



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

James Freas  
Acting Director


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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date: April 12, 2016  
Land Use Action Date: June 14, 2016  
City Council Action Date: June 20, 2016  
90-Day Expiration Date: July 11, 2016

DATE: April 8, 2016

TO: City Council

FROM: James Freas, Acting Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning  
Katy Hax Holmes, Senior Planner 

SUBJECT: **Petition #98-16**, petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to further increase the non-conforming FAR by adding a second story rear addition over an existing room at **99 Oxford Road**, Ward 6, Newton Centre on land known as 62 13 30 containing approximately 5,930 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 3.1.9, 7.8.2.C.2, 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev. Zoning Ord., 2015.

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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.



**99 Oxford Road**

## **EXECUTIVE SUMMARY**

The property located at 99 Oxford Road consists of a 5,930 square foot lot, and is improved with a Colonial Style, 2½-story single-family residence built in 1937. The applicants are proposing to construct a rear second-story addition over an existing room to create a master suite. In order to construct the addition, the applicants are seeking a special permit to increase the floor area ratio (FAR) from an already non-confirming 0.58 to 0.61, where 0.48 is the maximum allowed by right. If approved, the proposed additions will result in a net increase of the existing dwelling by 198 square feet for a total dwelling size of 3,631 square feet. The existing lot and frontage are also non-conforming.

The Planning Department is not concerned about the construction of the addition on this single-family dwelling. The addition is located at the rear of the home, and has been designed to be sensitive to the structure's Colonial Style architecture. The Planning Department believes that the bulk, mass, and location of the proposed addition has been subordinated to the rest of the structure, visually blends well with the surrounding buildings and residential context of the area, and will be minimally visible from the street. Furthermore, the Planning Department believes the expanded residence is consistent with and not in derogation of the size, scale, and design of other residential structures in the neighborhood.

### **I. SIGNIFICANT ISSUES FOR CONSIDERATION:**

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

- The proposed increase of FAR from 0.58 to 0.61, where .48 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)
- The proposed expanded structure will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§7.8.2.C.2)
- The site is an appropriate location for the proposed addition to a single-family dwelling, which enlarges the structure by a total of 198 square feet. (§7.3.3.C.1)
- The proposed addition will not adversely affect the neighborhood, as it is located at the rear of the structure and designed to be subordinate to the rest of the structure. (§7.3.3.C.2)

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

The subject property is located on Oxford Road, which connects Paul Street and Athelstane Road. Oxford Road is laterally bisected by Browning Road at its mid-point and parallels Parker Street to east. Oxford Road also borders the Weeks School property and fields located to the west. The houses on Oxford Road are generally a mix of 1930s Colonials and Garrison Colonial Style homes. Houses on Oxford Road located to the north of Browning Road are an older mix of houses from the 1890s to early 1910s.

With the exception of the Weeks School property, this site is surrounded by residential land (**Attachment A**). The site and surrounding area are zoned Single Residence 3 (**Attachment B**), with the exception of the Weeks School property, which is zoned Multi-Residence 3.

### B. Site

The property consists of 5,930 square feet of land, and is improved with a 2½-story single-family residence built in 1937. The topography of the site slopes down from the front property line to the rear property line. The single-family residence has vehicular access via a bituminous driveway on the north side of the property leading to an attached garage. The remaining portions of the site are lawn with some landscaped beds.

## III. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

The principal use of the site will remain a single-family residence.

### B. Building and Site Design

The petitioners are proposing to enlarge the existing residence by constructing a second-story addition on the rear of the structure. The footprint of the house will not change. The addition will be constructed on existing living space to create a master suite. If approved, the proposed addition will result in a net increase of the existing dwelling by 198 gross square feet for a total dwelling size of 3,631 square feet, which will increase the FAR from an existing non-conforming 0.58 to 0.61 where 0.48 is the maximum allowed by right. The proposed addition will otherwise meet all of the dimensional controls as stipulated in the NZO.

The Planning Department has no concerns with the proposed addition to the single-family dwelling, as it is designed to be consistent with the Colonial Style residential character of this house. The Planning Department believes the proposed modest addition to this older structure will help preserve it, while allowing the owners to

meet the needs of today's families. This addition will be minimally visible from abutting residences and the public way but will be visible from Weeks Field.

