



Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

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

Setti D. Warren
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: August 9, 2016
Land Use Action Date: September 12, 2016
City Council Action Date: September 19, 2016
90-Day Expiration Date: November 7, 2016

DATE: August 5, 2016

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Michael Gleba, Senior Planner

SUBJECT: **Petition #260-16**, for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER EXTEND NONCONFORMING USE by adding a second story to a rear addition and constructing a two story rear addition increasing the already nonconforming rear setback at 6 Glastonbury Oval, Ward 5, Waban, on land known as SBL 44023 0006, containing approximately 7,017 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref. 7.3.3, 7.4, 3.1.4, 7.8.2.C.2 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 which may be useful in the special permit decision making process of the City Council. 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 City Council will want to consider in its discussion at a subsequent Working Session.



6 Glastonbury Oval

EXECUTIVE SUMMARY

The property at 6 Glastonbury Oval consists of a 7,017 square foot lot located at the corner of Beacon Street and Glastonbury Oval. It is within a Single Residence 2 (SR2) district and improved with a single-family residence constructed circa 1927. The applicant is proposing two separate additions to the rear of the dwelling; one with two stories of new construction, and one second story addition located above existing first floor living space. As the property is a corner lot, its rear setback is located along Beacon Street and abuts a neighboring property's side setback. In order to construct the proposed additions, the petitioner is seeking a special permit to further reduce the dwelling's existing nonconforming rear setback from 7.9 feet to 7.1 feet where 15 feet is the minimum allowed.

The Department of Planning and Development is generally not concerned with this petition as it believes the proposed additions (which in total would add 308 square feet to the dwelling) and the resulting modest decrease of the rear setback will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Furthermore, the Planning Department believes that the proposal is consistent with the 2007 Newton Comprehensive Plan's encouragement of residential property owners to consider modest additions to older homes to preserve existing structures while allowing them to meet the needs of today's families.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

1. The proposed extension of the nonconforming structure, which will decrease the rear setback of the residence on the site from 7.9 feet to 7.1 feet where 15 feet is the minimum allowed, will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§7.8.2.C.2)
2. The site is an appropriate location for the proposed additions. (§7.3.3.C.1)
3. The proposed additions will not adversely affect the neighborhood. (§7.3.3.C.2)
4. There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located on Glastonbury Oval, a cul-de-sac located off the south side of Beacon Street between Allen Street and Upland Road. The surrounding structures in all directions are predominantly used as single-family residences, with exceptions being the Zervas School two blocks to the east as well as some

isolated mixed use and open space lots. (**Attachment A**). The subject property and surrounding neighborhood are zoned Single Residence 2 (SR2), with the Zervas School again being an exception (**Attachment B**).

B. Site

The subject property is a generally flat 7,014 square foot lot improved with a legally nonconforming 2½-story 2,952 square foot single family dwelling constructed about 1927. The residence is considered legally nonconforming due to the existing substandard rear setback of 7.9 feet, where 15 feet is required. As the property is a corner lot, its rear setback is located along Beacon Street and abuts the neighboring 1392 Beacon Street's right side setback.

The front of the property includes lawn and some shrubbery and trees. The north side yard along Beacon Street is enclosed with a fence and includes mature vegetation, as does the rear yard. The property does not include a garage, but does feature a two-car parking area on the south side of the property.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The property would remain a single-family residence.

B. Building and Site Design

The applicant proposes two wood framed, shingled additions to the rear of the dwelling that match its existing architectural style. The first is a 6.5 foot by 14 foot, two-story, gable-roofed addition. Proposed for a location now occupied by a basement access point, it is this addition that will further decrease the non-conforming rear setback. As proposed, this addition will provide better access to the first floor of rear of the dwelling by providing a "mud room" and by allowing for the elimination of angled exterior stair (an approx. 60 square foot deck is proposed for the current stair location). The second is an 8.5 foot by 13.1 foot second story addition above existing first floor living space.

