



Setti D. Warren  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
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Candace Havens  
Director

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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date: March 11, 2014  
Land Use Action Date: March 25, 2014  
Board of Aldermen Action Date: May 5, 2014  
90-Day Expiration Date: June 2, 2014

DATE: March 7, 2014

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning  
Daniel Sexton, Senior Planner

SUBJECT: **Petition #42-14**, HEATHER & ALLEN SUSSMAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to add a bay in front of the existing single-car garage to create a two-car garage and to construct additions to the first and second floors totaling approximately 800 sq. ft., which will increase the Floor Area Ratio from .28 to .43, where .39 is allowed at 58 FERNCROFT ROAD, Ward 5, Waban, on land known as SBL 53, 8, 3, containing approximately 9,483 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(u), and 30-21(b) 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.



**58 Ferncroft Road**

### EXECUTIVE SUMMARY

The property located at 58 Ferncroft Road consists of 9,483 square feet of land improved with a two-story single-family residence constructed in 1939. The petitioner is proposing to enlarge the existing residential structure through an expansion of the garage and living space on the first and second floors. As proposed, the garage expansion, totaling approximately 234 gross square feet, will enlarge the existing vehicle bay and create a new enclosed vehicle bay in front of the existing garage, creating a tandem parking situation for two cars. The first floor living space expansion, which totals approximately 214 gross square feet, will create a new foyer and mudroom on the front of the house. The second floor addition, which totals approximately 975 gross square feet, will enlarge the existing three bedrooms and bathrooms and create a fourth bedroom over the first floor family room. In order to construct the proposed additions, the petitioner is seeking a special permit to increase the Floor Area Ratio (FAR) from .28 to .43 where .39 is the maximum allowed by right. If approved, the proposed additions totaling 1,423 square feet will increase the dwelling from 2,564 square feet to 3,987 square feet.

Since the subject structure is more than 50 years old and includes the alteration of more than 50 percent of the structure's roof and multiple facades, the Newton Historical Commission reviewed the proposal and determined the structure not preferably preserved (**ATTACHMENT A**). The proposed additions preserve the existing house, but alter it to suit the preferences of the current owners. The proposed additions will be visible from the street, but are generally in keeping with other residences in the surrounding neighborhood.

The Planning Department has no particular concerns with this petition. The *Newton Comprehensive Plan*, adopted in 2007, encourages residential property owners to consider modest additions to older homes in order to preserve the existing structure, while allowing them to meet the needs of today's families. The Planning Department believes that the proposed additions will not be in derogation of the size, scale and design of other structures in the neighborhood.

#### I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The proposed Floor Area Ratio of .43, where .39 is the maximum allowed by right and .28 is existing, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. (§30-15 Table A, §30-15(u))
- The site is an appropriate location for the proposed additions to the garage and first and second floor living areas as the level of open space exceeds the minimum required by the Newton Zoning Ordinance. (§30-24(d)(1))

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

The property is located on Ferncroft Road, three residences down from the intersection of Ferncroft Road with Paulson Road. The surrounding structures consist of single-family residences (**ATTACHMENT B**). The subject property and surrounding neighborhood are zoned Single Residence 1 (**ATTACHMENT C**).

### B. Site

The property consists of one lot with 9,483 square feet of land and is improved with a two-story single-family residence. There is a bituminous driveway on the east side of the property that provides access to the existing one-car one-story garage.

## III. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

The property will remain a single-family residence.

### B. Building and Site Design

The petitioner's proposed garage and living space additions will alter various elevations and roof lines of the structure, which will modify the character of the existing structure. The garage expansion will slightly enlarge the existing vehicle bay to the north and create a new enclosed vehicle bay in front of the existing garage, creating a tandem parking situation for two cars. The first floor living space expansion will create a new foyer and mudroom on the front of the house. The second floor addition will enlarge each of the existing bedrooms and bathrooms and create a fourth bedroom over the first floor family room. The additions will be of wood framed construction and continue certain architectural features of the existing structure. If constructed, the additions will provide better access into the front of the dwelling, make available additional living space, and create an enclosed parking area for two vehicles. The proposed addition will add approximately 1,423 square feet of gross floor area to the structure.

The petitioner is proposing to install some seasonal vegetation and a sight obscuring fence, which should partially screen views of the additions from Ferncroft Road and abutting properties. The lot coverage will be increased slightly to 24.22%, but will not exceed the maximum allowed by the Newton Zoning Ordinance. There are a number of structures in the surrounding neighborhood that appear to be larger than the proposed expanded house. As such, the Planning Department believes the proposed development to be consistent and not in derogation of the size, scale, and design of structures in the surrounding neighborhood.