C. Landscape Screening

The site has vegetation along the property lines abutting adjacent properties. The Planning Department believes that existing vegetation is adequate, and does not believe additional screening is needed.

IV. 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 completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- §3.1.9 and §7.8.2.C.2 of Section 30, to increase the already nonconforming Floor Area Ratio (FAR).

B. Engineering Review

It is expected that the Engineering Division of Public Works will review this proposal prior to the issuance of any building permits.

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  
**Attachment D:** DRAFT Order

# Land Use Map 99 Oxford Rd.

*City of Newton,  
Massachusetts*

### Legend

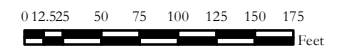
- Land Use**
-  Single Family Residential
  -  Multi-Family Residential
  -  Open Space

**Attachment A**

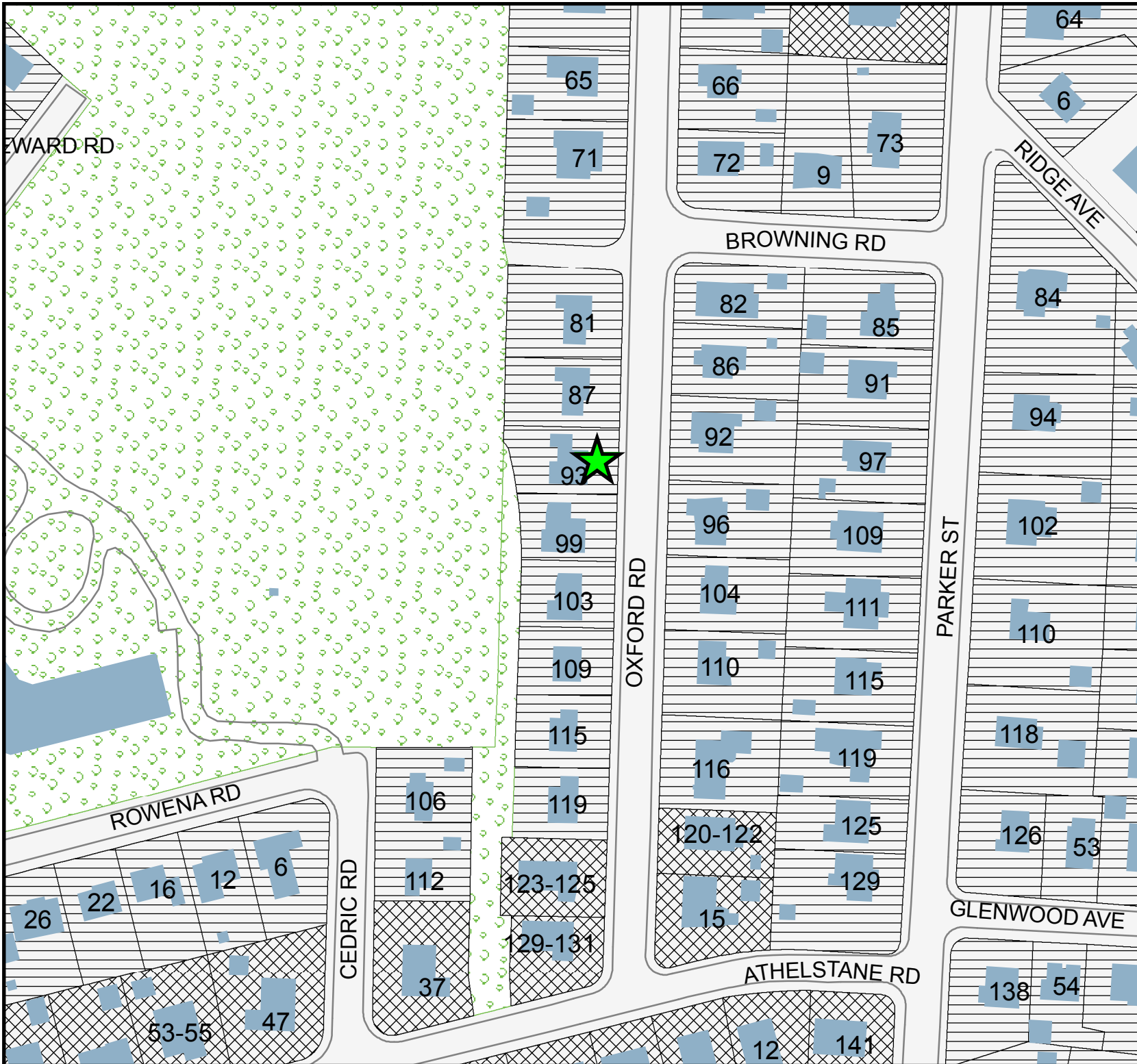


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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