At approximately 28 feet and 24 feet in height above average grade, respectively, both additions would be lower than the dwelling's existing height of 33.3 feet. The two additions together would add approx. 308 square feet to the floor area of the dwelling, including 91 square feet to the first floor and, 177 square feet to the second floor. The subject property's floor area ratio (FAR) would increase from 0.38 to 0.42, below the allowed maximum 0.43. The subject property's lot coverage would increase slightly, from 16.6% to 17.6% where a maximum of 30% is allowed. Open space would correspondingly decrease slightly, from 76% to 74%, but will remain well above the required 50%.

As such, given their modest size and the correspondingly modest increase in the dwelling's rear setback nonconformity, the Planning Department generally has no concerns about this petition and believes that, as proposed, the proposed additions will not cause the expanded dwelling to be substantially more detrimental to the neighborhood than the existing nonconforming structure.

C. Parking and Circulation

There are no proposed changes to either on-site parking or circulation.

D. Landscape Screening

The extensive mature vegetation that exists along the property line shared with the abutting property located at 1392 Beacon St., and along the subject property's Beacon Street frontage provides considerable screening for the location of the proposed additions.

IV. TECHNICAL REVIEW

1. 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 §7.3.3 to further increase nonconforming rear setback (§3.1.4; §7.8.2.C.2).

2. Engineering Review:

No engineering review is required at this time. The Engineering Division of Public Works will review this project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit for the proposed additions should this petition be approved.

V. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.






ATTACHMENTS:

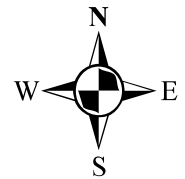
- Attachment A:** Land Use Map
Attachment B: Zoning Map
Attachment C: Zoning Review Memorandum
Attachment D: Draft Order

Attachment A Zoning Map 6 Glastonbury Oval

*City of Newton,
Massachusetts*

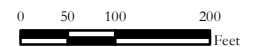
Legend

-  Single Residence 2
-  Public Use
-  Building Outlines
-  Surface Water
-  Property Boundaries

