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M E M O R A N D U M

TO: LAND USE COMMITTEE OF THE BOARD OF ALDERMEN

FROM: CANDACE HAVENS, DIRECTOR OF PLANNING AND DEVELOPMENT
EVE TAPPER, CHIEF PLANNER FOR CURRENT PLANNING ^{ET}
ALEXANDRA ANANTH, SENIOR PLANNER

RE: INFORMATION FOR MAY 22, 2012 WORKING SESSION

DATE: MAY 18, 2012

CC: PETITIONERS
JOHN LOJEK, COMMISSIONER OF INSPECTIONAL SERVICES

In response to questions raised at the Land Use Committee public hearings, previous working session meetings and/or staff technical reviews, the Planning Department is providing the following information for the upcoming working session. This information is supplemental to staff analysis previously provided at the public hearing.

PETITION #93-12

35 NORWOOD AVENUE

REQUEST TO EXCEED FAR FOR A NEW SINGLE FAMILY DWELLING.

The petitioner is proposing to exceed FAR for the construction of a new single-family residence. The structure proposed has an FAR of .45 where .39 is the maximum allowed by right.

If this petition is approved by the Board of Aldermen, it will be the first new house allowed to exceed the new maximum FAR requirements. Although Section 30-15(u)(2) allows the Board to grant a waiver from the FAR requirements this has historically been viewed as a means to allow for some flexibility in extenuating circumstances. In the past, the Board has granted exceptions to the FAR threshold to allow for small additions to existing houses, to accommodate small additions to very small or constrained lots, or to accommodate houses where the basement or third floor count towards the FAR. Unfortunately, there do not appear to be any extenuating circumstances in the case of this lot/house other than the petitioner's desire to build a home that exceeds the maximum requirements.

Floor area ratio is used to measure the intensity and amount of construction on a lot. Although there may be an exceptionally large house or two in any neighborhood, comparing a proposed new house to a house that would not be allowed to be built today by right is inconsistent with Newton's *Comprehensive Plan*. Newton's Zoning Ordinance and *Comprehensive Plan* strive to bring neighborhoods into conformity, not to grant waivers. Finally, this petition contemplates allowing a new house that is larger than allowed by right, on an environmentally sensitive site, which is also contradictory to the intent of good planning practices.

RECOMMENDATION: The Planning Department recommends the Board deny this special permit request.
