



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

PUBLIC HEARING MEMORANDUM

Public Hearing Date: July 26, 2016
Land Use Action Date: August 9, 2016
City Council Action Date: August 15, 2016
90-Day Expiration Date: September 5, 2016

DATE: July 22, 2016

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Neil Cronin, Senior Planner

SUBJECT: **Petition #218-16**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to increase the number of stories of a dwelling to 3 where 2.5 is the maximum allowed by-right, and to increase the floor area ratio (FAR) from .38 to .45, where .40 is the maximum allowed by-right at **20 Ferncroft Road**, Ward 5, Waban, on land known as SBL 53, 08, 09 containing approximately 9,793 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. §1.5.4.D, §1.5.4.E, §1.5.4.F, §3.1.3, §7.3.3, §3.1.9.A.2 of Chapter 30 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.



20 Ferncroft Road

EXECUTIVE SUMMARY

The property located at 20 Ferncroft Road consists of a 9,790 square foot lot created by variance in 1968. The lot is improved with a single-family ranch style residence built in 1969. Due to the average grade of the property, the basement is classified as a story; therefore the structure has two stories. The property is located in the Single Residence 2 zoning district in Waban. The petitioner is proposing to add a floor which will bring the dwelling to three stories, thereby requiring a special permit. The third floor will contain a master suite and laundry room totaling 737 square feet. To construct the addition, the applicant is seeking a special permit to allow three stories, where 2.5 is the maximum allowed by-right and to exceed the floor area ratio (FAR) from .38 to .45, where .40 is the maximum allowed by-right. If approved, the proposed addition will result in a net increase to the existing dwelling by 737 square feet (20%) for a total of 4,482 square feet built on the lot.

The Planning Department is not concerned with the construction of the proposed addition. The dwelling is located in a neighborhood of other similarly-scaled dwellings and the additional floor is in the existing footprint of the structure. Lastly, the addition is to the rear of the structure, therefore preserving the streetscape and existing setbacks. For these reasons, the Planning Department believes allowing three stories, where 2.5 is the maximum allowed by-right, and exceeding the FAR from .38 to .45, where .40 is the maximum allowed by-right will not be 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 site is an appropriate location for the expanded residence. (§7.3.3.C.1)
- The use will not adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed increase in FAR from .38 to 0.45, where .40 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 and §7.3.3)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Ferncroft Road, in a Single Residence 2 District. The neighborhood is comprised primarily of larger single-family residences. Across Beacon Street is the Zervas Elementary School. Otherwise, the site is surrounded by single family houses (**Attachments A & B**).

B. Site

The site consists of 9,793 square feet of land, and is improved with a single-family ranch style residence built in 1969. Due to the average grade of the property, the structure has two stories. However the dwelling functions as a single-story structure.

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 applicant is proposing to construct a third floor addition containing a master suite and laundry room, enlarging the current house by 737 square feet (20%). The proposed addition and dwelling otherwise meet all of the dimensional controls as stipulated in the NZO, with the exception of FAR and number of stories. Lastly, the proposed addition is in keeping of the architectural style of the existing house.

Parking and Circulation

No changes are proposed to either the parking or circulation.

C. Landscape Screening

A landscape plan is not required for this petition.

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:

- §1.5.4.D, §1.5.4.E, §1.5.4.F and §3.1.3 of Section 30, to allow three stories; and
- §3.1.9.A.2 of Section 30, to exceed the maximum FAR.

B. Engineering Review

No engineering review is required at this time. The Engineering Division of Public Works will review this project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit should this project be approved.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.








ATTACHMENTS:

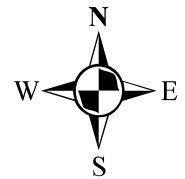
- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** DRAFT Order

Attachment A Zoning Map 20 Ferncroft Rd.

