



Setti D. Warren
Mayor

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Department of Planning and Development
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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: March 15, 2016
Land Use Action Date: May 10, 2016
City Council Action Date: June 6, 2016
90-Day Expiration Date: June 14, 2016

DATE: March 11, 2016

TO: City Council

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Katy Hax Holmes, Senior Planner 

SUBJECT: Petition **#31-16**, BECKY SEARLES & SEAN McNALLY, petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NON-CONFORMING STRUCTURE to remove an existing sunroom and replace it with a larger room with finished space above and additional basement space in an existing 3½-story nonconforming single-family dwelling with a nonconforming front setback at 147 NEWTONVILLE AVENUE, Ward 2, NEWTONVILLE, on land known as SBL 12-17-19, containing approx. 16,748 sf of land in a district zoned MULTI-RESIDENCE 1. Ref: Sec. 7.3, 7.4, 7.8.2.C.2, 3.2.3 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.



147 Newtonville Avenue

EXECUTIVE SUMMARY

The property located at 147 Newtonville Avenue consists of a 16,748 square foot lot, and is improved with a 3½-story single-family residence built in 1885. The applicants are proposing to remove an existing sunroom on the east side of the house and replace it with a larger room with finished space above and basement space below. The average grade plane of the lot renders the basement as a first floor, creating a 3½-story structure for zoning purposes. Due to the existing nonconforming number of stories, and an existing nonconforming front setback, a special permit is required.

Due to the structure's age and scope of the proposed project, the City's Senior Planner for Historic Preservation reviewed the proposal to alter a portion of the east-side facade by constructing the proposed additions described above. Staff found the structure to be historic as defined by the Newton Demolition Delay Ordinance, but authorized the proposed project based upon proposed plans and materials submitted for review (**Attachment A**). According to the *Newton Comprehensive Plan*, adopted 2007, residential property owners are encouraged to consider modest additions to older homes in order to preserve the existing structure while allowing them to meet the needs of today's families.

The Planning Department is not concerned about the construction of the addition on this single-family dwelling. The addition is located on the side of the home, and has been designed to be sensitive to the structure's Colonial Revival architecture. The Planning Department believes that the bulk, mass, and location of the proposed addition has been subordinated to the rest of the historic structure, and blends well with the surrounding residential context of the area.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

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

- The extension of the nonconforming 3½-story structure shall not be substantially more detrimental than the existing nonconforming 3½-story structure. (§3.2.3. and 7.8.2.C.2.)
- The extension of the nonconforming front setback shall not be substantially more detrimental than the existing nonconforming 3½-story structure. (§3.2.3. and 7.8.2.C.2.)
- The site is an appropriate location for the proposed expanded structure. (§7.3.3.C.1.)
- The expanded structure will not adversely affect the neighborhood. (§7.3.3.C.2.)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on the north side of Newtonville Avenue between Howard and Summit Streets, with a rear yard overlooking the West Newton YMCA property. The site is developed with a single-family residence, and is somewhat unique in style to its neighbors. Other houses in this section of Newtonville Avenue are an eclectic mix, built as early as 1870 and as late as 1960. With the exception of the YMCA, this site is surrounded by residential land (**Attachment B**). The site and properties on either side are zoned Multi-Residence 1, including the YMCA; across the street to the south, the properties are zoned Single Residence 2 (**Attachment C**).

B. Site

The property consists of 16,748 square feet of land, and is improved with a 3½-story single-family residence built in 1885. The topography of the site slopes down from the front property line to the rear property line. The single-family residence has vehicular access via a bituminous driveway on the west side of the property. The remaining portions of the site are fenced lawn with some landscaped beds.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will remain a single-family residence.

B. Building and Site Design

The petitioners are proposing to extend the existing residence by removing a sunporch on the east side and constructing a larger side addition to the structure. The addition will enlarge the current basement level and first and second floors to create more functional living space. The proposed addition will extend the nonconformity of a 3.5-story structure where 2.5 is allowed. The addition does not extend the number of stories, but does create more third story space. The existing front setback is 19.3 feet where 25 feet is required. The proposed addition encroaches in to the front setback but is set back 20.7 feet. The existing structure also encroaches in to the side setback, however no changes are proposed to this setback. The proposed additions and dwelling otherwise meet all of the dimensional controls as stipulated in the NZO.

