



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: October 10, 2016
City Council Action Date: October 17, 2016
90-Day Expiration Date: October 24, 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 #214-16**, 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, at **65 Oakmont Road**, Ward 6, Newton Centre, on land known as SBL 65, 12, 08 containing approximately 13,301 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. §1.5.4.D, §1.5.4.E, §1.5.4.F, §3.1.3, §7.3.3, 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.



65 Oakmont Road

EXECUTIVE SUMMARY

The property located at 65 Oakmont Road consists of a 13,301 square foot lot improved with a single-family ranch style residence built in 1948. 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 3 zoning district in Newton Centre. The petitioner is proposing to add an additional floor, bringing the dwelling to three stories. The project also calls for additions to the basement and first floor, but those are by-right. The third floor will contain a master suite as well as two bathrooms and a closet totaling 1,210 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. If approved, the proposed third floor addition will result in a net increase to the existing dwelling by 1,210 square feet (46%). When combined with the by-right additions, a total of 5,008 square feet would be built on the lot for a floor to area ratio (FAR) of .38 which is in compliance.

The Planning Department is not concerned with the construction of the proposed addition on this single-family dwelling. The dwelling is located in a neighborhood of other similarly-scaled dwellings and the structure will still comply with dimensional regulations, with the lone exception of number of stories. For these reasons, the Planning Department believes allowing three stories, where 2.5 is the maximum allowed by-right, will not adversely affect 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 proposed addition which will add a third story to a structure where 2.5 stories is the maximum allowed by-right will not adversely affect the neighborhood. (§1.5.4.D, §1.5.4.E, §1.5.4.F, §3.1.3 and §7.3.3.C.2)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Oakmont Road, at the corner of Oakmont and Jackson Street in a Single Residence 3 District. The neighborhood is comprised primarily of single-family residences, just north of Route 9. To the west, is a stop for the number 60 MBTA bus line with connections to Kenmore Square and Brookline Village (**Attachments A & B**).

B. Site

The site consists of 13,301 square feet of land, and is improved with a single-family ranch style residence built in 1948. Due to the average grade of the property, the

structure has two stories. However the dwelling functions as a single-story structure because the garage takes up a significant portion of the basement level.

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 is proposing to add a floor, bringing the dwelling to three stories, thereby requiring a special permit. The project also calls for additions to the basement and first floor, but those are by-right. The third floor will contain a master suite as well as two bathrooms and a closet totaling 1,210 square feet. The second floor addition will enlarge the current dwelling by 1,210 square feet (46%). The proposed addition and dwelling otherwise meet all of the dimensional controls as stipulated in the NZO, with the exception of number of stories.

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.

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 65 Oakmont Rd.

*City of Newton,
Massachusetts*

Legend

-  Single Residence 1
-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 2
-  Business 1
-  Public Use
-  Building Outlines
-  Surface Water
-  Property Boundaries

