



Setti D. Warren
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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: October 3, 2017
Land Use Action Date: December 12, 2017
City Council Action Date: December 18, 2017
90-Day Expiration Date: January 1, 2018

DATE: September 29, 2017

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Michael Gleba, Senior Planner

SUBJECT: **Petition #262-17**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 764 sq. ft. rear addition to allow for new living space and creating an FAR of .60 where .44 exists and .46 is allowed at **115 Nonantum Street**, Ward 1, on land known as Section 72, Block 21, Lot 15, containing approximately 4,790 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 3.1.9.A.2 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.



115 Nonantum Street

EXECUTIVE SUMMARY

The property at 115 Nonantum Street consists of a 4,790 square foot lot located in a Single Residence 2 (SR2) district improved with a 2 ½ story, 2,118 square foot, single-family dwelling constructed ca. 1921. The applicant proposes to construct an addition to the rear of the house that would add 764 square feet of floor space, in total, to the first and second floors and the basement. As proposed, the addition would increase the property's floor area ratio (FAR) from 0.44 to 0.60, above the maximum 0.46 allowed by right, requiring a special permit.

The Planning Department notes that the proposed addition would result in the property being amongst the larger scaled dwellings in surrounding neighborhood. That said, it would conform to other relevant dimensional requirements and have limited visibility from the street, given that it would be located to the rear of, and not be higher than, the existing dwelling. Furthermore, the proposed addition will help preserve an existing structure while allowing it to meet the needs of today's families.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the City Council should consider whether:

- The proposed increase in FAR from 0.44 to 0.60, where 0.46 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.A.2).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property and the surrounding neighborhood to the north and northwest are located within a Single Residence 2 (SR2) District. The neighborhoods to the south across Nonantum Street and across Waverley Avenue to the west are zoned Single Residence 1 (SR1). The surrounding neighborhood is predominantly occupied by single-family dwellings, with exceptions being several two-family dwellings generally near the intersection of Waverley Avenue and Church Street just to the north (**Attachments A & B**)

B. Site

The property consists of a 4,790 square foot lot improved with a single-family dwelling located near the center of the parcel. The lot slopes slightly downward grade, about four feet, from front to rear (south to north). The property contains some mature vegetation, especially in the front, and lawn areas in the front and rear. The rear yard, the location of the proposed addition, is currently enclosed with an approximately six foot high wooden fence.

The property does not have a garage. Vehicular access is provided by a curb cut off Nonantum Street and a ten foot wide driveway that extends almost the complete length of, and in close proximity to, the right (east) side property line.

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 an addition to the rear of the existing dwelling. The addition would add 764 square feet of floor space, in total, to the first and second floors and the basement (no additional floor space would be added to the attic). A first floor level deck would also be constructed adjacent to the addition, with some of the additional second floor space being built above it. As proposed, the addition would include family room, bedroom and bathroom space and increase the property's floor area ratio (FAR) from 0.44 to 0.60, above the maximum 0.46 allowed by right.

The addition would rise to the same height as the existing structure. At its closest point from the right (east) side lot line the addition would be set back 13.2 feet, further than the existing 10.1 feet on that side and more than the required 7.5 feet. On the left (west) side the proposed attached deck would be set back 17.0 feet, more than both the dwelling's existing 7.8 side setback and the required 7.5 feet. The rear setback would be 20.5 feet, again as measured from the proposed deck (the addition itself would be set back 23.0 feet), less than the existing 30 feet but in excess of the required 15 feet.

The parcel's lot coverage would increase from 18.4% to 24.8%, remaining below the maximum 30% allowed. The open space on the parcel would decrease, from 64% to 56%, but remain above the required 50%.

C. Parking and Circulation

No changes related to parking or circulation are contemplated by this petition.

D. Landscape Screening

No landscape plan was submitted with this petition. It appears at least some of the existing fencing enclosing the rear yard would need to be removed to facilitate construction of the proposed addition, and the post-construction existence and/or extent of rear yard fencing and/or screening is unclear. The Planning Department recommends that the petitioner, in consultation with abutting neighbors, consider installing and/or maintain fencing and/or vegetation where feasible around the periphery of the property's rear yard to provide appropriate screening.

