



#178-19

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Ruthanne Fuller
Mayor

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: June 18, 2019
Land Use Action Date: April 22, 2019
City Council Action Date: September 2, 2019
90-Day Expiration Date: September 16, 2019

DATE: June 14, 2019

TO: City Council

FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Katie Whewell, Planning Associate

SUBJECT: **Petition #178-19**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an attic level dormer to increase the living space, creating an FAR of .52 where .46 is allowed and .43 exists at 61 Forest Street, Ward 6, Newton Highlands, containing approximately 5,000 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9 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 for consideration at a subsequent working session by the Land Use Committee of the City Council.



61 Forest Street

EXECUTIVE SUMMARY

The property located at 61 Forest Street contains a 5,000 square foot lot in the Single Residence 2 (SR-2) zone in Newton Highlands. The lot is improved with a single-family residence constructed circa 1890 and a shed. The petitioners are proposing to construct an attic level shed dormer to increase the living space as well as enclose an existing porch. The proposed addition would add 450 square feet of habitable space to the attic and increases the FAR from .43 to .52, exceeding the maximum allowed of .46, requiring a special permit.

The proposed shed dormer will not increase the footprint of the structure and meets all dimensional requirements. The proposed shed dormer is consistent with the size and scale of other two and a half story, single family homes in the neighborhood. Due to this, the Planning Department is unconcerned with the proposed shed dormer that exceeds the allowable FAR.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- The proposed increase in FAR from .43 to .52, where .46 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)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

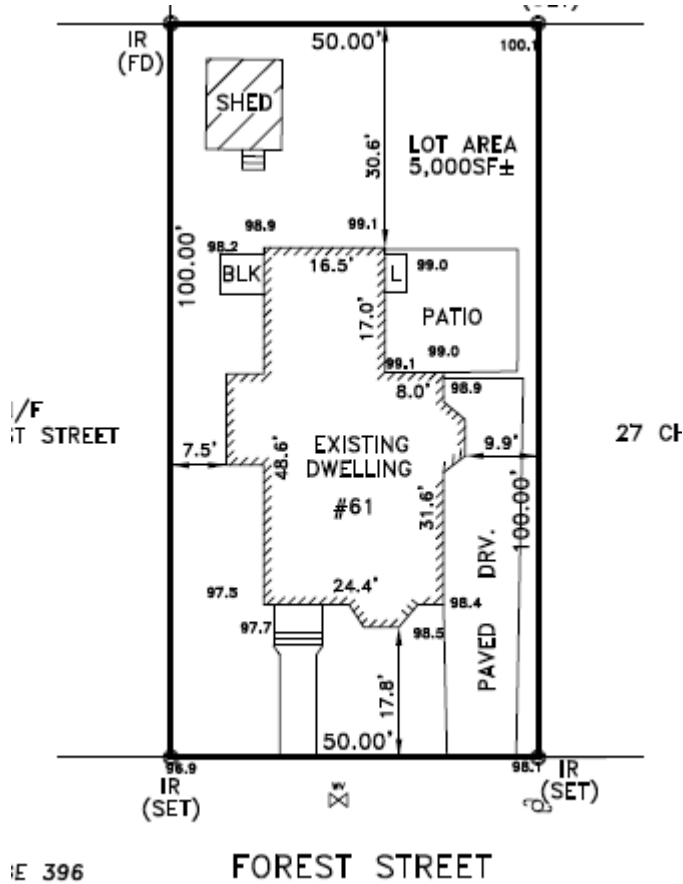
The subject property is located on Forest Street in Newton Highlands and is about a 5-minute walk from the Newton Highlands MBTA station. The surrounding area is zoned Single Residence 2 (SR-2), with the exception of a Public Use zone north west of the site, which is the Sudbury Aqueduct (**Attachment A**). The land use of adjacent and surrounding properties is single family residential (**Attachment B**). Single family homes on Forest Street range from one story to three stories, and there are a variety of dormers on the homes of Forest Street, including shed dormers.

