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Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: October 10, 2019
Land Use Action Date: December 10, 2019
City Council Action Date: December 17, 2019
90-Day Expiration Date: January 1, 2020

DATE: October 4, 2019

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Michael Gleba, Senior Planner

SUBJECT: **Petition #314-19**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to enclose an existing 175 sq. ft. porch and construct a single-story porch addition, increasing the non-conforming lot coverage, decreasing the non-conforming open space and creating an FAR of .56 where .53 exists and .33 is allowed at **262 Otis Street**, Ward 2, West Newton, on land known as Section 32 Block 50 Lot 13, containing approximately 11,152 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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.



262 Otis Street

EXECUTIVE SUMMARY

The property at 262 Otis Street consists of an 11,152 square foot corner lot in a Single Residence 1 (SR1) district improved with a 5,926 square foot single-family residence constructed in 1900 and a 440 square foot detached garage. The petitioner proposes to enclose a 175 square foot portion of an existing porch and construct a new adjacent 200 square foot single-story porch addition.

By adding approximately 375 square feet to the dwelling, the proposed changes would further increase its nonconforming floor area ratio (FAR) from 0.53 to 0.56 where 0.33 is the maximum allowed; increase the nonconforming lot coverage of 26.5 percent to 28.3 percent where 20 percent is the maximum allowed; and further decrease the lot's nonconforming open space from 60.8 percent to 59 percent where 65 percent is the minimum allowed, all requiring a special permit per the Newton Zoning Ordinance.

The Planning Department is generally not concerned with the proposed addition as it would conform to other relevant dimensional requirements, such as minimum setbacks, and have limited visibility from the street. Furthermore, the proposed addition will help preserve an existing structure while allowing it to meet the needs of today's families.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

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

- The proposed increase in floor area ratio (FAR) from 0.53 to 0.56 where 0.33 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.A.2)
- That the proposed extension and alterations, with the resulting increase in the dwelling's nonconforming floor area ratio (FAR) from 0.53 to 0.56 where 0.33 is the maximum allowed; increase of its nonconforming lot coverage of 26.5 percent to 28.3 percent where 20 percent is the maximum allowed; and the further decrease of the lot's nonconforming open space from 60.8 percent to 59 percent where 65 percent is the minimum allowed, shall not be substantially more detrimental than the existing nonconforming use to the neighborhood (§7.8.2.C.2)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property and the surrounding neighborhood are located within a Single Residence 1 (SR1) district (a Single Residence 2 (SR2) District is located about a block to the north, north of Highland Ave). The properties in the area are almost exclusively single-family dwellings on rather large lots, with the only exceptions being a few

vacant parcels distributed around the neighborhood (**Attachments A & B**).

B. Site

The subject property is an 11,152 square foot corner lot at the eastern corner of Otis Street and Balcarres Road with a 5,926 square foot single-family residence and a 440 square foot detached garage near the parcel's southern boundary.

The lot's grade slopes slightly upward, about four feet, from north to south. There is a low stone retaining wall along the Otis Street frontage and the property is attractively landscaped with mature vegetation, including trees and shrubbery and lawn areas. Vehicular access is provided by a curb cut off Balcarres Road and a brick-paved driveway that serves the garage.

III. 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 proposes to enclose a 175 square foot portion of an existing first-floor porch that wraps around the dwelling's north and east sides and construct a new 200 square foot, single-story porch on the eastern elevation of the dwelling, adjacent to the portion proposed for enclosure. The enclosed portions of the existing porch would be accessed via two exterior doors, one serving the remainder of the porch, the other leading to the rear yard. As described by the petitioner, the proposed porch addition would have "permanently installed mesh screens with removable hung wood storm windows."

The proposed changes would further increase the dwelling's nonconforming floor area ratio (FAR) from 0.53 to 0.56 where 0.33 is the maximum allowed; increase the nonconforming lot coverage of 26.5% to 28.3% where 20% is the maximum allowed; and further decrease the lot's nonconforming open space from 60.8% to 59% where 65% is the minimum allowed.