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:

- Special permit per and §7.3.3 of Section 30, to exceed the maximum floor area ratio (FAR) (§3.1.9.A.2)

B. Engineering Review:

The proposal was reviewed by the Engineering Division since it would result in a 6.4% net increase of the lot's impervious surface, greater than the 4% threshold for on-site drainage. The Division's memorandum indicates that as the proposed addition would only slightly increase lot coverage, rain barrels for the collection of roof water runoff to provide for lawn and garden irrigation would be required, rather than on-site infiltration, (**Attachment D**).

The Engineering Division will review this project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit for the proposed garage should this petition be approved.

C. Newton Historical Commission

On June 29, 2017 Newton Historical Commission staff reviewed and approved the project based on submitted materials, requiring only the review of final plans.

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:** Engineering Division Memorandum
- Attachment E:** DRAFT Order

ATTACHMENT A

Land Use





115 Nonantum St.

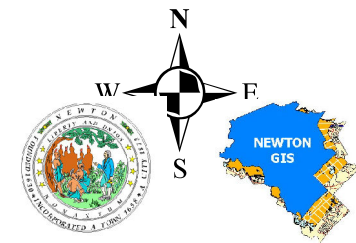
*City of Newton,
Massachusetts*

Legend

Land Use

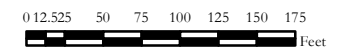
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  Vacant Land