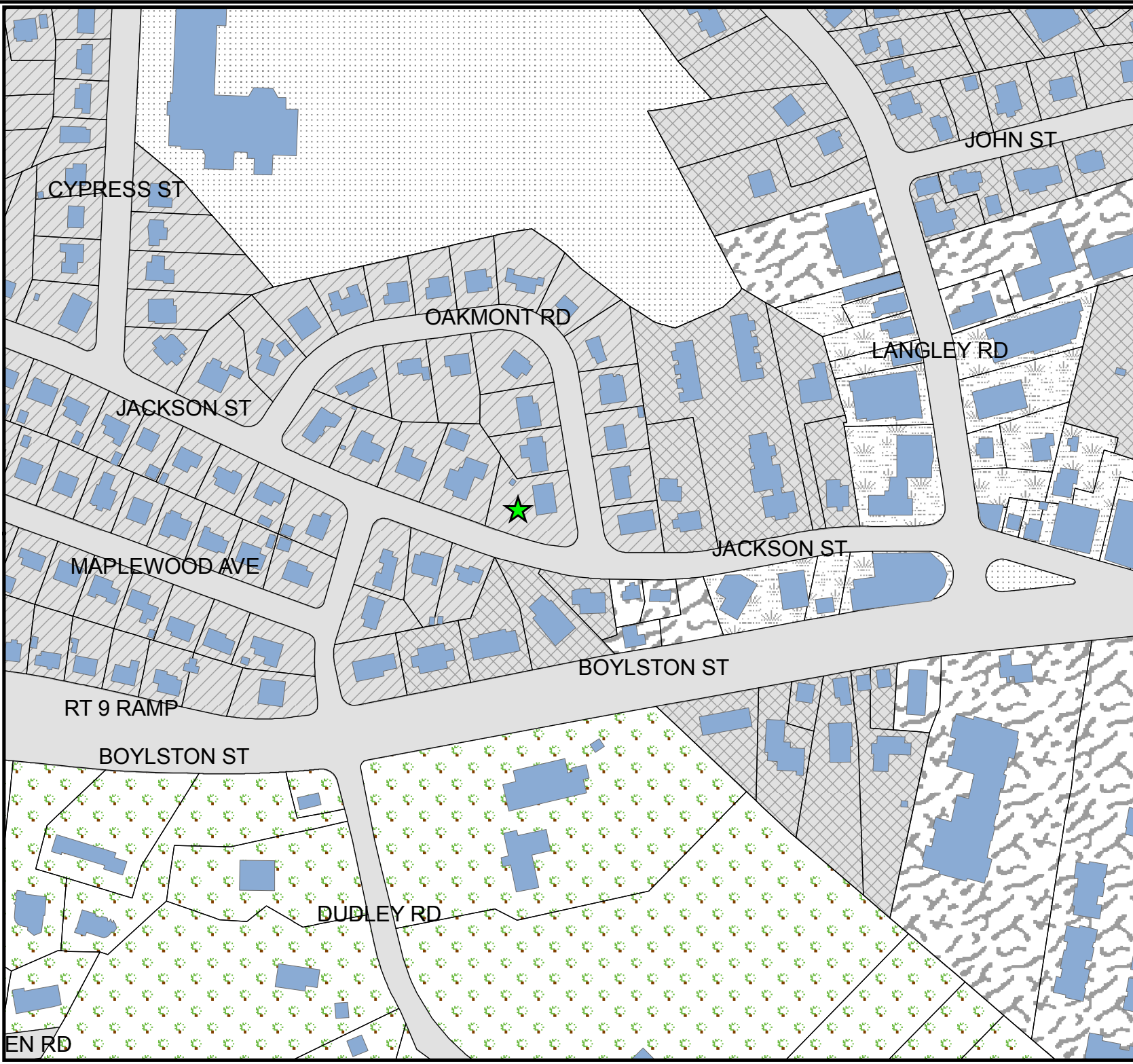


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

0 50 100 200
Feet

Map Date: July 01, 2016

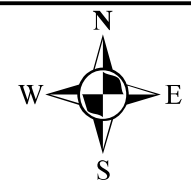


Attachment B Land-Use Map 65 Oakmont Rd. City of Newton, Massachusetts



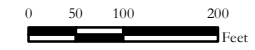
Legend

- Land Use**
- Single Family Residential
 - Multi-Family Residential
 - Commercial
 - Industrial
 - Mixed Use
 - 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: July 01, 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 17, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Chris and Susan Kim, 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

Applicant: Chris and Susan Kim	
Site: 65 Oakmont Road	SBL: 65012 0008
Zoning: SR3	Lot Area: 13,301 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 65 Oakmont Road consists of a 13,301 square foot lot at the corner of Oakmont Road and Jackson Street improved with a single-family ranch style dwelling constructed in 1948. 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, dated 4/18/2016
- Area Plan, signed and stamped by Joseph R. Porter, surveyor, dated 3/21/2016
- Site Plan-Proposed Conditions, signed and stamped by Joseph R. Porter, surveyor, dated 3/18/2016
- Architectural Plans, prepared by Peter Sachs, architect, dated 2/2/2016

ADMINISTRATIVE DETERMINATIONS:

1. 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.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	13,301 square feet	No change
Frontage	80 feet	133.5 feet	No change
Setbacks <ul style="list-style-type: none"> • Front (Oakmont) • Front (Jackson) • Side • Rear 	25 feet 25 feet 7.5 feet 15 feet	26.9 feet +/-40 feet 11.4 feet 61 feet	25 feet 27.2 feet No change 60.4 feet
Building Height	36	21 feet	31 feet
Max Number of Stories	2.5	2	3
FAR	.39	.20	.38

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§1.5.4.D- F §3.1.3,	Request to allow three stories	S.P. per §7.3.3

CITY OF NEWTON
IN CITY COUNCIL

August 8, 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, 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 proposed addition which increases the number of stories to 3, where 2.5 is the maximum allowed by-right, will not adversely affect the neighborhood because (§1.5.4.D, §1.5.4.E, §1.5.4.F, §3.1.3 and §7.3.3.C.2)
 - a. The topography of the lot is such that the basement is counted as a story; and
 - b. The proposed addition will be in keeping with the architectural style of the existing dwelling.

PETITION NUMBER: #214-16

PETITIONER: Chris and Susan Kim

LOCATION: 65 Oakmont Road, on land known as Section 65, Block 12, Lot 08, containing approximately 13,301 square feet of land

OWNER: Chris and Susan Kim

ADDRESS OF OWNER: 65 Oakmont Road
Newton, MA 02459

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

ZONING: Single Residence 3 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 3/18/2016
 - b. Architectural Plans and Elevations, signed and stamped by Peter Sachs, Architect, A-0 to A-7 and 3D-1 to 3D-3 dated 6/6/2016
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 Board, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Board Order have been constructed to the standards of the City of Newton Engineering Department.

