is approved, the Engineering Division will review the project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit.

C. Newton Historical Commission

The petitioner is proposing to alter more than 50% of a side of a historic structure which requires review from the Newton Historical Commission. The project, as proposed, was approved by the Newton Historical Commission per the submitted plans on January 11, 2018 (**Attachment D**).

IV. 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:** Newton Historical Commission Demolition Review Decision
- Attachment E:** DRAFT Order

**The Zoning Review Memorandum was written prior to the change in the petitioner's plan to demolish the rear of the structure instead of enclosing the existing open porches and additional modifications. The requested relief has not changed.*

Attachment A Zoning Map Park St., 133

*City of Newton,
Massachusetts*

Legend

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

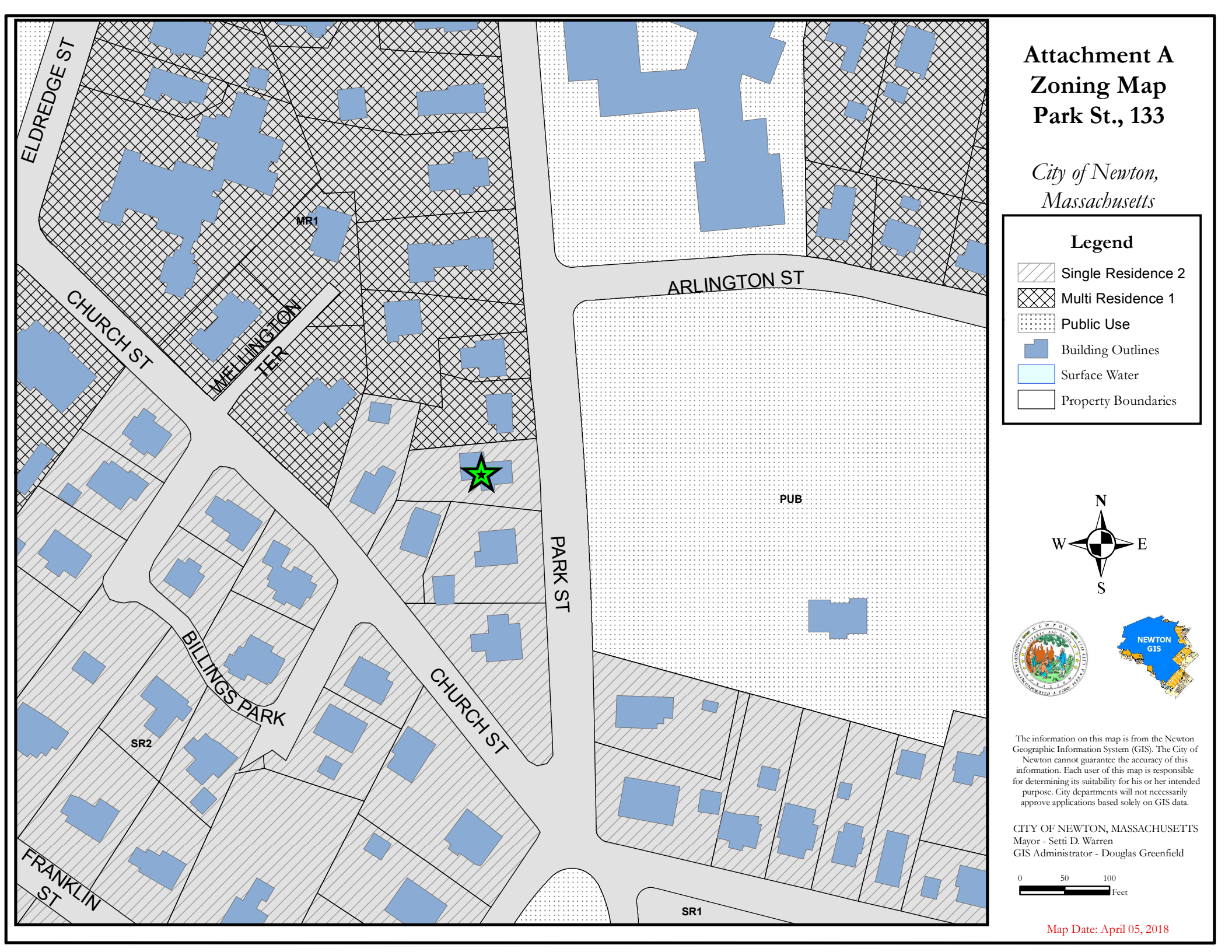


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

0 50 100
Feet

Map Date: April 05, 2018








ATTACHMENT B

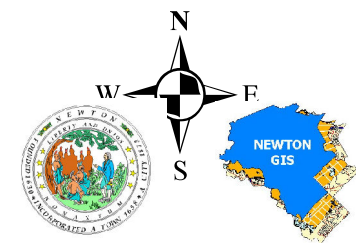
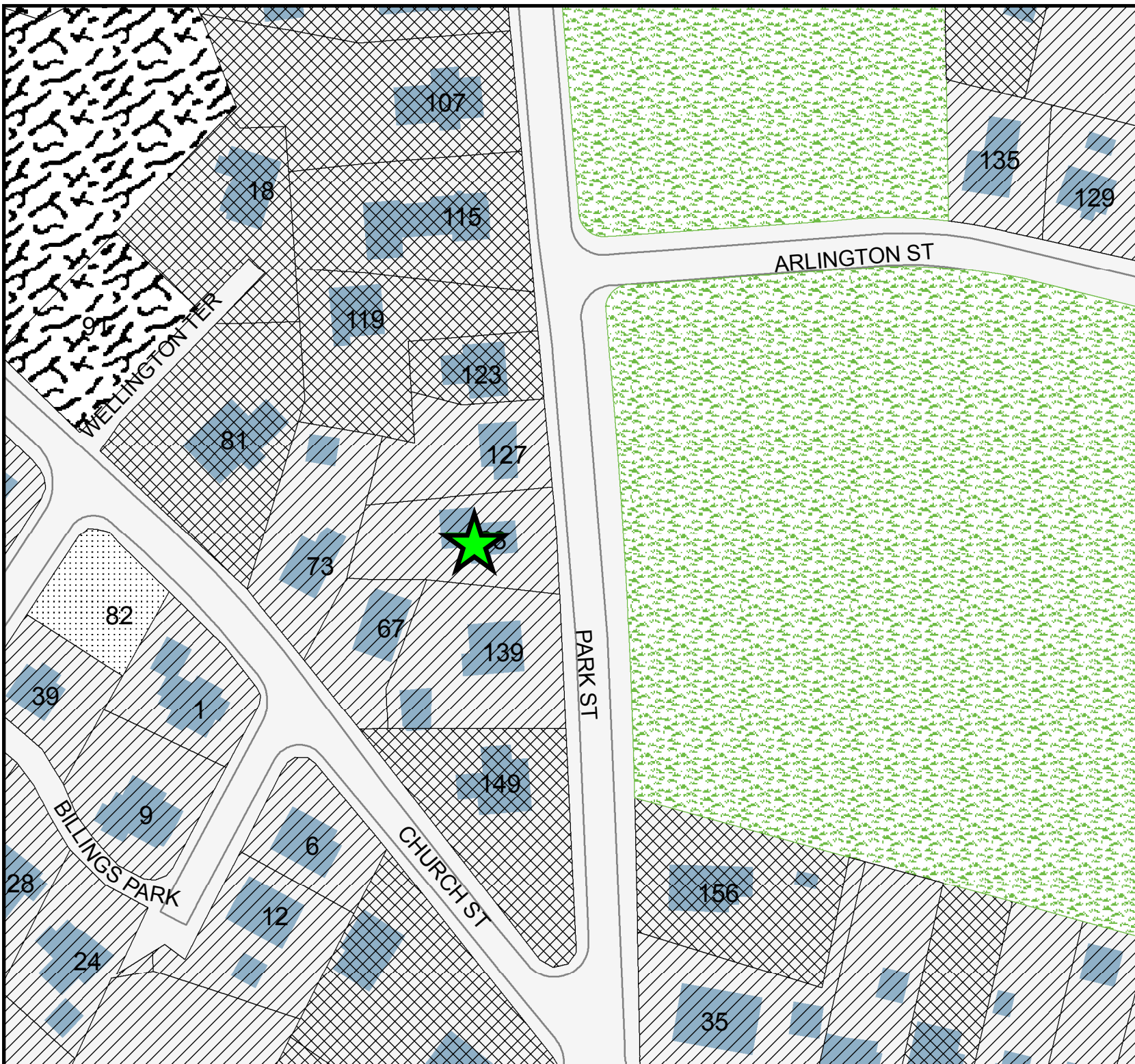
Land Use Park St., 133

*City of Newton,
Massachusetts*

Land Use

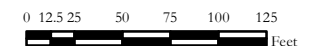
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Mixed Use
-  Open Space
-  Nonprofit Organizations



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





Setti D. Warren
Mayor

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

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Acting Director

ZONING REVIEW MEMORANDUM

Date: December 14, 2017

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Darlan Lemos, architect
Rachanee and Sean Nelson, applicants
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request to exceed FAR**

Applicant: Rachanee & Sean Nelson	
Site: 133 Park Street	SBL: 72005 0023
Zoning: SR2	Lot Area: 10,615 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 133 Park Street consists of a 10,615 square foot lot improved with a single-family dwelling constructed circa 1865, and a detached garage constructed in 1928, in the Single Residence 2 zoning district. The petitioners propose to enclose first and second level open porches at the rear right of the dwelling to enlarge the kitchen and dining room, and to expand the second floor master. A two-story addition is proposed for the rear right of the dwelling to locate a first floor mudroom and bath, as well as expand the second floor master suite. The proposed additions exceed the maximum allowable FAR, requiring a special permit.