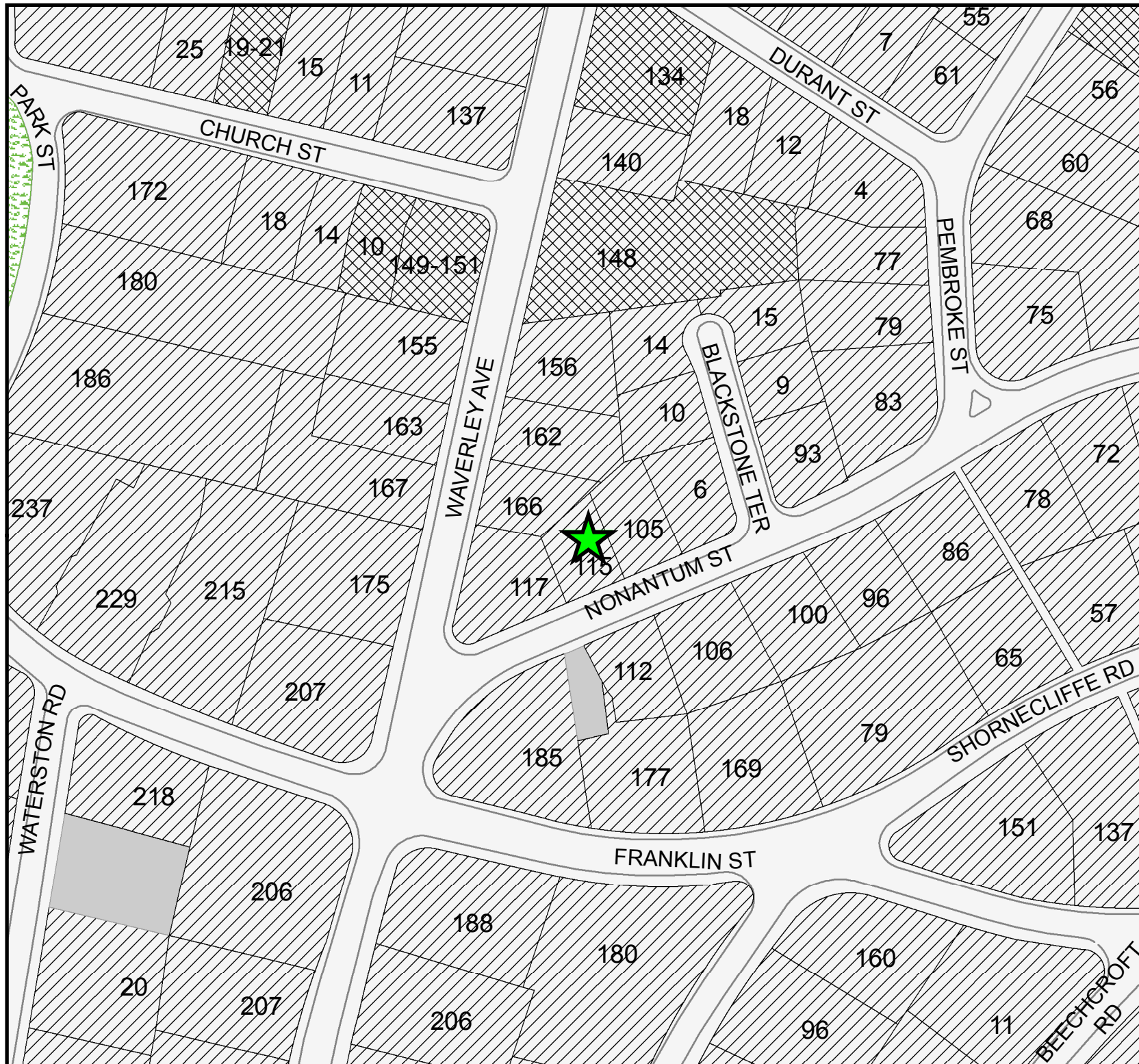


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: September 28, 2017





ATTACHMENT B

Zoning

115 Nonantum St.

*City of Newton,
Massachusetts*

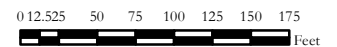
Legend

-  Single Residence 1
-  Single Residence 2

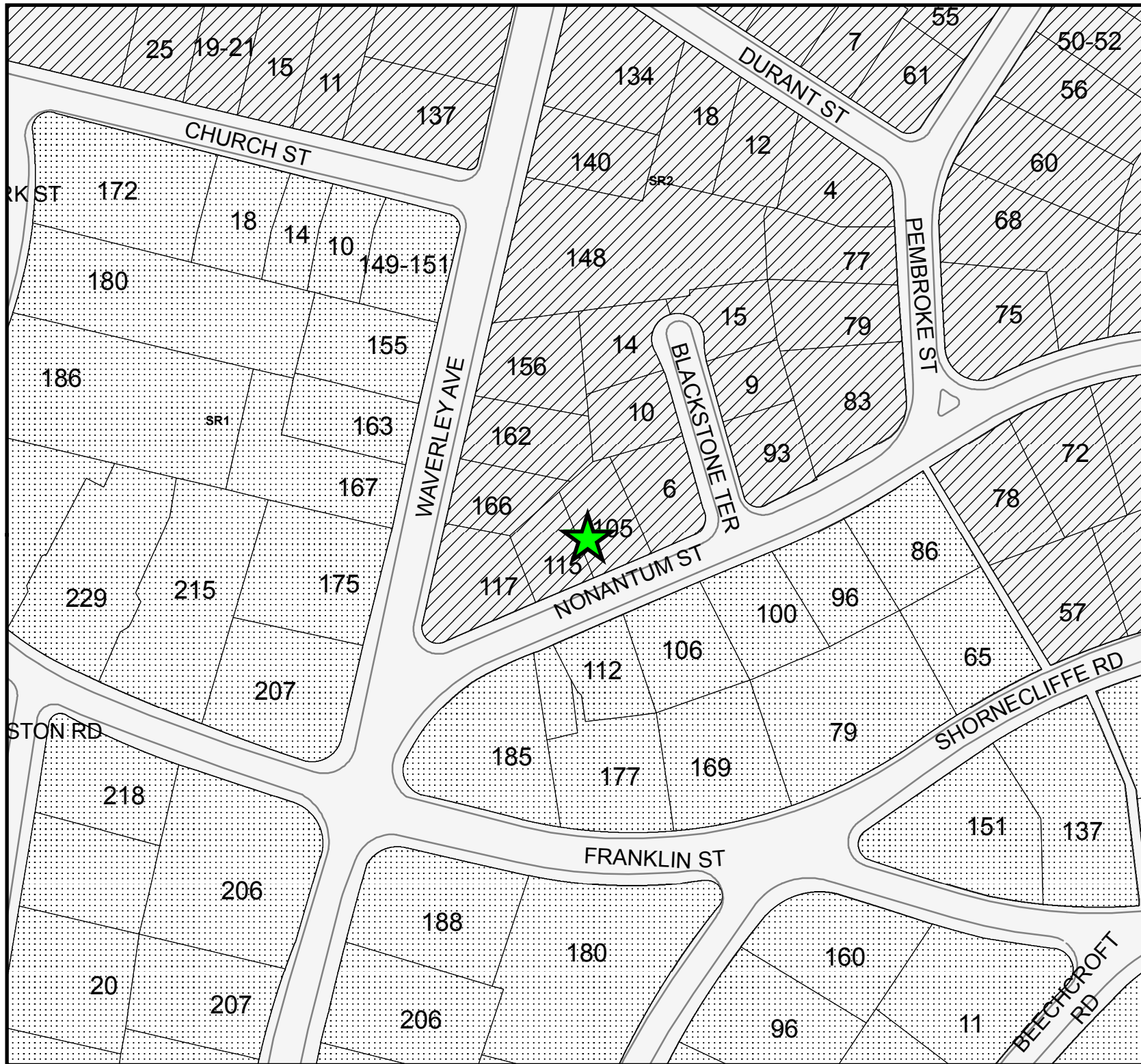


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
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Map Date: September 28, 2017





Setti D. Warren
Mayor

ATTACHMENT C

City of Newton, Massachusetts Department of Planning and Development

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: August 8, 2017

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Shawn and Nancy Bellamore, Applicants
Marc Hershman, Architect
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to exceed FAR

Applicant: Shawn and Nancy Bellamore	
Site: 115 Nonantum Street	SBL: 72021 0015
Zoning: SR2	Lot Area: 4,790 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 115 Nonantum Street consists of a 4,790 square foot corner lot improved with a single-family dwelling constructed in 1921. The applicant proposes to construct an addition to the rear of the house with basement, first and second levels, adding 764 square feet total. The addition increases the FAR above the maximum allowable FAR, requiring a special permit.

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

- Zoning Review Application, prepared by Marc Hershman, architect, submitted 6/26/2017
- Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 6/19/2017
- FAR worksheet, dated 6/22/2017