Map Date: April 07, 2016



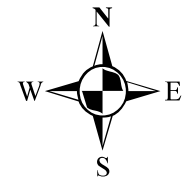
# Zoning Map 99 Oxford Rd.

City of Newton,  
Massachusetts

### Legend

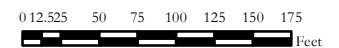
-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 3
-  Public Use

**Attachment B**

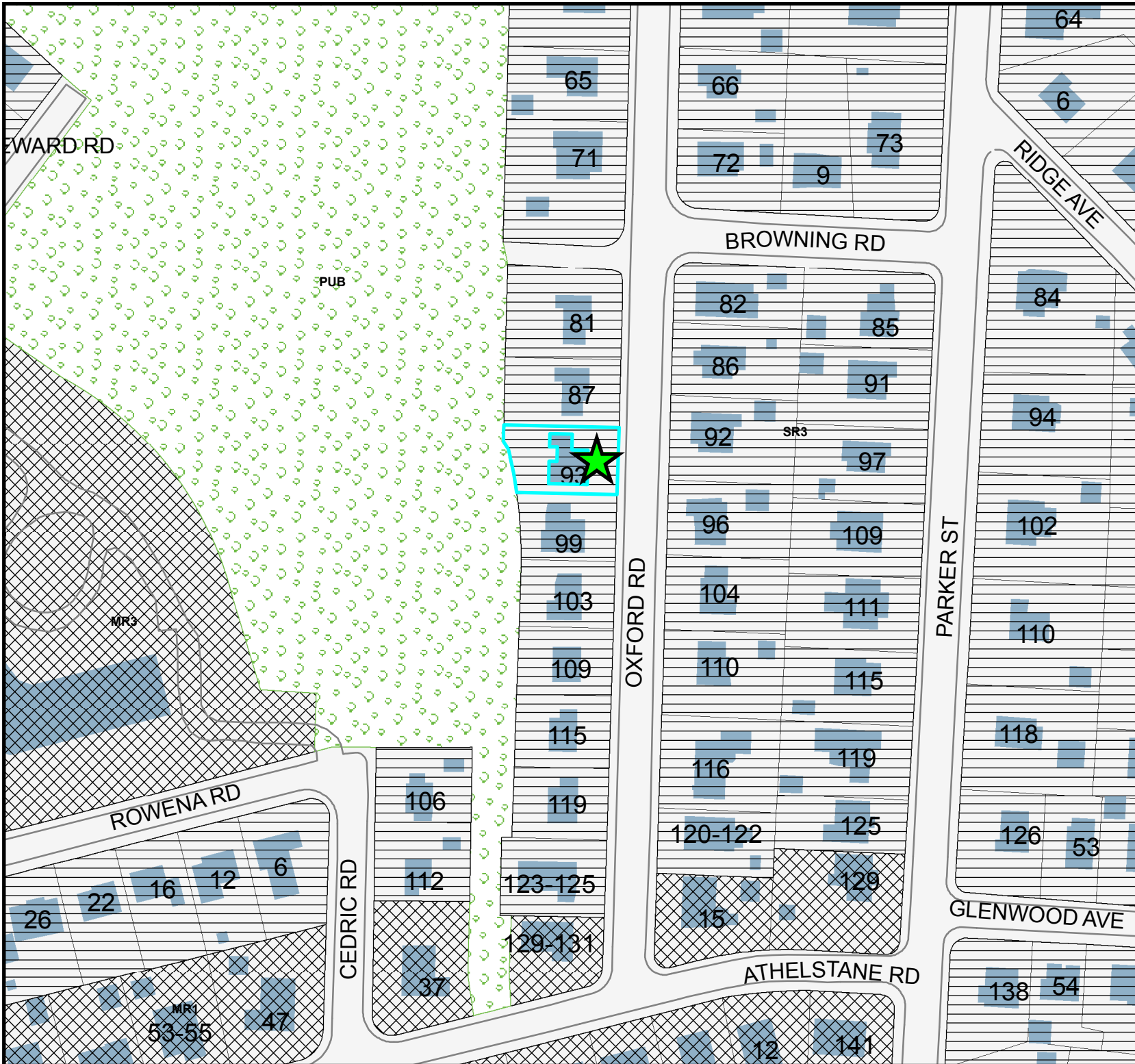


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Map Date: April 07, 2016





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**Attachment C**  
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TDD/TTY  
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www.newtonma.gov