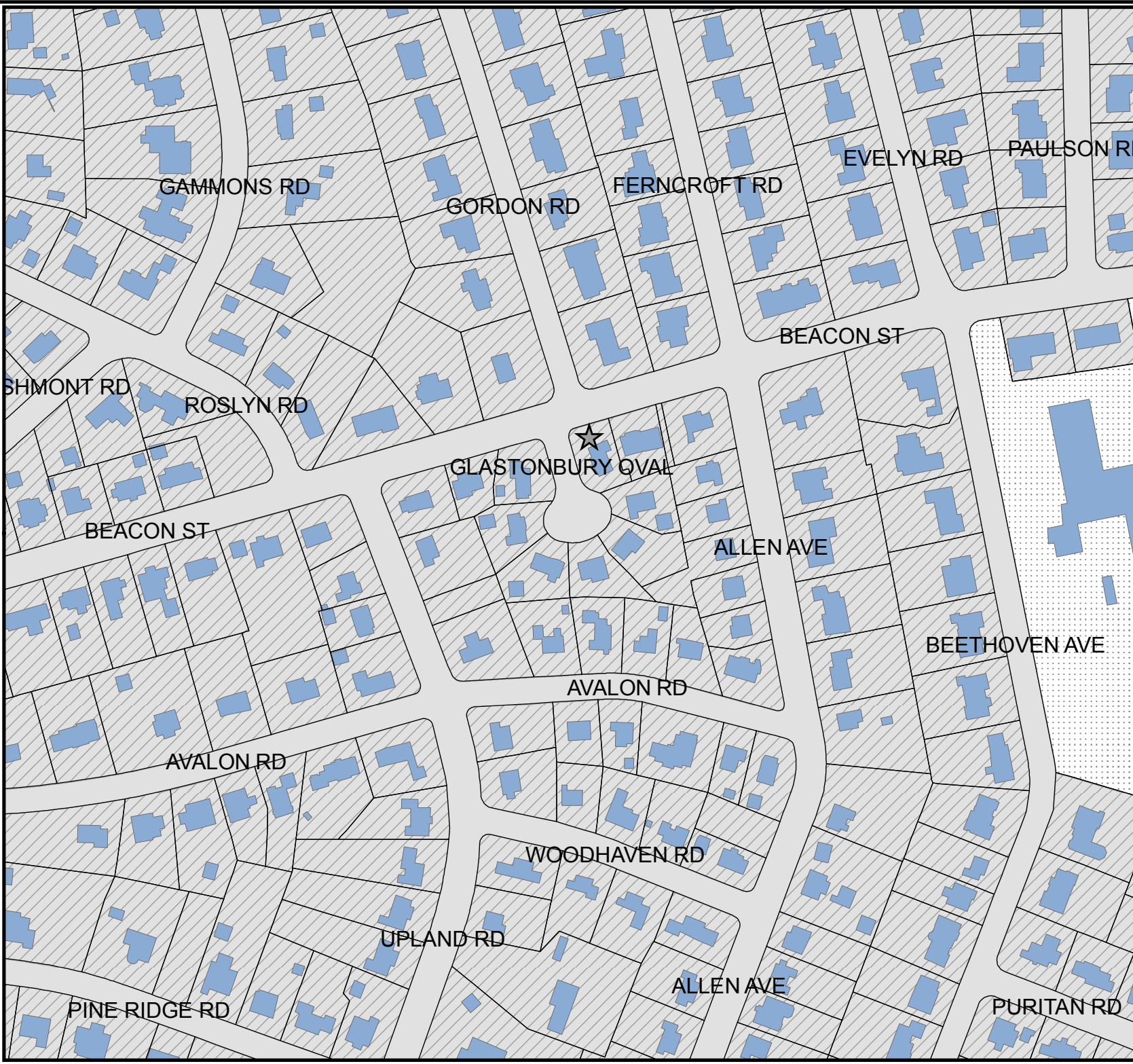


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield










Map Date: July 22, 2016



Attachment B Land-Use Map 6 Glastonbury Oval

*City of Newton,
Massachusetts*

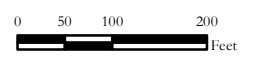
Legend

- Land Use**
-  Single Family Residential
 -  Mixed Use
 -  Open Space
 -  Vacant Land
 -  Building Outlines
 -  Surface Water
 -  Property Boundaries

