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Candace Havens
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: May 13, 2014
Land Use Action Date: May 27, 2014
Board of Aldermen Action Date: July 14, 2014
90-Day Expiration Date: August 11, 2014

DATE: May 9, 2014

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Stephen Pantalone, Senior Planner

SUBJECT: **Petition #128-14**, GEORGE M. & WALIA K. DUNGAN for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a one-story addition to the rear of an existing two-family home, which will increase the nonconforming Floor area ratio from .56 to .62, where .48 is the maximum allowed by right, at **50-52 Noble Street**, Ward 3, West Newton, on land known as SBL 44, 3, 3, containing approx. 6,235 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15 Table A, and 30-15(u)(2), 30-21(b), 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.



50-52 Noble Street

EXECUTIVE SUMMARY

The property at 50-52 Noble Street consists of a 6,235 square foot lot in a Single Residence 3 zoning district, improved with a two-family 2½-story residence constructed in approximately 1928. The residence has a two-story deck off of the rear of the structure, which was inaccurately shown on the site plan, and not shown on the proposed elevations. The petitioner is proposing to construct an approximately 385 square foot, one-story addition to the rear of the house on the northern side. The construction of the proposed addition will not require the removal of the existing deck. The petitioner is seeking a special permit to increase the FAR from .56 to .62, where .48 is the maximum allowed by right.

The proposed addition will match the materials of the existing house, and will be mostly screened from the public way and from the rear property line by existing vegetation. The proposed addition will be visible from the rear yards of the abutting properties to the north and south. To further screen the proposed addition from the abutting property to the north, the Planning Department recommends that the petitioner plant additional site obscuring vegetation along the northern property line. The petitioner has agreed to provide such plantings, but has not submitted a landscape plan.

Considering the location of the proposed addition in the rear of the residence, and its modest size, the Planning Department believes that the proposed addition is not in derogation of the size, scale and design of other structures in the neighborhood, and will not be substantially more detrimental to the neighborhood than the existing structure. The Planning Department recommends that the petitioner provide a revised site plan and elevations showing the correct location of the existing deck, as well as a landscape plan, prior to being scheduled for a working session.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The proposed structure with regard to FAR is consistent with and not in derogation of size, scale and design of other structures in the neighborhood. (§30-15(u)(2))
- The site is an appropriate location for the proposed addition. (§30-24(d)(1))
- The extension of the structure is not substantially more detrimental than the existing nonconforming structure to the neighborhood. (§30-21(b))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located on Noble Street off of Derby Street. The land uses in the

surrounding area are mix of single family and multi-family residences (ATTACHMENT B). Noble Street consists of mostly two-family residences. The site and the surrounding lots are zoned Single Residence 3 (ATTACHMENT C).

B. Site

The site consists of approximately 6,235 square feet of land and is improved with a two-family, 2½-story residence constructed in approximately 1928. There is a two-story deck off of the rear of the house, a driveway along the southern property line, and a small backyard. There is evergreen vegetation along the rear property line, and some deciduous vegetation and metal fencing along the northern property line. There is no fencing or vegetation along the southern property line. The abutting property to the south has a similar addition on the rear of their house.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The use will remain a two-family residence.

B. Building and Site Design

The Planning Department noted that there is an error in the site plan in terms of the location of the existing deck, and that the existing deck is not reflected in the elevations. The error likely occurred because the surveyor was using an existing site plan, which did not reflect the relocation of the deck in 2013 (ATTACHMENT D), by approximately seven feet closer to the southern property line. While this was an obvious error, the Planning Department does not believe that the location of the deck affects its ability to review the project based on the special permit criteria.

The petitioner is proposing a one-story, 385 square foot addition to the rear of the existing dwelling. The siding, roofing, and trim details on the proposed addition will be consistent with the materials of the existing house. The proposed site plan will maintain the existing setback to the side property line and will reduce the rear setback from approximately 39 feet to 19 feet. The proposed additions will be mostly screened from the public way.

For these reasons, the Planning Department believes that the proposed addition is consistent with and not in derogation of the size, scale, and design of other structures in the surrounding neighborhood, and will not be substantially more detrimental than the existing structure.