James Freas  
Acting Director

## ZONING REVIEW MEMORANDUM

Date: March 10, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Christine Carona, applicant  
Terrence P. Morris, attorney  
James Freas, Acting Director of Planning and Development  
Ouida Young, Associate City Solicitor

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

Applicant: Christine Carona	
Site: 99 Oxford Road	SBL: 62016 0030
Zoning: SR-3	Lot Area: 5,930 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 99 Oxford Road consists of a 5,930 square foot lot improved with a single-family residence constructed in 1937. The property abuts Weeks Field to the rear. The applicant proposes a second story rear addition over an existing room to create a master suite, adding 198 square feet, which will further increase the nonconforming FAR.

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

- Zoning Review Application, prepared by Terrence P. Morris, submitted 2/16/2016
- FAR calculations, dated 2/10/2016
- Architectural Plans, prepared by Mark Sangiolo, architect, submitted 2/16/2016

**ADMINISTRATIVE DETERMINATIONS:**

1. The applicants' existing FAR is .58, where .48 is the maximum allowed. The proposed addition adds 198 square feet to the 3,433 square foot dwelling, resulting in an FAR of .61. The footprint of the dwelling will not change. A special permit pursuant to Sections 3.1.9 and 7.8.2.C.2 is required to further increase the already nonconforming FAR.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	<b>5,930 square feet</b>	<b>No change</b>
Frontage	70 feet	<b>65 feet</b>	<b>No change</b>
Setbacks			
• Front	25 feet	25 feet	No change
• Side	7.5 feet	7.5 feet	No change
• Rear	15 feet	>15 feet*	No change
Building Height	36	26 feet	No change
Max Number of Stories	2.5	2.5	No change
FAR	.48	<b>.58</b>	<b>.61</b>
Max Lot Coverage	30%	NA	No change
Min. Open Space	50%	NA	No change

\*The rear setback was measured by Joe Porter, VTP Associates, but not confirmed on a plan. The applicant is aware that the plan showing the existing setback must be submitted with the special permit application

1. See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<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



CITY OF NEWTON  
IN CITY COUNCIL

April 19, 2016

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 .58 to .61, where .48 is the maximum allowed by right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The proposed expanded residence, which will increase the nonconforming FAR by approximately 198 square feet to 0.61 where 0.48 is the maximum allowed by right and 0.58 is existing, is not in derogation of the size, scale and design of other structures in the neighborhood, and will not be substantially more detrimental than the existing nonconforming structure is to the surrounding neighborhood as the expansion will be minimally visible from the street and will not increase the footprint of the house. (§3.1.9 and §7.8.2.C.2)
2. The site is an appropriate location for the proposed addition. (§7.3.3.C.1)
3. The proposed addition will not adversely affect the neighborhood, as it is located at the rear of the structure and designed to be subordinate to the rest of the structure. (§7.3.3.C.2)

PETITION NUMBER: #98-16

PETITIONER: Christine Corona and Joseph Malarney

LOCATION: 99 Oxford Road, on land known as Section 62, Block 13, Lot 30, containing approximately 5,930 square feet of land

OWNER: Christine Corona and Joseph Malarney

ADDRESS OF OWNER: 99 Oxford Road

Newton, MA 02459

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.4.1 and §7.8.1.C.2, to extend a nonconforming structure with respect to FAR

ZONING: Single Residence 3 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, dated 4/7/2016 prepared, stamped and signed by Joseph R. Porter, Professional Land Surveyor
  - b. Architectural Plans, prepared by Mark Sangiolo, architect, submitted 2/16/2016, not stamped or signed
2. 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.
3. 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 a registered 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 land surveyor.