B. Site

The site consists of 5,000 square feet of land on Forest Street, which is off Walnut Street in Newton Highlands. The site is improved with a 2.5-story single-family dwelling and a shed at the northwestern corner of the site. The site is predominantly flat. The lot is served by two curb cuts on Forest Street providing access to the walkway and paved driveway. At the end of the driveway is a gate and stockade fence that extends around the rear of the property. There is landscaping at the front of the

property and along the western property line.

Site Plan:



III. PROJECT DESCRIPTION AND ANALYSIS

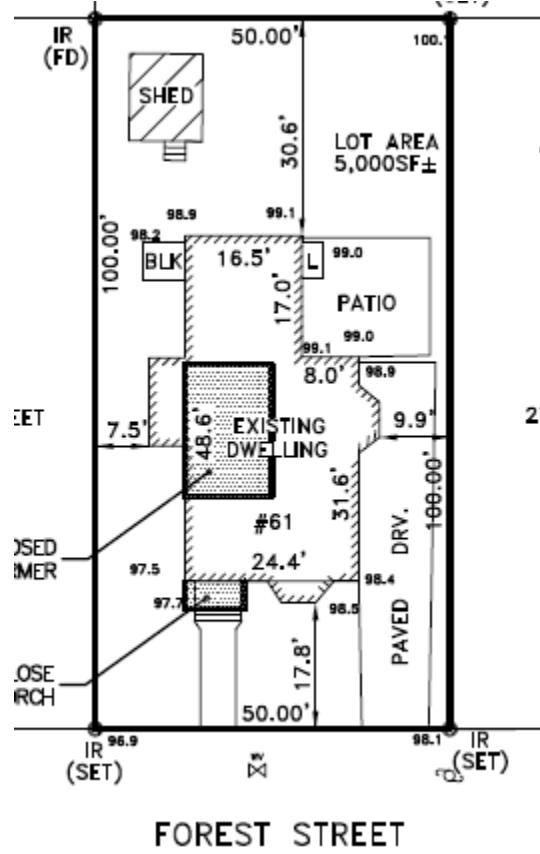
A. Land Use

The principal use of the site is and will remain single-family.

B. Building Design

The petitioners are seeking to construct a shed dormer that creates 450 square feet of habitable space in the attic. They are also proposing to enclose an existing front porch, which adds 25 square feet and counts towards FAR. These alterations to the existing dwelling results in an FAR of .52, where .43 exists and .52 is the maximum allowed.

Proposed Site Plan:

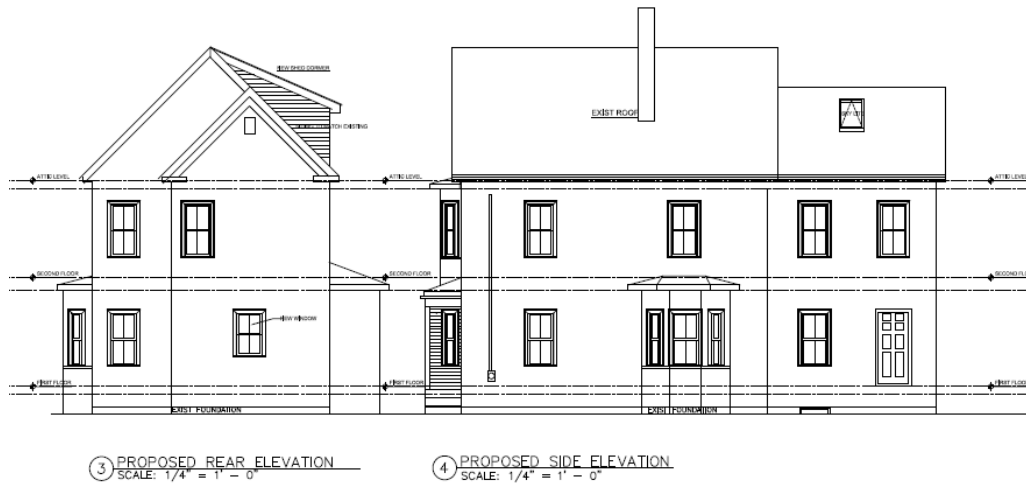


Proposed Elevations:



② PROPOSED SIDE ELEVATION
SCALE: 1/4" = 1' - 0"

① PROPOSED FRONT ELEVATION
SCALE: 1/4" = 1' - 0"



C. Site Design

The petitioners are not proposing any changes to the site.