C. Landscape Screening

The Planning Department recommends additional screening along the northern side property line, which is the side of the house where the addition is to be located, as the existing vegetation and fencing provides limited screening. The combination of the existing and proposed vegetation, recommended by the Planning Department, on the site, appears adequate to sufficiently screen the proposed one-story addition from abutters and the nearby public way.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum, (ATTACHMENT A), provides an analysis of the proposal with regard to zoning. The petitioner is requesting a special permit to exceed the maximum allowed floor area ratio and to extend a nonconforming structure.

B. Engineering Review

As the petitioner is not increasing the impervious surfaces on the lot by more than 400 square feet or 4%, no engineering review is required.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum, the petitioner is seeking the following reliefs:

- Section 30-15 Table A, 30-15(u), to exceed the allowed FAR.
- Section 30-21(b), to extend a nonconforming structure.

VI. PETITIONER'S RESPONSIBILITIES

The petitioner shall submit a revised site plan, revised elevations, and a landscape plan prior to being scheduled for a working session.

ATTACHMENTS:

- Attachment A:** Zoning Review Memorandum
Attachment B: Zoning Map
Attachment C: Land Use Map
Attachment D: Building Permit Plan



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Department of Planning and Development
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ATTACHMENT A

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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: March 25, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Terrence Morris, attorney
George and Walia Dungan, applicants
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to exceed FAR and extend a nonconforming use

Applicant: George and Walia Dungan	
Site: 50-52 Noble Street	SBL: 44003 0003
Zoning: SR3	Lot Area: 6,235 square feet
Current use: Two-family dwelling	Proposed use: No change

BACKGROUND:

The property at 50-52 Noble Street consists of a 6,235 square foot lot improved with a two-family dwelling built in 1928. Despite the Single Residence 3 zoning, all but one of the structures on the street is a two-family use, which is nonconforming in the district. The applicants seek a special permit to construct a one-story addition to the rear of the home which would exceed the floor area ratio allowed by right.

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

- Zoning Review Application, prepared by Terrence Morris, attorney, dated 2/20/2014
- Site Plan showing proposed conditions, prepared by Express Surveying, dated 11/3/2013

ADMINISTRATIVE DETERMINATIONS:

1. The proposed 385 square foot addition will increase the existing nonconforming FAR of .56 to .62, which exceeds the .48 allowed by right, which requires a special permit.
2. As the property is zoned Single Residence 3, the existing two-family use is nonconforming. To add to the structure requires a special permit to increase the nonconforming use.

SR-3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	6,235 square feet	No change
Frontage	70 feet	70 feet	No change
Setbacks for existing structure			
• Front	25 feet	20.7 feet	No change
• Side	7.5 feet	8.4 feet	No change
• Rear	15 feet		19.3 feet
FAR	.48	.56	.62
Max. Lot Coverage	30%		29%
Min. Open Space	50%	58%	52%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table 1, 30-15(u)(2), 30-21(b)	Extend a nonconforming use with regard to floor area ratio	S.P. per §30-24

128-14 Land Use Map 50-52 Noble Street

*City of Newton,
Massachusetts*

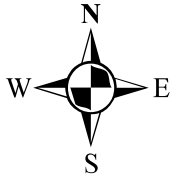
Legend

- Streets - Pavement Edge
- Building Outlines

Land Use

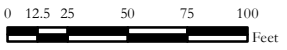
- Single Family Residential
- ▨ Multi-Family Residential
- Mixed Use
- Vacant Land

ATTACHMENT B



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.

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Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: April 11, 2014



128-14 Zoning Map 50-52 Noble Street

*City of Newton,
Massachusetts*

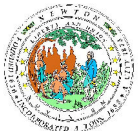
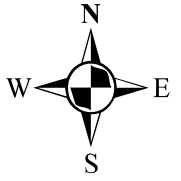
Legend

- Streets - Pavement Edge
- Building Outlines

Zoning

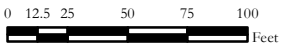
- Single Residence 3

ATTACHMENT C



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ATTACHMENT D Permit # - 131128414
50-52 Noble St

5' off the ground on first floor
3# footing to be 4' below grade.
12" sono tubes

Deck to be move to
state building code.