*City of Newton,
Massachusetts*

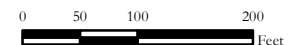
Legend

-  Single Residence 2
-  Single Residence 3
-  Open Space/Recreation
-  Public Use
-  Building Outlines
-  Surface Water
-  Property Boundaries

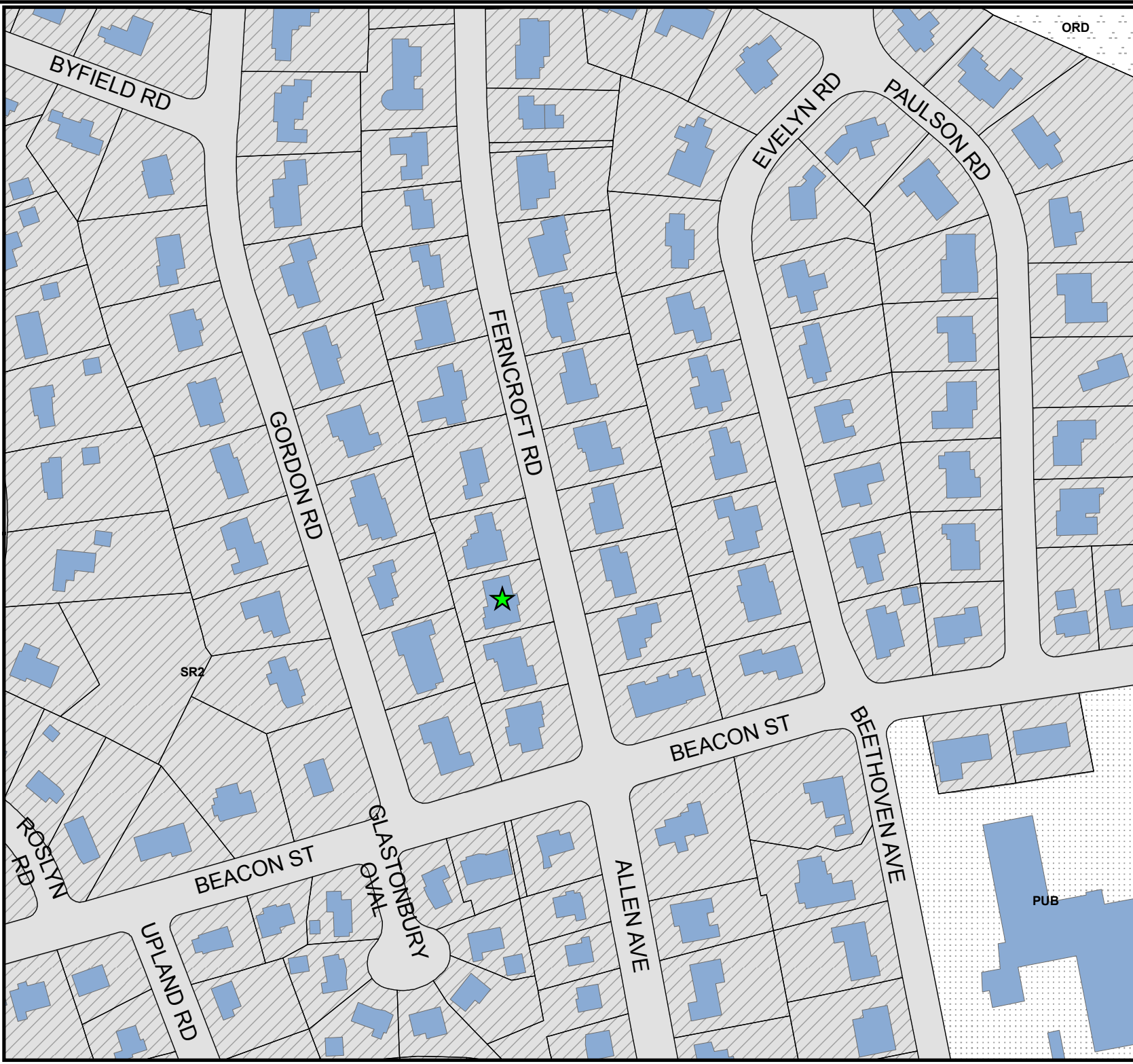


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: June 28, 2016










Attachment B Land-Use Map 20 Ferncroft Rd.