- Architectural Plans, prepared by MSH Architecture, dated 5/17/2017, revised 5/30/2017, 6/15/2017, 6/16/2017
- Zoning Chart, dated 6/22/2017

ADMINISTRATIVE DETERMINATIONS:

1. The applicant proposes to construct a rear addition consisting of new basement space, a first floor family room and a master suite above, totaling 764 square feet. The existing FAR for the property is .44, which is less than the allowable FAR of .46 per Section 3.1.9. The proposed additions create an FAR of .60, exceeding the maximum allowable FAR, requiring a special permit pursuant to Section 3.1.9.A.2.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	4,790 square feet	No change
Frontage	80 feet	60 feet	No change
Setbacks			
• Front	25 feet	19.7 feet	No change
• Side	7.5 feet	7.8 feet	No change
• Rear	15 feet	30 feet	20.5 feet
Building Height	36	31.4 feet	No change
Max Number of Stories	2.5	2.5	No change
Open Space Minimum	50%	64%	56%
Lot Coverage Maximum	30%	18.4%	24.8%
FAR	.46	.44	.60

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.9.A.2	Request to exceed maximum FAR	S.P. per §7.3.3

Next Steps

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

The following must be included when filing a Special Permit Application:

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
 - Site Plans showing existing and proposed conditions (including topography as applicable)
 - Architectural plans showing existing and proposed conditions (including façade materials)
 - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

Incomplete applications will delay the intake and review of your project.