D. Parking and Circulation

The petitioners are not making any changes to parking or circulation.

E. Landscaping

A landscape plan is not required with this petition.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal regarding zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- §3.1.3, §3.1.9 and §7.3.3 of Section 30, to exceed the allowable FAR.

B. Engineering Review

This petition does not meet the minimum threshold for Engineering Review.

C. Historic Preservation Review

This petition does not meet the minimum threshold for Newton Historical Commission review.

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 Council Order

ATTACHMENT A

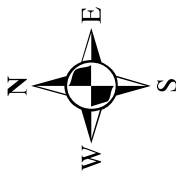
Zoning

61 Forest Street

City of Newton,
Massachusetts

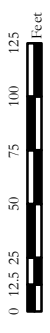
Legend

-  Single Residence 2
-  Public Use

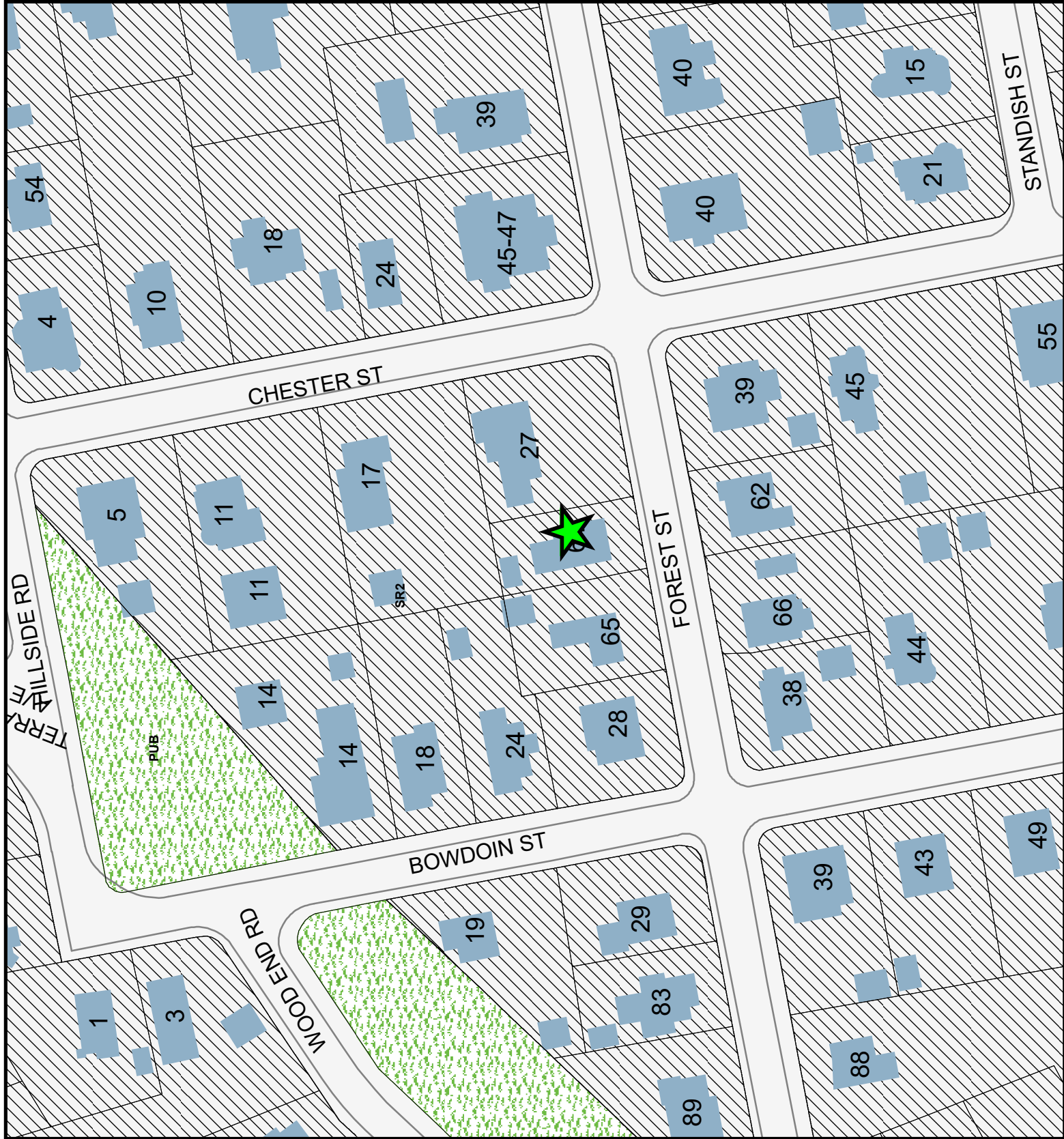


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: June 12, 2019



ATTACHMENT B

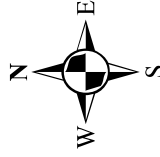
Land Use

61 Forest Street

City of Newton,
Massachusetts

Land Use

- Single Family Residential
- Multi-Family Residential
- Nonprofit Organizations

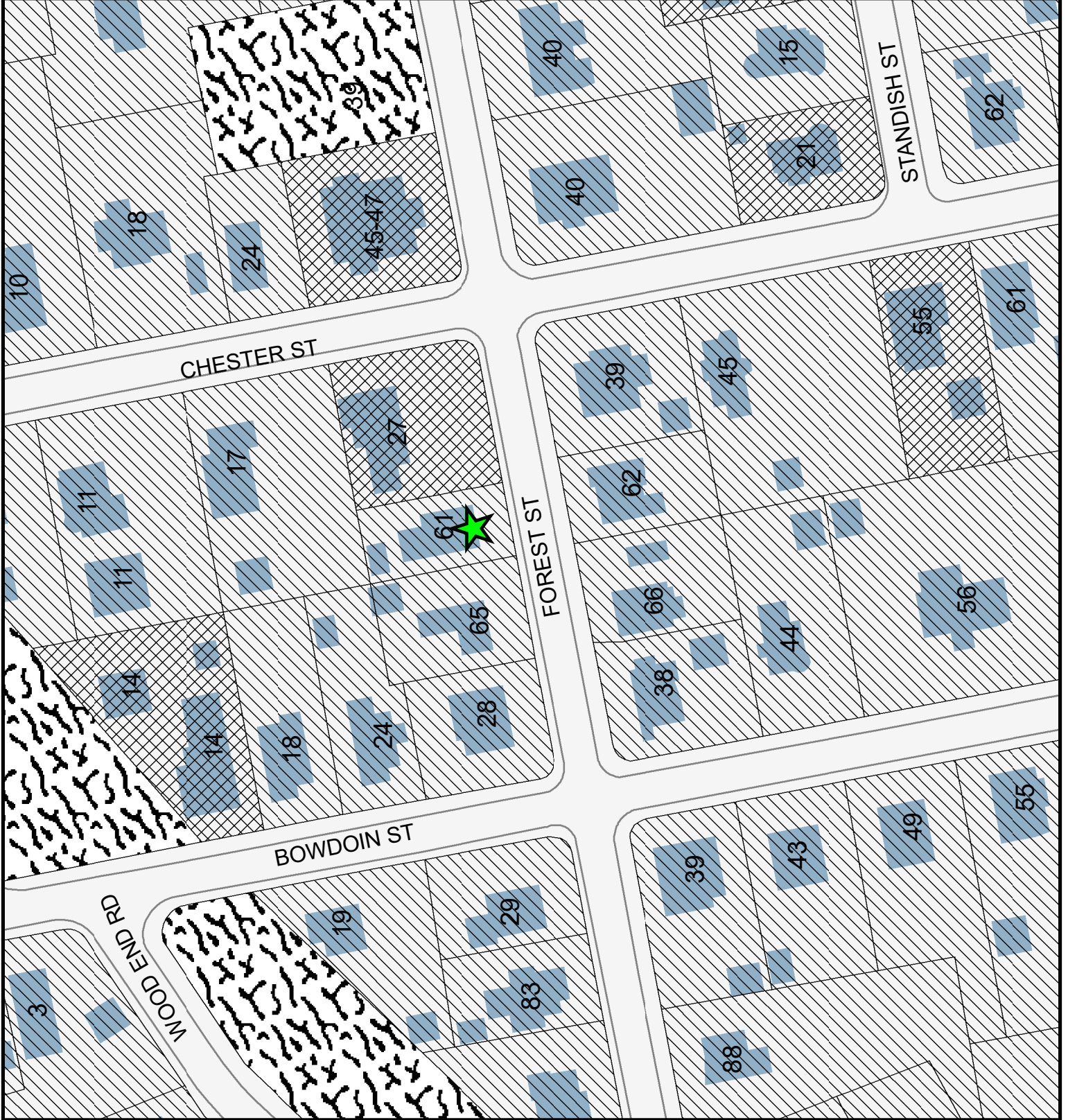


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: June 12, 2019





Ruthanne Fuller
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

ZONING REVIEW MEMORANDUM

Date: November 19, 2018

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Yubo Chen, Applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: Request to exceed FAR

Applicant: Yubo Chen	
Site: 61 Forest Street	SBL: 52004 0010