The dwelling's height would remain unchanged, as would its setbacks except for the side setback from the parcel's eastern boundary line, i.e., the location of the proposed addition. That setback would be reduced from 29.6 feet to 20.9 feet but remain above the minimum 12.5 feet required.

C. Parking and Circulation

No changes related to parking or circulation are contemplated by this petition.

D. Landscape Screening

No landscape plan was submitted with this petition. The Planning Department suggests that the petitioner, in consultation with abutting neighbors, consider installing and/or maintain additional fencing and/or vegetation to provide appropriate screening in the area of the proposed porch addition .

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 Memorandum, the petitioner is seeking the following relief:

- Special permit per §7.3.3 to:
 - further increase nonconforming FAR (§3.1.3, §3.1.9, §7.8.2.C.2)
 - further increase nonconforming lot coverage (§3.1.3, §7.8.2.C.2)
 - further decrease nonconforming open space (§3.1.3, §7.8.2.C.2)

B. Engineering Review:

Review of the proposal by the Engineering Division is not required at this time as the 200 square foot addition would result in an only 1.8% net increase of the lot's impervious surface, less than the 4% threshold for on-site drainage. If necessary, the Engineering Division will review this project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit should this petition be approved.

C. Newton Historical Commission

The proposed work has been submitted to Newton Historical Commission staff for review and the Planning Department expects to provide an update at the public hearing.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

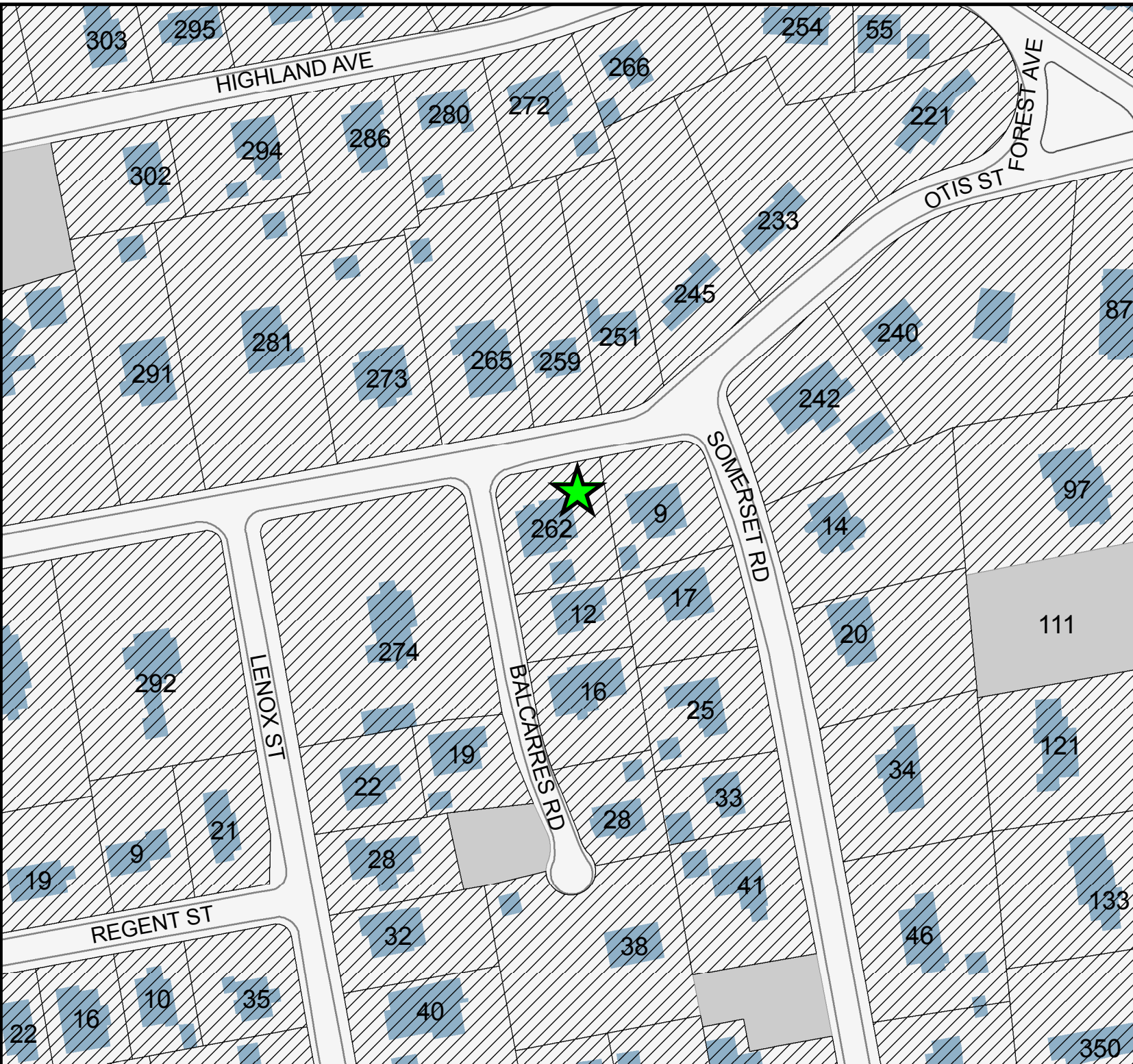
ATTACHMENTS:

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

Land Use

262 Otis St.

*City of Newton,
Massachusetts*

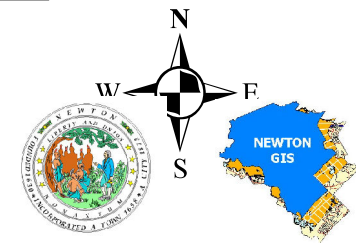


Land Use

Land Use

 Single Family Residential

 Vacant Land



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 - Ruthanne Fuller
GIS Administrator - Douglas Greenfield




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Feet

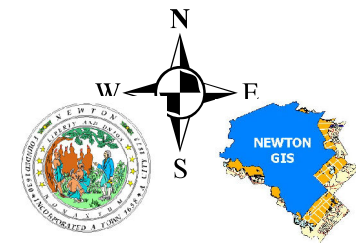
Zoning

262 Otis St.

*City of Newton,
Massachusetts*

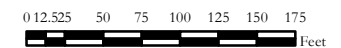
Legend

-  Single Residence 1
-  Single Residence 2
-  Public Use

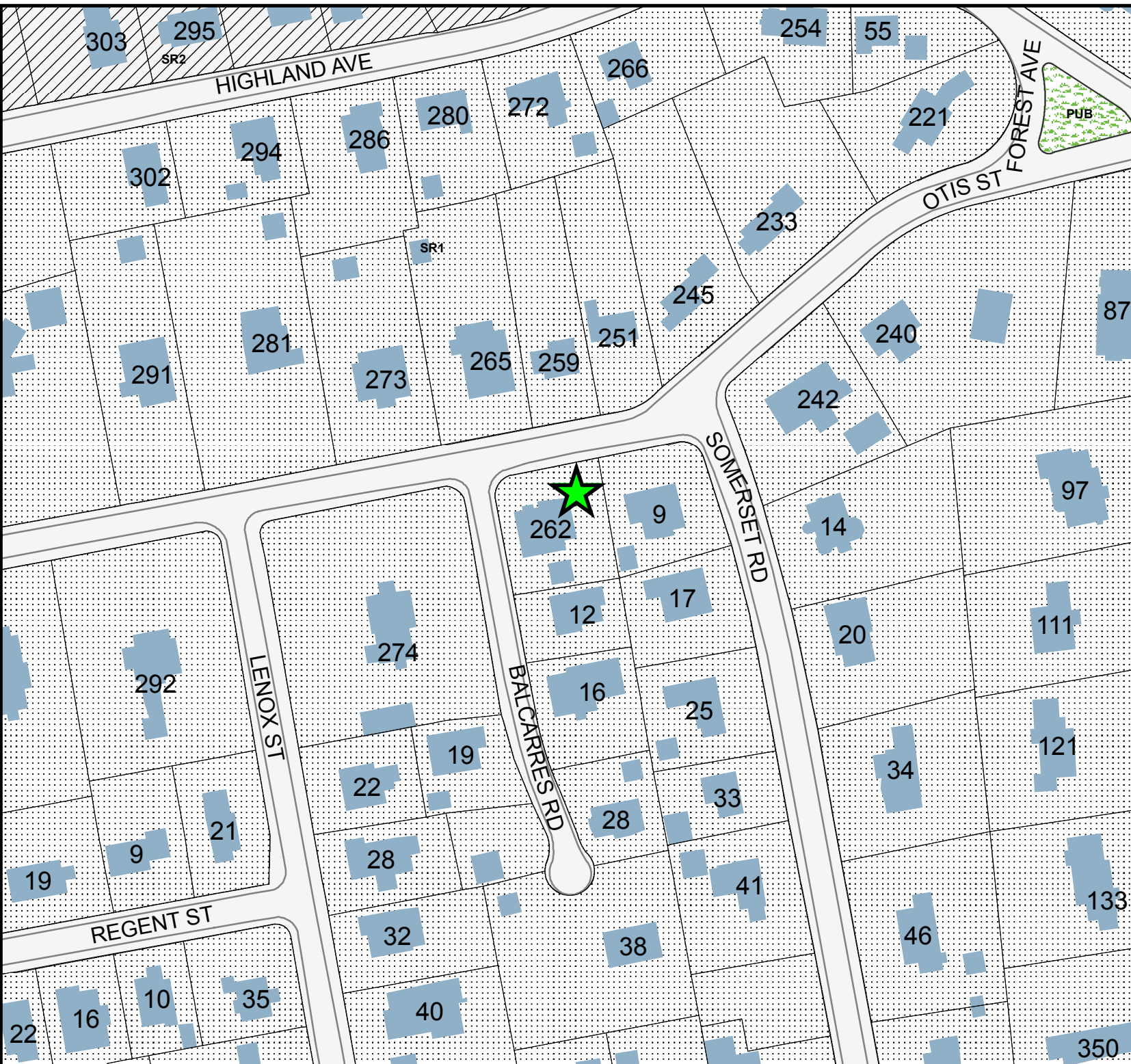


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: October 01, 2019





Ruthanne Fuller
Mayor

ATTACHMENT C

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: August 6, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Donna Roth, Applicant
Sacheen Dampier, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Acting City Solicitor

RE: Request to further increase nonconforming FAR, lot coverage and open space

Applicant: Donna Roth	
Site: 262 Otis Street	SBL: 32050 0013
Zoning: SR1	Lot Area: 11,152 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 262 Otis Street consists of an 11,152 square foot corner lot improved with a single-family residence constructed in 1900. The petitioner proposes enclose a portion of an existing porch and construct a single-story porch addition. The proposed changes will further increase the nonconforming FAR and lot coverage, and further reduce the nonconforming open space, requiring a special permit.

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

- Zoning Review Application, prepared by Sacheen Dampier, architect, submitted 6/13/2019
- FAR Worksheet, submitted 5/30/2019