C. Parking and Circulation

The proposed development will slightly alter the parking configuration for the property so that two vehicles will be tandem parked within the enlarged garage. Presently, the petitioner's parks one vehicle in the garage and one in the driveway. The proposed additions should not require any significant alterations to the alignment of the driveway.

D. Landscape Screening

The proposed additions will be visible from Ferncroft Road and abutting properties. The structure is flanked by some existing vegetation to the north and south. To screen the abutting property to the north from the proposed additions, the petitioner is proposing to install additional plantings along the north property line.

The Planning Department believes that the installation of plantings, which would provide year around vegetation, along the north property line should sufficiently screen the abutting property from the impacts of the proposed additions.

IV. TECHNICAL REVIEW

1. Technical Considerations (Chapter 30, Newton Zoning Ordinance): The Zoning Review Memorandum (**ATTACHMENT D**) provides an analysis of the proposal with regard to zoning. The petitioner is requesting a Special Permit/Site Plan Approval for the proposed additions that will increase the FAR above the maximum allowed by the Newton Zoning Ordinance.
2. Newton Historical Commission: On December 2<sup>nd</sup>, 2013, the Newton Historical Commission (NHC) reviewed the proposed additions. According to the NHC Record of Action (**ATTACHMENT A**), the NHC found the residence not preferably preserved.
3. Engineering Review: The Associate City Engineer, submitted an Engineering Review Memorandum (**ATTACHMENT E**), providing an analysis of the proposal with regard to engineering issues. The petitioner will be required to comply with all the recommendations put forth in the memorandum prior to issuance of a building permit.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum, the petitioner is seeking a Special Permit/Site Plan Approval for the following reliefs:

- §30-15 Table A and §30-15(u) to exceed the allowed FAR. The petitioner's proposed additions will increase the FAR from .28 to .43 where .39 is the

maximum FAR allowed by right.

VI. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

**ATTACHMENTS:**

- Attachment A:** Newton Historical Commission – Record of Action
- Attachment B:** Land Use Map
- Attachment C:** Zoning Map
- Attachment D:** Zoning Review Memorandum
- Attachment E:** Engineering Review Memorandum

Project#: 13110003Date Received: 11-4-13 42-14

**City of Newton, Massachusetts**  
**Department of Planning and Development**  
*Demolition Review Ordinance - Application for Property Review*

Property Owner	Address of Property to be reviewed: <i>Allen Furman</i>	Phone:
Primary Contact:	Address: <i>58 Fenwick St. Rd</i>	Phone:
Email Address	<i>Peter Seals 20 Hunter St Newton, MA 02465</i>	

## I. Type of Structure to be Demolished: (Circle)

 House Garage Shed Non-Residential Building Other

If Other please describe: \_\_\_\_\_

II. Year Property Built 1940's Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_(Can be found in Assessors Database on City's website - [www.ci.newton.ma.us](http://www.ci.newton.ma.us))III. Description of Demolition Requested: add to front & side

## IV. Required Documentation to be Included With Application: (check items included)

 Photographs of Front, Back and Sides of affected Structure and one of front of addressed building on property for location purposes. Assessor's Map Showing Property LocationIncomplete applications may result in a delay in review time.

## V. Suggested Additional Documentation: (check items included)

 Building Plans 11 X 17 or smaller (Elevations only), recommended Historical Information  Site Plan  Product/Material Information Photos of neighborhood (recommended for full demos)  Sketches

Home Owner Signature: \_\_\_\_\_

**PLEASE NOTE:** Once the completed application is received, the Historic Preservation Planner has 15 days to determine whether the structure is considered to be historically significant. If you should have questions, please contact the Planning & Development Department at (617) 796-1120.

*This application is only for Demolition Review from the Newton Historical Commission. Following this review, an application for Plan Examination and Building Permit must be completed and submitted to Inspectional Services for a building permit.*



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Candace Havens  
Director

Newton Historical Commission Demolition Review Decision

Date: 12/2/13 Zoning & Dev. Review Project# 13110003

Address of structure: 58 Ferncroft Road

Type of building : Residence

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

is  HISTORIC 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: Brian Laver, MHC

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.