Zoning: SR2	Lot Area: 5,000 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 61 Forest Street consists of a 5,000 square foot lot improved with a single-family residence constructed circa 1890 and a detached garage. The petitioner proposes to construct an attic level dormer to increase the living space. The proposed addition increases the FAR beyond that which is allowed by right, requiring a special permit.

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

- Zoning Review Application, prepared Brian Lau, dated 10/9/2018
- FAR Worksheet, submitted 10/9/2018
- Site Plan, prepared by LDC, surveyor, undated
- Architectural plans and elevations, prepared by LDC, architect, undated

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to construct an attic level dormer adding 450 square feet of habitable space to the attic. The proposed addition increases the FAR from .43 to .52, which exceeds the maximum of .46 allowed by section 3.1.9, requiring a special permit.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	5,000 square feet	No change
Frontage	80 feet	50 feet	No change
Setbacks			
• Front	25 feet	17.8 feet	No change
• Side	7.5 feet	7.5 feet	No change
• Rear	15 feet	30.6 feet	No change
Max Number of Stories	2.5	2.5	No change
FAR	.46	.43	.52
Max Lot Coverage	30%		No change
Min. Open Space	50%		No change

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3	Request to exceed FAR	S.P. per §7.3.3
§3.1.9		

#178-19
61 Forest Street