- Proposed Plot Plan, signed and stamped by Dennis O'Brien, surveyor, 5/15/2019
- Architectural Plans and Elevations, signed and stamped by Sacheen Dampier, architect, submitted 6/13/2019

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner intends to enclose 175 square feet of an existing porch, and construct a 200 square foot single-story porch addition. The existing FAR is .53, where .33 is the maximum allowed. The proposed addition adds 375 square feet to the dwelling, resulting in an FAR of .56. A special permit pursuant to Sections 3.1.9 and 7.8.2.C.2 is required to further increase the already nonconforming FAR.
2. The petitioner’s existing lot coverage is 26.5 percent, where 20 percent is the maximum allowed per section 3.1.3. The proposed addition further increases the nonconforming lot coverage to 28.3 percent, requiring a special permit per sections 3.1.3 and 7.8.2.C.2.
3. The petitioner’s existing open space is 60.8 percent, where 65 percent is the minimum allowed per section 3.1.3. The proposed addition further decreases the nonconforming open space to 59 percent, requiring a special permit per section 3.1.3 and 7.8.2.C.2.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	11,152 square feet	No change
Frontage	100 feet	105 feet	No change
Setbacks			
• Front	25 feet	28.9 feet	21 feet
• Front	25 feet	17.4	No change
• Side	12.5 feet	29.6 feet	20.9 feet
• Rear	25 feet	28.8 feet	No change
Height	36 feet	36.35 feet	No change
FAR	.33	.53	.56
Max Lot Coverage	20%	26.5%	28.3%
Min. Open Space	65%	60.8%	59%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9, §7.8.2.C.2	Request to further increase nonconforming FAR	S.P. per §7.3.3
§3.1.3 §7.8.2.C.2	Request to further increase nonconforming lot coverage	S.P. per §7.3.3
§3.1.3 §7.8.2.C.2	Request to further decrease nonconforming open space	S.P. per §7.3.3

