



Setti D. Warren
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Candace Havens
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: June 10, 2014
Land Use Action Date: June 17, 2014
Board of Aldermen Action Date: July 14, 2014
90-Day Expiration Date: September 2, 2014

DATE: June 6, 2014

TO: Board of Aldermen

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

SUBJECT: **Petition #164-14**, PETER SACHS FOR LORI BERKOWITZ & SCOTT R. PERMAN for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mudroom addition containing approximately 170 square feet to the rear of an existing attached garage, which will increase the existing nonconforming Floor Area Ratio from .45 to .46, exceeding the .35 maximum allowed by right, at **37 Ferncroft Road**, Ward 5, Waban, on land known as SBL 53, 7, 15, containing approx. 12,659 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(u)(2), and 30-21(b), of the City of Newton Rev Zoning Ord, 2012.

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.



37 Ferncroft Road

EXECUTIVE SUMMARY

The property at 37 Ferncroft Road consists of a 12,659 square foot lot in a Single Residence 2 zoning district, improved with a single-family 2½-story residence with an attached garage constructed in approximately 1937. The petitioner is proposing to construct an approximately 170 square foot one-story mudroom in the rear of the dwelling. The petitioner is seeking a special permit to increase the Floor Area Ratio (FAR) from .45 to .46, where .35 is the maximum allowed by right.

The proposed addition is in the rear of the property and will be screened from abutting properties by existing fencing and vegetation. Considering the scope of the proposed work, the Planning Department believes that the proposed addition is not in derogation of the size, scale and design of other structures in the neighborhood and will not be substantially more detrimental to the neighborhood than the existing structure.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The proposed structure with regard to FAR is consistent with and not in derogation of size, scale and design of other structures in the neighborhood. (§30-15(u)(2))
- The site is an appropriate location for the proposed addition. (§30-24(d)(1))
- The extension of the structure is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§30-21(b))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located on Ferncroft Road off of Beacon Street, between Newton Centre and Waban. The land uses in the neighborhood are single-family homes (**ATTACHMENT B**), and the zoning district is Single Residence 2 (**ATTACHMENT C**).

B. Site

The site consists of approximately 12,659 square feet of land and is improved with a single-family 2½-story residence and attached garage constructed in approximately 1937. There is a yard in the rear of the house, and fencing and vegetation along the side and rear property lines. The existing dwelling exceeds the maximum FAR, but conforms to all other setback, lot coverage, and open space requirements.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The use will remain a single-family residence.

B. Building and Site Design

The petitioner is proposing to construct a one-story addition to the rear of the existing dwelling to be used for a 96 square foot mudroom and 74 square foot entry hall. The mudroom will be accessed from the interior of the attached garage and the entry hall will be accessed from the mudroom and the existing rear deck. The proposed construction will increase the floor area by approximately 170 square feet.

The Planning Department believes that the proposed addition is consistent with and not in derogation of the size, scale, and design of other structures in the surrounding neighborhood, and will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

C. Landscape Screening

The site is screened along the side and rear property lines by vegetation and fencing. The Planning Department does not believe that additional screening is necessary.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance)

The Zoning Review Memorandum, (**ATTACHMENT A**), provides an analysis of the proposal with regard to zoning. The petitioner is requesting a special permit to extend the nonconforming structure to further exceed the maximum allowed floor area ratio.

B. Engineering Review

As the petitioner is not increasing the impervious surfaces on the lot by more than 400 square feet or 4%, no engineering review is required.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum, the petitioner is seeking the following reliefs:

- §30-15 Table A and 30-15(u), to exceed the allowed FAR.
- §30-21(b), to extend a nonconforming use.

VI. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

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



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ATTACHMENT A

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ZONING REVIEW MEMORANDUM

Date: May 8, 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
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

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

Applicant: Peter Sachs	
Site: 37 Ferncroft Road	SBL: 53007 0015
Zoning: SR-2	Lot Area: 12,659 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 37 Ferncroft Road consists of a 12,659 square foot lot improved with a single-family residence constructed in 1937 with an attached garage. The structure consists of two and a half stories and a basement. The applicant proposes to construct a 170 square foot mudroom to the rear of the garage increasing the FAR from .45 to .46, which exceeds the .35 maximum 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 4/14/2014
- FAR Worksheet, prepared by Peter Sachs, architect, submitted 4/14/2014
- Plan of Land, prepared by VTP Associates, dated 3/12/2014
- Architectural Plans, signed and stamped by Peter Sachs, architect, dated 3/4/2014, revised 3/7/2014 and 3/14/2014
 - First floor plan - proposed
 - Rear elevation – proposed
 - Side elevation – proposed
 - FAR calculations
 - Basement floor plan – existing
 - First floor plan – existing

- Second floor plan – existing
- Front elevation – existing
- Rear elevation - existing

ADMINISTRATIVE DETERMINATIONS:

1. The proposed mudroom addition increases the structure's nonconforming FAR from .45, to .46, which exceeds the .35 maximum permitted by the Ordinance per Section 30-15, Table A. To construct the addition as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-15(u)(2) and Section 30-21(b).