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 .43 to .52, where .46 is the maximum allowed as of right as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The specific site is an appropriate location for the proposed shed dormer that increases floor area ratio because the proposed dormer to the home is similar in style to other homes with dormers in the neighborhood. (§7.3.3.C.1)
2. The proposed dormer that increases floor area ratio will not adversely affect the neighborhood because it is consistent in terms of size and scale of several other single-family homes in the neighborhood. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because the proposed addition is located above the garage. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

PETITION NUMBER: #178-19

PETITIONER: Yubo Chen

LOCATION: 61 Forest Street, on land known as Section 52, Block 4, Lot 10, containing approximately 5,000 square feet of land

OWNER: Yubo Chen

ADDRESS OF OWNER: 61 Forest Street
Newton, MA 02461

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood

EXPLANATORY NOTES: §3.1.3, §3.1.9 to further increase 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. "Plot Plan for Yubo Chen at 61 Forest Street, Newton MA" , signed and stamped by Scott M. Cerrato, Professional Land Surveyor, dated April 25, 2019
 - b. Architectural Plans, prepared by LDC, consisting of the following two (2) sheets:
 - i. A- 6 Proposed side elevation, proposed front elevation
 - ii. A-7 Proposed rear elevation, proposed side elevation
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, and Fire Department.
3. 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.
4. 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 an 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 architect.