Next Steps

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

The following must be included when filing a Special Permit Application:

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
 - Site Plans showing existing and proposed conditions (including topography as applicable)
 - Architectural plans showing existing and proposed conditions (including façade materials)
 - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

Incomplete applications will delay the intake and review of your project.

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? Y/N

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 increase the Floor Area Ratio (FAR) from 0.53 to 0.56 where 0.33 is the maximum allowed by-right, increase the nonconforming lot coverage of 26.5 percent to 28.3 percent where 20 percent is the maximum allowed; and further decrease the lot's nonconforming open space from 60.8 percent to 59 percent where 65 percent is the minimum allowed, 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 (FAR) from 0.53 to 0.56 where 0.33 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.A.2)
2. That the proposed extension and alterations, with the resulting increase in the dwelling's nonconforming floor area ratio (FAR) from 0.53 to 0.56 where 0.33 is the maximum allowed; increase of its nonconforming lot coverage of 26.5 percent to 28.3 percent where 20 percent is the maximum allowed; and the further decrease of the lot's nonconforming open space from 60.8 percent to 59 percent where 65 percent is the minimum allowed, shall not be substantially more detrimental than the existing nonconforming use to the neighborhood as it would conform to other relevant dimensional requirements, such as minimum setbacks, and have limited visibility from the street (§7.8.2.C.2)

PETITION NUMBER: #314-19

PETITIONER: Donna Roth

LOCATION: 262 Otis Street, on land known as Section 32 Block 50 Lot 13, containing approximately 11,152 sq. ft. of land

OWNER: Donna Roth

ADDRESS OF OWNER: 262 Otis Street
Newton, MA 02465

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special permit per §7.3.3 to:
further increase nonconforming FAR (§3.1.3, §3.1.9,
§7.8.2.C.2); further increase nonconforming lot coverage
(§3.1.3, §7.8.2.C.2); further decrease nonconforming open
space (§3.1.3, §7.8.2.C.2)

ZONING: Single Residence 1 (SR1) 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. A plan entitled "Plan Showing Proposed Porch, 262 Otis Street, Newton, MA Middlesex County," prepared by D. O'Brien Land Surveying, dated May 15, 2019, stamped and signed by Dennis O'Brien, Professional Land Surveyor.
 - b. A set of architectural plans entitled "262 Otis St. Porch Addition, Special Permit Set," dated August 18, 2019, prepared by Sacheen Dampier, RA, stamped and signed by Sacheen T. Dampier, Registered Architect:
 - i. Coversheet (CO)
 - ii. Lot Survey (L1.0)
 - iii. Site Plan (A1.0)
 - iv. Partial Enlarged Plans (A1.1)
 - v. Partial Enlarged Plans (A1.2)
 - vi. Partial Enlarged Plans (A1.3)
 - vii. Partial Enlarged Plans (A1.4)
 - viii. Existing Front Elevation (A2.0)
 - ix. Existing Rear Elevation (A2.1)
 - x. Existing Side Elevation (A2.2)
 - xi. Proposed Front Elevation (A2.3)
 - xii. Proposed Rear Elevation (A2.4)
 - xiii. Proposed Side Elevation (A2.5)

- c. A document entitled "Floor Area Ratio Worksheet, 262 Otis St," signed and stamped by Sacheen T. Dampier, Registered Architect indicating a Proposed "Total gross floor area" of 6,298 square feet and a Proposed "FAR" (floor area ratio) of .564.
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 order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded 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, a 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.
 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, including the floor area ratio (FAR) of the structure.
 - 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.
 - c. Filed, if necessary, with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.