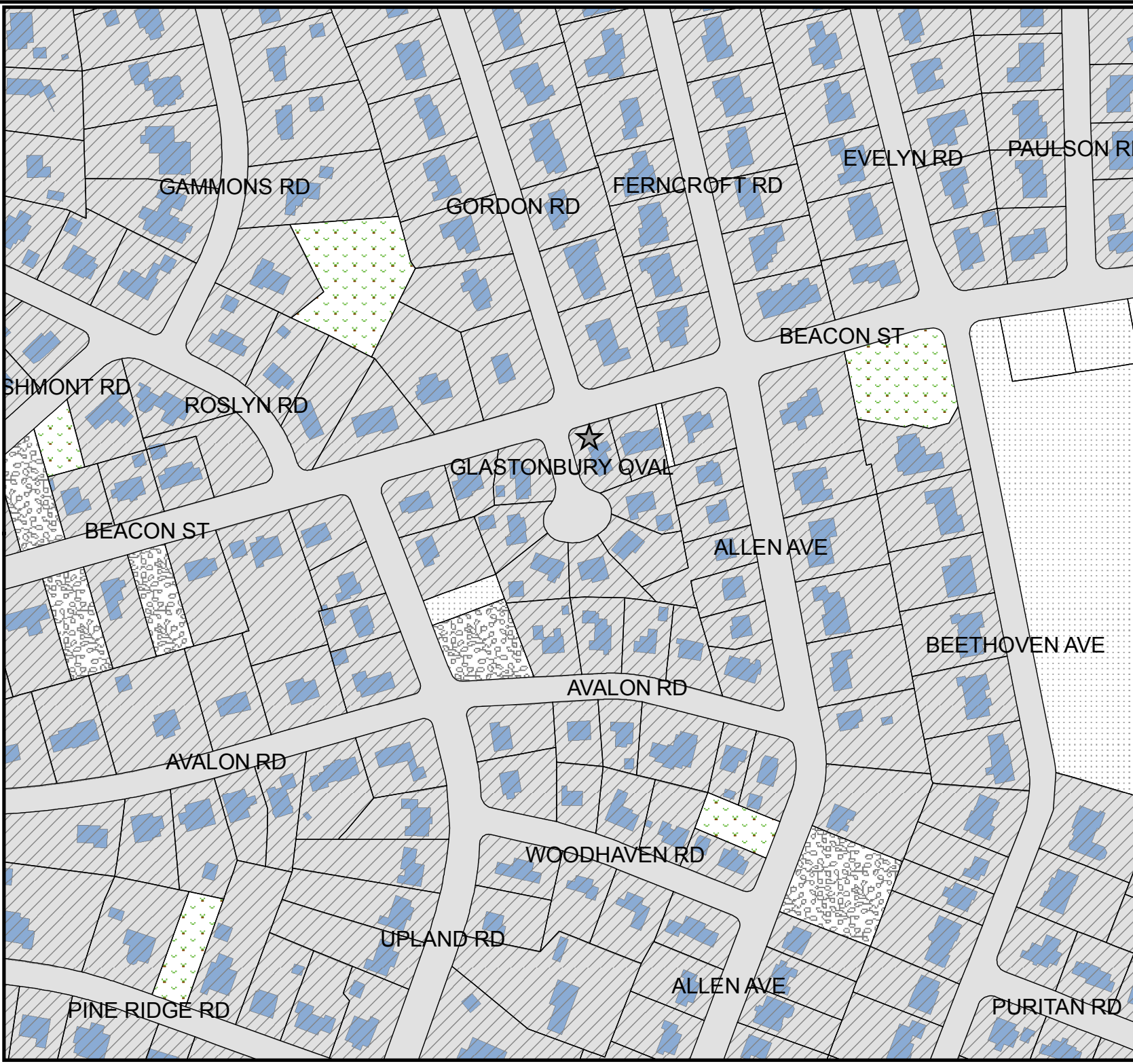


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: July 22, 2016





Setti D. Warren
Mayor

ATTACHMENT C

City of Newton, Massachusetts Department of Planning and Development

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Telefax
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TDD/TTY
(617) 796-1089
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: June 27, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Alan Mayer, architect
Lisa and Andrew Silverman, applicants
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to further increase a nonconforming rear setback

Applicant: Lisa and Andrew Silverman	
Site: 6 Glastonbury Oval	SBL: 53015 0014
Zoning: SR-2	Lot Area: 7,017 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 6 Glastonbury Oval consists of a 7,017 square foot lot at the corner of Orient Ave and Oakwood Terrace. The site is improved with a single-family residence constructed in 1910. The applicant proposes a two-story rear addition, as well as to add a second story addition to existing one-story living space. The structure has an existing nonconforming rear setback, requiring a special permit

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

- Zoning Review Application, prepared by Alan Mayer, submitted 5/2/2016
- FAR Worksheet, submitted 5/2/2016
- Plot Plan – Existing Conditions, prepared by Everett M. Brooks, surveyor, dated 8/4/2015
- Proposed Additions, prepared by Alan Mayer, architect, dated 4/26/2016
- Architectural Plans, prepared by Alan Mayer, architect, dated 4/26/2016
 - Existing floor plans
 - Proposed floor plans
 - Elevations

ADMINISTRATIVE DETERMINATIONS:

1. The existing structure has a nonconforming rear setback of 7.9 feet, where 15 feet is required per Section 3.1.4. The applicant is proposing a second-story addition over an existing playroom, as well as a two-story addition of a first floor mudroom with a laundry room above. The proposed two-story addition will further increase the nonconforming rear setback to 7.7 feet, which requires a special permit per Section 7.8.2.C.2.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	7,017 square feet	No change
Frontage	80 feet	109 feet	No change
Setbacks <ul style="list-style-type: none"> • Front (Glastonbury) • Front (Beacon St) • Side • Rear 	25 feet 25 feet 7.5 feet 15 feet	26.8 feet 36.3 feet 16.1 feet 7.9 feet	No change 23.8 feet No change 7.7 feet
Building Height	36	33.3 feet	No change
Max Number of Stories	2.5	2.5	No change
FAR	.43	.38	.42
Max Lot Coverage	30%	16.6%	17.2%
Min. Open Space	50%	76%	74%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.4, §7.8.2.C.2	Request to further increase nonconforming rear setback	S.P. per §7.3.3

CITY OF NEWTON

IN CITY COUNCIL

September 6, 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 by constructing two rear additions to a single family dwelling, one of which will decrease the nonconforming rear setback of the dwelling from 7.9 feet to 7.1 feet where 15 feet is the minimum allowed, 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 structure so as to increase the existing rear setback nonconformity by 0.8 feet (approx. 9.6 inches), will not be substantially more detrimental than the existing nonconforming structure to the neighborhood as the proposed additions, which taken together will add only 308 square feet of floor area to the dwelling, would be modestly proportioned and minimally visible from any public way or neighboring properties due to their locations and because they are well screened by mature vegetation (§3.2.3. and 7.8.2.C.2.);
2. The site is an appropriate location for the proposed expanded structure as its use will continue to be a single family dwelling within a Single Residence 2 zoning district (§7.3.3.C.1);
3. The expanded structure will not adversely affect the neighborhood as the proposed additions, which will increase the existing rear setback nonconformity by only 0.8 feet (approx. 9.6 inches) will add only 308 square feet of floor area to the dwelling, would be modestly proportioned and minimally visible from any public way or neighboring properties due to their location and because they are well screened by mature vegetation (§7.3.3.C.2);
4. There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3);
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

PETITION NUMBER: #260-16

PETITIONER: Alan Mayer

LOCATION: 6 Glastonbury Oval, Section 53, Block 15, Lot 14, containing approximately 7,017 square feet of land

OWNERS: Lisa and Andrew Silverman

ADDRESS OF OWNER: 6 Glastonbury Oval
Newton, MA 02468

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: §3.1.4 and 7.8.2.C.2, to further increase a nonconforming rear setback

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, 6 Glastonbury Oval, Existing Conditions," prepared by Everett M. Brooks Co., dated August 4, 2015;
 - b. A plan entitled "Plan of Land in Newton, 6 Glastonbury Oval, Proposed Additions," prepared by Everett M. Brooks Co., dated August 3, 2016; signed and stamped by Bruce Bradford; Professional Land Surveyor,
 - c. A set of architectural plans and elevations entitled "Silverman Residence, 6 Glastonbury Oval, Waban, MA 02446," prepared by Mayer + Associates, , dated July 1, 2016:
 - i. Existing Conditions- Basement Plan (A1-0),
 - ii. Existing Conditions- First Floor Plan (A1-1),
 - iii. Existing Conditions- Second Floor Plan (A1-2),
 - iv. Existing Conditions- Third Floor Plan (A1-3),
 - v. Existing Conditions- Roof Plan (A1-4),
 - vi. Existing Conditions- Exterior Elevations (A2-1),
 - vii. Existing Conditions- Exterior Elevations (A2-2),

- viii. Existing Conditions- Exterior Elevations (A2-3),
 - ix. Proposed Additions- Basement Plan (A3-0),
 - x. Proposed Additions- First Floor Plan (A3-1),
 - xi. Proposed Additions- Second Floor Plan (A3-2),
 - xii. Proposed Additions- Third Floor Plan (A3-3),
 - xiii. Proposed Additions- Roof Plan (A3-4),
 - xiv. Proposed Additions- Exterior Elevations (A4-1),
 - xv. Proposed Additions- Exterior Elevations (A4-2),
 - xvi. Proposed Additions- Exterior Elevations (A4-3).
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. 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. 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. Filed with the Clerk of the Board, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Board Order have been constructed to the standards of the City of Newton Engineering Department.
 - c. 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.