*City of Newton,
Massachusetts*

Legend

Land Use

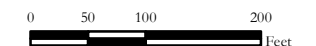
Land Use

-  Single Family Residential
-  Open Space
-  Nonprofit Organizations
-  Vacant Land
-  Building Outlines
-  Surface Water
-  Property Boundaries

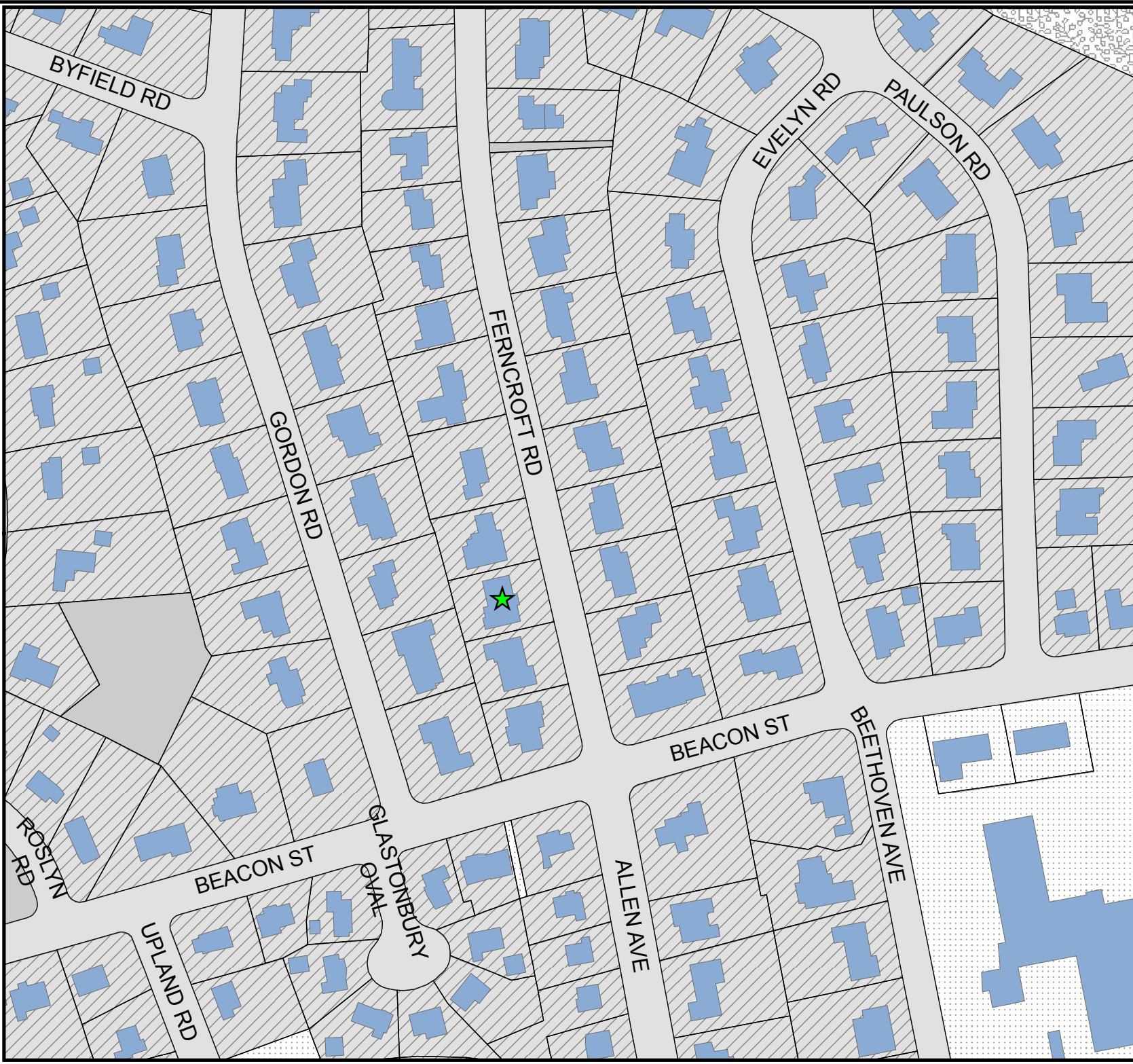


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: June 28, 2016





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

ZONING REVIEW MEMORANDUM

Date: May 30, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Matt and Wendy Feiner, applicants
Peter Sachs, architect
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to allow a three-story single-family structure and to exceed FAR

Applicant: Matt and Wendy Feiner	
Site: 20 Ferncroft Road	SBL: 53008 0009
Zoning: SR2	Lot Area: 9,793 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 20 Ferncroft Road consists of a 9,793 square foot lot created by variance in 1968. The property is improved with a single-family ranch style dwelling constructed in 1969. Due to the average grade of the property, the structure has two stories, though it functions as a single-story structure. The applicant proposes to add a second floor, which will create a three-story structure for the purposes of zoning, requiring a special permit.