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	19,071 square feet	No change
Frontage	80 feet	120 feet	No change
Setbacks			
• Front	25 feet	39.8 feet	No change
• Side	7.5 feet	7.6 feet	No change
• Rear	15 feet	48.7 feet	No change
FAR	.35	.45	.46
Max Lot Coverage	30%	16.3%	17.7%
Min. Open Space	50%	73.9%	72.6%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table A, 30-15(u)(2) 30-21(b)	Exceed nonconforming Floor Area Ratio (FAR)	S.P. per §30-24

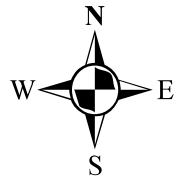
164-14 Land Use Map 37 Ferncroft Road

*City of Newton,
Massachusetts*

Legend

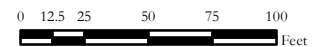
- Streets - Pavement Edge
- Building Outlines
- Land Use**
- Single Family Residential

ATTACHMENT B

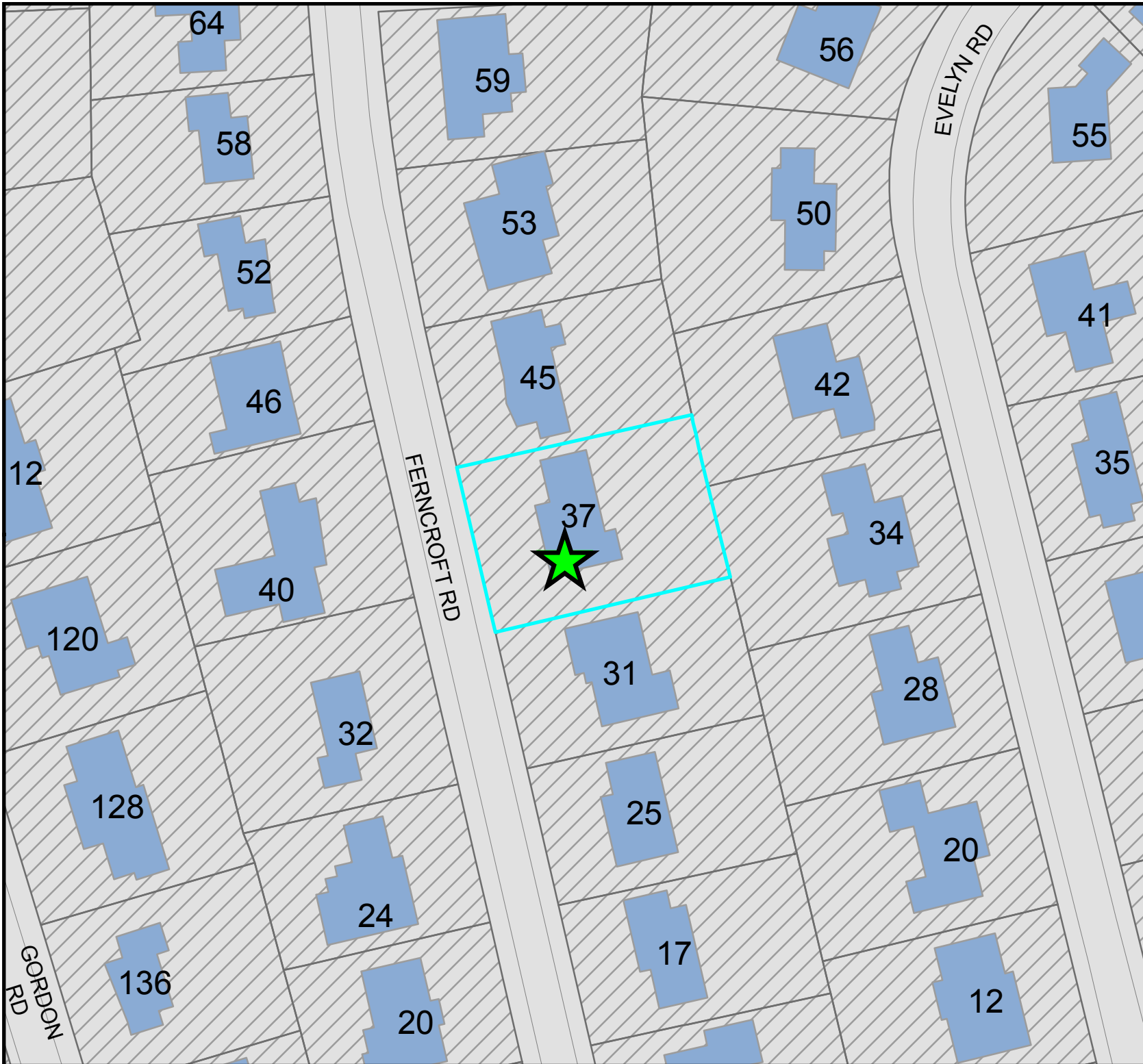


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Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: May 22, 2014



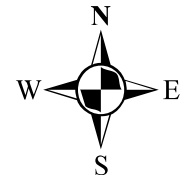
164-14 Zoning Map 37 Ferncroft Road

*City of Newton,
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Legend

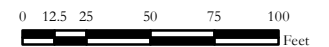
- Streets - Pavement Edge
- Building Outlines
- Zoning**
- Single Residence 2

ATTACHMENT C



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