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? Y/N

ATTACHMENT D

CITY OF NEWTON Department of Public Works ENGINEERING DIVISION

MEMORANDUM

To: Council Marc Laredo, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 115 Nonantum Street

Date: September 21, 2017

CC: Lou Taverna, PE City Engineer
Nadia Khan, Committee Clerk
Michael Gelba, Sr. Planner

In reference to the above site, I have the following comments for a plan entitled:

*Plan of Land in
Newton, MA 115 Nonantum Street
Proposed Addition
Prepared By: Everett M. Brooks
Dated: June 19, 2017*

Executive Summary:

The single family dwellings owner is proposing a modest addition that slightly increase the lot coverage by 6.4% which is greater than the 4% threshold for on-site drainage policy that requires collection and infiltration; however due to the modest increase DPW would require that rain barrels be utilized in lieu of on-site infiltration to water lawn and planting areas.

If the interior of the dwelling is to be gutted or renovated by more than 50% then both water and sanitary sewer services shall be updated to current standards. If the services are copper for water pipe and PVC for the sanitary sewer than that is acceptable.

General:

1. All trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.

ATTACHMENT E

DRAFT - #262-17

115 Nonantum 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 0.44 to 0.60 where 0.46 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 expanded structure that would result from the proposed increase in floor area ratio (FAR) from 0.44 to 0.60, where 0.46 is the maximum allowed by-right, will be consistent with and not in derogation of the size, scale and design of other structures in the neighborhood as it will be similar in regard to those characteristics of other structures in the surrounding area and conform to other relevant dimensional requirements; further, the addition will have limited visibility from the street given that it will be located to the rear of, and not be higher than, the existing dwelling (§3.1.9).

PETITION NUMBER: #262-17

PETITIONER: Shawn and Nancy Belmore

LOCATION: 115 Nonantum Street, on land known as Section 72, Block 21, Lot 15, containing approximately 4,790 square feet of land

OWNER: Shawn and Nancy Belmore

ADDRESS OF OWNER: 115 Nonantum Street
Newton, MA

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.3, to exceed the maximum floor area ratio (FAR) allowed by-right

ZONING: Single Residence 2 (SR2) 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. A plan entitled "Plan of Land in Newton, MA, 115 Nonantum Street, Proposed Additions," prepared by Everett M. Brooks Co., dated June 19, 2017, stamped and signed by Bruce Bradford, Professional Land Surveyor, on June 19, 2017.
 - b. A set of architectural plans entitled "Remodeling To; 115 Nonantum Street, Newton, Massachusetts," prepared by MSH Architecture Associates, stamped and signed by Marc S. Hershman, Registered Architect:
 - i. First Floor Plan- Existing, dated June 20, 2017 (EX-1);
 - ii. Second Floor Plan- Existing, dated June 20, 2017 (EX-2);
 - iii. Attic Floor Plan- Existing, dated June 20, 2017 (EX-3);
 - iv. Front Elevation- Existing , dated June 20, 2017 (EX-4);
 - v. Left Elevation- Existing , dated June 20, 2017 (EX-5);
 - vi. Back Elevation- Existing , dated June 20, 2017 (EX-6);
 - vii. Right Elevation- Existing , dated June 20, 2017 (EX-7);
 - viii. Basement Plan- Existing, dated June 20, 2017 (EX-0);
 - ix. First Floor Plan- Scheme De, dated May 17, 2017, as revised through June 16, 2017 (SK-1De);
 - x. Second Floor Plan- Scheme De, dated May 17, 2017, as revised through June 16, 2017 (SK-2De);
 - xi. Attic Plan- Scheme De, dated May 17, 2017, as revised through June 16, 2017 (SK-3De);
 - xii. Attic Plan- Scheme De, dated May 17, 2017, as revised through June 16, 2017 (SK-3De);
 - xiii. Front Elevation- Existing (No Change), dated May 17, 2017, as revised through June 16, 2017 (SK-4De);
 - xiv. Left Elevation, dated May 17, 2017, as revised through June 16, 2017 (SK-5De);
 - xv. Back Elevation, dated May 17, 2017, as revised through June 16, 2017 (SK-6De);
 - xvi. Right Elevation, dated May 17, 2017, as revised through June 16, 2017 (SK-7De);
 - xvii. Basement Plan- Scheme De, dated May 17, 2017, as revised through June 16, 2017 (SK-0De).
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 order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded 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. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Newton Historical Commission approving the final plans.
 - e. 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 certifying compliance with Condition #1, including the floor area ratio (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.