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**RECORD OF ACTION:**

**DATE:** December 2, 2013

**SUBJECT:** 58 Ferncroft Road

At a scheduled meeting and public hearing on November 26, 2013 the Newton Historical Commission, by vote of 6-1,

**RESOLVED** to find the residence at 58 Ferncroft Road not preferably preserved.

**Voting in the Affirmative:**

Donald Lang, Chair  
Nancy Grissom, Member  
Mark Armstrong, Member  
Jean Fulkerson, Member  
Laura Fitzmaurice, Alternate  
Ellen Klapper, Alternate

**Voting in the Negative:**

William Roesner, Member

Brian Lever, Commission Staff



# Land Use Map 58 Ferncroft Rd.






*City of Newton,  
Massachusetts*

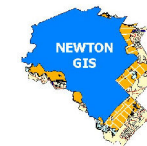
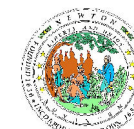
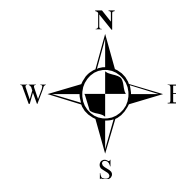
**ATTACHMENT B**

**Legend**

Street Names

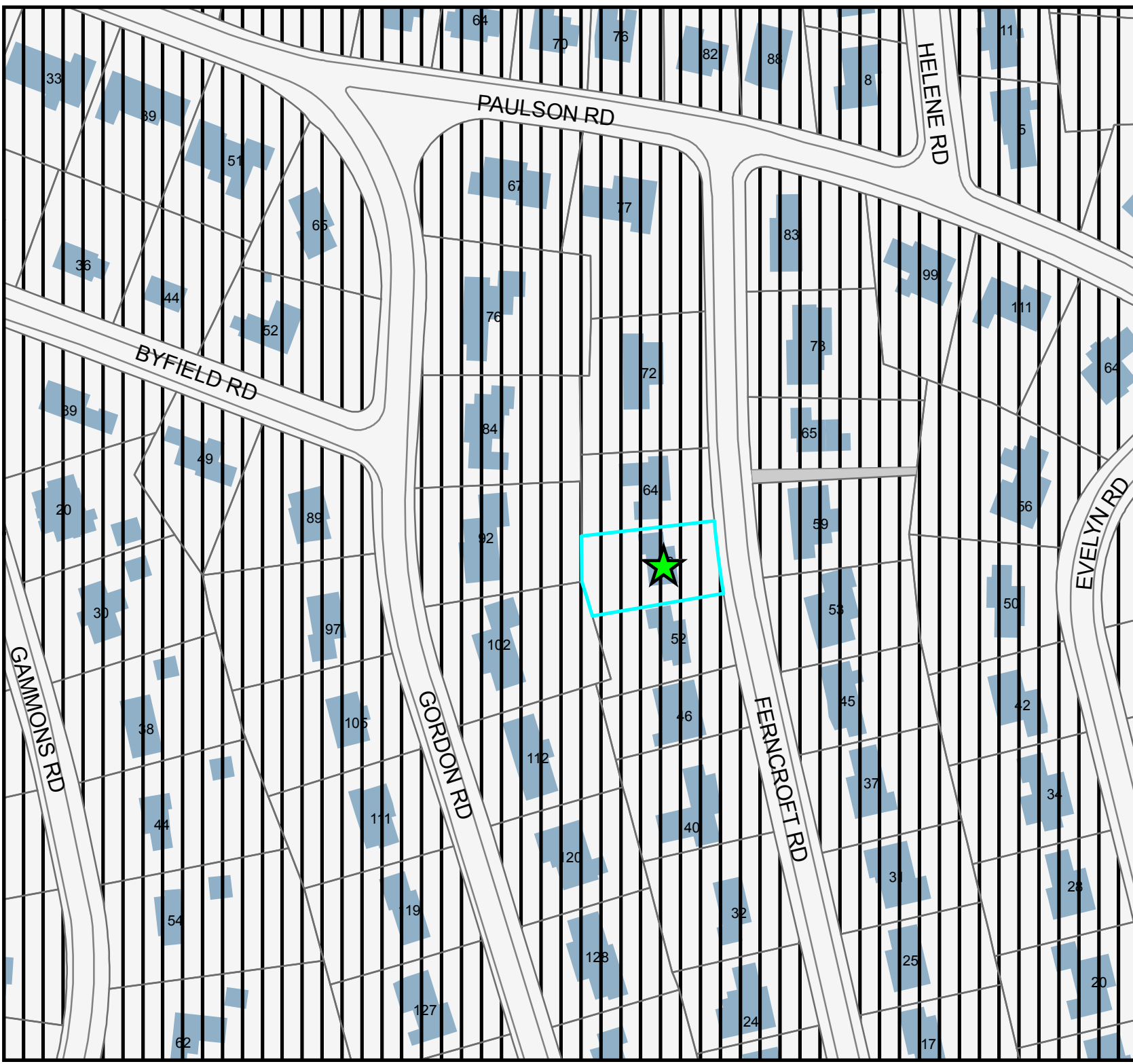
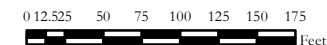
**Land Use**