The Planning Department has no concerns with the proposed addition to the single-family dwelling, as they are designed to be consistent with the Colonial Revival Style residential character of this house. The Planning Department believes the proposed modest additions to this older structure will help preserve it while allowing the owners to meet the needs of today's families. This addition will be visible from the front and portions of the side, but the bulk of the addition will be to the rear where there are no residential abutters.

C. Landscape Screening

The site has mature vegetation along the property lines abutting adjacent properties. The Planning Department believes that existing vegetation is adequate, and does not believe additional screening is needed.

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 D**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- §3.2.3 and 7.8.2.C.2, to extend a nonconforming 3.5-story structure
- 3.2.3 and 7.8.2.C.2, to extend a nonconforming front setback.

B. Engineering Review

It is expected that the Engineering Division of Public Works will review this proposal prior to the issuance of any building permits.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Newton Historical Commission Demolition Review Decision, 12/2/2015
Attachment B: Land Use Map
Attachment C: Zoning Map
Attachment D: Zoning Review Memorandum, dated December 21, 2015
Attachment E: Draft Order



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Attachment A

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Candace Havens
Director

Newton Historical Commission Demolition Review Decision

Date: 12/2/2015 Zoning & Dev. Review Project# 15120008

Address of structure: 147 Newtonville Avenue

Type of building : House

If partial demolition, feature to be demolished is east side sunpoch

The building or structure:

is is not x in a National Register or local historic district not visible from a public way.

is is not x on the National Register or eligible for listing.

is is not x importantly associated with historic person(s), events, or architectural or social history

is x is not historically or architecturally important for period, style, architect, builder, or context.

is is not x located within 150 feet of a historic district and contextually similar.

is **NOT HISTORIC** as defined by the Newton Demolition Delay Ordinance.

Demolition is not delayed and no further review is required.

is x **HISTORIC** as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

x **APPROVES** the proposed project based upon materials submitted see below for conditions (if any).

Demolition is not delayed, further staff review may be required.

 DOES NOT APPROVE and the project requires
Newton Historical Commission review (See below).

Final review of plans required

The Newton Historical Commission finds the building or structure:

is **NOT PREFERABLY PRESERVED**

Demolition is not delayed and no further review is required.

is **PREFERABLY PRESERVED – (SEE BELOW).**

Delay of Demolition:

 is in effect until

 has been waived - see attached for conditions **





Determination made by:

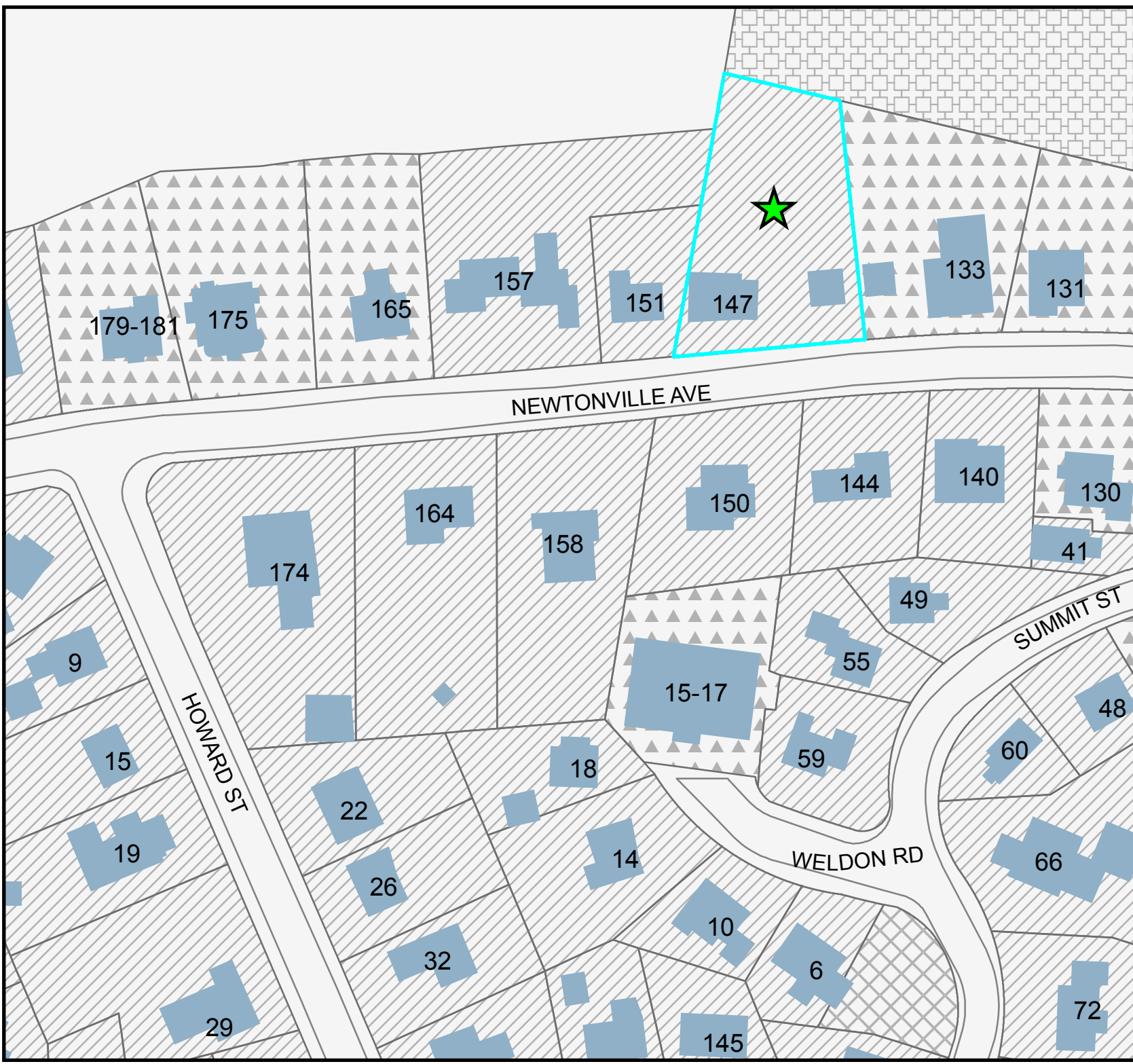
Please Note: if demolition does not occur within two years of the date of expiration of the demolition delay, the demolition will require a resubmittal to the Historical Commission for review and may result in another demolition delay.

#3116 Land Use Map 147 Newtonville Ave

City of Newton,
Massachusetts

Legend

-  Single Family Residential
-  Multi-Family Residential
-  Nonprofit Organizations
-  Vacant Land

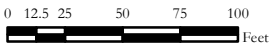


Attachment B



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.