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

- Zoning Review Application, prepared by Darlan Lemos, architect, submitted 11/30/2017
- FAR Worksheet, submitted 11/30/2017
- Site Plan, signed and stamped by Dennis O'Brien, surveyor dated 7/31/2017, revised 9/27/2017
- Architectural Plans, prepared by Sovereign Design Associates, LLC, architects, dated 9/20/2017

ADMINISTRATIVE DETERMINATIONS:

- The petitioners propose to enclose existing first and second level open porches to create living space, as well as a two-story addition on the opposite side of the dwelling. The additions to the dwelling total 1,510 square feet creating a total of 5,149 square feet, increasing the FAR from .34 to .48, where the maximum allowed is .37. Per Section 3.1.9, a special permit is required to allow an FAR of .48, where .37 is the maximum allowed.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	10,615 square feet	No change
Frontage	80 feet	82 feet	No change
Setbacks			
• Front	25 feet	34.5 feet	No change
• Side	7.5 feet	9.9 feet	10.9 feet
• Rear	15 feet	57.5 feet	46.6 feet
Building Height	36	31.7 feet	No change
Max Number of Stories	2.5	2.5	No change
FAR	.37	.34	.48
Max Lot Coverage	30%	18.6%	19.3%
Min. Open Space	50%	65.7%	65%

- See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.9	Request to exceed FAR	S.P. per §7.3



Ruthanne Fuller
Mayor

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

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

RECORD OF ACTION:

DATE: January 22, 2018
SUBJECT: 133 Park Street, NR

At a scheduled meeting and public hearing on January 11, 2018, the Newton Historical Commission, by a vote 6-0:

RESOLVED to waive the demo delay on this property based on approved plans.

<u>Voting in the Affirmative:</u>	<u>Voting in the Negative:</u>	<u>Abstained:</u>
Nancy Grissom, Chairman		
Peter Dimond, Member		
Doug Cornelius, Member		
Jean Fulkerson, Member		
Mark Armstrong, Member		
Laura Fitzmaurice, Member		

Title Reference:

Owner of Property:

Sean + Rachael Nelson

Deed recorded at:

Middlesex (South) Registry of Deeds

Book 66262, Page 502

Date 10/22/2015

Katy Hax Holmes
Katy Hax Holmes, Staff



Setti D. Warren
Mayor

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

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

Newton Historical Commission Demolition Review Decision

Date: 1/22/18 Zoning & Dev. Review Project# 17110039

Address of structure: 133 Park Street, NR

Type of building : House

If partial demolition, feature to be demolished is _____

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 HISTORICALLY SIGNIFICANT** as defined by the Newton Demolition Delay Ordinance.
Demolition is not delayed and no further review is required.

is **HISTORICALLY SIGNIFICANT** 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:

Cathy Fox Galus

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.

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 exceed the floor area ratio from .34 to .48, where .37 is the maximum by 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 floor area ratio from .34 to .48, where .37 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 because the addition is appropriately designed to match the existing historic structure and is located in the rear of the dwelling (§3.1.9 and §7.3.3).

PETITION NUMBER: #176-18

PETITIONER: Rachanee and Sean Nelson

LOCATION: 133 Park Street, on land known as Section 72, Block 50, Lot 23, containing approximately 10,615 square feet of land

OWNER: Rachanee and Sean Nelson

ADDRESS OF OWNER: 133 Park Street
Newton, MA 02458

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.3.3 to exceed the floor area ratio

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. Site Plan entitled "Plan Showing Proposed Addition 133 Park Street" signed and stamped by Dennis B. O'Brien, Professional Land Surveyor, dated April 6, 2018.
 - b. Architectural Plans, prepared by Sovereign Design Associates, signed by Mahmood Azizi, Professional Civil Engineer, entitled "The Nelson's Family Addition and Remodel Project", dated February 2, 2018, consisting of the following ten (10) sheets:
 - i. Existing and Proposed Renderings (A001)
 - ii. FAR Calculation (A002)
 - iii. Existing Layout Conditions – Foundation and First Floor (A004)
 - iv. Existing Layout Conditions – Second Floor and Attic (A005)
 - v. Proposed Conditions Layout – Foundation and First Floor (A006)
 - vi. Proposed Conditions Layout – Second Floor and Attic (A007)
 - vii. Existing Elevations (A008)
 - viii. Proposed Elevations (A009)
 - ix. Exterior Material Specifications per Historical Commission's Approval (A019)
 - x. Exterior Material Specifications per Historical Commission's Approval (A020)
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. 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.

- d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, as statement from the Newton Historical Commission approving the final plans.
 - e. 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 or land surveyor 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 land surveyor.