



Setti D. Warren  
Mayor

# City of Newton, Massachusetts

## Department of Planning and Development

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Candace Havens  
Director

Public Hearing Date:	March 19, 2013
Land Use Action Date:	May 21, 2013
Board of Aldermen Action Date:	June 3, 2013
90-Day Expiration Date:	June 17, 2013

**DATE:** March 15, 2013

**TO:** Board of Aldermen

**FROM:** Candace Havens, Director of Planning and Development  
Eve Tapper, Chief Planner for Current Planning <sup>ET</sup>  
Jane Santosuosso, Chief Zoning Code Official

**SUBJECT:** **#59-13, JEFFREY A. ORLIN & FRANCES KEECH** petitions for a special permit/site plan approval to convert existing attic space into a master bedroom with a bathroom which will increase the Floor Area Ratio from .41 to .53, where .45 is allowed by right at **105 Nonantum Street**, Ward 1, Newton Centre, on land known as SBL 72, 21, 14, containing approximately 5,872 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15(u) of the City of Newton Rev Zoning Ord, 2012.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



**105 Nonantum St.**

### EXECUTIVE SUMMARY

The subject property consists of a 5,872 square foot lot improved with a single-family dwelling built in 1915. The dwelling consists of two stories and an attic level. The petitioners seek to convert the unfinished attic space into habitable living area to accommodate a bedroom and bath suite, increasing the FAR of .41 to .53 where .45 is the maximum allowed.

The proposed conversion will add three dormers to the roofline, all of which conform to requirements. The proposed conversion complies with required setbacks and open space, and does not extend the existing number of stories. A variance issued in 1990 granted permission to build a 10'x16' deck on the rear of the house creating a lot coverage 1.3% greater than permitted in Section 30-15 of the Ordinance. The proposed conversion will not increase the lot coverage percentage.

#### I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Board should consider:

- Whether the structure with regard to FAR is consistent with, and not in derogation of size, scale and design of other structures in the neighborhood.

#### II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

##### A. Neighborhood and Zoning

The property is located in Newton Corner between Waverly Avenue and Blackstone Terrace. The neighborhood primarily consists of single-family houses. The site is within an area zoned Single Residence 2.

##### B. Site

The site consists of 5,872 square feet of land and is relatively flat. The existing dwelling is a 2½ story colonial-style house circa 1915 of approximately 2,400 square feet.

#### III. PROJECT DESCRIPTION AND ANALYSIS

##### A. Land Use

The property is currently used as a single-family residence and the petitioners are not proposing any changes to the use with the proposed addition.

##### B. Building and Site Design

The petitioners are proposing to convert the unfinished attic space into a bedroom and

bath suite within the 2½ story residence. The attic conversion will add approximately 678 square feet of living space to the house.

The proposed conversion will be in keeping with the style of the home and those within the neighborhood without an expansion of the footprint.

C. Parking and Circulation

The petitioners are not proposing changes to the circulation or parking on site.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance): The Zoning Review Memorandum, (SEE ATTACHMENT "A"), provides an analysis of the proposal with regard to zoning. The petitioner is requesting a special permit to allow an extension of a structure which will exceed the maximum FAR.

B. Comprehensive Plan: The proposed project would help preserve and update the existing structure while meeting the needs of today’s families.

C. Engineering Review: As the petitioners are not increasing the impervious surfaces on site by more than 400 square feet or 4% of the lot area, the Engineering Division did not review this project.

D. Newton Historical Commission: The proposed project does not trigger the Demolition Review Ordinance.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum the petitioner is seeking the following approvals or relief:

- Section 30-15(u) to allow an extension of a structure with regard to FAR from .41 to .53 where .45 is the maximum allowed by right.

VI. PETITIONERS’ RESPONSIBILITIES

The petitioner is considered complete at this time.

**ATTACHMENTS**

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



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Director

## ZONING REVIEW MEMORANDUM

Date: February 7, 2013

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Eve Tapper, Chief Planner for Current Planning ET

Cc: Marc Hershman, Architect  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: **Request to exceed FAR**

Applicant: Jeffrey Orlin	
Site: 105 Nonantum Street	SBL: 72021 0014
Zoning: SR-2	Lot Area: 5,872 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 105 Nonantum Street consists of a 5,872 square foot lot improved with a single-family residence constructed about 1915. The dwelling consists of two stories and an attic level. A variance issued in 1990 granted permission to build a 10'x16' deck on the rear of the house creating a lot coverage 1.3% greater than permitted in Section 30-15 of the Ordinance. The applicant proposes to renovate the existing attic space into a master bedroom and bath suite increasing the floor area ratio above that allowed by right.

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

- Zoning Review Application, prepared by Marc Hershman, MSH Architecture Assoc., submitted 1/4/13
- Architectural plans, prepared by Marc Hershman, MSH Architecture Assoc., submitted 1/4/13
  - Existing basement plan
  - Existing first floor plan
  - Existing second floor plan
  - Existing attic plan
  - Existing elevations
  - Proposed second floor plan

- Proposed attic floor plan
- Proposed elevations
- Existing and proposed FAR calculations, prepared by Marc Hershman, Architect, dated 1/4/13
- Area plan of land, signed and stamped by Bruce Bradford, Land Surveyor, dated 1/2/13
- Variance decision dated 2/23/1990
- Quitclaim Deed
- Original building permit application dated 5/28/1914

**ADMINISTRATIVE DETERMINATIONS:**

1. The proposed attic renovation increases the dwelling’s FAR to .53, which exceeds the .45 permitted by the Ordinance per Section 30-15, Table A. To construct the renovation as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-15(u)(2).

SR2 Zone	Required/Allowed	Existing	Proposed
Lot Size	10,000 square feet	5,872 square feet	No change
Frontage	80 feet	60 feet	No change
Setbacks for existing structure			
● Front	25 feet	19.9 feet	No change
● Side	7.5 feet	8.5 feet on right 8.9 feet on left	No change
● Rear	15 feet	34.6 feet	No change
FAR	.45	.41	<b>.53</b>
Building Height	36 feet	31.8 feet	No change
Maximum Stories	2.5	2.5	No change
Max. Lot Coverage	30%	31.3%*	No change
Min. Open Space	50%	66%	No change

\*allowed by variance in 1990

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table A, §30-15(u), §30-15(u)(2)	Exceed floor Area Ratio (FAR)	S.P. per §30-24

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# Zoning Map

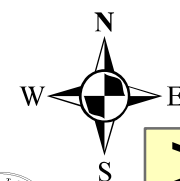
## 105 Nonantum St.

*City of Newton,  
Massachusetts*



**Legend**

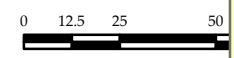
- Single Residence 1
- Single Residence 2
- Building Outlines
- Surface Water



**ATTACHMENT "B"**

The information on this map is derived from a Geographic Information System. The City of Newton cannot guarantee the accuracy of the information. Each user of this map is responsible for determining its suitability for their intended purpose. City departments will not be held responsible for approving applications based solely on this map.

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



Map Date: March 2017

59-13

# Land Use Map 105 Nonantum St.

*City of Newton,  
Massachusetts*

**Legend**

**Land Use**

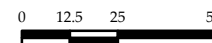
- Single Family Residential
- Vacant Land
- Building Outlines
- Surface Water



**ATTACHMENT "C"**

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



Map Date: March 2011