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





Map Date: March 02, 2016

#3116 Zoning Map

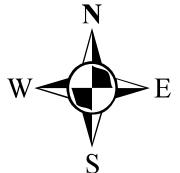
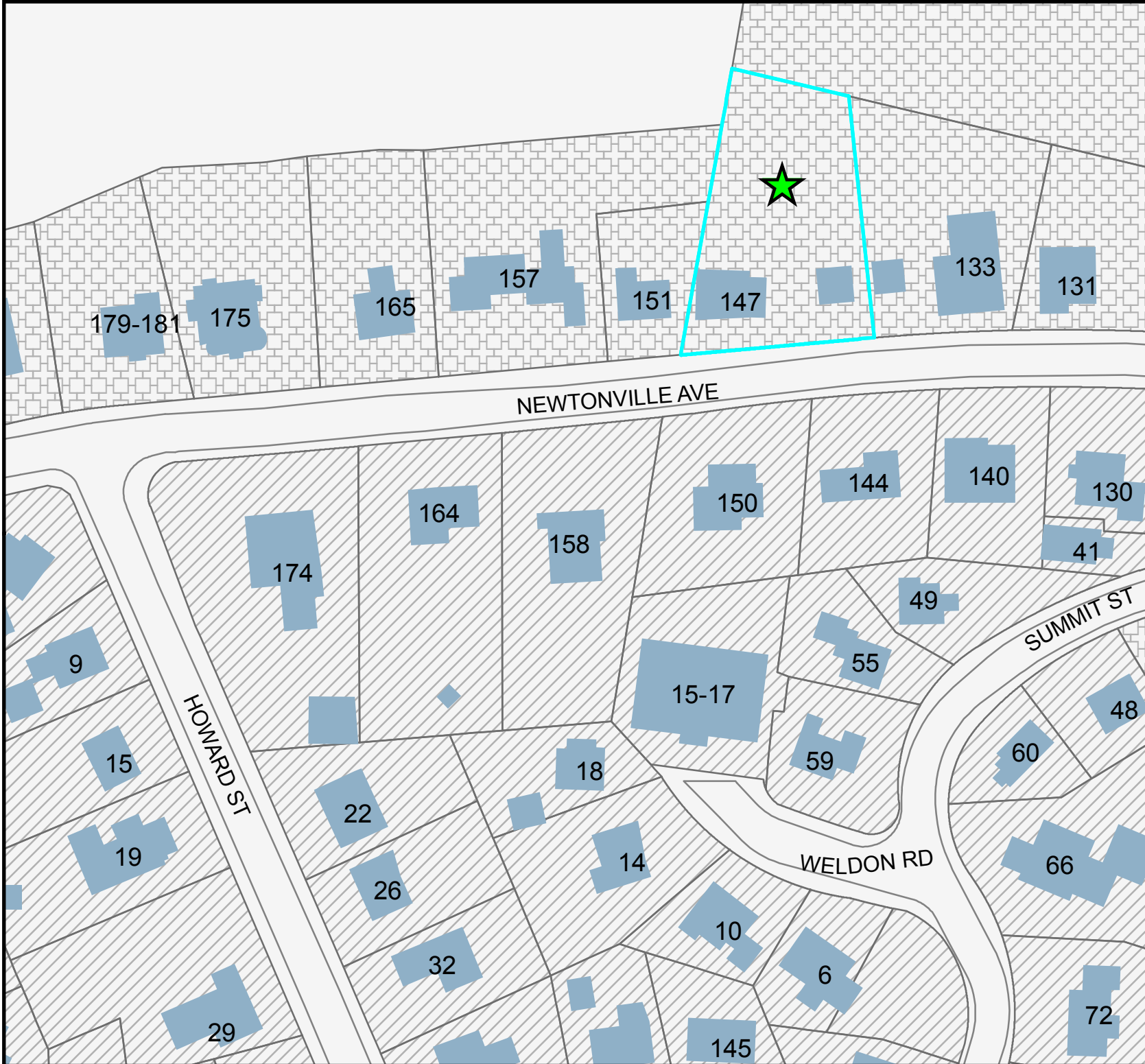
147 Newtonville Ave

City of Newton,
Massachusetts

Legend

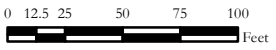
-  Single Residence 2
-  Multi-Residence 1

Attachment C



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





Setti D. Warren
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City of Newton, Massachusetts
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#21-16
Attachment D

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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: December 21, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: David Whitney, architect
Rebecca Searles and John McNally, applicants
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to extend a nonconforming structure

Applicant: Rebecca Searles & John McNally	
Site: 147 Newtonville Ave	SBL: 12017 0019
Zoning: MR1	Lot Area: 16,748 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 147 Newtonville Ave consists of a 16,748 square foot lot improved with a single-family residence constructed circa 1885. The structure consists of two and a half stories and a basement. Due to the sloping topography of the site, the average grade plane renders the basement as the first floor, creating a three and one-half story structure for the purposes of zoning.

The applicants propose to remove an existing sunroom on the side of the house, and replace it with a larger room with finished space above and added basement space below. Due to the existing nonconforming number of stories, and an existing nonconforming front setback, a special permit is required.