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

- Zoning Review Application, prepared by Peter Sachs, architect, submitted 4/18/2016
- Topographic Site Plan, signed and stamped by Joseph R. Porter, surveyor, dated 4/12/2016
- Architectural Plans, prepared by Peter Sachs, architect, dated 3/22/2016
- Newton Zoning Board of Appeals Decision #15-66, dated 11/21/1966

ADMINISTRATIVE DETERMINATIONS:

1. The subject lot was deeded to the owners of the adjacent lot at 24 Ferncroft Road in 1945, and was vacant at the time. Except for the fact that the owner of the improved property at 24 Ferncroft Rd was also the owner of the then unimproved lot at 20 Ferncroft Road, the subject lot would have been a buildable lot. However, because of the common ownership, a literal application of the Ordinance would require that the lots merged for the purposes of zoning. For that reason, the ZBA granted the variance to allow for the lot to be separately built upon, and treated as an old lot for the purposes of the dimensional requirements.
2. The average grade plane surrounding the structure creates 2 stories per Section 1.5.4.D through F. Section 3.1.3 allows a maximum of 2.5 stories in the SR3 zoning district. To add a second story of living space creates a three story structure. A special permit pursuant to Sections 3.1.3 is required to allow a three-story single-family dwelling.
3. The applicant proposes a 737 square foot addition. The existing FAR for the property is .38, which is less than the allowable FAR of .40 (.38 plus the 0.02 bonus for meeting new lot setback requirements) per Section 3.1.9. The proposed addition creates an FAR of .45, exceeding the maximum allowable FAR and requires a special permit pursuant to Section 3.1.9.A.2.

SR2 Zone	Required	Existing	Proposed
Lot Size	9,793 square feet*	9,793 square feet	No change
Frontage	80 feet	80 feet	No change
Setbacks			
• Front (Oakmont)	25 feet	41.8 feet	No change
• Side	7.5 feet	9.8 feet	No change
• Rear	15 feet	37.6 feet	No change
Building Height	36	22.91 feet	27.24 feet
Max Number of Stories	2.5	2	3
Open Space Minimum	50%	68.9%	68.6%
Lot Coverage Maximum	30%	20%	20.3%
FAR	.40	.38	.45

*Variance #15-66 dated November 21, 1966 allowed a reduced lot area of 9,793 square feet

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§1.5.4.D- F §3.1.3,	Request to allow three stories	S.P. per §7.3.3
§3.1.9.A.2	Request to exceed maximum FAR	S.P. per §7.3.3

CITY OF NEWTON
IN CITY COUNCIL

August 9, 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 allow an addition bringing a dwelling 3 stories, where 2.5 stories is the maximum allowed by right, and to exceed the floor to area ratio (FAR) from .38 to .45, where .40 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 site is an appropriate location for the proposed addition (§7.3.3.C.1).
2. The use will not adversely affect the neighborhood (§7.3.3.C.2)
3. The proposed increase in FAR from .38 to .45, where .40 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 because (§3.1.9) the topography of the lot is such that the basement is counted as a story and therefore the entire basement counts toward FAR.

PETITION NUMBER: #218-16

PETITIONER: Matthew and Wendy Feiner

LOCATION: 20 Ferncroft Road, on land known as Section 53, Block 08, Lot 09, containing approximately 9,793 square feet of land

OWNER: Matthew and Wendy Feiner

ADDRESS OF OWNER: 20 Ferncroft Road
Newton, MA 02468

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §1.5.4.D, §1.5.4.E, §1.5.4.F §3.1.3, to allow a dwelling with three stories; §3.1.9.A.2 to exceed the FAR

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, Proposed Conditions, signed and stamped by Joseph R. Porter, Professional Land Surveyor, dated 4/12/2016
 - b. Architectural Plans and Elevations, signed and stamped by Peter Sachs, Architect, dated 3/22/2016 Revised May 4, 2016
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. 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. 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 or land surveyor certifying compliance with Condition #1, including the as built 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 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.