-  Single Family Residential
-  Vacant Land
-  Property Boundaries
-  Building Outlines
-  Surface Water



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



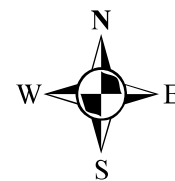
# Zoning Map 58 Ferncroft Rd.

*City of Newton,  
Massachusetts*

**ATTACHMENT C**

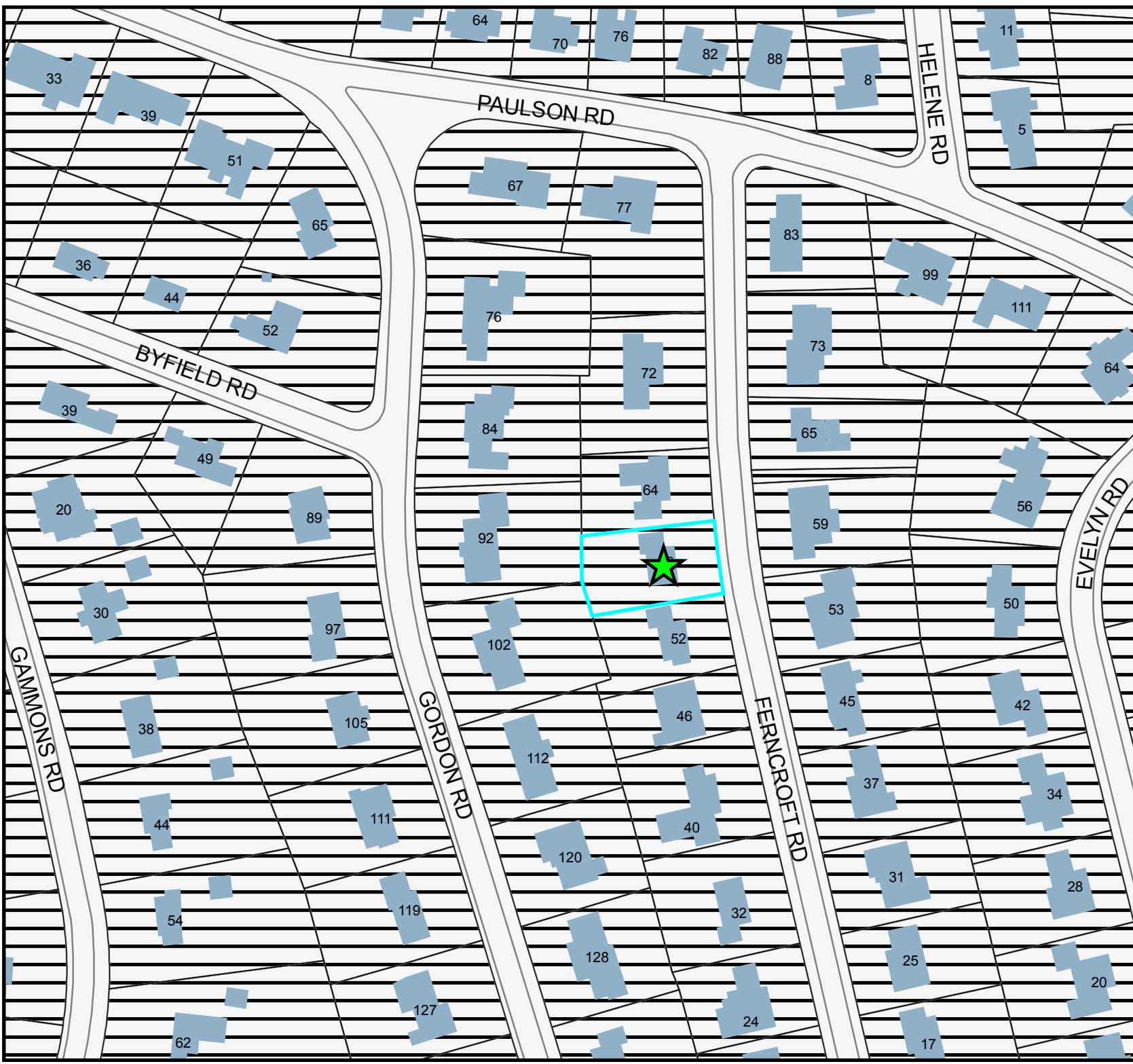
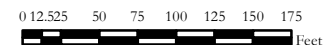
**Legend**