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

- Zoning Review Application, prepared by David Whitney, architect, submitted 12/9/2015
- Site Plan, signed and stamped by Paul J. Tyrell, surveyor, dated 12/1/2015
- FAR Worksheet, prepared by David Whitney, architect, submitted 12/9/2015
- Photos, submitted by David Whitney, architect, submitted 12/9/2015
- Existing and Proposed Plans, signed and stamped by David Whitney, architect, dated 12/7/2015
- Proposed Elevations, signed and stamped by David Whitney, architect, dated 12/7/2015

ADMINISTRATIVE DETERMINATIONS:

1. The maximum number of stories allowed in the MR1 zoning district is 2.5 according to Section 3.2.3 of the Zoning Ordinance. Because of the average grade plane, the slope creates a 3.5-story structure. The addition does not extend the number of stories, but does create more three-story space. The addition requires a special permit to extend per Section 7.8.2.C.2.
2. The existing front setback for the dwelling is 19.3 feet, where 25 feet are required per Section 3.2.3. The proposed addition is within the front setback at 20.7 feet, though not closer. To expand the structure further requires a special permit per Section 7.8.2.C.2.

MR1 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	16,748 square feet	No change
Frontage	70 feet	123.57 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	19.3 feet 6.3 feet +/-125 feet	No change No change No change
Building Height	36 feet	34.3 feet	34.2 feet
Max Number of Stories	2.5	3.5	No change
FAR	.46	.20	.23
Max Lot Coverage	30%	11.3%	12.1%
Min. Open Space	50%	81%	80%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.2.3 §7.8.2.C.2	To extend a nonconforming 3.5-story structure	S.P. per §7.3.3
§3.2.3 §7.8.2.C.2	To extend a nonconforming front setback	S.P. per §7.3.3

CITY OF NEWTON

IN CITY COUNCIL

March 21, 2016

ORDERED:

That the 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 a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to remove an existing sunroom and replace it with a larger room with finished space above and additional basement space in an existing 3½-story nonconforming single-family dwelling with a nonconforming front setback, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo:

1. The extension of the nonconforming 3½-story structure will not be substantially more detrimental than the existing nonconforming 3½-story structure as the addition has been subordinated to the rest of the structure, and blends well with the surrounding residential context of the area. (§3.2.3. and 7.8.2.C.2.)
2. The extension of the nonconforming front setback will not be substantially more detrimental than the existing nonconforming 3½-story structure. The existing front setback is 19.3 feet where 25 feet is required. The proposed addition encroaches in to the front setback but is set back 20.7 feet. (§3.2.3. and 7.8.2.C.2.)
3. The site is an appropriate location for the proposed expanded structure. (§7.3.3.C.1.)
4. The expanded structure will not adversely affect the neighborhood. (§7.3.3.C.2.)

PETITION NUMBER: #31-16

PETITIONER: Becky Sears and Sean McNally

LOCATION: 147 Newtonville Avenue, Section 12, Block 17, Lot 19, containing approximately 16,748 square feet of land

OWNER: Becky Sears and Sean McNally

ADDRESS OF OWNER: 147 Newtonville Avenue
Newton, MA 02458

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: §3.2.3. and 7.8.2.C.2., to extend a nonconforming 3.5-story structure; §3.2.3. and 7.8.2.C.2., to extend a nonconforming front setback.

ZONING: Multi Residence 1 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, stamped by Paul J. Tyrell, surveyor, dated 11/9/15, and signed 12/1/2015
 - b. Existing and Proposed Plans, signed and stamped by David Whitney, architect, dated 12/2/2015 and consisting of the following six (6) sheets:
 - i. A1.0 Basement Plan
 - ii. A1.1 First Floor Plan
 - iii. A1.2 Second Floor Plan
 - iv. A2.1 South Elevation
 - v. A2.2 East Elevation
 - vi. A2.3 North Elevation
2. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this 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 order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. 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 and/or Occupancy Permit for the buildings covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:
 - 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 engineer certifying compliance with Condition #1.

- 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.