- Street Names
- Single Residence 2
- Property Boundaries
- Building Outlines
- Surface Water



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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Setti D. Warren  
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Setti D. Warren  
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# Attachment D

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Candace Havens  
Director

## ZONING REVIEW MEMORANDUM

Date: February 4, 2014

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  
Heather and Allen Sussman  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to exceed FAR**

Applicant: Heather and Allen Sussman	
Site: 58 Ferncroft Rd	SBL: 53008 0003
Zoning: SR-2	Lot Area: 9,483 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 58 Ferncroft Road consists of a 9,483 square foot lot improved with a single-family residence constructed in 1939. The structure consists of two stories and an attic and finished basement. The applicant proposes to create a two car (tandem-parking) garage by adding a bay in front of the existing single car garage, as well as additions to the first and second floor living spaces adding approximately 800 square feet, thereby increasing the floor area ratio above that allowed by right.

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

- Zoning Review Application, prepared by Peter Sachs, architect, submitted 1/8/14
- FAR Worksheet, prepared by Peter Sachs, architect, submitted 1/8/14
- Plan of Land, signed and stamped by Verne T Porter, surveyor, dated 1/8/14
- Architectural plans, prepared by Peter Sachs, architect, dated 12/27/13
  - First floor plan, proposed
  - Second floor plan, proposed
  - Exterior Elevations, proposed
  - Basement floor plan, existing

- First floor plan, existing
- Second floor plan, existing
- Roof plan
- Exterior elevations, existing

#### ADMINISTRATIVE DETERMINATIONS:

1. The proposed additions increase the structure's FAR, from .28, to .43, which exceeds the .39 maximum permitted by the Ordinance per Section 30-15, Table A. To construct the additions as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-15(u)(2).

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	<b>9,483 square feet</b>	No change
Frontage	80 feet	<b>70 feet</b>	No change
Setbacks for existing structure			
• Front	25 feet	+/- 40 feet	25.3 feet
• Side	7.5 feet	11.6 feet	7.9 feet
• Rear	15 feet	40.8 feet	No change
FAR	.39	.28	<b>.43</b>
Max. Lot Coverage	30%		24.22%
Min. Open Space	50%		65.33%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table A, §30-15(u), §30-21(b)	Exceed Floor Area Ratio (FAR)	S.P. per §30-24

## Attachment E

**CITY of NEWTON  
ENGINEERING DIVISION**

## MEMORANDUM

To: Alderman Mark Laredo, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 58 Ferncroft Road

Date: March 5, 2014

CC: Lou Taverna, PE City Engineer  
Linda Finucane, Associate City Clerk  
Alexandria Ananth, Chief Planner  
Dan Sexton, Sr. Planner

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In reference to the above site, I have the following comments for a plan entitled:

*Sussman Residence  
58 Ferncroft Road  
Newton, MA  
Prepared by: Peter Sachs  
Dated: 12-27-'13  
Revised Site Plan  
Prepared by Verne T. Porter, Jr., PLS  
Dated: March 4, 2014*

*Executive Summary:*

The existing single-family dwelling is proposing an addition and expansion of the garage and living spaces; the revised corrected site plan indicates that a net of 242 square feet is being added, since this is below the current threshold of 400 square feet no drainage improvements are warranted per the drainage policy.

It appears that most of the interior will be gutted for the addition and expansion, if any of the following thresholds are triggered, then the sewer service will have to be upgraded.

1. When a dwelling or structure (built prior to 1970) is renovated, gutted more than 50% then new water and sewer services must be updated.
2. Updated shall mean that the sewer service is installed to the City's Standard minimum standard of 6" SDR 35 PVC pipe; and the water service shall be a minimum of 1" Type K copper. Installed from the respective mains to the dwelling or structure.
3. If an existing sanitary sewer service is less than 20 years old, and is SDR 35 PVC or better (per City Engineer) then per Section 29-62 of the City Ordinances the sewer line may be tested (Closed Circuit Television- CCTV) and witnessed by the Engineering Division to verify (to the Commissioner of Public Works) its ability to be reused without replacement.

General:

1. As of January 1, 2009, all trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
3. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
4. All site work must be completed before a Certificate of Occupancy is issued. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.